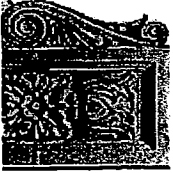


**DOCUMENTS NUMBERED 19295-22316**

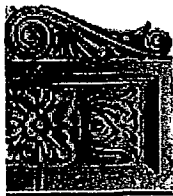


Bert A. Benavides/EAC/GOV  
12/08/2006 10:46 AM

To Jeannie Layson/EAC/GOV  
cc  
bcc  
Subject FOIA Request - Tova Wang

Bert A. Benavides  
Special Assistant to the Executive Director  
U. S. Elections Assistance Commission  
1225 New York Avenue, NW  
Suite 1100  
Washington, DC 20005  
202-566-3114

----- Forwarded by Bert A. Benavides/EAC/GOV on 12/08/2006 10:44 AM -----



Bert A. Benavides/EAC/GOV  
11/15/2006 02:19 PM

To "Tova Wang" [REDACTED]  
cc bbenavides@eac.gov  
Subject RE: Conference call [icon]

Tova, due to the change in time, both Julie and Tom will be calling into the conference call from their respective residences. Thanks. Take care.

Bert A. Benavides  
Special Assistant to the Executive Director  
U. S. Elections Assistance Commission  
1225 New York Avenue, NW  
Suite 1100  
Washington, DC 20005  
202-566-3114

"Tova Wang" <wang@tcf.org>



"Tova Wang"  
[REDACTED]  
11/09/2006 04:54 PM

To bbenavides@eac.gov, [REDACTED]  
cc twilkey@eac.gov, jhodgkins@eac.gov  
Subject RE: Conference call

Sounds good. I will come by the EAC since its literally a few feet from my office. I look forward to seeing you. Tova

Tova Andrea Wang, Democracy Fellow  
**The Century Foundation**  
1333 H Street, NW, Washington, D.C. 20005

Visit our Web site, [www.tcf.org](http://www.tcf.org), for the latest news, analysis, opinions, and events.

.019295

Conference call in # is 866-222-9044, Passcode [REDACTED]

Bert A. Benavides  
Special Assistant to the Executive Director  
U. S. Elections Assistance Commission  
1225 New York Avenue, NW  
Suite 1100  
Washington, DC 20005  
202-566-3114

019296

> for Civil Rights. He will be representing Barbara  
> Arnwine, the Executive  
> Director of the Lawyers Committee.  
>  
> His contact and mailing info is:  
>  
> jgreenbaum@lawyerscommittee.org  
> [REDACTED]  
> 1401 New York Avenue, NW  
> Suite 400  
> Washington, DC 20005  
>  
>  
> Tova Andrea Wang  
> Democracy Fellow  
> The Century Foundation  
> 41 East 70th Street - New York, NY 10021  
> phone: 212-452-7704 fax: 212-535-7534  
>  
> Visit our Web site, <<http://www.tcf.org/>>  
> [www.tcf.org](http://www.tcf.org/), for the latest news,  
> analysis, opinions, and events.  
>  
> \_\_\_\_\_  
>  
> <<mailto:join-tcfmain@mailhost.groundspring.org>>  
> Click here to receive our  
> weekly e-mail updates.  
>  
>  
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Job Serebroy"  
[REDACTED]

05/11/2006 03:49 PM

To psims@eac.gov

cc

Subject Re: Literature Summary

I resent the review as you see at the bottom. When I  
opened it and sent it there was no corrupted text.

--- psims@eac.gov wrote:

> Do you have text to replace the corrupted text in  
> paragraph 4? --- Peggy  
>  
>  
>

019297

>  
> "Job Serebrov" [REDACTED]  
> 05/11/2006 03:17 PM [REDACTED]  
>  
> To  
> psims@eac.gov  
> cc  
>  
> Subject  
> Re: Literature Summary  
>  
>  
>  
>  
>  
>  
>  
>  
> --- psims@eac.gov wrote:  
>  
> > Tova just sent me the summary you prepared of The  
> > Federal Crime of  
> > Election Fraud by Craig Donsanto. There is  
> > something wrong in the fourth  
> > paragraph (odd characters and missing text). Can  
> > you please send a  
> > replacement fourth paragraph? You can send it in  
> > an email and I will  
> > place it in the document. --- Peggy  
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV

05/05/2006 01:59 PM

To "J. R. Perez" [REDACTED]

cc

Subject Re: Bio for Perez [REDACTED]

Thanks, J.R. Great to have you on board! We will get back to you shortly regarding travel arrangements. The meeting materials will be sent by Federal Express next week.

Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

"J. R. Perez" [REDACTED]



"J. R. Perez"  
[REDACTED]

psims@eac.gov

019298



05/05/2006 01:23 PM

To  
cc  
Subject Bio for Perez

Hi Peggy, it was nice talking with you today and I would be glad to try and add to the discussion. I am attaching a brief bio and will await your instructions for the travel arrangements. I look forward to receiving the current information on panel issues.

J.R. Perez  
Elections Administrator  
Guadalupe County



bio 5\_5\_06.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Weinberg and Utrecht "

[Redacted]  
05/05/2006 12:27 PM

To psims@eac.gov  
cc  
Subject Re: Voting Fraud-Voter Intimidation

5201 Roosevelt St.  
Bethesda, MD 20814



----- Original Message -----

From: [psims@eac.gov](mailto:psims@eac.gov)  
To: [Redacted]  
Sent: Friday, May 05, 2006 10:56 AM  
Subject: Re: Voting Fraud-Voter Intimidation

Barry:

Would you please provide an address to which we can Federal Express materials before the meeting? ---  
Peg

"Weinberg and Utrecht "



05/04/2006 01:34 PM

To [psims@eac.gov](mailto:psims@eac.gov)  
cc  
Subject Re: Voting Fraud-Voter Intimidation

019299

that would be fine

----- Original Message -----

**From:** psims@eac.gov

**To:** [REDACTED]

**Sent:** Thursday, May 04, 2006 1:08 PM

**Subject:** Voting Fraud-Voter Intimidation

Barry:

It appears that the afternoon of Thursday, May 18 is best for a meeting of the working group. I know you said you would not be available in the morning that day. If we started at 1 PM, would that be too soon for you?

Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Job Serebroy"

[REDACTED]  
05/12/2006 02:52 PM

To psims@eac.gov

cc

Subject Re: Working Group List

List a vacancy---to be filled. If we don't hear from Ginsberg by late afternoon please call Braden.

Job

--- psims@eac.gov wrote:

> Job:

>

> What do you suggest I do with the list of Working  
> Group members. I need  
> to get the Fed Ex packages out by the end of the  
> day, and have not heard  
> back from Ginsberg. Do you want me to list a

019306

> vacancy, or list Norcross  
> with a note that he cannot attend? If we find a  
> substitute, we can always  
> provide an updated list next Thursday. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



[REDACTED]  
05/13/2006 09:10 AM

To psims@eac.gov  
cc "Job Serebrov" [REDACTED]  
Subject research summary

In the middle of the night I got the feeling that you may be right, that I did do a summary of the existing literature review (that Job, you approved) . I'll have to look for it on Monday (unless I go into the office over the weekend, which is possible). I may be hallucinating, but if not, I'll just present it at the meeting rather than try to get it to them ahead of time. Tova

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

**Margaret Sims /EAC/GOV**

05/04/2006 05:47 PM

To wang@tcf.org@GSAEXTERNAL

cc

Subject Re: wg [REDACTED]

Tova:

Rokita is available --- so the afternoon of May 18 it is. I will not disinvite anyone. I am trying to get Job's next choice (Pat Rogers) as a replacement for Norcross.

Monday appears to be out for a teleconference because Job will be unavailable that afternoon and I am scheduled for something else that morning. I'll check my schedule tomorrow and send a message to you and Job regarding other possible days and times. --- Peggy



[REDACTED]  
05/04/2006 05:21 PM

To psims@eac.gov  
cc  
Subject wg

Hi Peg,

Just wondering if you had any word from Rokita. Also, I wanted to let you know that I think disinviting members of the working group would be a very unwise and frankly embarrassing way of dealing with the

019301



problem of getting 100% attendance. I'm sure we'll talk before any decisions are made. As I said, I'm free on Monday. Thanks. Tova

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Job Serebrov" [REDACTED]

05/12/2006 03:22 PM

To psims@eac.gov

cc

Subject Re: Fraud Definition

I would give him until Monday morning but I would also call Braden today and tell him there may be an opening for him on the WG and find out whether he is free.

--- psims@eac.gov wrote:

> I have placed another call to his office (after one  
> previous call to his  
> assistant and an email to him). I, too, am  
> concerned about our dwindling  
> chances. --- Peggy

>

>

>

>

> "Job Serebrov" [REDACTED]  
> 05/12/2006 03:06 PM

>

> To  
> psims@eac.gov  
> cc

>

> Subject  
> Re: Fraud Definition

>

>

>

>

>

>

> Given the short time period, you may want to give  
> Ginsberg a deadline. The longer we wait, the poorer  
> our chances are of getting Braden.

>

> --- psims@eac.gov wrote:

>

> > I am reluctant to invite Braden until after I have  
> > received a "No" from  
> > Ginsberg. --- Peg

> >

> >

> >

> >

> > "Job Serebrov" [REDACTED]  
> > 05/12/2006 02:33 PM

019302

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov>  
v>  
05/11/2006 02:39 PM

To psims@eac.gov, "Mitchell, Cynthia"  
<Cynthia.Mitchell@usdoj.gov>  
cc "Simmons, Nancy" <Nancy.Simmons@usdoj.gov>  
Subject RE: Voting Fraud-Voter Intimidation Working Group

Cindy --

Can you please check the accuracy of these figures -- which you recall we gave to the EAC a month or so ago -- to ensure that they are up-to-date?

I believe we have had several public events that have taken place since we gave them the Public Fraud List a few weeks ago.

---

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Thursday, May 11, 2006 2:35 PM  
**To:** Donsanto, Craig  
**Subject:** Voting Fraud-Voter Intimidation Working Group  
**Importance:** High

Craig:

I think we have resolved the issue of Barbara Arnwine's absence from the upcoming meeting by having one of her staff represent her (and her organization). Please review the attached rough summary of DOJ

019303

Cases ASAP and let me know if I need to delete reference to the open investigations. Hopefully, we won't have to remove this information as it does not specify the defendants or States involved. --- Peg

**Rough Summary of Department of Justice, Public Integrity Section Activities, October 2002-January 2006**

**Prosecutions and Convictions-- Individuals**

Noncitizen voting: 20  
Vote buying: 49  
Double voting: 12  
Registration fraud: 13  
Civil Rights: 4  
Voter Intimidation: 2  
Unclear: 1

**Open Investigations (note: a few cases overlap with prosecutions and convictions)**

Noncitizen voting: 3  
Vote buying: 25  
Double voting: 15  
Registration fraud: 29  
Absentee ballot fraud: 9  
Official: 8  
Ineligibles: 4  
Deceptive Practices: 1  
Civil Rights: 14  
Intimidation: 6  
Other: 2

**Cases and Investigations Closed for Lack of Evidence**

Civil Rights: 8  
Official: 12  
Registration Fraud: 12  
Absentee Ballot Fraud: 14  
Ineligible Voting: 3  
Intimidation: 8  
Double Voting: 5  
Ballot Box Stuffing: 1  
Vote Buying: 14  
Ballot/machine tampering: 2  
Other: 8  
Unclear: 3

---- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM ----



"Job Serebrov"

019304



05/09/2006 10:46 AM

To psims@eac.gov

cc

Subject Fwd: RE: Working Group meeting

FYI

--- "Patrick J. Rogers" [redacted] > wrote:

> Subject: RE: Working Group meeting  
> Date: Tue, 9 May 2006 07:42:44 -0600  
> From: "Patrick J. Rogers" [redacted]  
> To: "Job Serebrov" [redacted]

>  
> Job---maybe. I will call you and/or Ms. Sims  
> tomorrow. Depositions all  
> day today. Thanks, Pat

>  
> What's the best number to call you tomorrow?

>  
> Patrick J. Rogers  
> Modrall, Sperling, Roehl, Harris & Sisk, P.A.  
> P.O. Box 2168  
> Albuquerque, NM 87103-2168  
> Tel: 505-848-1849  
> Fax: 505-848-1891

>  
> -----Original Message-----  
> From: Job Serebrov [mailto:[redacted]]  
> Sent: Monday, May 08, 2006 9:41 PM  
> To: Patrick J. Rogers  
> Subject: Working Group meeting

> Pat:  
>  
> The working group meeting for the voter fraud  
> project is scheduled for  
> May 18th in DC but David Norcross can't attend.  
> Could you come? If so,  
> we need to arrange travel and a hotel for you.

> Regards,  
>  
> Job

-----  
> Modrall, Sperling, Roehl, Harris & Sisk, P.A.  
>

-----  
> THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE  
> INDIVIDUAL OR ENTITY TO  
> WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION  
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019305

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> received this  
> electronic transmission in error, please delete it  
> from your system  
> without copying it, and notify the sender by reply  
> e-mail or by calling  
> 505.848.1800, so that our address record can be  
> corrected. Thank you.  
>  
>  
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV

05/09/2006 11:16 AM

To "Job Serebrov"

cc [REDACTED]

Subject Re: Fwd: RE: Working Group meeting

I had a voice mail message from him on Monday. I called him back but had to leave a voice mail message (telephone tag). If you hear from him and he is willing and able to come, I need to know this. We need to have him call our travel service to make travel arrangements ASAP. Thanks. --- Peggy

"Job Serebrov" [REDACTED]



"Job Serebrov"

05/09/2006 10:46 AM

To psims@eac.gov

cc

Subject Fwd: RE: Working Group meeting

FYI

--- "Patrick J. Rogers" [REDACTED] wrote:

> Subject: RE: Working Group meeting  
> Date: Tue, 9 May 2006 07:42:44 -0600  
> From: "Patrick J. Rogers" [REDACTED]  
> To: "Job Serebrov" [REDACTED]  
>  
> Job---maybe. I will call you and/or Ms. Sims  
> tomorrow. Depositions all  
> day today. Thanks, Pat

019306

>  
> What's the best number to call you tomorrow?

>  
> Patrick J. Rogers  
> Modrall, Sperling, Roehl, Harris & Sisk, P.A.  
> P.O. Box 2168  
> Albuquerque, NM 87103-2168  
> Tel: 505-848-1849  
> Fax: 505-848-1891

>  
> -----Original Message-----  
> From: Job Serebrov [mailto: ]  
> Sent: Monday, May 08, 2006 9:41 PM  
> To: Patrick J. Rogers  
> Subject: Working Group meeting

> Pat:

>  
> The working group meeting for the voter fraud  
> project is scheduled for  
> May 18th in DC but David Norcross can't attend.  
> Could you come? If so,  
> we need to arrange travel and a hotel for you.

> Regards,

> Job

-----  
> Modrall, Sperling, Roehl, Harris & Sisk, P.A.  
-----

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> responsible for delivering the message to the  
> intended recipient, you  
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> copying of this  
> communication is strictly prohibited. If you have  
> received this  
> electronic transmission in error, please delete it  
> from your system  
> without copying it, and notify the sender by reply  
> e-mail or by calling  
> 505.848.1800, so that our address record can be  
> corrected. Thank you.

019307

----- Forwarded by Margaret Sims/EAC/GOV on 05/09/2006 11:38 AM -----



"Job Serebrov"

05/08/2006 09:30 AM

To psims@eac.gov

cc

Subject Case Summaries

Peggy:

Please add this to the packet.

019306



Job Case Summaries.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

**Margaret Sims /EAC/GOV**

05/12/2006 03:22 PM

To Job Serebrov, Tova Andrea Wang

cc

Subject Good News

Ginsberg has accepted our invitation! --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Job Serebrov"

05/11/2006 10:16 AM

To psims@eac.gov

cc

Subject Re: Today's Teleconference

The teleconference is on. However, I am still one person down for the meeting and I am not comfortable. This will have to be discussed since from the start it was agreed that the WG would be equal and if I lost a person Tova would have to loose one. Further and most importantly, I don't yet have a hotel so my attendance is still up in the air. Finally, the agenda is not what we discussed and gives far too much time for areas that can be covered in a short time. Not listed are all of the questions that Tova's proposed agenda had. All in all, it needs to be redone.

--- psims@eac.gov wrote:

- > I assume that we are still on for today's
- > teleconference at 11 AM EST. I
- > will call you. I have attached a draft agenda for
- > your review and
- > comment. --- Peggy
- >
- >

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Tova Wang"

05/08/2006 10:18 AM

To psims@eac.gov

cc

Subject RE: Working Group

019309



I am more than happy to attend in person

-----Original Message-----

From: Job Serebrov [mailto: [REDACTED]]  
Sent: Monday, May 08, 2006 9:15 AM  
To: psims@eac.gov; [REDACTED]  
Subject: Re: Working Group

Peggy:

4:00 eastern on Tuesday is fine however, given the financial restrictions that you indicated would be in place for use of my car (I would actually loose money coming to DC) and given the cost of hotels at this time (I can't afford to front these costs and wait for months to be repaid), etc, it would take a miracle for this working group meeting to take place in person. It is looking like the only way it will get done is by teleconference. I also share Tova's concern about the unknown nature of Mr. Perez.

Job

--- psims@eac.gov wrote:

> Hi, Folks:  
>  
> Teleconference  
> Are both of you available for a teleconference next  
> Tuesday afternoon at  
> about 4 PM EST? If this does not work for you,  
> please suggest another  
> date and/or time. I would like to discuss our  
> preparations for the  
> Working Group meeting.  
>  
> Working Group Members  
> We have a very good person to fill the slot for the nonpartisan local  
> election official: J.R. Perez, Elections  
> Administrator for Guadalupe  
> County, TX. Attached is his bio. Hope you have no  
> objections to him. He  
> is available on May 18. I have place 2 calls to Pat  
> Rogers office, but  
> have not yet received a reply. Job, if you have any  
> pull with him, you  
> may want to contact him, too.  
>  
> Travel Arrangements  
> You should make your own travel arrangements,  
> including hotel. Travel  
> time cannot be billed to the contract, except for  
> hours actually worked on  
> the contract (i.e.; reviewing materials in  
> preparation for the meeting,  
> and the like). Current Federal rates follow:  
>

019310

> Maximum Lodging = \$180 per day- does not include  
> hotel taxes (if you  
> cannot get this rate, we have covered reasonable  
> rates that are a little  
> higher)  
> Meals & Incidentals = \$64 per day (except that it is  
> \$48 on the first and  
> last day of travel)  
> Mileage for Personally Owned Vehicle = \$ .445 per  
> mile  
>  
> Under the new contract, I do not have to fill out a  
> travel authorization  
> for you. I can approve your trip via email.  
> Afterwards, when you turn in  
> your next pay voucher, you can attach the airline  
> receipt (or mileage  
> documentation), hotel receipt(s), and ground  
> transportation receipts and a  
> copy of any printed itineraries. Calculate the  
> total travel expenses due  
> you, including applicable per diem. I do not need  
> meal receipts.  
>  
> Job, under Federal travel regulations, deviations  
> for personal reasons are  
> not normally accommodated. What you can do,  
> however, is to give me a  
> comparison of the cost of roundtrip mileage, hotel,  
> and per diem of doing  
> it your way against the cost of a roundtrip flight,  
> ground transportation,  
> hotel, and per diem. If your way costs less, it  
> should be no problem to  
> cover the full cost. If your way is more expensive,  
> we may only pay up to  
> the amount of traditional travel. (The same rules  
> apply to me when I  
> travel.) If you can tell me where, other than DC,  
> you will spend the  
> night, I can check on applicable per diem rates.  
>  
> Peggy  
>  
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Tova Wang"

05/09/2006 05:28 PM

To psims@eac.gov

cc

Subject arnwine

019311

She definitely cannot do it. Would you please find out if Wade Henderson would be possible? Now its my turn to be upset!!! Thanks.

**Tova Andrea Wang**  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV  
05/12/2006 02:46 PM  
To Job Serebrov  
cc  
Subject Working Group List

Job:

What do you suggest I do with the list of Working Group members. I need to get the Fed Ex packages out by the end of the day, and have not heard back from Ginsberg. Do you want me to list a vacancy, or list Norcross with a note that he cannot attend? If we find a substitute, we can always provide an updated list next Thursday. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Tova Wang"  
[Redacted]  
05/11/2006 04:25 PM  
To psims@eac.gov  
cc  
Subject RE: Material I may not have included

news article review

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Thursday, May 11, 2006 3:23 PM  
**To:** [Redacted]  
**Subject:** Re: Material I may not have included

Would these go under literature review or news article review? --- Peggy

"Tova Wang" [Redacted]

019312

"Tova Wang" [REDACTED]

05/11/2006 01:30 PM

To psims@eac.gov, dromig@eac.gov  
cc  
Subject research summaries

019313

I have the feeling we didn't include these in the original batch I sent you. Could you double check and if not, would you please include them in the existing research materials? Sorry and thanks. I'm kind of doing all of this on my own in case you couldn't tell. List is coming...

Tova Andrea Wang  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM —

**Margaret Sims /EAC/GOV**

05/11/2006 11:16 AM

To Job Serebrov, Tova Andrea Wang

cc

Subject Rev Agenda for Working Group Meeting



Agenda 5-18-06 Mtg.doc

— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM —

**Margaret Sims /EAC/GOV**

05/09/2006 02:48 PM

To Adam Ambrogi/EAC/GOV

cc

Subject Fw: Working Group-Perez

> > > Click here to receive our  
> > > weekly e-mail updates.  
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV

05/11/2006 03:54 PM

To "Job Serebrov"

cc [REDACTED]

Subject Re: Literature Summary [REDACTED]

When I opened the attachment, I still had problems with the 4th paragraph. Would you please just send me that paragraph within the text of your email so that I can paste it into the document? --- Peggy

"Job Serebrov" [REDACTED]



"Job Serebrov"

[REDACTED]  
05/11/2006 03:49 PM

To psims@eac.gov

cc

Subject Re: Literature Summary

I resent the review as you see at the bottom. When I opened it and sent it there was no corrupted text.

--- psims@eac.gov wrote:

> Do you have text to replace the corrupted text in  
> paragraph 4? --- Peggy

>

>

>

>

> "Job Serebrov" [REDACTED]  
> 05/11/2006 03:17 PM

>

> To  
> psims@eac.gov  
> cc

019314

>  
> Subject  
> Re: Literature Summary  
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>  
> --- psims@eac.gov wrote:  
>  
> > Tova just sent me the summary you prepared of The  
> > Federal Crime of  
> > Election Fraud by Craig Donsanto. There is  
> > something wrong in the fourth  
> > paragraph (odd characters and missing text). Can  
> > you please send a  
> > replacement fourth paragraph? You can send it in  
> > an email and I will  
> > place it in the document. --- Peggy  
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV

05/05/2006 12:53 PM

To "Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL

cc

Subject RE: Please remind me of time and place for Voter  
Intimidation project meeting

The meeting is scheduled for Thursday, May 18, 1- 5:30 PM (though we may finish earlier). It will be held in EAC's large conference room (the one we use for public meetings, located off our lobby). --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov>  
>

05/05/2006 12:43 PM

To psims@eac.gov

cc

Subject RE: Please remind me of time and place for Voter  
Intimidation project meeting

If you tell me now I will put it into my calendar here, which in turn will remind me!

---

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Friday, May 05, 2006 12:42 PM

019315

**To:** Donsanto, Craig

**Subject:** Re: Please remind me of time and place for Voter Intimidation project meeting

How many days in advance do you need the reminder? --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV

05/09/2006 02:51 PM

To "Tova Wang" [REDACTED]

cc Adam Ambrogi/EAC/GOV@EAC

Subject RE: Working Group-Perez [REDACTED]

We are still on for 4 PM. Ray is out of the office due to a family emergency, so I suggest you NOT contact him. You may contact his Special Assistant, Adam Ambrogi (aambrogi@eac.gov or 202-566-3105), who also hails from Texas. --- Peggy

"Tova Wang" [REDACTED]



"Tova Wang"

05/09/2006 12:08 PM

To psims@eac.gov, [REDACTED]

cc

Subject RE: Working Group-Perez

We are still doing the 4 pm call, right? We can discuss it more then. Would it be OK if I see if Ray knows this person? Thanks. Tova

019316

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV

05/12/2006 10:10 AM

To

cc

Subject Voting Fraud-Voter Intimidation Working Group

Dear Mr. Ginsberg:

This is to confirm my call to your office this morning inviting you to be a member of and attend the upcoming meeting of the U.S. Election Assistance Commission's (EAC) Working Group on Voting Fraud-Voter Intimidation. The meeting is scheduled to take place from 1:00 PM to 5:30 PM on Thursday, May 18th, 2006 at the offices of the U.S. Election Assistance Commission (EAC), 1225 New York Avenue, NW, 11th Floor, Washington, DC.

Section 241 of the Help America Vote Act of 2002 (HAVA) requires EAC to conduct research on election administration issues. Among the tasks listed in the statute are the development of:

- nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office [section 241(b)(6)]; and
- methods of identifying, deterring, and investigating methods of voter intimidation [section 241(b)(7)].

EAC's Board of Advisors recommended that the agency make research on these matters a high priority. Subsequently, the Commission contracted with two consultants (Job Serebrov and Tova Wang) to:

- develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections;
- perform background research (including Federal and State administrative and case law review), identify current activities of key government agencies, civic and advocacy organizations regarding these topics, and deliver a summary of this research and all source documentation;
- establish a project working group, in consultation with EAC, composed of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation;
- provide the description of what constitutes voting fraud and voter intimidation, and the results of the preliminary research to the working group, and convene the working group to discuss potential avenues for future EAC research on this topic; and
- produce a report to EAC summarizing the findings of the preliminary research effort and working group deliberations that includes recommendations for future research, if any;

We strive to include bipartisan representation on the Working Group associated with this project. You were recommended for this project by our Republican consultant, Job Serebrov. Your ideas for possible EAC activities related to this topic will help the agency as it plans future actions to meet its HAVA responsibilities.

If you can find the time in your busy schedule to participate, I will have an information packet delivered to your office by COB, Monday, May 15. Please let me know if you are available. Thank you.

Regards,

Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005

019317



Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)

Fax: 202-566-3127

email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV

05/10/2006 09:25 AM

To "Tova Wang" [REDACTED]

cc

Subject Re: arwine [REDACTED]

I'm checking on this. Will get back to you as soon as I have more info. --- Peggy

"Tova Wang" [REDACTED]



"Tova Wang"

[REDACTED]  
05/09/2006 05:28 PM

To psims@eac.gov

cc

Subject arwine

She definitely cannot do it. Would you please find out if Wade Henderson would be possible? Now its my turn to be upset!!! Thanks.

**Tova Andrea Wang**

Democracy Fellow

**The Century Foundation**

41 East 70th Street - New York, NY 10021

phone: 212-452-7704 fax: 212-535-7534

Visit our Web site, [www.tcf.org](http://www.tcf.org), for the latest news, analysis, opinions, and events.

[Click here](#) to receive our weekly e-mail updates.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV

05/09/2006 11:44 AM

To "Job Serebrov" [REDACTED]

cc

Subject Re: Working Group-Perez [REDACTED]

OK, I get it. The text in the attachment follows:

019318

EXCERPTS FROM TEXAS ELECTION CODE

SUBCHAPTER B. COUNTY ELECTIONS ADMINISTRATOR

\*\*\*

§ 31.032. APPOINTMENT OF ADMINISTRATOR; COUNTY ELECTION COMMISSION.

(a) The position of county elections administrator is filled by appointment of the county election commission, which consists of:

- (1) the county judge, as chair;
- (2) the county clerk, as vice chair;
- (3) the county tax assessor-collector, as secretary; and
- (4) the county chair of each political party that made nominations

by primary election for the last general election for state and county officers preceding the date of the meeting at which the appointment is made.

(b) The affirmative vote of a majority of the commission's membership is necessary for the appointment of an administrator.

(c) Each appointment must be evidenced by a written resolution or order signed by the number of commission members necessary to make the appointment. Not later than the third day after the date an administrator is appointed, the officer who presided at the meeting shall file a signed copy of the resolution or order with the county clerk. Not later than the third day after the date the copy is filed, the county clerk shall deliver a certified copy of the resolution or order to the secretary of state.

(d) The initial appointment may be made at any time after the adoption of the order creating the position.

\*\*\*

§ 31.035. RESTRICTIONS ON POLITICAL ACTIVITIES.

(a) A county elections administrator may not be a candidate for a public office or an office of a political party, hold a public office, or hold an office or position in a political party. At the time an administrator becomes a candidate or accepts an office or position in violation of this subsection, the administrator vacates the position of administrator.


(b) A county elections administrator commits an offense if the administrator makes a political contribution or political expenditure, as defined by the law regulating political funds and campaigns, or publicly supports or opposes a candidate for public office or a measure to be voted on at an election. An offense under this subsection is a Class A misdemeanor. On a final conviction, the administrator's employment is terminated, and the person convicted is ineligible for future appointment as county elections administrator.

019319

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV  
05/11/2006 03:46 PM

To "Job Serebrov"  
cc [REDACTED]  
Subject Re: Literature Summary 

Do you have text to replace the corrupted text in paragraph 4? --- Peggy

"Job Serebrov" [REDACTED]



"Job Serebrov"  
[REDACTED]  
05/11/2006 03:17 PM

To psims@eac.gov  
cc  
Subject Re: Literature Summary

--- psims@eac.gov wrote:

> Tova just sent me the summary you prepared of The  
> Federal Crime of  
> Election Fraud by Craig Donsanto. There is  
> something wrong in the fourth  
> paragraph (odd characters and missing text). Can  
> you please send a  
> replacement fourth paragraph? You can send it in  
> an email and I will



> place it in the document. --- Peggy Fed Crime Election Fraud.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV  
05/05/2006 09:15 AM

To "Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL  
cc

019320

Subject Re: Voting Fraud-Voter Intimidation

The non-election officials on the Working Group currently include:

- Barry Weinberg, whom you know
- Barbara Arnwine, Lawyers Committee for Civil Rights Under Law (organization associated with the Voting Rights Project and Election Protection)
- Bob Bauer, Perkins Coie, DC (Democrat attorney)
- Mark "Thor" Hearne, Lathrop & Gage, St Louis, MO (Republican attorney)

I am trying to recruit one other Republican attorney, Patrick Rogers, Modrall, Sperling, Roehl, Harris and Sisk, NM, who was recommended by our Republican consultant. He would replace an original member who is no longer available.

I know that Barbara has associated at conferences and in legislative efforts with Wade Henderson, Leadership Conference on Civil Rights. Also, the Lawyers Committee for Civil Rights is listed as one of many members of the Executive Committee for the Leadership Conference on Civil Rights (see [http://www.civilrights.org/about/lccr/executive\\_commitee.html](http://www.civilrights.org/about/lccr/executive_commitee.html)).

Does this information help? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov>  
v>

To psims@eac.gov

cc

05/04/2006 06:08 PM

Subject Re: Voting Fraud-Voter Intimidation

Peggy -- they don't have anything to do with the Leadership Conference on Civil Rights do they?

I ask only because the Justice Department is currently engaged in a very acrimonious FOIA litigation with LCCR that focuses precisely on our efforts to combat voter "intimidation"

-----  
Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>  
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>  
Sent: Thu May 04 17:20:39 2006  
Subject: RE: Voting Fraud-Voter Intimidation

It is just the Working Group for the Voting Fraud-Voter Intimidation Project. I am asking you to attend as Technical Advisor for the project. --- Peggy

019321

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/04/2006 03:26 PM

To

psims@eac.gov

cc

Subject

RE: Voting Fraud-Voter Intimidation

Peg - - what is the name of the group?

---

From: psims@eac.gov [mailto:psims@eac.gov]  
Sent: Thursday, May 04, 2006 3:13 PM  
To: Donsanto, Craig  
Subject: RE: Voting Fraud-Voter Intimidation

Craig:

This meeting is being held to obtain input from our eight-member Working Group for the project. The group is composed of election lawyers, election officials, and a representative of an advocacy group, all of whom have an interest and some expertise in the identification and/or prosecution of voting fraud and voter intimidation. The group was chosen so that we would have an equal number of folks on each side of the political spectrum, plus some nonpartisan members.

After our consultants review the results of their preliminary research (interviews, literature review, case law), we will ask the Working Group to brainstorm possible next steps for EAC. Our consultants will write a report summarizing the proposals that come out of this meeting. The report will go to the Commissioners, who will decide what they want to do, funds available, and what priority to assigned to the effort(s).

Your participation in this part of the process is extremely important, so I am very happy that you can find time for us that afternoon. I'll get an agenda and other information to you next week. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/04/2006 02:32 PM

To

psims@eac.gov

cc

019322

Subject

RE: Voting Fraud-Voter Intimidation

Okay, Peg - - I will mark off the entire afternoon and try to be there. What is the agenda? I was not aware that this was anything beyond having your contractors spend another session with me. Also, if they will be needing stats and stuff like that I need to know as I will bring my state-people with me.

---

From: psims@eac.gov [mailto:psims@eac.gov]  
Sent: Thursday, May 04, 2006 2:28 PM  
To: Donsanto, Craig  
Subject: Re: Voting Fraud-Voter Intimidation

Right now, we are planning to meet in EAC's large conference room between 1 PM and 5 PM. If you cannot be there for the whole afternoon, we will appreciate whatever time you can spare. I'll get back to you with more information (agenda, list of Working Group members, etc.). --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 05:59 PM

To psims@eac.gov  
cc  
Subject Re: Voting Fraud-Voter Intimidation

019323

Afternoon of May 18 -- 2:30 okay? How long will they need??

-----  
Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>  
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>  
Sent: Wed May 03 16:59:09 2006  
Subject: Re: Voting Fraud-Voter Intimidation

I am looking at the afternoon of 5/18 for the meeting, due to scheduling conflicts of Working Group members. There remain two members from whom we have not yet received confirmations of their schedule (with some, it is like pulling teeth), but right now 5/18 still looks like the best day. We may have to hold the meeting over here to make it easier for Commissioners to drop in.  
--- Peg

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 12:53 PM

To

psims@eac.gov

cc

Subject

Re: Voting Fraud-Voter Intimidation

Okay -- you are on for May 18th! Can we do it over here at 10?

-----  
Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>  
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>  
Sent: Wed May 03 12:40:19 2006  
Subject: Re: Voting Fraud-Voter Intimidation

My problem is that agency staff is booked most of the week of 5/21. Monday through Wednesday are taken up with meetings of the Standards Board Executive Committee, the full Standards Board, and the Board of Advisors. Thursday, we have EAC's public meeting. Also, I will lose one of my two consultants in June, so I'm trying to wrap up this project (and get the final report from the consultants) by the end of May.

019324

Say "Hi" to Cameron for me.

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 11:56 AM

To

psims@eac.gov

cc

Subject

Re: Voting Fraud-Voter Intimidation

Hi Peg. I am sitting here with Cameron Quinn putting together this year's ballt conference for AUSAs. She send her best!

I am available on 5/18. But I am also going to the Board of Advisors Meeting the following week. I would rather do this then.

-----  
Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>

To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>

Sent: Wed May 03 11:39:50 2006

Subject: Voting Fraud-Voter Intimidation

Craig:

We are continuing our efforts to hone in on a date for the Working Group meeting. Are you available the afternoon of Thursday, May 18?

Peggy Sims

Election Research Specialist

U.S. Election Assistance Commission

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM ---

Devon E. Romig/EAC/GOV

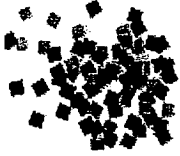
05/02/2006 09:45 AM

To

[REDACTED]

019325





cc Margaret Sims/EAC/GOV@EAC

Subject Voting Fraud/Voter Intimidation Project Working Group

Dear Tova,

I am working with Peggy Sims in order to set a date for the Voting Fraud/Voter Intimidation Project Working Group. I have been trying to reach Barbara Arnwine in order to find out which days in May she is potentially available to attend this meeting but all of my attempts have been unsuccessful.

I would appreciate any help that you could provide in this matter.

Sincerely,

Devon Romig  
U.S. Election Assistance Commission  
1225 New York Ave. NW - Suite #1100  
Washington, D.C. 20005  
(202)566-2377

019326

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov>  
v>  
05/16/2006 01:41 PM  
To psims@eac.gov  
cc  
Subject RE: Your Materials

Sure. But where is the resistance coming from? The notes were not accurate. As you know, I have to be very concerned about that.

---

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Tuesday, May 16, 2006 12:34 PM  
**To:** Donsanto, Craig  
**Subject:** RE: Your Materials

Craig:

I am getting some resistance from my consultants to correcting the summary of the interview prior to the meeting. Would you mind noting the corrections at the meeting? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 12:06 PM

Topsims@eac.gov  
cc  
Subject RE: Your Materials

019327

Thank you, Peg. This stuff is very interesting.

---

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Tuesday, May 16, 2006 11:27 AM  
**To:** Donsanto, Craig  
**Subject:** Re: Your Materials

I have forwarded your message to our consultants and have requested a corrected version for distribution at the WG meeting. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 10:46 AM

Topsims@eac.gov  
cc  
SubjectYour Materials

Peg - -

I have read over the materials you sent to me and viewed the pieces on the CD.

I have only one correction:

I did not say that offenders who receive target letters routinely request - - or routinely receive - - audiences here at DOJHQ. That is very rare. Instead, what usually happens is that once a subject for an election fraud investigation is advised that he or she is going to be charged that person usually enters into plea negotiations and ultimately pleads guilty. Very few federal election fraud cases go to trial. When a subject does request a HQ interview or a HW hearing, it would be held in the first instance by myself. But again, Peg, that is rare.

Also, while the occurrences of prosecutions of isolated instances of felons and alien voters and double

019328

voters has increased, we still aggressively and I believe quite successfully pursue systematic schemes to corrupt the electoral process, as the cases we brought recently out of Knott and Pike Counties in Kentucky, those we brought out of Lincoln and Logan Counties in West Virginia, and those we brought in New Hampshire growing out of the jamming of get0-out-the-vote phone bank lines attest.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Tova Wang"

[REDACTED]  
05/24/2006 09:14 AM

To psims@eac.gov

cc

Subject presentation

How did it go? Were you able to verbally correct that discrepancy we talked about the other day?  
Thanks. Tova

Tova Andrea Wang  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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[Click here](#) to receive our weekly e-mail updates.

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Tova Wang"

[REDACTED]  
05/22/2006 06:07 PM

To psims@eac.gov

cc

Subject RE: PowerPoint Presentation to EAC Boards



-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Monday, May 22, 2006 3:56 PM

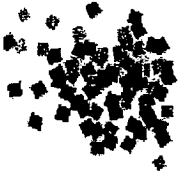
**To:** [REDACTED]

**Subject:** PowerPoint Presentation to EAC Boards

FYI - Attached is a copy of the PowerPoint presentation on the voting fraud-voter intimidation research project for tomorrow's meetings of the EAC Standards Board (110 state and local election officials) and the EAC Advisory Board (37 representatives from national associations and government agencies who play a role in HAVA implementation and from science and technology-related professions appointed by Congressional members). I used your summaries as the primary source of information for the presentation. --- Peggy

019329

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



Devon E. Romig/EAC/GOV  
05/25/2006 02:37 PM

To Margaret Sims/EAC/GOV@EAC  
cc  
Subject Summary for VFVI working group meeting

Peggy,

Here is the summary that you requested. Let me know if this works.

Thanks!


Devon Romig  
United States Election Assistance Commission  
1225 New York Ave. NW, Suite 1100  
Washington, DC 20005  
202.566.2377 phone  
202.566.3128 fax  
www.eac.gov



VFVI Meeting Summary.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV  
05/16/2006 02:47 PM

To "Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL  
cc  
Subject RE: Your Materials 

I think they are panicking because they are preparing to travel tomorrow and may not have time to submit a revised version. They also are resisting changes to their interview summaries because the summaries represent what they think they heard. I was there at the interview and I heard what you said. I'm not sure that either of them heard everything (including the nuances) because so much of the information was new to them and it was one of their earlier interviews. I'm sorry I did not catch the defects before the summary went out.

My first concern is ensuring that the Working Group has the correct information. Then, we can deal with what version, *if any*, goes in the final report. Do you want me to excerpt the corrections from your email and submit them to the Working Group? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov>  
v>  
05/16/2006 01:41 PM

To psims@eac.gov  
cc

019330



Subject RE: Your Materials

Sure. But where is the resistance coming from? The notes were not accurate. As you know, I have to be very concerned about that.

---

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Tuesday, May 16, 2006 12:34 PM  
**To:** Donsanto, Craig  
**Subject:** RE: Your Materials

Craig:

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"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 12:06 PM

Topsims@eac.gov  
cc  
SubjectRE: Your Materials

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---

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**Sent:** Tuesday, May 16, 2006 11:27 AM  
**To:** Donsanto, Craig  
**Subject:** Re: Your Materials

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019331

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 10:46 AM

Topsims@eac.gov  
cc  
SubjectYour Materials

Peg --

I have read over the materials you sent to me and viewed the pieces on the CD.

I have only one correction:

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Also, while the occurrences of prosecutions of isolated instances of felons and alien voters and double voters has increased, we still aggressively and I believe quite successfully pursue systematic schemes to corrupt the electoral process, as the cases we brought recently out of Knott and Pike Counties in Kentucky, those we brought out of Lincoln and Logan Counties in West Virginia, and those we brought in New Hampshire growing out of the jamming of get0-out-the-vote phone bank lines attest.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



  
05/12/2006 09:48 PM

To psims@eac.gov  
cc  
Subject Re: Fraud Definition

019332



v>  
05/16/2006 02:55 PM

psims@eac.gov  
cc  
Subject RE: Your Materials

The first item is not as big a deal as the second one: the processes under which subjects of investigations come to Jesus is not as important as the overall assessment of our law enforcement achievements. But stressing the isolated test cases we brought - - and will continue to bring - - to deter things like felon voting, alien voting and double voting, which not mentioning such significant achievements as the five case PROJECTS mentioned in my last e-mail - - misrepresents what we are doing and the deterrent message we are trying to communicate.

I appreciate that these two young people may have found themselves in a Brave New World when they came over here. It showed in their questioning. But the fact that criminal law enforcement is not at all similar to preventative legal relief (as under the Voting Rights Act) or civil relief (as election contest litigation) is I guess more of a problem than I at first foresaw. My real concern is that the civil rights groups - - with whom we over here have an amazing amount of common grounds - - will take the singling out of the felon and alien voter cases as evincing a malevolent aggression on their constituencies. That is not the case. We are only enforcing the law.

---

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Tuesday, May 16, 2006 2:47 PM  
**To:** Donsanto, Craig  
**Subject:** RE: Your Materials

I think they are panicking because they are preparing to travel tomorrow and may not have time to submit a revised version. They also are resisting changes to their interview summaries because the summaries represent what they think they heard. I was there at the interview and I heard what you said. I'm not sure that either of them heard everything (including the nuances) because so much of the information was new to them and it was one of their earlier interviews. I'm sorry I did not catch the defects before the summary went out.

My first concern is ensuring that the Working Group has the correct information. Then, we can deal with what version, *if any*, goes in the final report. Do you want me to excerpt the corrections from your email and submit them to the Working Group? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 01:41 PM

Topsims@eac.gov  
cc  
Subject RE: Your Materials

019333



Sure. But where is the resistance coming from? The notes were not accurate. As you know, I have to be very concerned about that.

---

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Tuesday, May 16, 2006 12:34 PM  
**To:** Donsanto, Craig  
**Subject:** RE: Your Materials

Craig:

I am getting some resistance from my consultants to correcting the summary of the interview prior to the meeting. Would you mind noting the corrections at the meeting? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 12:06 PM

Topsims@eac.gov  
cc  
SubjectRE: Your Materials

Thank you, Peg. This stuff is very interesting.

---

019334

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Tuesday, May 16, 2006 11:27 AM  
**To:** Donsanto, Craig  
**Subject:** Re: Your Materials

I have forwarded your message to our consultants and have requested a corrected version for distribution at the WG meeting. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 10:46 AM

Topsims@eac.gov  
cc  
SubjectYour Materials

Peg - -

I have read over the materials you sent to me and viewed the pieces on the CD.

I have only one correction:

I did not say that offenders who receive target letters routinely request - - or routinely receive - - audiences here at DOJHQ. That is very rare. Instead, what usually happens is that once a subject for an election fraud investigation is advised that he or she is going to be charged that person usually enters into plea negotiations and ultimately pleads guilty. Very few federal election fraud cases go to trial. When a subject does request a HQ interview or a HW hearing, it would be held in the first instance by myself. But again, Peg, that is rare.

019335

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----


Margaret Sims/EAC/GOV

05/16/2006 03:14 PM

To "Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL

cc

Subject RE: Your Materials 

I fully understand. Do you want me to prepare a correction sheet for the Working Group, placing your second and more important point first, or do you want to handle this verbally at the meeting? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>

05/16/2006 02:55 PM

To psims@eac.gov

cc

Subject RE: Your Materials

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019336

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05/16/2006 12:06 PM

Topsims@eac.gov  
cc  
SubjectRE: Your Materials

019337

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**Sent:** Tuesday, May 16, 2006 11:27 AM  
**To:** Donsanto, Craig  
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"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 10:46 AM

Topsims@eac.gov  
cc  
SubjectYour Materials

019338

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov>  
>

05/23/2006 02:49 PM

To psims@eac.gov, "Voris, Natalie (USAEO)"  
<Natalie.Voris@usdoj.gov>, "Hillman, Noel"  
<Noel.Hillman@usdoj.gov>, "Simmons, Nancy"  
<Nancy.Simmons@usdoj.gov>

cc

Subject Request to interview AUSAs

Peg --

At the Advisory Board meeting we had last week, your two contractors asked to interview the over-100 AUSAs who are serving as District Election Officers in connection with the Fraud study.

This request needs to be addressed to Natalie Voris of EOUSA per the message from here that follows.

If the contractors require additional information in connection with the Fraud Study, and should EOUSA not be able to satisfy their needs n they can communicate with me on criminal issues and Cameron Quinn on Civil Rights issues.

I will be here when you arrive later today at the Board of Advisors meeting

019339

when you arrive to talk to us at 4:30.

Ms. Voris' message follows:

Per the USAM, all requests for interviews/surveys/research projects that involve USAOs must be approved by EOUSA. I am pasting the provision below - the contact name needs to be updated. Requests should come to me, as the Acting Counsel to the Director.

Thanks,  
Natalie

-----  
Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Tova Wang"

05/24/2006 02:52 PM

To psims@eac.gov

cc

Subject press interview

Hi Peg,

Just wanted to give you the heads up that I did an interview with a reporter from The Hill today on fraud. As far as I know he is simply referring to me as a fellow at TCF and I did not discuss the project in any way

**Tova Andrea Wang**  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

Visit our Web site, [www.tcf.org](http://www.tcf.org), for the latest news, analysis, opinions, and events.

[Click here](#) to receive our weekly e-mail updates.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV

05/24/2006 03:17 PM

To "Tova Wang" [REDACTED]

cc Jeannie Layson/EAC/GOV@EAC, bwhitener@eac.gov

Subject Re: press interview [REDACTED]

Thanks for the "heads up". --- Peggy

"Tova Wang" [REDACTED]

019340



"Tova Wang"  
05/24/2006 02:52 PM

To psims@eac.gov  
cc  
Subject press interview

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**Tova Andrea Wang**  
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Visit our Web site, [www.tcf.org](http://www.tcf.org), for the latest news, analysis, opinions, and events.

[Click here](#) to receive our weekly e-mail updates.

---

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov>  
v>  
05/16/2006 09:43 AM

To psims@eac.gov  
cc "Hillman, Noel" <Noel.Hillman@usdoj.gov>, "Simmons, Nancy" <Nancy.Simmons@usdoj.gov>, "Campbell, Benton" <Benton.Campbell@usdoj.gov>  
Subject RE: Voting Fraud-Voter Intimidation Working Group

Thank you for this, Peg.

The third bullet point is one I embrace fully. We lack the statutory tool to do the job. Hopefully, that can be remedied through legislation. But as things stand today large loopholes in the federal legal matrix addressing electoral abuse and fraud exist - - particularly when such abuses occur in elections where there were no federal candidates on the ballot.

---

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Tuesday, May 16, 2006 8:44 AM  
**To:** Donsanto, Craig  
**Subject:** Re: Voting Fraud-Voter Intimidation Working Group

019341



Here is the content of the email attachment:

## **Existing Research Analysis**

There are many reports and books that describe anecdotes and draw broad conclusions from a large array of incidents. There is little research that is truly systematic or scientific. The most systematic look at fraud is the report written by Lori Minnite. The most systematic look at voter intimidation is the report by Laughlin McDonald. Books written about this subject seem to all have a political bias and a pre-existing agenda that makes them somewhat less valuable.

Researchers agree that measuring something like the incidence of fraud and intimidation in a scientifically legitimate way is extremely difficult from a methodological perspective and would require resources beyond the means of most social and political scientists. As a result, there is much more written on this topic by advocacy groups than social scientists. It is hoped that this gap will be filled in the "second phase" of this EAC project.

Moreover, reports and books make allegations but, perhaps by their nature, have little follow up. As a result, it is difficult to know when something has remained in the stage of being an allegation and gone no further, or progressed to the point of being investigated or prosecuted or in any other way proven to be valid by an independent, neutral entity. This is true, for example, with respect to allegations of voter intimidation by civil rights organizations, and, with respect to fraud, John Fund's frequently cited book. Again, this is something that it is hoped will be addressed in the "second phase" of this EAC project by doing follow up research on allegations made in reports, books and newspaper articles.

Other items of note:

- There is as much evidence, and as much concern, about structural forms of disenfranchisement as about intentional abuse of the system. These include felon disenfranchisement, poor maintenance of databases and identification requirements.
- There is tremendous disagreement about the extent to which polling place fraud, e.g. double voting, intentional felon voting, noncitizen voting, is a serious problem. On balance, more researchers find it to be less of a problem than is commonly described in the political debate, but some reports say it is a major problem, albeit hard to identify.
- There is substantial concern across the board about absentee balloting and the opportunity it presents for fraud.
- Federal law governing election fraud and intimidation is varied and complex and yet may nonetheless be insufficient or subject to too many limitations to be as effective as it might be.
- Deceptive practices, e.g. targeted flyers and phone calls providing misinformation, were a major problem in 2004.

019342

- Voter intimidation continues to be focused on minority communities, although the American Center for Voting Rights uniquely alleges it is focused on Republicans.

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/15/2006 04:53 PM

Topsims@eac.gov

cc

SubjectRe: Voting Fraud-Voter Intimidation Working Group

Peggy --

I am currently on train in transit back from a day in Newark. I tried to recover your attachment on Blackberry but got a message telling me the "file is empty."

Can you paste it to an e-mail perhaps?

-----  
Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>  
To: barnwine@lawyerscommittee.org <barnwine@lawyerscommittee.org>;  
Rbauer@perkinscoie.com <Rbauer@perkinscoie.com>; bginsberg@pattonboggs.com  
<bginsberg@pattonboggs.com>; mhearne@lathropgage.com  
<mhearne@lathropgage.com>; jrperez50@sbcglobal.net <jrperez50@sbcglobal.net>;  
krogers@sos.state.ga.us <krogers@sos.state.ga.us>; assistant@sos.in.gov  
<assistant@sos.in.gov>; weinutr@verizon.net <weinutr@verizon.net>  
CC: jgreenbaum@lawyerscommittee.org <jgreenbaum@lawyerscommittee.org>;  
vjohanson@lawyerscommittee.org <vjohanson@lawyerscommittee.org>;  
dlovecchio@perkinscoie.com <dlovecchio@perkinscoie.com>;  
bschuler@lathropgage.com <bschuler@lathropgage.com>; Donsanto, Craig  
<Craig.Donsanto@crm.usdoj.gov>  
Sent: Mon May 15 16:37:48 2006  
Subject: Voting Fraud-Voter Intimidation Working Group

Dear Working Group Members and Participants:

You should receive a packet of information today, either by Federal Express or hand delivery, concerning Thursday's meeting of the project Working Group for EAC's Voting Fraud-Voter Intimidation research project. Attached is an analysis of the consultants' research into relevant literature and reports.

019343

This summary was not available when we prepared the information packets last Friday, but may be of interest to you. Our consultants and I look forward to having a productive discussion with you.

Regards,

Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

**Margaret Sims /EAC/GOV**

05/17/2006 03:03 PM

To Craig Donsanto

cc

Subject Status Report on Voting Fraud-Voter Intimidation Project

Craig:

This is what I was working on for the upcoming meetings of the EAC Board of Advisors and EAC Standards Board. --- Peggy



EAC Boards VF-VI Status Report.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



**"Job Serebrov"**

05/16/2006 09:25 AM

To psims@eac.gov, [REDACTED]

cc

Subject Re: Date Ranges for Research

Cases were from 2000 to the present.

--- psims@eac.gov wrote:

> Would you please refresh my memory about the date  
> ranges used for the  
> Nexis article research and the case law research?  
> I'm drawing a blank and  
> I don't see it in the summaries. I need it for this  
> mornings Commissioner  
> briefing. Thanks! --- Peggy

019344

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Tova Wang"  
<wang@tcf.org>  
05/15/2006 11:36 AM

To psims@eac.gov  
cc  
Subject thursday

Is it OK if I come around 12:30 or so to make sure I have all my materials arranged properly for presentation? Thanks.

Tova Andrea Wang  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

Visit our Web site, [www.tcf.org](http://www.tcf.org), for the latest news, analysis, opinions, and events.

[Click here](#) to receive our weekly e-mail updates.

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov>  
v>  
05/17/2006 10:59 AM

To psims@eac.gov  
cc  
Subject RE: Report on Voting Fraud-Voter Intimidation Research

Peg - -

This is a complicated issue largely because of two things: 1) there is a lot of ambiguity out there as to what constitutes "intimidation." To the civil rights community, "intimidation" means anything that makes voting uncomfortable or less than automatic. To us in the criminal law enforcement "intimidation" means threats of economic or physical nature made to force or prevent voting. Only the latter involve aggravating factors that warrant putting offenders in jail, and the statutes that address "intimidation" from a criminal perspective are thus limited. We have never had many "intimidation" criminal cases. For one thing, in this modern post voting rights era, there is not a lot of physical/economic duress out there in the voting context - - at least not that I have seen. For another, where it does occur it is very hard to investigate and detect as victims who have been physically or economically intimidated are not likely to come to the FBI.

The bottom line is that we take matters that do present predication for physical or economically based "intimidation" very seriously, AND that we are being extremely proactive in trying to find ways to prosecute matters involving voter suppression as in the Tobin cases in New Hampshire where the local GOP tried to jam telephone lines for a GOTV effort run by the Dems. But even there - - the usual "suppression" matter involves flyers that are passed around giving out misleading information about an election, and we have investigated every one of those that came to our attention last election cycle. We were not able to identify the person(s) responsible for printing the misleading flyers in any of these. But we sure as heck tried.

---

019345

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Wednesday, May 17, 2006 9:57 AM  
**To:** Donsanto, Craig  
**Subject:** Report on Voting Fraud-Voter Intimidation Research

Craig:

I'm putting the finishing touches on a status report to the EAC Standards Board and EAC Board of Advisors on our Voting Fraud-Voter Intimidation research project. For the most part, I am using our consultants summaries for the report, but one bullet under the interview summaries is giving me heartburn. It is the bullet that references the decrease in DOJ voter intimidation actions. It is one of the places in which our consultants had indicated that your office is focussing on prosecuting individuals. I have reworded it and would like your feedback on the revision:

Several people indicate - including representatives from DOJ -- that for various reasons, the Department of Justice is bringing fewer voter intimidation and suppression cases now, and has increased its focus on matters such as noncitizen voting, double voting, and felon voting. While the Voting Section of the Civil Rights Division focuses on systemic patterns of malfeasance, the Election Crimes Branch of the Public Integrity Section has increased prosecutions of individual instances of felon, alien, and double voting while also maintaining an aggressive pursuit of systematic schemes to corrupt the electoral process.

Please suggest any changes that you think would further clarify the current approach. --- Peggy  
----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV  
05/15/2006 04:37 PM

To Voting Fraud-Voter Intimidation Working Group

cc

Subject Voting Fraud-voter intimidation Working Group

Dear Working Group Members and Participants:

You should receive a packet of information today, either by Federal Express or hand delivery, concerning Thursday's meeting of the project Working Group for EAC's Voting Fraud-Voter Intimidation research project. Attached is an analysis of the consultants' research into relevant literature and reports. This summary was not available when we prepared the information packets last Friday, but may be of interest to you. Our consultants and I look forward to having a productive discussion with you.

Regards,

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Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

019346

Margaret Sims/EAC/GOV  
05/23/2006 11:11 AM

To "Job Serebrov"  
cc [REDACTED]  
Subject Re: Payment Vouchers

019347  
L7C610

I have to have a little time to focus on these issues and to check with our Finance Officer. Today and tomorrow, most of my time is scheduled for the EAC Standards Board and Board of Advisors meetings. ---  
Peggy

"Job Serebrov" [REDACTED]



"Job Serebrov"  
[REDACTED]  
05/23/2006 09:17 AM

To psims@eac.gov  
cc  
Subject Re: Payment Vouchers

How did you deal with the issue of mileage v. airline costs for my travel?

--- psims@eac.gov wrote:

> I signed and submitted your personal services  
> payment vouchers this  
> morning. --- Peggy

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM ---



"Tova Wang"  
[REDACTED]  
05/16/2006 09:14 AM

To psims@eac.gov, [REDACTED]  
cc  
Subject RE: Date Ranges for Research

January 1, 2001 - January 1, 2006

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Tuesday, May 16, 2006 7:41 AM

To: [REDACTED]

Subject: Date Ranges for Research

Would you please refresh my memory about the date ranges used for the Nexis article research and the case law research? I'm drawing a blank and I don't see it in the summaries. I need it for this mornings Commissioner briefing. Thanks! --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV

05/15/2006 06:41 PM

To "Craig Donsanto" <Craig.Donsanto@usdoj.gov>

cc

Subject Re: Voting Fraud-Voter Intimidation Working Group

It could be a Berry problem. (I occasionally have that problem with attachments I try to retrieve through my Blackberry.)

The attachment is a pdf file, but I have access to a Word version that I can use to insert text in an email tomorrow. I don,t have access to the attachment from my Berry.

Peggy

-----  
Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: "Donsanto, Craig" [Craig.Donsanto@usdoj.gov]

Sent: 05/15/2006 04:53 PM

To: psims@eac.gov

Subject: Re: Voting Fraud-Voter Intimidation Working Group

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Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>

To: [REDACTED]

[REDACTED]

019348

[REDACTED]  
<Craig.Donsanto@crm.usdoj.gov>

; Donsanto, Craig

Sent: Mon May 15 16:37:48 2006

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Election Research Specialist

U.S. Election Assistance Commission

1225 New York Ave, NW - Ste 1100

Washington, DC 20005

Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)

Fax: 202-566-3127

email: psims@eac.gov

019349



Margaret Sims/EAC/GOV  
05/15/2006 05:02 PM

To [REDACTED]  
cc

Subject Re: Fraud Definition [REDACTED]

Tova:

We can certainly discuss this at the Working Group meeting. (The draft definition had already been sent out by the time I read your message.) There may be other VRA provisions that should be considered as well, such as the prohibition on removing the names of certain registrants, who were registered by federal examiners, without obtaining prior approval of the Justice Department.

After I received your email, I asked Barry Weinberg to review the draft definition and consider if we have left off examples of Voting Rights Act violations that would qualify as election fraud. Barry, during his 25 years with DOJ, led aggressive action against attempts to place police at the polls to intimidate voters, challenges targeting minorities, failure to provide election materials and assistance in languages other than English (in covered jurisdictions), etc. His input should prove helpful. --- Peggy

wang@tcf.org



[REDACTED]  
05/12/2006 09:48 PM

To psims@eac.gov  
cc

Subject Re: Fraud Definition

How about specifying Section 2 and 203 of the VRA?  
----- Original Message -----

019350

"Tova Wang" [REDACTED]

05/12/2006 12:45 PM

To psims@eac.gov, [REDACTED]  
cc  
Subject RE: Fraud Definition

Upon first reading, my only comment would be that I would like to restore "failing to follow the requirements of the Voting Rights Act"

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Friday, May 12, 2006 9:20 AM

**To:** [REDACTED]

**Subject:** Fraud Definition

Would you please take a look at the attached? I combined both of your definitions, reformatted the list, removed a reference to the fraud having to have an actual impact on the election results (because fraud can be prosecuted without proving that it actually changed the results of the election), and taken out a couple of vague examples (e.g.; reference to failing to enforce state laws --- because there may be legitimate reasons for not doing so).

I have made contact with Ben Ginsberg's office and am waiting to hear if he accepts our invitation to join the working group. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Tova Wang" [REDACTED]

05/16/2006 03:47 PM

To psims@eac.gov  
cc  
Subject board of advisers presentation

019351



Hi Peg, Have you tried to send me the presentation? I haven't gotten it, but I think we may be having email problems. Let me know. I'd need to look at it today since I'll be tied up tomorrow. Tova

Tova Andrea Wang  
 Democracy Fellow  
**The Century Foundation**  
 41 East 70th Street - New York, NY 10021  
 phone: 212-452-7704 fax: 212-535-7534

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[Click here](#) to receive our weekly e-mail updates.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Donsanto, Craig"  
 <Craig.Donsanto@usdoj.gov  
 v>  
 05/16/2006 03:17 PM  
 To psims@eac.gov  
 cc  
 Subject RE: Your Materials

Let me try to do it, Peg. Again what I do not want to see occur is for the LCCR to start attacking us. We have more in common with them than I had originally assumed, thanks to the write-ups of their interviews. We need to promote what we have in common not try to score political points. But I will try to correct the records as long as you will agree you heard what I said the way I know I said it!

---

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Tuesday, May 16, 2006 3:14 PM  
**To:** Donsanto, Craig  
**Subject:** RE: Your Materials

I fully understand. Do you want me to prepare a correction sheet for the Working Group, placing your second and more important point first, or do you want to handle this verbally at the meeting? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 02:55 PM

Topsims@eac.gov  
 cc  
 SubjectRE: Your Materials

019352

The first item is not as big a deal as the second one: the processes under which subjects of investigations come to Jesus is not as important as the overall assessment of our law enforcement achievements. But stressing the isolated test cases we brought - - and will continue to bring - - to deter things like felon voting, alien voting and double voting, which not mentioning such significant achievements as the five case PROJECTS mentioned in my last e-mail - - misrepresents what we are doing and the deterrent message we are trying to communicate.

I appreciate that these two young people may have found themselves in a Brave New World when they came over here. It showed in their questioning. But the fact that criminal law enforcement is not at all similar to preventative legal relief (as under the Voting Rights Act) or civil relief (as election contest litigation) is I guess more of a problem than I at first foresaw. My real concern is that the civil rights groups - - with whom we over here have an amazing amount of common grounds - - will take the singling out of the felon and alien voter cases as evincing a malevolent aggression on their constituencies. That is not the case. We are only enforcing the law.

---

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Tuesday, May 16, 2006 2:47 PM  
**To:** Donsanto, Craig  
**Subject:** RE: Your Materials

I think they are panicking because they are preparing to travel tomorrow and may not have time to submit a revised version. They also are resisting changes to their interview summaries because the summaries represent what they think they heard. I was there at the interview and I heard what you said. I'm not sure that either of them heard everything (including the nuances) because so much of the information was new to them and it was one of their earlier interviews. I'm sorry I did not catch the defects before the summary went out.

My first concern is ensuring that the Working Group has the correct information. Then, we can deal with what version, *if any*, goes in the final report. Do you want me to excerpt the corrections from your email and submit them to the Working Group? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 01:41 PM

Topsims@eac.gov  
cc  
Subject: RE: Your Materials

019353

Sure. But where is the resistance coming from? The notes were not accurate. As you know, I have to be very concerned about that.

---

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Tuesday, May 16, 2006 12:34 PM  
**To:** Donsanto, Craig  
**Subject:** RE: Your Materials

Craig:

I am getting some resistance from my consultants to correcting the summary of the interview prior to the meeting. Would you mind noting the corrections at the meeting? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 12:06 PM

Topsims@eac.gov  
cc  
SubjectRE: Your Materials

019354

Thank you, Peg. This stuff is very interesting.

---

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Tuesday, May 16, 2006 11:27 AM  
**To:** Donsanto, Craig  
**Subject:** Re: Your Materials

I have forwarded your message to our consultants and have requested a corrected version for distribution at the WG meeting. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 10:46 AM

Topsims@eac.gov  
cc  
SubjectYour Materials

019355

Peg - -

I have read over the materials you sent to me and viewed the pieces on the CD.

I have only one correction:

I did not say that offenders who receive target letters routinely request - - or routinely receive - - audiences here at DOJHQ. That is very rare. Instead, what usually happens is that once a subject for an election fraud investigation is advised that he or she is going to be charged that person usually enters into plea negotiations and ultimately pleads guilty. Very few federal election fraud cases go to trial. When a subject does request a HQ interview or a HW hearing, it would be held in the first instance by myself. But again, Peg, that is rare.

Also, while the occurrences of prosecutions of isolated instances of felons and alien voters and double voters has increased, we still aggressively and I believe quite successfully pursue systematic schemes to corrupt the electoral process, as the cases we brought recently out of Knott and Pike Counties in Kentucky, those we brought out of Lincoln and Logan Counties in West Virginia, and those we brought in New Hampshire growing out of the jamming of get0-out-the-vote phone bank lines attest.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV

05/23/2006 08:45 AM

To "Tova Wang" <[REDACTED]>

cc

Subject RE: PowerPoint Presentation to EAC Boards [REDACTED]

I know --- I'll have to cover that in my oral presentation, along with some other points. The audience will have a copy of the paper I put together using Job's and your summaries and findings. The paper provides a lot more detail. We did not plan to provide a copy of the PowerPoint presentation, which is just meant to keep me on track and them interested in the presentation. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

"Tova Wang"

[REDACTED]  
05/26/2006 10:41 AM

To psims@eac.gov, "Job Serebrov" [REDACTED]

cc

Subject RE: Request to interview AUSAs

I still think we should include the recommendations in the report

-----Original Message-----

019356

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV

05/16/2006 03:50 PM

To "Tova Wang" <[REDACTED]>

cc

Subject Re: board of advisers presentation [1]

I haven't sent it yet. If you need to leave early, you can look at what I have so far, which does not have the intro or the text regarding the final report. --- Peggy



EAC Board Status Report.doc

"Tova Wang" [REDACTED]



"Tova Wang" [REDACTED]

05/16/2006 03:47 PM

To psims@eac.gov

cc

Subject board of advisers presentation

Hi Peg, Have you tried to send me the presentation? I haven't gotten it, but I think we may be having email problems. Let me know. I'd need to look at it today since I'll be tied up tomorrow. Tova

**Tova Andrea Wang**

Democracy Fellow

**The Century Foundation**

41 East 70th Street - New York, NY 10021

phone: 212-452-7704 fax: 212-535-7534

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[Click here](#) to receive our weekly e-mail updates.

---

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>

v>

05/17/2006 03:24 PM

To psims@eac.gov

cc

Subject RE: Status Report on Voting Fraud-Voter Intimidation Project

019357



Thank you, Peg. This is at least more accurate than what I read this morning. Thank you for taking the time to discuss this with me. I shall see you tomorrow.

---

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Wednesday, May 17, 2006 3:04 PM  
**To:** Donsanto, Craig  
**Subject:** Status Report on Voting Fraud-Voter Intimidation Project

Craig:

This is what I was working on for the upcoming meetings of the EAC Board of Advisors and EAC Standards Board. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov  
>

To psims@eac.gov  
cc

05/17/2006 01:23 PM

Subject Re: Report on Voting Fraud-Voter Intimidation Research

Peggy -- can you call me about this in about an hour?

202-514-1421.

-----  
Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

**From:** psims@eac.gov <psims@eac.gov>  
**To:** Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>  
**Sent:** Wed May 17 09:56:39 2006  
**Subject:** Report on Voting Fraud-Voter Intimidation Research

Craig:

I'm putting the finishing touches on a status report to the EAC Standards Board and EAC Board of Advisors on our Voting Fraud-Voter Intimidation research project. For the most part, I am using our consultants summaries for the report, but one bullet under the interview summaries is giving me heartburn. It is the bullet that references the decrease in DOJ voter intimidation actions. It is one of the places in which our consultants had indicated that your office is focussing on prosecuting individuals. I have reworded it and would like your feedback on the revision:

Several people indicate - including representatives from DOJ -- that for various reasons, the Department of Justice is bringing fewer voter intimidation and suppression cases now, and has increased its focus on matters such as noncitizen voting, double voting, and felon voting. While the Voting

019358

Section of the Civil Rights Division focuses on systemic patterns of malfeasance, the Election Crimes Branch of the Public Integrity Section has increased prosecutions of individual instances of felon, alien, and double voting while also maintaining an aggressive pursuit of systematic schemes to corrupt the electoral process.

Please suggest any changes that you think would further clarify the current approach. --- Peggy

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM ---

019359

"Tova Wang" 

05/24/2006 09:14 AM

To psims@eac.gov

cc

Subject presentation

How did it go? Were you able to verbally correct that discrepancy we talked about the other day?  
Thanks. Tova

Tova Andrea Wang  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

019360

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

05/16/2006 05:08 PM

To psims@eac.gov

cc

Subject RE: board of advisers presentation

This looks fine otherwise, but I'm not sure I understand why you included the attachments you did. They are not really representative of what we did for the project as a whole. The summaries are just meant to supplement the nexis excel charts.

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Tuesday, May 16, 2006 2:51 PM

**To:**

**Subject:** Re: board of advisers presentation

I haven't sent it yet. If you need to leave early, you can look at what I have so far, which does not have the intro or the text regarding the final report. --- Peggy

"Tova Wang"

05/16/2006 03:47 PM

To psims@eac.gov

cc

Subject board of advisers presentation

Hi Peg, Have you tried to send me the presentation? I haven't gotten it, but I think we may be having email problems. Let me know. I'd need to look at it today since I'll be tied up tomorrow.  
Tova

019361

Tova Andrea Wang  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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---

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



**"Donsanto, Craig"**  
<Craig.Donsanto@usdoj.gov  
v> To psims@eac.gov  
cc  
05/16/2006 12:06 PM  
Subject RE: Your Materials

Thank you, Peg. This stuff is very interesting.

---

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Tuesday, May 16, 2006 11:27 AM  
**To:** Donsanto, Craig  
**Subject:** Re: Your Materials

I have forwarded your message to our consultants and have requested a corrected version for distribution at the WG meeting. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 10:46 AM

Topsims@eac.gov  
cc  
SubjectYour Materials

Peg - -

I have read over the materials you sent to me and viewed the pieces on the CD.

019362

I have only one correction:

I did not say that offenders who receive target letters routinely request - - or routinely receive - - audiences here at DOJHQ. That is very rare. Instead, what usually happens is that once a subject for an election fraud investigation is advised that he or she is going to be charged that person usually enters into plea negotiations and ultimately pleads guilty. Very few federal election fraud cases go to trial. When a subject does request a HQ interview or a HW hearing, it would be held in the first instance by myself. But again, Peg, that is rare.

Also, while the occurrences of prosecutions of isolated instances of felons and alien voters and double voters has increased, we still aggressively and I believe quite successfully pursue systematic schemes to corrupt the electoral process, as the cases we brought recently out of Knott and Pike Counties in Kentucky, those we brought out of Lincoln and Logan Counties in West Virginia, and those we brought in New Hampshire growing out of the jamming of get-out-the-vote phone bank lines attest.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV

05/16/2006 12:34 PM

To "Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL

cc

Subject RE: Your Materials 

Craig:

I am getting some resistance from my consultants to correcting the summary of the interview prior to the meeting. Would you mind noting the corrections at the meeting? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>

v>

05/16/2006 12:06 PM

To psims@eac.gov

cc

Subject RE: Your Materials

Thank you, Peg. This stuff is very interesting.

---

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Tuesday, May 16, 2006 11:27 AM

**To:** Donsanto, Craig

**Subject:** Re: Your Materials

I have forwarded your message to our consultants and have requested a corrected version for distribution at the WG meeting. --- Peggy

019363

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 10:46 AM

Topsims@eac.gov  
cc  
SubjectYour Materials

Peg - -

I have read over the materials you sent to me and viewed the pieces on the CD.

I have only one correction:

I did not say that offenders who receive target letters routinely request - - or routinely receive - - audiences here at DOJHQ. That is very rare. Instead, what usually happens is that once a subject for an election fraud investigation is advised that he or she is going to be charged that person usually enters into plea negotiations and ultimately pleads guilty. Very few federal election fraud cases go to trial. When a subject does request a HQ interview or a HW hearing, it would be held in the first instance by myself. But again, Peg, that is rare.

Also, while the occurrences of prosecutions of isolated instances of felons and alien voters and double voters has increased, we still aggressively and I believe quite successfully pursue systematic schemes to corrupt the electoral process, as the cases we brought recently out of Knott and Pike Counties in Kentucky, those we brought out of Lincoln and Logan Counties in West Virginia, and those we brought in New Hampshire growing out of the jamming of get0-out-the-vote phone bank lines attest.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"

05/16/2006 11:13 AM

To "Tova Wang" [REDACTED] psims@eac.gov

cc

Subject Corrections

I don't think anyone should be given the opportunity to correct mistakes.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

019364



"Tova Wang"

05/16/2006 11:34 AM

To psims@eac.gov;

cc

Subject RE: Corrections

Should we send all of the interview summaries to the people we interviewed for review then?

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Tuesday, May 16, 2006 10:30 AM

**To:** s

**Cc:** w

**Subject:** Re: Corrections

It wasn't his mistake. I was there at the interview. I just did not have time to review all of the interview summaries. --- Peggy

"Job Serebrov"

05/16/2006 11:13 AM

To "Tova Wang"; psims@eac.gov

cc

Subject Corrections

I don't think anyone should be given the opportunity to correct mistakes.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims/EAC/GOV

05/16/2006 11:30 AM

To "Job Serebrov"

cc

Subject Re: Corrections

It wasn't his mistake. I was there at the interview. I just did not have time to review all of the interview summaries. --- Peggy

019365



"Job Serebrov" [redacted]



"Job Serebrov"  
[redacted]  
05/16/2006 11:13 AM

To "Tova Wang" [redacted] psims@eac.gov  
cc  
Subject Corrections

I don't think anyone should be given the opportunity to correct mistakes.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"  
[redacted]  
05/16/2006 11:06 AM

To psims@eac.gov  
cc  
Subject Re: Question

OK. Weather is not going to be great in DC Thursday. I hope that does not delay me.

--- psims@eac.gov wrote:

- > We don't need a castle key, but we have to wait
- > until the Chairman returns
- > to the office tomorrow to confirm availability of
- > the parking pass. I
- > expect you will be on the road, then. Try calling
- > me our toll-free line
- > (1-866-747-1471) tomorrow afternoon, say after 2 PM
- > EST, so that we can
- > talk about this. --- Peg

> "Job Serebrov" <[redacted]>  
> 05/15/2006 09:56 AM

> To  
> psims@eac.gov  
> cc  
>  
> Subject  
> Re: Question

>  
>  
>

>  
>  
> Did you find out whether I can use the Chairman's  
> parking spot?  
>  
> --- psims@eac.gov wrote:  
>  
> > You will need to submit hotel and parking  
> receipts.  
> > You don't need to submit meal receipts. You don't  
> > need to submit gas receipts because use of a  
> > personally owned vehicle (POV) is reimbursed based  
> > on mileage. I think I emailed the mileage rate to  
> > you. If you need it again, I'll look it up when I  
> am  
> > at the office (this afternoon).  
> > Peg  
> >  
> > -----  
> > Sent from my BlackBerry Wireless Handheld  
> >  
> >  
> >  
> > ----- Original Message -----  
> > From: "Job Serebrov" [REDACTED]  
> > Sent: 05/12/2006 09:05 PM  
> > To: psims@eac.gov  
> > Subject: Question  
> >  
> > Peg:  
> >  
> > Since I am driving to DC, besides hotel receipts,  
> do  
> > you want me to keep my gas receipts or how will my  
> > car  
> > use be compensated? Also, I assume I don't have  
> to  
> > retain food receipts.  
> >  
> > Job  
> >  
> >  
> >  
>  
>  
>  
>

— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM —



"Tova Wang"  
[REDACTED]  
05/15/2006 09:07 AM

To psims@eac.gov  
cc dromig@eac.gov  
Subject I'm sorry

019367

I don't think I sent this to you either. Can we hand it out at the meeting as an addendum? Its another summary that would have gone in the news article section. I'm usually so organized, I'm very embarrassed. Too many things! Thanks

**Tova Andrea Wang**  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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votebuyingsummary.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

05/16/2006 05:04 PM

To psims@eac.gov

cc

Subject RE: board of advisers presentation

What is the information you need when you say:  
The consultants jointly selected experts from ???

We chose the interviewees by first coming up with a list of the categories of types of people we wanted to interview. Then we each filled those categories with a certain number of people, equally. The ultimate categories were academics, advocates, elections officials, lawyers and judges.

Is that what you need?

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Tuesday, May 16, 2006 2:51 PM

**To:** [REDACTED]

**Subject:** Re: board of advisers presentation

I haven't sent it yet. If you need to leave early, you can look at what I have so far, which does not have the intro or the text regarding the final report. --- Peggy

"Tova Wang" [REDACTED]

019368

05/16/2006 03:47 PM

To psims@eac.gov  
cc  
Subject board of advisers presentation

Hi Peg, Have you tried to send me the presentation? I haven't gotten it, but I think we may be having email problems. Let me know. I'd need to look at it today since I'll be tied up tomorrow.  
Tova

**Tova Andrea Wang**  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"

[REDACTED]  
05/15/2006 09:28 AM

To psims@eac.gov  
cc

Subject Re: Fw: New Working Group Member

Excellent!

019369

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims/EAC/GOV

05/22/2006 04:55 PM

To Tova Andrea Wang, Job Serebrov

cc

Subject PowerPoint Presentation to EAC Boards

FYI - Attached is a copy of the PowerPoint presentation on the voting fraud-voter intimidation research project for tomorrow's meetings of the EAC Standards Board (110 state and local election officials) and the EAC Advisory Board (37 representatives from national associations and government agencies who play a role in HAVA implementation and from science and technology-related professions appointed by Congressional members). I used your summaries as the primary source of information for the presentation. --- Peggy



VF-VI Project Presentation.ppt

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Tamar Nedzar/EAC/GOV

05/18/2006 04:36 PM

To

[REDACTED]

cc Margaret Sims/EAC/GOV@EAC, Edgardo Cortes/EAC/GOV@EAC, Juliet E.

019370



"Tova Wang"

05/23/2006 09:23 AM

To psims@eac.gov

cc

Subject RE: PowerPoint Presentation to EAC Boards

OK, thanks

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Tuesday, May 23, 2006 7:46 AM

**To:** wang@tcf.org

**Subject:** RE: PowerPoint Presentation to EAC Boards

I know --- I'll have to cover that in my oral presentation, along with some other points. The audience will have a copy of the paper I put together using Job's and your summaries and findings. The paper provides a lot more detail. We did not plan to provide a copy of the PowerPoint presentation, which is just meant to keep me on track and them interested in the presentation. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

To psims@eac.gov

019371



"Weinberg and Utrecht"  
 [REDACTED]  
 05/15/2006 01:53 PM

To psims@eac.gov  
 cc  
 Subject Re: Voting Fraud-Voter Intimidation

Peggy:  
 The package came today. Thanks. See you Thursday.  
 Barry

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV  
 05/16/2006 11:27 AM

To "Donsanto, Craig"  
 <Craig.Donsanto@usdoj.gov>@GSAEXTERNAL  
 cc  
 Subject Re: Your Materials

I have forwarded your message to our consultants and have requested a corrected version for distribution at the WG meeting. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"  
 <Craig.Donsanto@usdoj.gov>  
 v>  
 05/16/2006 10:46 AM

To psims@eac.gov  
 cc  
 Subject Your Materials

Peg - -

I have read over the materials you sent to me and viewed the pieces on the CD.

I have only one correction:

I did not say that offenders who receive target letters routinely request - - or routinely receive - - audiences here at DOJHQ. That is very rare. Instead, what usually happens is that once a subject for an election fraud investigation is advised that he or she is going to be charged that person usually enters into plea negotiations and ultimately pleads guilty. Very few federal election fraud cases go to trial. When a subject does request a HQ interview or a HW hearing, it would be held in the first instance by myself. But again, Peg, that is rare.

Also, while the occurrences of prosecutions of isolated instances of felons and alien voters and double voters has increased, we still aggressively and I believe quite successfully pursue systematic schemes to corrupt the electoral process, as the cases we brought recently out of Knott and Pike Counties in Kentucky, those we brought out of Lincoln and Logan Counties in West Virginia, and those we brought in

019372

New Hampshire growing out of the jamming of get0-out-the-vote phone bank lines attest.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

05/16/2006 03:53 PM

To psims@eac.gov

cc

Subject RE: board of advisers presentation

I'll be here for a while, I just wanted to make sure. If you send it to me anytime before 5 I can look at it in time. If not, I'll try my best to look at it en route tomorrow.

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Tuesday, May 16, 2006 2:51 PM

**To:**

**Subject:** Re: board of advisers presentation

I haven't sent it yet. If you need to leave early, you can look at what I have so far, which does not have the intro or the text regarding the final report. --- Peggy

"Tova Wang"

05/16/2006 03:47 PM

To psims@eac.gov

cc

Subject board of advisers presentation

Hi Peg, Have you tried to send me the presentation? I haven't gotten it, but I think we may be having email problems. Let me know. I'd need to look at it today since I'll be tied up tomorrow.  
Tova

**Tova Andrea Wang**  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

019373



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[Click here](#) to receive our weekly e-mail updates.

---

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"

05/16/2006 12:09 PM

To "Tova Wang" <[REDACTED]@psims@eac.gov>

cc [REDACTED]

Subject RE: Corrections

I agree!

--- Tova Wang <[REDACTED]> wrote:

> I still think its sufficient for him to raise the  
> points verbally. All of  
> the interview summaries reflect what Job and I both  
> understood the  
> interviewees to say. This really opens to the door  
> to people making, as Job  
> says, "corrections"

>  
> -----Original Message-----  
> From: psims@eac.gov [mailto:psims@eac.gov]  
> Sent: Tuesday, May 16, 2006 10:47 AM  
> To: wang@tcf.org  
> Cc: serebrov@sbcglobal.net  
> Subject: RE: Corrections

>  
>  
> Might not be a bad idea before the final report is  
> prepared, but I would not  
> worry about it for Thursday's meeting. I'm only  
> concerned with the Donsanto  
> interview summary because he will be attending the  
> meeting. --- Peggy

>  
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims/EAC/GOV

05/16/2006 11:47 AM

To "Tova Wang" <wang@tcf.org>@GSAEXTERNAL

cc [REDACTED]

Subject RE: Corrections

Might not be a bad idea before the final report is prepared, but I would not worry about it for Thursday's.

019374

meeting. I'm only concerned with the Donsanto interview summary because he will be attending the meeting. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV

05/16/2006 10:59 AM

To Tova Andrea Wang, Job Serebrov

cc

Subject Fw: Your Materials

See corrections from Donsanto at DOJ. We should probably provide corrected versions to the Working Group. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 05/16/2006 10:58 AM -----



"Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov>

05/16/2006 10:46 AM

To psims@eac.gov

cc

Subject Your Materials

Peg --

I have read over the materials you sent to me and viewed the pieces on the CD.

I have only one correction:

I did not say that offenders who receive target letters routinely request -- or routinely receive -- audiences here at DOJHQ. That is very rare. Instead, what usually happens is that once a subject for an election fraud investigation is advised that he or she is going to be charged that person usually enters into plea negotiations and ultimately pleads guilty. Very few federal election fraud cases go to trial. When a subject does request a HQ interview or a HW hearing, it would be held in the first instance by myself. But again, Peg, that is rare.

Also, while the occurrences of prosecutions of isolated instances of felons and alien voters and double voters has increased, we still aggressively and I believe quite successfully pursue systematic schemes to corrupt the electoral process, as the cases we brought recently out of Knott and Pike Counties in Kentucky, those we brought out of Lincoln and Logan Counties in West Virginia, and those we brought in New Hampshire growing out of the jamming of get-out-the-vote phone bank lines attest.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

05/15/2006 09:56 AM

To dromig@eac.gov

cc psims@eac.gov

Subject RE: I'm sorry

Great -- thanks so much and apologies for the false alarm.

-----Original Message-----

019375

**From:** dromig@eac.gov [mailto:dromig@eac.gov]  
**Sent:** Monday, May 15, 2006 8:51 AM  
**To:** [REDACTED]  
**Cc:** psims@eac.gov  
**Subject:** RE: I'm sorry

This article is on the CD, it is located in the "Nexis Article Charts" folder.

Devon Romig  
United States Election Assistance Commission  
1225 New York Ave. NW, Suite 1100  
Washington, DC 20005  
202.566.2377 phone  
202.566.3128 fax  
www.eac.gov

"Tova Wang": [REDACTED]

05/15/2006 09:26 AM

To psims@eac.gov  
cc dromig@eac.gov  
Subject RE: I'm sorry

Thats good. I'm probably just getting crazy, trying to make sure everything is perfect. Devon, maybe you can check? Otherwise I'll check it when it comes. Thanks. And be well Peg.

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Monday, May 15, 2006 8:23 AM  
**To:** Tova Andrea Wang  
**Subject:** Re: I'm sorry

Tova:

I think you did send this --- or is this a revised version of one you sent earlier? It should be on the CD in the packet you should receive today.. (Can't check that right now as I am at the clinic.) If I put anything on the CD that you want to highlight at the meeting, let me know and we'll make copies for those attending.

Peggy

-----  
Sent from my BlackBerry Wireless Handheld

---

----- Original Message -----  
**From:** "Tova Wang" [wang@tcf.org]

019376

**Sent:** 05/15/2006 09:07 AM  
**To:** Margaret Sims  
**Cc:** Devon Romig  
**Subject:** I'm sorry

I don't think I sent this to you either. Can we hand it out at the meeting as an addendum? Its another summary that would have gone in the news article section. I'm usually so organized, I'm very embarrassed. Too many things! Thanks

**Tova Andrea Wang**  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

Visit our Web site, [www.tcf.org](http://www.tcf.org), for the latest news, analysis, opinions, and events.

---

[Click here](#) to receive our weekly e-mail updates.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims/EAC/GOV  
05/16/2006 08:43 AM

To "Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL  
cc

Subject Re: Voting Fraud-Voter Intimidation Working Group 

Here is the content of the email attachment:

### **Existing Research Analysis**

There are many reports and books that describe anecdotes and draw broad conclusions from a large array of incidents. There is little research that is truly systematic or scientific. The most systematic look at fraud is the report written by Lori Minnite. The most systematic look at voter intimidation is the report by Laughlin McDonald. Books written about this subject seem to all have a political bias and a pre-existing agenda that makes them somewhat less valuable.

Researchers agree that measuring something like the incidence of fraud and intimidation in a scientifically legitimate way is extremely difficult from a methodological perspective and would require resources beyond the means of most social and political scientists. As a result, there is much more written on this topic by advocacy groups than social scientists. It is hoped that this gap will be filled in the "second phase" of this EAC project.

Moreover, reports and books make allegations but, perhaps by their nature, have little follow up. As a result, it is difficult to know when something has remained in the stage

019377

of being an allegation and gone no further, or progressed to the point of being investigated or prosecuted or in any other way proven to be valid by an independent, neutral entity. This is true, for example, with respect to allegations of voter intimidation by civil rights organizations, and, with respect to fraud, John Fund's frequently cited book. Again, this is something that it is hoped will be addressed in the "second phase" of this EAC project by doing follow up research on allegations made in reports, books and newspaper articles.

Other items of note:

- There is as much evidence, and as much concern, about structural forms of disenfranchisement as about intentional abuse of the system. These include felon disenfranchisement, poor maintenance of databases and identification requirements.
- There is tremendous disagreement about the extent to which polling place fraud, e.g. double voting, intentional felon voting, noncitizen voting, is a serious problem. On balance, more researchers find it to be less of a problem than is commonly described in the political debate, but some reports say it is a major problem, albeit hard to identify.
- There is substantial concern across the board about absentee balloting and the opportunity it presents for fraud.
- Federal law governing election fraud and intimidation is varied and complex and yet may nonetheless be insufficient or subject to too many limitations to be as effective as it might be.
- Deceptive practices, e.g. targeted flyers and phone calls providing misinformation, were a major problem in 2004.
- Voter intimidation continues to be focused on minority communities, although the American Center for Voting Rights uniquely alleges it is focused on Republicans.

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov>  
v>

05/15/2006 04:53 PM

To psims@eac.gov

cc

Subject Re: Voting Fraud-Voter Intimidation Working Group

Peggy --

I am currently on train in transit back from a day in Newark. I tried to recover your attachment on Blackberry but got a message telling me the "file is empty."

019378

Can you paste it to an e-mail perhaps?

-----  
Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>

To: [REDACTED]

Sent: Mon May 15 16:37:48 2006

Subject: Voting Fraud-Voter Intimidation Working Group

Dear Working Group Members and Participants:

You should receive a packet of information today, either by Federal Express or hand delivery, concerning Thursday's meeting of the project Working Group for EAC's Voting Fraud-Voter Intimidation research project. Attached is an analysis of the consultants' research into relevant literature and reports. This summary was not available when we prepared the information packets last Friday, but may be of interest to you. Our consultants and I look forward to having a productive discussion with you.

Regards,

Peggy Sims

Election Research Specialist

U.S. Election Assistance Commission

1225 New York Ave, NW - Ste 1100

Washington, DC 20005

Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)

Fax: 202-566-3127

email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

**Margaret Sims/EAC/GOV**

05/19/2006 02:51 PM

To Craig Donsanto

cc

Subject Voting Fraud-Voter Intimidation Project-Nexis Word Search

Craig;

019379

You asked about the Nexis search terms used by our consultants. The list follows. --- Peggy.

Election and fraud  
Voter and fraud  
Vote and fraud  
Voter and challenge  
Vote and challenge  
Election and challenge  
Election and irregularity  
Election and irregularities  
Election and violation  
Election and stealing  
Ballot box and tampering  
Ballot box and theft  
Ballot box and stealing  
Election and officers  
Election and Sheriff  
Miscount and votes  
Election and crime  
Election and criminal  
Vote and crime  
Vote and criminal  
Double voting  
Multiple voting  
Dead and voting  
Election and counting and violation  
Election and counting and error  
Vote and counting and violation  
Vote and counting and error  
Voter and intimidation  
Voter and intimidating  
Vote and intimidation  
Denial and voter and registration  
Voter identification  
Vote and identification  
Voter and racial profiling  
Vote and racial profiling  
Voter and racial  
Vote and racial  
Voter and racial and challenge  
Vote and racial and challenge  
Voter and deny and racial  
Vote and deny and racial  
Voter and deny and challenge  
Vote and deny and challenge

019386

Voter and deny and black  
Vote and deny and black  
Voter and black and challenge  
Vote and black and challenge  
Voter and deny and African American  
Vote and deny and African American  
Voter and African American and challenge  
Vote and African American and challenge  
Election and black and challenge  
Election and African American and challenge  
Voter and deny and Hispanic  
Voter and deny and Latino  
Vote and deny and Hispanic  
Vote and deny and Latino  
Voter and Hispanic and challenge  
Voter and Latino and challenge  
Vote and Hispanic and challenge  
Vote and Latino and challenge  
Election and Hispanic and challenge  
Election and Latino and challenge  
Voter and deny and Native American  
Vote and deny and Native American  
Voter and Native American and challenge  
Vote and Native American and challenge  
Election and Native American and challenge  
Voter and deny and Asian American  
Vote and deny and Asian American  
Voter and Asian American and challenge  
Vote and Asian American and challenge  
Voter and Asian American and challenge  
Election and Asian American and challenge  
Voter and deny and Indian  
Vote and deny and Indian  
Voter and Indian and challenge  
Vote and Indian and challenge  
Election and Indian and challenge  
Poll tax  
Voting and test  
Absentee ballot and deny  
Absentee ballot and reject  
Absentee ballot and challenge  
Vote and challenge  
Voter and challenge  
Election and challenge  
Vote and police

019381



Voter and police  
Poll and police  
Vote and law enforcement  
Voter and law enforcement  
Poll and law enforcement  
Vote and deceptive practices  
Voter and deceptive practices  
Election and deceptive practices  
Voter and deceive  
Voter and false information  
Dirty tricks  
Vote and felon  
Vote and ex-felon  
Disenfranchisement  
Disenfranchise  
Law and election and manipulation  
Vote and purging  
Vote and purge  
Registration and removal  
Registration and purging  
Registration and purge  
Vote buying  
Vote and noncitizen  
Voter and noncitizen  
Vote and selective enforcement  
Identification and selective  
Election and misinformation  
Registration and restrictions  
Election and administrator and fraud  
Election and official and fraud  
Provisional ballot and deny  
Provisional ballot and denial  
Affidavit ballot and deny  
Affidavit ballot and denial  
Absentee ballot and coerce  
Absentee ballot and coercion  
Registration and destruction  
Voter and deter  
Vote and deterrence  
Voter and deterrence  
Ballot integrity  
Ballot security  
Ballot security and minority  
Ballot security and black  
Ballot security and African American

019382

Ballot security and Latino  
Ballot security and Hispanic  
Ballot security and Native American  
Ballot security and Indian  
Vote and suppression  
Minority and vote and suppression  
Black and vote and suppression  
African American and vote and suppression  
Latino and vote and suppression  
Hispanic and vote and suppression  
Native American and vote and suppression  
Vote and suppress  
Minority and vote and suppress  
African American and vote and suppress  
Latino and vote and suppress  
Native American and vote and suppress  
Vote and depress  
Jim Crow  
Literacy test  
Voter and harass  
Voter and harassment  
Vote and mail and fraud  
Poll and guards  
Election and consent decree  
Vote and barrier  
Voting and barrier  
Voter and barrier  
Election and long line  
Voter and long line

Poll worker and challenge  
Poll worker and intimidate  
Poll worker and intimidation  
Poll worker and intimidating  
Poll worker and threatening  
Poll worker and abusive  
Election official and challenge  
Election official and intimidate  
Election official and intimidation  
Election official and intimidating  
Election official and threatening  
Election official and abusive  
Poll watcher and challenge  
Poll watcher and intimidate  
Poll watcher and intimidating

Poll watcher and intimidation  
Poll watcher and abusive  
Poll watcher and threatening  
Poll inspector and challenge  
Poll inspector and intimidate  
Poll inspector and intimidating  
Poll inspector and intimidation  
Poll inspector and abusive  
Poll inspector and threatening  
Poll judge and challenge  
Poll judge and intimidate  
Poll judge and intimidating  
Poll judge and intimidation  
Poll judge and abusive  
Poll judge and threatening  
Poll monitor and challenge  
Poll monitor and intimidate  
Poll monitor and intimidating  
Poll monitor and intimidation  
Poll monitor and abusive  
Poll monitor and threatening  
Election judge and challenge  
Election judge and intimidate  
Election judge and intimidating  
Election judge and intimidation  
Election judge and abusive  
Election judge and threatening  
Election monitor and challenge  
Election monitor and intimidate  
Election monitor and intimidating  
Election monitor and intimidation  
Election monitor and abusive  
Election monitor and threatening  
Election observer and challenge  
Election observer and intimidate  
Election observer and intimidating  
Election observer and intimidation  
Election observer and abusive  
Election observer and threatening

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims/EAC/GOV

05/16/2006 03:37 PM

To "Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL  
cc

Subject RE: Your Materials 

019384

OK. --- Peg

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov>  
>

05/16/2006 03:17 PM

To psims@eac.gov

cc

Subject RE: Your Materials

Let me try to do it, Peg. Again what I do not want to see occur is for the LCCR to start attacking us. We have more in common with them than I had originally assumed, thanks to the write-ups of their interviews. We need to promote what we have in common not try to score political points. But I will try to correct the records as long as you will agree you heard what I said the way I know I said it!

---

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Tuesday, May 16, 2006 3:14 PM

**To:** Donsanto, Craig

**Subject:** RE: Your Materials

I fully understand. Do you want me to prepare a correction sheet for the Working Group, placing your second and more important point first, or do you want to handle this verbally at the meeting? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 02:55 PM

Topsims@eac.gov

cc

Subject RE: Your Materials

The first item is not as big a deal as the second one: the processes under which subjects of investigations come to Jesus is not as important as the overall assessment of our law enforcement achievements. But stressing the isolated test cases we brought - - and will continue to bring - - to deter things like felon voting, alien voting and double voting, which not mentioning such significant achievements as the five case PROJECTS mentioned in my last e-mail - - misrepresents what we are doing and the deterrent message we are trying to communicate.

019385

I appreciate that these two young people may have found themselves in a Brave New World when they came over here. It showed in their questioning. But the fact that criminal law enforcement is not at all similar to preventative legal relief (as under the Voting Rights Act) or civil relief (as election contest litigation) is I guess more of a problem than I at first foresaw. My real concern is that the civil rights groups - - with whom we over here have an amazing amount of common grounds - - will take the singling out of the felon and alien voter cases as evincing a malevolent aggression on their constituencies. That is not the case. We are only enforcing the law.

---

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Tuesday, May 16, 2006 2:47 PM  
**To:** Donsanto, Craig  
**Subject:** RE: Your Materials

I think they are panicking because they are preparing to travel tomorrow and may not have time to submit a revised version. They also are resisting changes to their interview summaries because the summaries represent what they think they heard. I was there at the interview and I heard what you said. I'm not sure that either of them heard everything (including the nuances) because so much of the information was new to them and it was one of their earlier interviews. I'm sorry I did not catch the defects before the summary went out.

My first concern is ensuring that the Working Group has the correct information. Then, we can deal with what version, *if any*, goes in the final report. Do you want me to excerpt the corrections from your email and submit them to the Working Group? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 01:41 PM

Topsims@eac.gov  
cc  
Subject: RE: Your Materials

019386

Sure. But where is the resistance coming from? The notes were not accurate. As you know, I have to be very concerned about that.

---

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Tuesday, May 16, 2006 12:34 PM  
**To:** Donsanto, Craig  
**Subject:** RE: Your Materials

Craig:

I am getting some resistance from my consultants to correcting the summary of the interview prior to the meeting. Would you mind noting the corrections at the meeting? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 12:06 PM

Topsims@eac.gov  
cc  
SubjectRE: Your Materials

Thank you, Peg. This stuff is very interesting.

019387

---

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Tuesday, May 16, 2006 11:27 AM  
**To:** Donsanto, Craig  
**Subject:** Re: Your Materials

I have forwarded your message to our consultants and have requested a corrected version for distribution at the WG meeting. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 10:46 AM

Topsims@eac.gov  
cc  
SubjectYour Materials

Peg - -

I have read over the materials you sent to me and viewed the pieces on the CD.

019388

I have only one correction:

I did not say that offenders who receive target letters routinely request - - or routinely receive - - audiences here at DOJHQ. That is very rare. Instead, what usually happens is that once a subject for an election fraud investigation is advised that he or she is going to be charged that person usually enters into plea negotiations and ultimately pleads guilty. Very few federal election fraud cases go to trial. When a subject does request a HQ interview or a HW hearing, it would be held in the first instance by myself. But again, Peg, that is rare.

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

05/16/2006 11:03 AM

To psims@eac.gov

cc

Subject RE: Your Materials

I think he can just raise these points at the meeting, no? I'm sure many we interviewed would say we misquoted them on something. This is what both Job and I remember him saying. I think it would be unfair for him to change/amend his interview without giving the same opportunity to the other interviewees.

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Tuesday, May 16, 2006 9:59 AM

**To:**

**Subject:** Fw: Your Materials

See corrections from Donsanto at DOJ. We should probably provide corrected versions to the Working Group. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 05/16/2006 10:58 AM -----

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 10:46 AM

To psims@eac.gov

cc

Subject Your Materials

019399



Peg --

I have read over the materials you sent to me and viewed the pieces on the CD.

I have only one correction:

I did not say that offenders who receive target letters routinely request -- or routinely receive -- audiences here at DOJHQ. That is very rare. Instead, what usually happens is that once a subject for an election fraud investigation is advised that he or she is going to be charged that person usually enters into plea negotiations and ultimately pleads guilty. Very few federal election fraud cases go to trial. When a subject does request a HQ interview or a HW hearing, it would be held in the first instance by myself. But again, Peg, that is rare.

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov  
v>  
05/19/2006 03:17 PM

To psims@eac.gov  
cc "Simmons, Nancy" <Nancy.Simmons@usdoj.gov>  
Subject Re: Voting Fraud-Voter Intimidation Project-Nexis Word Search

Peggy --

I was just thinking of you!

Great session yesterday. I really enjoyed it. Robust discussion.

On another subject, Nancy Simmons needs the e-mail address of NASED. Can you give her both that and the website address for them? Her e-mail is nancy.simmons@usdoj.gov.

-----  
Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>  
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>  
Sent: Fri May 19 14:51:21 2006  
Subject: Voting Fraud-Voter Intimidation Project-Nexis Word Search

Craig;

You asked about the Nexis search terms used by our consultants. The list

019396

follows. --- Peggy.

Election and fraud  
Voter and fraud  
Vote and fraud  
Voter and challenge  
Vote and challenge  
Election and challenge  
Election and irregularity  
Election and irregularities  
Election and violation  
Election and stealing  
Ballot box and tampering  
Ballot box and theft  
Ballot box and stealing  
Election and officers  
Election and Sheriff  
Miscount and votes  
Election and crime  
Election and criminal  
Vote and crime  
Vote and criminal  
Double voting  
Multiple voting  
Dead and voting  
Election and counting and violation  
Election and counting and error  
Vote and counting and violation  
Vote and counting and error  
Voter and intimidation  
Voter and intimidating  
Vote and intimidation  
Denial and voter and registration  
Voter identification  
Vote and identification  
Voter and racial profiling  
Vote and racial profiling  
Voter and racial  
Vote and racial  
Voter and racial and challenge  
Vote and racial and challenge  
Voter and deny and racial  
Vote and deny and racial  
Voter and deny and challenge  
Vote and deny and challenge  
Voter and deny and black  
Vote and deny and black  
Voter and black and challenge  
Vote and black and challenge  
Voter and deny and African American  
Vote and deny and African American  
Voter and African American and challenge  
Vote and African American and challenge  
Election and black and challenge  
Election and African American and challenge  
Voter and deny and Hispanic  
Voter and deny and Latino  
Vote and deny and Hispanic  
Vote and deny and Latino  
Voter and Hispanic and challenge  
Voter and Latino and challenge

019391

Vote and Hispanic and challenge  
Vote and Latino and challenge  
Election and Hispanic and challenge  
Election and Latino and challenge  
Voter and deny and Native American  
Vote and deny and Native American  
Voter and Native American and challenge  
Vote and Native American and challenge  
Election and Native American and challenge  
Voter and deny and Asian American  
Vote and deny and Asian American  
Voter and Asian American and challenge  
Vote and Asian American and challenge  
Voter and Asian American and challenge  
Election and Asian American and challenge  
Voter and deny and Indian  
Vote and deny and Indian  
Voter and Indian and challenge  
Vote and Indian and challenge  
Election and Indian and challenge  
Poll tax  
Voting and test  
Absentee ballot and deny  
Absentee ballot and reject  
Absentee ballot and challenge  
Vote and challenge  
Voter and challenge  
Election and challenge  
Vote and police  
Voter and police  
Poll and police  
Vote and law enforcement  
Voter and law enforcement  
Poll and law enforcement  
Vote and deceptive practices  
Voter and deceptive practices  
Election and deceptive practices  
Voter and deceive  
Voter and false information  
Dirty tricks  
Vote and felon  
Vote and ex-felon  
Disenfranchisement  
Disenfranchise  
Law and election and manipulation  
Vote and purging  
Vote and purge  
Registration and removal  
Registration and purging  
Registration and purge  
Vote buying  
Vote and noncitizen  
Voter and noncitizen  
Vote and selective enforcement  
Identification and selective  
Election and misinformation  
Registration and restrictions  
Election and administrator and fraud  
Election and official and fraud  
Provisional ballot and deny  
Provisional ballot and denial

019392

Affidavit ballot and deny  
Affidavit ballot and denial  
Absentee ballot and coerce  
Absentee ballot and coercion  
Registration and destruction  
Voter and deter  
Vote and deterrence  
Voter and deterrence  
Ballot integrity  
Ballot security  
Ballot security and minority  
Ballot security and black  
Ballot security and African American  
Ballot security and Latino  
Ballot security and Hispanic  
Ballot security and Native American  
Ballot security and Indian  
Vote and suppression  
Minority and vote and suppression  
Black and vote and suppression  
African American and vote and suppression  
Latino and vote and suppression  
Hispanic and vote and suppression  
Native American and vote and suppression  
Vote and suppress  
Minority and vote and suppress  
African American and vote and suppress  
Latino and vote and suppress  
Native American and vote and suppress  
Vote and depress  
Jim Crow  
Literacy test  
Voter and harass  
Voter and harassment  
Vote and mail and fraud  
Poll and guards  
Election and consent decree  
Vote and barrier  
Voting and barrier  
Voter and barrier  
Election and long line  
Voter and long line

Poll worker and challenge  
Poll worker and intimidate  
Poll worker and intimidation  
Poll worker and intimidating  
Poll worker and threatening  
Poll worker and abusive  
Election official and challenge  
Election official and intimidate  
Election official and intimidation  
Election official and intimidating  
Election official and threatening  
Election official and abusive  
Poll watcher and challenge  
Poll watcher and intimidate  
Poll watcher and intimidating  
Poll watcher and intimidation  
Poll watcher and abusive  
Poll watcher and threatening

Poll inspector and challenge  
Poll inspector and intimidate  
Poll inspector and intimidating  
Poll inspector and intimidation  
Poll inspector and abusive  
Poll inspector and threatening  
Poll judge and challenge  
Poll judge and intimidate  
Poll judge and intimidating  
Poll judge and intimidation  
Poll judge and abusive  
Poll judge and threatening  
Poll monitor and challenge  
Poll monitor and intimidate  
Poll monitor and intimidating  
Poll monitor and intimidation  
Poll monitor and abusive  
Poll monitor and threatening  
Election judge and challenge  
Election judge and intimidate  
Election judge and intimidating  
Election judge and intimidation  
Election judge and abusive  
Election judge and threatening  
Election monitor and challenge  
Election monitor and intimidate  
Election monitor and intimidating  
Election monitor and intimidation  
Election monitor and abusive  
Election monitor and threatening  
Election observer and challenge  
Election observer and intimidate  
Election observer and intimidating  
Election observer and intimidation  
Election observer and abusive  
Election observer and threatening

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

**Margaret Sims /EAC/GOV**

05/17/2006 09:56 AM

To Craig Donsanto

cc

Subject Report on Voting Fraud-Voter Intimidation Research

Craig:

I'm putting the finishing touches on a status report to the EAC Standards Board and EAC Board of Advisors on our Voting Fraud-Voter Intimidation research project. For the most part, I am using our consultants summaries for the report, but one bullet under the interview summaries is giving me heartburn. It is the bullet that references the decrease in DOJ voter intimidation actions. It is one of the places in which our consultants had indicated that your office is focussing on prosecuting individuals. I have reworded it and would like your feedback on the revision:

Several people indicate - including representatives from DOJ -- that for various reasons, the Department of Justice is bringing fewer voter intimidation and suppression cases now, and has

019395

increased its focus on matters such as noncitizen voting, double voting, and felon voting. While the Voting Section of the Civil Rights Division focuses on systemic patterns of malfeasance, the Election Crimes Branch of the Public Integrity Section has increased prosecutions of individual instances of felon, alien, and double voting while also maintaining an aggressive pursuit of systematic schemes to corrupt the electoral process.

Please suggest any changes that you think would further clarify the current approach. --- Peggy  
----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV

05/15/2006 01:09 PM

To "Tova Wang" [REDACTED]@GSAEXTERNAL

cc

Subject Re: Thursday

No problem. I've got the conference room reserved from Noon to 6 PM, so you can come earlier. --- Peggy

"Tova Wang" [REDACTED]



"Tova Wang"

05/15/2006 11:36 AM

To psims@eac.gov

cc

Subject thursday

Is it OK if I come around 12:30 or so to make sure I have all my materials arranged properly for presentation? Thanks.

Tova Andrea Wang  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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[Click here](#) to receive our weekly e-mail updates.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

05/31/2006 01:50 PM

To psims@eac.gov

cc [REDACTED]

Subject RE: Working Group Notes

019396

Peg, I'm sorry, but this is really not helpful. Its another outline. I guess we have to wait for the transcript. I wish now I had taken notes myself! Thanks anyway. Tova

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Wednesday, May 31, 2006 12:31 PM

**To:** [REDACTED]

**Cc:** serebrov@sbcglobal.net

**Subject:** Re: Working Group Notes

Sorry. We have had so much going on, I did not have time to send the attached to you last week. This is Devon's compilation of notes taken by EAC staff at the working group meeting. --- Peggy

"Tova Wang" [REDACTED]

05/31/2006 11:26 AM

To psims@eac.gov  
cc  
Subject notes

Hi Peg,

How are you? I was wondering, whatever happened to getting the collective notes of the EAC staff? Thanks. Tova

**Tova Andrea Wang**  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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---

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang" [REDACTED]

05/31/2006 11:26 AM

To psims@eac.gov  
cc

019397





Subject notes

Hi Peg,

How are you? I was wondering, whatever happened to getting the collective notes of the EAC staff?  
Thanks. Tova

**Tova Andrea Wang**  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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[Click here](#) to receive our weekly e-mail updates.

---

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims/EAC/GOV  
05/31/2006 01:30 PM

To "Tova Wang" <[REDACTED]>  
cc s [REDACTED]  
Subject Re: Working Group Notes [REDACTED]

Sorry. We have had so much going on, I did not have time to send the attached to you last week. This is Devon's compilation of notes taken by EAC staff at the working group meeting. --- Peggy



VFVI Meeting Summary.doc

"Tova Wang" <wang@tcf.org>



"Tova Wang"  
[REDACTED]  
05/31/2006 11:26 AM

To psims@eac.gov  
cc  
Subject notes

Hi Peg,

How are you? I was wondering, whatever happened to getting the collective notes of the EAC staff?  
Thanks. Tova

Tova Andrea Wang  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

[REDACTED]  
06/02/2006 04:50 PM

To psims@eac.gov  
cc  
Subject transcript

Hi Peg,

Do you have an ETA for the transcript? Seems like it should be around now. Thanks and have a great weekend. Tova

Tova Andrea Wang  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



[REDACTED]  
06/08/2006 09:15 AM

To psims@eac.gov  
cc [REDACTED]  
Subject

Hi, Whats going on? I have not received responses from either one of you in a week. I'd like to wrap this up in the next two weeks if we can. Did you get my recommendations? Thanks.

Tova

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV

019398

06/08/2006 09:35 AM

To wang@tcf.org@GSAEXTERNAL  
cc serebrov@sbcglobal.net  
Subject Re: [icon]

Sorry. We have been swamped with other program activities and preparations for today's testimony before House Admin. We have not yet received the transcript of the Working Group session. Devon checked with the court reporter, who said it will be delivered today. --- Peggy

[REDACTED]



[REDACTED]  
06/08/2006 09:15 AM

To psims@eac.gov  
cc "Job Serebrov" [REDACTED]  
Subject

Hi, Whats going on? I have not received responses from either one of you in a week. I'd like to wrap this up in the next two weeks if we can. Did you get my recommendations? Thanks.

Tova

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



[REDACTED]  
06/14/2006 08:56 PM

To "Job Serebrov" [REDACTED] psims@eac.gov  
cc  
Subject Re: teleconference

Let's try to do that. Peg, you will call us 5 pm EST?

----- Original Message -----

From: "Job Serebrov" [REDACTED]  
To: "Tova Wang" [REDACTED]  
Sent: Wednesday, June 14, 2006 6:29 PM  
Subject: Re: teleconference

> Wednesday next week? It would have to be 6 pm.  
>  
> --- Tova Wang [REDACTED] wrote:  
>  
>> Hi Job,  
>>  
>> Peg tells me that we should now be getting the  
>> transcript early next week.  
>> Regardless, we should talk about the organization

019399

>> and distribution of work  
>> on the final report and try to finally get it done.  
>> Would it be possible  
>> for you to do a call before you leave for work in  
>> the morning, say 8 am your  
>> time, on Wednesday? If not, could you do 6 pm your  
>> time on Wednesday?  
>> Thanks.  
>>  
>> Tova  
>>  
>> Tova Andrea Wang  
>> Democracy Fellow  
>> The Century Foundation  
>> 41 East 70th Street - New York, NY 10021  
>> phone: 212-452-7704 fax: 212-535-7534  
>>  
>> Visit our Web site, <<http://www.tcf.org/>>  
>> [www.tcf.org](http://www.tcf.org), for the latest news,  
>> analysis, opinions, and events.  
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>> <<mailto:join-tcfmain@mailhost.groundspring.org>>  
>> Click here to receive our  
>> weekly e-mail updates.  
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

06/09/2006 08:53 AM

To psims@eac.gov

cc

Subject FW: Transcript & Teleconference

Hi Peg,

How do you recommend dealing with this? I have this feeling like he's trying to create a situation where I will have to write it myself. Thanks. Tova

-----Original Message-----

From: Job Serebrov [<mailto:>]  
Sent: Thursday, June 08, 2006 9:42 PM  
To: psims@eac.gov;  
Subject: Re: Transcript & Teleconference

Peggy:

I can't predict when I get home but it is between 5:30

019400

and 6:30 my time. I know that is generally too late to have a teleconference.

I plan to review Tova's recommendations this weekend and work on my own as well as expanding the explanation of the case section.

Please see what your financial officer did with regards to my travel.

Thank you,

Job

--- psims@eac.gov wrote:

> What time do you arrive home from work? Perhaps we  
> could talk then?  
>  
> Re your question on the mileage, I have approached  
> our Financial Officer  
> with a request that you receive full reimbursement  
> on the grounds that  
> your actual total travel costs are less than the  
> estimated total travel  
> costs if you had flown to DC, stayed in our more  
> expensive hotels, and  
> received the higher per diem for 3 days (instead of  
> 1). I have not yet  
> received a response from her and she has been out of  
> the office much of  
> this week, so I don't know what she decided to do.  
> --- Peggy

>  
>  
> "Job Serebrov" <[REDACTED]>  
> 06/08/2006 01:10 PM  
>  
> To  
> psims@eac.gov, [REDACTED]  
> cc  
> serebrov@sbcglobal.net  
> Subject  
> Re: Transcript & Teleconference

>  
>  
>  
>  
> Peg:  
>  
> I just arrived home for lunch. I can no longer take  
> time during the work day for telephone conferences.  
> As  
> I told you I will need to finish this project after  
> daily working hours. I am still getting things done  
> from being out for ten days. I will review Tova's recommendations and  
> expand on mine this weekend.

019401



> > >  
> > > 06/08/2006 09:42 To  
> > > AM  
> > psims@eac.gov  
> > > cc  
> > >  
> > > [REDACTED]  
> > > Subject

Re: Re:

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> > > How will you be getting it to us? Will it be  
> > > something you can email?  
> > > And  
> > >  
> > > can we set up a call for some time in the next  
> > > few  
> > > days? Thanks.

> > > ----- Original Message -----  
> > > From: <psims@eac.gov>  
> > > To: [REDACTED]  
> > > Cc: [REDACTED]  
> > > Sent: Thursday, June 08, 2006 9:35 AM  
> > > Subject: Re:

> > >  
> > >  
> > >  
> > >> Sorry. We have been swamped with other program  
> > >> activities and  
> > >> preparations  
> > >> for today's testimony before House Admin. We  
> > >> have not yet received the  
> > >> transcript of the Working Group session. Devon  
> > >> checked with the court  
> > >> reporter, who said it will be delivered today.  
> > >> --- Peggy

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> > >>  
> > >>  
> > >>  
> > >> [REDACTED]

> > >> 06/08/2006 09:15 To  
> > >> AM  
> > psims@eac.gov  
> > >> cc  
> > >>  
> > >> "Job

> > >>  
> > >> [REDACTED]  
> > >> Subject

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019403

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> > >> Hi, Whats going on? I have not received  
> > responses from either one of  
> > > you  
> > >> in a week. I'd like to wrap this up in the next  
> > two weeks if we can.  
> > Did  
> > >> you get my recommendations? Thanks.  
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> > >> Tova  
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims/EAC/GOV

06/09/2006 09:09 AM

To "Tova Wang" [REDACTED]@GSAEXTERNAL

cc

Subject Re: FW: Transcript & Teleconference [REDACTED]

I sent him an email to find out when he is home from work. Perhaps lunch time or early evening will work for him. I plan to include him in all correspondence regarding the final report and do expect him to contribute. He has already responded that he might be able to add to the draft recommendations you submitted (which would have to be reviewed by you), so let's see. As of this morning, I still don't have the transcript. --- Peggy

"Tova Wang" [REDACTED]



"Tova Wang"

06/09/2006 08:53 AM

To psims@eac.gov

cc

Subject FW: Transcript & Teleconference

019404



Hi Peg,

How do you recommend dealing with this? I have this feeling like he's trying to create a situation where I will have to write it myself. Thanks. Tova

-----Original Message-----

From: Job Serebrov [mailto: [REDACTED]]  
Sent: Thursday, June 08, 2006 9:42 PM  
To: psims@eac.gov; [REDACTED]  
Subject: Re: Transcript & Teleconference

Peggy:

I can't predict when I get home but it is between 5:30 and 6:30 my time. I know that is generally too late to have a teleconference.

I plan to review Tova's recommendations this weekend and work on my own as well as expanding the explanation of the case section.

Please see what your financial officer did with regards to my travel.

Thank you,

Job

--- psims@eac.gov wrote:

> What time do you arrive home from work? Perhaps we  
> could talk then?  
>  
> Re your question on the mileage, I have approached  
> our Financial Officer  
> with a request that you receive full reimbursement  
> on the grounds that  
> your actual total travel costs are less than the  
> estimated total travel  
> costs if you had flown to DC, stayed in our more  
> expensive hotels, and  
> received the higher per diem for 3 days (instead of  
> 1). I have not yet  
> received a response from her and she has been out of  
> the office much of  
> this week, so I don't know what she decided to do.  
> --- Peggy  
>  
>  
>  
> "Job Serebrov" < [REDACTED] >  
> 06/08/2006 01:10 PM  
>  
> To  
> psims@eac.gov, wang@tcf.org

019405

> CC  
> [REDACTED]  
> Subject  
> Re: Transcript & Teleconference  
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>  
> Peg:  
>  
> I just arrived home for lunch. I can no longer take  
> time during the work day for telephone conferences.  
> As  
> I told you I will need to finish this project after  
> daily working hours. I am still getting things done  
> from being out for ten days. I will review Tova's recommendations and  
> expand on mine this weekend.  
>  
> Also, I sent you an e-mail asking how you handled  
> the  
> mileage portion of my travel voucher?  
>  
> Job  
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>  
> --- psims@eac.gov wrote:  
>  
> > 4 PM EST is fine with me, if it works for Job.  
> ---  
> > Peggy  
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> >  
> > [REDACTED]  
> > 06/08/2006 10:10 AM  
> >  
> > To  
> > psims@eac.gov  
> > cc  
> > [REDACTED]  
> > Subject  
> > Re: Transcript & Teleconference  
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> >  
> > Can we make it 4 est? I have another meeting at  
> > 3.  
> > ----- Original Message -----  
> > From: <psims@eac.gov>  
> > To: [REDACTED]  
> > Cc: [REDACTED]  
> > Sent: Thursday, June 08, 2006 9:55 AM  
> > Subject: Re: Transcript & Teleconference  
> >

> >  
> > >  
> > > I'll see how it comes in. I hope we receive an  
> > > electronic copy. If we  
> > > only receive a hard copy, we can pdf it and  
> > > email  
> > > it to the two of you.  
> > > How about Monday afternoon at 3 PM EST for a  
> > > brief  
> > > teleconference? I  
> > > really can't do it before them because of other  
> > > commitments. --- Peggy

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06/08/2006 09:42 To  
AM

> > > psims@eac.gov  
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> > > Subject

Re: Re:

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> > > How will you be getting it to us? Will it be  
> > > something you can email?  
> > > And

> > >  
> > > can we set up a call for some time in the next  
> > > few

> > > days? Thanks.

> > > ----- Original Message -----

> > > From: <psims@eac.gov>

> > > To: [REDACTED]

> > > Cc: [REDACTED]

> > > Sent: Thursday, June 08, 2006 9:35 AM

> > > Subject: Re:

> > >  
> > >  
> > >

> > >> Sorry. We have been swamped with other program  
> > >> activities and  
> > >> preparations  
> > >> for today's testimony before House Admin. We  
> > >> have not yet received the  
> > >> transcript of the Working Group session. Devon  
> > >> checked with the court

> > >> reporter, who said it will be delivered today.  
> > --- Peggy

> > >>

> > >>

> > >>

> > >>

> > >>

> > >>

> > >> 06/08/2006 09:15 To  
> > >> AM

> > psims@eac.gov

> > >> cc

> > >> "Job

> > Serebrov"

> > >>

> > >>

> > >> Subject

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> > >> Hi, Whats going on? I have not received  
> > responses from either one of  
> > > you  
> > >> in a week. I'd like to wrap this up in the next  
> > two weeks if we can.  
> > Did  
> > >> you get my recommendations? Thanks.

> > >>

> > >> Tova

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



06/08/2006 09:42 AM

To psims@eac.gov

cc

019408



Subject Re: Transcript & Teleconference

I'll see how it comes in. I hope we receive an electronic copy. If we only receive a hard copy, we can pdf it and email it to the two of you. How about Monday afternoon at 3 PM EST for a brief teleconference? I really can't do it before then because of other commitments. --- Peggy



06/08/2006 09:42 AM

To psims@eac.gov

cc

Subject Re: Re:

How will you be getting it to us? Will it be something you can email? And can we set up a call for some time in the next few days? Thanks.

----- Original Message -----

From: <psims@eac.gov>

To:

Cc:

Sent: Thursday, June 08, 2006 9:35 AM

Subject: Re:

>  
> Sorry. We have been swamped with other program activities and  
> preparations  
> for today's testimony before House Admin. We have not yet received the  
> transcript of the Working Group session. Devon checked with the court  
> reporter, who said it will be delivered today. --- Peggy

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06/08/2006 09:15 AM

psims@eac.gov

To

cc

"Job Serebrov"

Subject

019410

>  
>  
> Hi, Whats going on? I have not received responses from either one of you  
> in a week. I'd like to wrap this up in the next two weeks if we can. Did  
> you get my recommendations? Thanks.  
>  
> Tova  
>  
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

06/09/2006 12:49 PM

To psims@eac.gov, "Job Serebrov"

cc

Subject more gao

Sorry, its 500 pages -- it also includes data on absentee fraud and voter intimidation

Tova Andrea Wang  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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[Click here](#) to receive our weekly e-mail updates.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

06/12/2006 04:46 PM

To psims@eac.gov

cc

Subject RE: Will Call Later

Either between 9 and 10 or between 12 and 1:30 would be ideal, but I should be around most of the afternoon. Thanks Peg. Tova

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Monday, June 12, 2006 2:39 PM

**To:**

**Subject:** Will Call Later

I'll try to call you Wednesday. Is there a time that is best for you? Today has been too hectic.

019411

Tomorrow is primary election day in VA. Still no transcript. I have taken a look at the recommendations that you sent me, but have not yet heard from Job. --- Peg  
----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV

06/12/2006 05:09 PM

To "Tova Wang" [REDACTED] GSAEXTERNAL  
cc

Subject RE: Will Call Later [REDACTED]

How about 9:30 AM EST, Wednesday morning (6/14/06)?

"Tova Wang" [REDACTED]



"Tova Wang"

06/12/2006 04:46 PM

To psims@eac.gov

cc

Subject RE: Will Call Later

Either between 9 and 10 or between 12 and 1:30 would be ideal, but I should be around most of the afternoon. Thanks Peg. Tova

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Monday, June 12, 2006 2:39 PM

**To:** [REDACTED]

**Subject:** Will Call Later

I'll try to call you Wednesday. Is there a time that is best for you? Today has been too hectic. Tomorrow is primary election day in VA. Still no transcript. I have taken a look at the recommendations that you sent me, but have not yet heard from Job. --- Peg

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

06/14/2006 09:40 AM

To "Job Serebrov" [REDACTED]

cc psims@eac.gov

Subject teleconference

Hi Job,

Peg tells me that we should now be getting the transcript early next week. Regardless, we should talk about the organization and distribution of work on the final report and try to finally get it done. Would it be possible for you to do a call before you leave for work in the morning, say 8 am your time, on Wednesday? If not, could you do 6 pm your time on Wednesday? Thanks.

019412



Tova

**Tova Andrea Wang**  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

Visit our Web site, [www.tcf.org](http://www.tcf.org), for the latest news, analysis, opinions, and events.

[Click here](#) to receive our weekly e-mail updates.

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

06/12/2006 05:11 PM

To psims@eac.gov

cc

Subject RE: Will Call Later

Perfect. Thanks.

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Monday, June 12, 2006 4:09 PM

**To:** [REDACTED]

**Subject:** RE: Will Call Later

How about 9:30 AM EST, Wednesday morning (6/14/06)?

"Tova Wang" <[REDACTED]>

06/12/2006 04:46 PM

To psims@eac.gov

cc

Subject RE: Will Call Later

Either between 9 and 10 or between 12 and 1:30 would be ideal, but I should be around most of the afternoon. Thanks Peg. Tova

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

019413

**Sent:** Monday, June 12, 2006 2:39 PM  
**To:** [REDACTED]  
**Subject:** Will Call Later

I'll try to call you Wednesday. Is there a time that is best for you? Today has been too hectic. Tomorrow is primary election day in VA. Still no transcript. I have taken a look at the recommendations that you sent me, but have not yet heard from Job. --- Peg

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

[REDACTED]  
06/05/2006 04:30 PM

To psims@eac.gov, [REDACTED]

cc

Subject recommendations

Here are my recommendations with the last one now included. Please let me know about the transcript and when you all want to talk about getting the final report done. Thanks. Tova

Tova Andrea Wang  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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[Click here to receive our weekly e-mail updates.](#)



future suggestions.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

[REDACTED]  
06/09/2006 08:53 AM

To "Job Serebrov" [REDACTED] <>, psims@eac.gov

cc

Subject RE: Transcript & Teleconference

What about during a lunch hour?

-----Original Message-----

From: Job Serebrov [mailto:serebrov@sbcglobal.net]  
Sent: Thursday, June 08, 2006 9:42 PM  
To: psims@eac.gov; wang@tcf.org  
Subject: Re: Transcript & Teleconference

Peggy:

019414

I can't predict when I get home but it is between 5:30 and 6:30 my time. I know that is generally too late to have a teleconference.

I plan to review Tova's recommendations this weekend and work on my own as well as expanding the explanation of the case section.

Please see what your financial officer did with regards to my travel.

Thank you,

Job

--- psims@eac.gov wrote:

> What time do you arrive home from work? Perhaps we  
> could talk then?  
>  
> Re your question on the mileage, I have approached  
> our Financial Officer  
> with a request that you receive full reimbursement  
> on the grounds that  
> your actual total travel costs are less than the  
> estimated total travel  
> costs if you had flown to DC, stayed in our more  
> expensive hotels, and  
> received the higher per diem for 3 days (instead of  
> 1). I have not yet  
> received a response from her and she has been out of  
> the office much of  
> this week, so I don't know what she decided to do.  
> --- Peggy  
>  
>  
>  
> "Job Serebrov" [REDACTED]  
> 06/08/2006 01:10 PM  
>  
> To  
> psims@eac.gov, [REDACTED]  
> cc  
> serebrov@sbcglobal.net  
> Subject  
> Re: Transcript & Teleconference  
>  
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>  
> Peg:  
>  
> I just arrived home for lunch. I can no longer take  
> time during the work day for telephone conferences.  
> As  
> I told you I will need to finish this project after  
> daily working hours. I am still getting things done  
> from being out for ten days. I will review Tova's recommendations and

019415

> expand on mine this weekend.  
>  
> Also, I sent you an e-mail asking how you handled  
> the  
> mileage portion of my travel voucher?  
>  
> Job  
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>  
> --- psims@eac.gov wrote:  
>  
> > 4 PM EST is fine with me, if it works for Job.  
> ---  
> > Peggy  
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> >  
> > 06/08/2006 10:10 AM  
> >  
> > To  
> > psims@eac.gov  
> > cc  
> > [REDACTED]  
> > Subject  
> > Re: Transcript & Teleconference  
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> >  
> > Can we make it 4 est? I have another meeting at  
> > 3.  
> > ----- Original Message -----  
> > From: <psims@eac.gov>  
> > To: [REDACTED]  
> > Cc: [REDACTED]  
> > Sent: Thursday, June 08, 2006 9:55 AM  
> > Subject: Re: Transcript & Teleconference  
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> > >  
> > > I'll see how it comes in. I hope we receive an  
> > > electronic copy. If we  
> > > only receive a hard copy, we can pdf it and  
> > > email  
> > > it to the two of you.  
> > > How about Monday afternoon at 3 PM EST for a  
> > > brief  
> > > teleconference? I  
> > > really can't do it before them because of other  
> > > commitments. --- Peggy  
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019416

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> > >  
> > > 06/08/2006 09:42 To  
> > > AM

> > psims@eac.gov  
> > > cc

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Re: Re:

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> > > How will you be getting it to us? Will it be  
> > something you can email?  
> > > And  
> > >  
> > > can we set up a call for some time in the next  
> few  
> > days? Thanks.

> > > ----- Original Message -----  
> > > From: <psims@eac.gov>  
> > > To: [REDACTED]  
> > > Cc: [REDACTED]  
> > > Sent: Thursday, June 08, 2006 9:35 AM  
> > > Subject: Re:

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> > >  
> > >>  
> > >> Sorry. We have been swamped with other program  
> > activities and  
> > >> preparations  
> > >> for today's testimony before House Admin. We  
> > have not yet received the  
> > >> transcript of the Working Group session. Devon  
> > checked with the court  
> > >> reporter, who said it will be delivered today.  
> > --- Peggy

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> > >> 06/08/2006 09:15 To  
> > >> AM  
> > psims@eac.gov  
> > >> cc

"Job

> > >>  
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> > >> Serebrov"  
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> > >> Subject

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> > >> Hi, Whats going on? I have not received  
> > responses from either one of  
> > > you  
> > >> in a week. I'd like to wrap this up in the next  
> > two weeks if we can.  
> > Did  
> > >> you get my recommendations? Thanks.  
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> > >> Tova  
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"  
[Redacted]  
06/13/2006 09:10 AM

To psims@eac.gov, wang@tcf.org  
cc  
Subject Transcripts, Etc.

Peggy:

Any sign of the transcript? Will the other members of the working group get a copy? I have had questions from several about it.

If you want to talk I can do so this Friday at 6 pm your time.

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



06/08/2006 03:30 PM

To "Job Serebrov" <[REDACTED]>, psims@eac.gov

cc [REDACTED]

Subject Re: Transcript & Teleconference

What time do you suggest talking?

----- Original Message -----

From: "Job Serebrov" <serebrov@sbcglobal.net>

To: <psims@eac.gov>; <wang@tcf.org>

Cc: <serebrov@sbcglobal.net>

Sent: Thursday, June 08, 2006 1:10 PM

Subject: Re: Transcript & Teleconference

> Peg:

>

> I just arrived home for lunch. I can no longer take  
> time during the work day for telephone conferences. As  
> I told you I will need to finish this project after  
> daily working hours. I am still getting things done  
> from being out for ten days. I will review Tova's  
> recommendations and expand on mine this weekend.

>

> Also, I sent you an e-mail asking how you handled the  
> mileage portion of my travel voucher?

>

> Job

>

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>

> --- psims@eac.gov wrote:

>

>> 4 PM EST is fine with me, if it works for Job. ---

>> Peggy

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>> 06/08/2006 10:10 AM

>>

>> To

>> psims@eac.gov

>> cc

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>> Subject

>> Re: Transcript & Teleconference

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>> Can we make it 4 est? I have another meeting at 3.

>> ----- Original Message -----

>> From: <psims@eac.gov>

019419

>> To: <[REDACTED]>  
>> Cc: <[REDACTED]>  
>> Sent: Thursday, June 08, 2006 9:55 AM  
>> Subject: Re: Transcript & Teleconference  
>>  
>>  
>> > I'll see how it comes in. I hope we receive an  
>> electronic copy. If we  
>> > only receive a hard copy, we can pdf it and email  
>> it to the two of you.  
>> > How about Monday afternoon at 3 PM EST for a brief  
>> teleconference? I  
>> > really can't do it before then because of other  
>> commitments. --- Peggy  
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>> >  
>> > [REDACTED]  
>> >  
>> > 06/08/2006 09:42 To  
>> > AM  
>> > psims@eac.gov  
>> > cc  
>> > [REDACTED]  
>> > Subject  
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>> > Re: Re:  
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>> > How will you be getting it to us? Will it be  
>> something you can email?  
>> > And  
>> >  
>> > can we set up a call for some time in the next few  
>> days? Thanks.  
>> > ----- Original Message -----  
>> > From: <psims@eac.gov>  
>> > To: [REDACTED]  
>> > Cc: [REDACTED]  
>> > Sent: Thursday, June 08, 2006 9:35 AM  
>> > Subject: Re:  
>> >  
>> >  
>> >  
>> >> Sorry. We have been swamped with other program  
>> activities and  
>> >> preparations  
>> >> for today's testimony before House Admin. We  
>> >> have not yet received the



>> >> transcript of the Working Group session. Devon  
>> checked with the court  
>> >> reporter, who said it will be delivered today.  
>> --- Peggy

>> >>  
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>> >> [REDACTED]  
>> >> 06/08/2006 09:15 To  
>> >> AM

>> psims@eac.gov

>> >> cc

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"Job

>> Serebrov"

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>> [REDACTED]  
>> >> Subject

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>> >> Hi, Whats going on? I have not received  
>> responses from either one of  
>> > you  
>> >> in a week. I'd like to wrap this up in the next  
>> two weeks if we can.  
>> Did  
>> >> you get my recommendations? Thanks.

>> >> Tova

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



[REDACTED]  
06/08/2006 10:10 AM

To psims@eac.gov

cc [REDACTED]

Subject Re: Transcript & Teleconference

019421

Can we make it 4 est? I have another meeting at 3.

----- Original Message -----

From: <psims@eac.gov>

To: [REDACTED]

Cc: [REDACTED]

Sent: Thursday, June 08, 2006 9:55 AM

Subject: Re: Transcript & Teleconference

>  
> I'll see how it comes in. I hope we receive an electronic copy. If we  
> only receive a hard copy, we can pdf it and email it to the two of you.  
> How about Monday afternoon at 3 PM EST for a brief teleconference? I  
> really can't do it before then because of other commitments. --- Peggy

>

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> [REDACTED]  
> 06/08/2006 09:42

> AM

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> How will you be getting it to us? Will it be something you can email?

> And

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> can we set up a call for some time in the next few days? Thanks.

> ----- Original Message -----

> From: <psims@eac.gov>

> To: [REDACTED]

> Cc: [REDACTED]

> Sent: Thursday, June 08, 2006 9:35 AM

> Subject: Re:

>

>

>>

>> Sorry. We have been swamped with other program activities and  
>> preparations

>> for today's testimony before House Admin. We have not yet received the  
>> transcript of the Working Group session. Devon checked with the court  
>> reporter, who said it will be delivered today. --- Peggy

>>

>>

019422



----- Original Message -----

From: <psims@eac.gov>  
To: [REDACTED]  
Cc: [REDACTED]  
Sent: Thursday, June 08, 2006 9:55 AM  
Subject: Re: Transcript & Teleconference

>  
> I'll see how it comes in. I hope we receive an electronic copy. If we  
> only receive a hard copy, we can pdf it and email it to the two of you.  
> How about Monday afternoon at 3 PM EST for a brief teleconference? I  
> really can't do it before then because of other commitments. --- Peggy

>  
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> [REDACTED]  
>  
> 06/08/2006 09:42 AM  
> psims@eac.gov To  
> [REDACTED] cc  
> Re: Re: Subject

>  
> How will you be getting it to us? Will it be something you can email?  
> And

> can we set up a call for some time in the next few days? Thanks.

> ----- Original Message -----

> From: <psims@eac.gov>  
> To: [REDACTED]  
> Cc: [REDACTED]  
> Sent: Thursday, June 08, 2006 9:35 AM  
> Subject: Re:

>>  
>> Sorry. We have been swamped with other program activities and  
>> preparations  
>> for today's testimony before House Admin. We have not yet received the  
>> transcript of the Working Group session. Devon checked with the court  
>> reporter, who said it will be delivered today. --- Peggy

>> 06/08/2006 09:15 AM psims@eac.gov To  
>> "Job Serebrov" cc  
>> [REDACTED] Subject  
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>> Hi, Whats going on? I have not received responses from either one of  
> you  
>> in a week. I'd like to wrap this up in the next two weeks if we can. Did  
>> you get my recommendations? Thanks.  
>>  
>> Tova  
>>  
>>  
>  
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

[REDACTED]  
06/13/2006 10:07 AM

To "Job Serebrov" [REDACTED] psims@eac.gov  
cc  
Subject RE: Transcripts, Etc.

I can't do that time, I'll be at an event in DC.

-----Original Message-----

From: Job Serebrov [mailto:[REDACTED]]  
Sent: Tuesday, June 13, 2006 8:10 AM  
To: psims@eac.gov; [REDACTED]  
Subject: Transcripts, Etc.

Peggy:

Any sign of the transcript? Will the other members of the working group get a copy? I have had questions from several about it.

If you want to talk I can do so this Friday at 6 pm your time.

019425

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov" [REDACTED]

06/08/2006 10:42 PM

To psims@eac.gov, wang@tcf.org  
cc

Subject Re: Transcript & Teleconference

Peggy:

I can't predict when I get home but it is between 5:30 and 6:30 my time. I know that is generally too late to have a teleconference.

I plan to review Tova's recommendations this weekend and work on my own as well as expanding the explanation of the case section.

Please see what your financial officer did with regards to my travel.

Thank you,

Job

--- psims@eac.gov wrote:

> What time do you arrive home from work? Perhaps we  
> could talk then?  
>  
> Re your question on the mileage, I have approached  
> our Financial Officer  
> with a request that you receive full reimbursement  
> on the grounds that  
> your actual total travel costs are less than the  
> estimated total travel  
> costs if you had flown to DC, stayed in our more  
> expensive hotels, and  
> received the higher per diem for 3 days (instead of  
> 1). I have not yet  
> received a response from her and she has been out of  
> the office much of  
> this week, so I don't know what she decided to do.  
> --- Peggy  
>  
>  
>  
> "Job Serebrov" [REDACTED]  
> 06/08/2006 01:10 PM  
>

019426

> To  
> psims@eac.gov, [REDACTED]  
> cc  
> [REDACTED]  
> Subject  
> Re: Transcript & Teleconference  
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>  
> Peg:  
>  
> I just arrived home for lunch. I can no longer take  
> time during the work day for telephone conferences.  
> As  
> I told you I will need to finish this project after  
> daily working hours. I am still getting things done  
> from being out for ten days. I will review Tova's  
> recommendations and expand on mine this weekend.  
>  
> Also, I sent you an e-mail asking how you handled  
> the  
> mileage portion of my travel voucher?

> Job

> --- psims@eac.gov wrote:

> > 4 PM EST is fine with me, if it works for Job.

> > Peggy

> > [REDACTED]  
> > 06/08/2006 10:10 AM

> > To  
> > psims@eac.gov  
> > cc

> > [REDACTED]  
> > Subject  
> > Re: Transcript & Teleconference

> > Can we make it 4 est? I have another meeting at  
> > 3.

> > ----- Original Message -----

> > From: <psims@eac.gov>

> > To: [REDACTED]

> > Cc: [REDACTED]

> > Sent: Thursday, June 08, 2006 9:55 AM

019427

> > Subject: Re: Transcript & Teleconference  
> >  
> >  
> > > I'll see how it comes in. I hope we receive an  
> > electronic copy. If we  
> > > only receive a hard copy, we can pdf it and  
> email  
> > it to the two of you.  
> > > How about Monday afternoon at 3 PM EST for a  
> brief  
> teleconference? I  
> > > really can't do it before them because of other  
> > commitments. --- Peggy

> > >  
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> > >

[REDACTED]

06/08/2006 09:42 To  
AM

> > psims@eac.gov  
> > > cc

> > >  
> > [REDACTED]

> > > Subject

Re: Re:

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> > > How will you be getting it to us? Will it be  
> > something you can email?  
> > > And



> > >  
> > > can we set up a call for some time in the next  
> few  
> > days? Thanks.

> > > ----- Original Message -----  
> > > From: <psims@eac.gov>  
> > > To: [REDACTED]  
> > > Cc: [REDACTED]  
> > > Sent: Thursday, June 08, 2006 9:35 AM  
> > > Subject: Re:

> > >  
> > >  
> > >

> > >> Sorry. We have been swamped with other program  
> > activities and  
> > >> preparations  
> > >> for today's testimony before House Admin. We  
> > have not yet received the



> > >> transcript of the Working Group session. Devon  
> > checked with the court  
> > >> reporter, who said it will be delivered today.  
> > --- Peggy  
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> > >>   
> > >> 06/08/2006 09:15 To  
> > >> AM  
> > psims@eac.gov  
> > >> cc  
> > >> "Job  
> > Serebrov"  
> > >>  
> >   
> > >> Subject  
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> > >>  
> > >> Hi, Whats going on? I have not received  
> > responses from either one of  
> > > you  
> > >> in a week. I'd like to wrap this up in the next  
> > two weeks if we can.  
> > Did  
> > >> you get my recommendations? Thanks.  
> > >>  
> > >> Tova  
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV

06/12/2006 03:39 PM

To Tova Andrea Wang

cc

Subject Will Call Later

I'll try to call you Wednesday. Is there a time that is best for you? Today has been too hectic. Tomorrow is primary election day in VA. Still no transcript. I have taken a look at the recommendations that you sent me, but have not yet heard from Job. --- Peg.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



[REDACTED]  
06/14/2006 10:46 PM

To "Job Serebrov" [REDACTED], psims@eac.gov

cc

Subject Re: teleconference

Could you do Friday in the morning?

----- Original Message -----

From: "Job Serebrov" <[REDACTED]>

To: [REDACTED]; <psims@eac.gov>

Sent: Wednesday, June 14, 2006 10:17 PM

Subject: Re: teleconference

> Tova:

>

> 5 pm EST is 4 pm Central. Peg would have to call at 7

019430

> pm EST to be 6 pm Central.  
>  
> Job  
>  
> --- [REDACTED] wrote:  
>  
>> Let's try to do that. Peg, you will call us 5 pm  
>> EST?  
>> ----- Original Message -----  
>> From: "Job Serebrov" [REDACTED]  
>> To: "Tova Wang" [REDACTED]  
>> Sent: Wednesday, June 14, 2006 6:29 PM  
>> Subject: Re: teleconference  
>>  
>>  
>> > Wednesday next week? It would have to be 6 pm.  
>> >  
>> > --- Tova Wang [REDACTED] wrote:  
>> >  
>> >> Hi Job,  
>> >>  
>> >> Peg tells me that we should now be getting the  
>> >> transcript early next week.  
>> >> Regardless, we should talk about the organization  
>> >> and distribution of work  
>> >> on the final report and try to finally get it  
>> >> done.  
>> >> Would it be possible  
>> >> for you to do a call before you leave for work in  
>> >> the morning, say 8 am your  
>> >> time, on Wednesday? If not, could you do 6 pm  
>> >> your  
>> >> time on Wednesday?  
>> >> Thanks.  
>> >>  
>> >> Tova  
>> >>  
>> >> Tova Andrea Wang  
>> >> Democracy Fellow  
>> >> The Century Foundation  
>> >> 41 East 70th Street - New York, NY 10021  
>> >> phone: 212-452-7704 fax: 212-535-7534  
>> >>  
>> >> Visit our Web site, <<http://www.tcf.org/>>  
>> >> [www.tcf.org](http://www.tcf.org/), for the latest news,  
>> >> analysis, opinions, and events.  
>> >>  
>> >> \_\_\_\_\_  
>> >>  
>> >> <<mailto:join-tcfmain@mailhost.groundspring.org>>  
>> >> Click here to receive our  
>> >> weekly e-mail updates.  
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"  
[REDACTED]

06/08/2006 01:10 PM

To psims@eac.gov, wang@tcf.org

cc [REDACTED]

Subject Re: Transcript & Teleconference

Peg:

I just arrived home for lunch. I can no longer take time during the work day for telephone conferences. As I told you I will need to finish this project after daily working hours. I am still getting things done from being out for ten days. I will review Tova's recommendations and expand on mine this weekend.

Also, I sent you an e-mail asking how you handled the mileage portion of my travel voucher?

Job

--- psims@eac.gov wrote:

> 4 PM EST is fine with me, if it works for Job. ---

> Peggy

>

>

>

>

> [REDACTED]  
> 06/08/2006 10:10 AM

>

> To

> psims@eac.gov

> cc

>

> Subject

> Re: Transcript & Teleconference

>

>

>

>

>

>

> Can we make it 4 est? I have another meeting at 3.

> ----- Original Message -----

> From: <psims@eac.gov>

> To: [REDACTED]

> Cc: [REDACTED]

> Sent: Thursday, June 08, 2006 9:55 AM

> Subject: Re: Transcript & Teleconference

019432

>  
>  
> >  
> > I'll see how it comes in. I hope we receive an  
> electronic copy. If we  
> > only receive a hard copy, we can pdf it and email  
> it to the two of you.  
> > How about Monday afternoon at 3 PM EST for a brief  
> teleconference? I  
> > really can't do it before then because of other  
> commitments. --- Peggy

> >  
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> >

[REDACTED]

> > 06/08/2006 09:42 To  
> > AM

> psims@eac.gov

> > cc

> >

> [REDACTED]

> > Subject

Re: Re:

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> > How will you be getting it to us? Will it be  
> something you can email?  
> > And

> >

> > can we set up a call for some time in the next few  
> days? Thanks.

> > ----- Original Message -----

> > From: <psims@eac.gov>

> > To: [REDACTED]

> > Cc: [REDACTED]

> > Sent: Thursday, June 08, 2006 9:35 AM

> > Subject: Re:

> >

> >

> >>

> >> Sorry. We have been swamped with other program  
> activities and  
> >> preparations  
> >> for today's testimony before House Admin. We  
> have not yet received the  
> >> transcript of the Working Group session. Devon  
> checked with the court  
> >> reporter, who said it will be delivered today.  
> --- Peggy

019433

> >>  
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> >>  
> >> 06/08/2006 09:15 To  
> >> AM  
> psims@eac.gov  
> >> cc  
> >> "Job  
> Serebrov"  
> >>  
> >> Subject  
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> >>  
> >> Hi, Whats going on? I have not received  
> responses from either one of  
> > you  
> >> in a week. I'd like to wrap this up in the next  
> two weeks if we can.  
> Did  
> >> you get my recommendations? Thanks.  
> >>  
> >> Tova  
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV  
06/08/2006 05:09 PM

To "Job Serebrov"

cc

Subject Re: Transcript & Teleconference

What time do you arrive home from work? Perhaps we could talk then?

Re your question on the mileage, I have approached our Financial Officer with a request that you receive

019434

full reimbursement on the grounds that your actual total travel costs are less than the estimated total travel costs if you had flown to DC, stayed in our more expensive hotels, and received the higher per diem for 3 days (instead of 1). I have not yet received a response from her and she has been out of the office much of this week, so I don't know what she decided to do. --- Peggy

"Job Serebrov" [redacted]



"Job Serebrov"  
[redacted]  
06/08/2006 01:10 PM

To psims@eac.gov [redacted]  
c [redacted]

Subject Re: Transcript & Teleconference

Peg:

I just arrived home for lunch. I can no longer take time during the work day for telephone conferences. As I told you I will need to finish this project after daily working hours. I am still getting things done from being out for ten days. I will review Tova's recommendations and expand on mine this weekend.

Also, I sent you an e-mail asking how you handled the mileage portion of my travel voucher?

Job

--- psims@eac.gov wrote:

> 4 PM EST is fine with me, if it works for Job. ---  
> Peggy

>  
>  
>  
>

> [redacted]  
> 06/08/2006 10:10 AM

> To  
> psims@eac.gov  
> cc

> [redacted]  
> Subject  
> Re: Transcript & Teleconference

>  
>  
>  
>  
>  
>

> Can we make it 4 est? I have another meeting at 3.

> ----- Original Message -----

> From: <psims@eac.gov>

> To: [redacted]

019435

> Cc: [REDACTED]  
> Sent: Thursday, June 08, 2006 9:55 AM  
> Subject: Re: Transcript & Teleconference  
>  
>  
> >  
> > I'll see how it comes in. I hope we receive an  
> electronic copy. If we  
> > only receive a hard copy, we can pdf it and email  
> it to the two of you.  
> > How about Monday afternoon at 3 PM EST for a brief  
> teleconference? I  
> > really can't do it before them because of other  
> commitments. --- Peggy

> >  
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> >  
> >  
> >  
> >

> > [REDACTED]  
> > 06/08/2006 09:42 To  
> > AM  
> > psims@eac.gov  
> > cc

> > [REDACTED]  
> > Subject

> > Re: Re:  
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> >

> > How will you be getting it to us? Will it be  
> something you can email?  
> > And  
> >  
> > can we set up a call for some time in the next few  
> days? Thanks.

> > ----- Original Message -----  
> > From: <psims@eac.gov>  
> > To: [REDACTED]  
> > Cc: [REDACTED]  
> > Sent: Thursday, June 08, 2006 9:35 AM  
> > Subject: Re:

> >  
> >  
> >>  
> >> Sorry. We have been swamped with other program  
> activities and  
> >> preparations  
> >> for today's testimony before House Admin. We  
> have not yet received the  
> >> transcript of the Working Group session. Devon



> checked with the court  
> >> reporter, who said it will be delivered today.  
> --- Peggy  
> >>  
> >>  
> >>  
> >>  
> >> [REDACTED]  
> >>  
> >> 06/08/2006 09:15 To  
> >> AM  
> psims@eac.gov  
> >> cc  
> >> "Job  
> Serebrov"  
> >>  
> [REDACTED]  
> >> Subject  
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> >>  
> >>  
> >>  
> >>  
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> >>  
> >> Hi, Whats going on? I have not received  
> responses from either one of  
> > you  
> >> in a week. I'd like to wrap this up in the next  
> two weeks if we can.  
> Did  
> >> you get my recommendations? Thanks.  
> >>  
> >> Tova  
> >>  
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>  
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"  
[REDACTED]  
06/09/2006 09:20 AM

To psims@eac.gov  
cc  
Subject FW: Transcript & Teleconference

019437

-----Original Message-----

From: Job Serebrov [mailto: [REDACTED]]  
Sent: Friday, June 09, 2006 8:17 AM  
To: Tova Wang  
Subject: RE: Transcript & Teleconference

Normally I am not home for lunch.

--- Tova Wang [REDACTED] > wrote:

> What about during a lunch hour?

>

> -----Original Message-----

> From: Job Serebrov [mailto: [REDACTED]]  
> Sent: Thursday, June 08, 2006 9:42 PM  
> To: psims@eac.gov; [REDACTED]  
> Subject: Re: Transcript & Teleconference

>

>

> Peggy:

>

> I can't predict when I get home but it is between  
> 5:30

> and 6:30 my time. I know that is generally too late  
> to

> have a teleconference.

>

> I plan to review Tova's recommendations this weekend  
> and work on my own as well as expanding the  
> explanation of the case section.

>

> Please see what your financial officer did with  
> regards to my travel.

>

> Thank you,

>

> Job

>

> --- psims@eac.gov wrote:

>

> > What time do you arrive home from work? Perhaps  
> we

> > could talk then?

> >

> > Re your question on the mileage, I have approached  
> > our Financial Officer

> > with a request that you receive full reimbursement  
> > on the grounds that

> > your actual total travel costs are less than the  
> > estimated total travel

> > costs if you had flown to DC, stayed in our more  
> > expensive hotels, and

> > received the higher per diem for 3 days (instead  
> > of

> > 1). I have not yet

> > received a response from her and she has been out  
> > of

019438

> > the office much of  
> > this week, so I don't know what she decided to do.  
> > --- Peggy

> >  
> >  
> >

> > "Job Serebrov" [REDACTED]  
> > 06/08/2006 01:10 PM

> >  
> > To  
> > psims@eac.gov, wang@tcf.org  
> > cc  
> > [REDACTED]  
> > Subject  
> > Re: Transcript & Teleconference

> >  
> >  
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> >  
> >

> > Peg:

> >  
> > I just arrived home for lunch. I can no longer  
> > take  
> > time during the work day for telephone  
> > conferences.  
> > As  
> > I told you I will need to finish this project  
> > after  
> > daily working hours. I am still getting things  
> > done  
> > from being out for ten days. I will review Tova's  
> > recommendations and  
> > expand on mine this weekend.

> >  
> > Also, I sent you an e-mail asking how you handled  
> > the  
> > mileage portion of my travel voucher?

> >  
> > Job

> >  
> >  
> >

> > --- psims@eac.gov wrote:

> >  
> > > 4 PM EST is fine with me, if it works for Job.

> > ---  
> > > Peggy

> > >  
> > >  
> > >

> > > [REDACTED]  
> > > 06/08/2006 10:10 AM

> > >  
> > > To  
> > > psims@eac.gov  
> > > cc  
> > > [REDACTED]



> > > can we set up a call for some time in the next  
> > few  
> > > days? Thanks.  
> > > ----- Original Message -----  
> > > From: <psims@eac.gov>  
> > > To: [REDACTED]  
> > > Cc: [REDACTED]  
> > > Sent: Thursday, June 08, 2006 9:35 AM  
> > > Subject: Re:  
> > >  
> > >  
> > >  
> > >> Sorry. We have been swamped with other  
> program  
> > > activities and  
> > >> preparations  
> > >> for today's testimony before House Admin. We  
> > > have not yet received the  
> > >> transcript of the Working Group session.  
> Devon  
> > > checked with the court  
> > >> reporter, who said it will be delivered  
> today.  
> > > --- Peggy  
> > >>  
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> > >>  
> > >>  
> > >> 06/08/2006 09:15 To  
> > >> AM  
>  
=== message truncated ===

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"

06/14/2006 10:17 PM

To [REDACTED] psims@eac.gov

cc

Subject Re: teleconference

Tova:

5 pm EST is 4 pm Central. Peg would have to call at 7 pm EST to be 6 pm Central.

Job

--- wang@tcf.org wrote:

> Let's try to do that. Peg, you will call us 5 pm

019441

> EST?  
> ----- Original Message -----  
> From: "Job Serebrov" <serebrov@sbcglobal.net>  
> To: "Tova Wang" <wang@tcf.org>  
> Sent: Wednesday, June 14, 2006 6:29 PM  
> Subject: Re: teleconference  
>  
>  
> > Wednesday next week? It would have to be 6 pm.  
> >  
> > --- Tova Wang <wang@tcf.org> wrote:  
> >  
> >> Hi Job,  
> >>  
> >> Peg tells me that we should now be getting the  
> >> transcript early next week.  
> >> Regardless, we should talk about the organization  
> >> and distribution of work  
> >> on the final report and try to finally get it  
> done.  
> >> Would it be possible  
> >> for you to do a call before you leave for work in  
> >> the morning, say 8 am your  
> >> time, on Wednesday? If not, could you do 6 pm  
> your  
> >> time on Wednesday?  
> >> Thanks.  
> >>  
> >> Tova  
> >>  
> >> Tova Andrea Wang  
> >> Democracy Fellow  
> >> The Century Foundation  
> >> 41 East 70th Street - New York, NY 10021  
> >> phone: 212-452-7704 fax: 212-535-7534  
> >>  
> >> Visit our Web site, <<http://www.tcf.org/>>  
> >> [www.tcf.org](http://www.tcf.org/), for the latest news,  
> >> analysis, opinions, and events.  
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> >> \_\_\_\_\_  
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> >> <<mailto:join-tcfmain@mailhost.groundspring.org>>  
> >> Click here to receive our  
> >> weekly e-mail updates.  
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

06/21/2006 11:00 AM

To "Job Serebrov" [REDACTED] sims@eac.gov  
cc

019442



Subject nexis

Hi Peg and Job,

I don't know how we might be able to use these but here, finally, are the super-refined versions of the

nexis charts. Can we include them? Thanks. Tova absentee nexis chart 2FORMAT.xls



'dead' voters and multiple voting nexis chartFORMAT.xls intimidation and suppressionFORMAT.xls



voter registration fraud nexischartFORMAT.xls

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



06/15/2006 03:30 PM

To "Job Serebrov" [redacted], psims@eac.gov  
cc

Subject Re: teleconference

fine

----- Original Message -----

From: "Job Serebrov" [redacted]  
To: [redacted]; <psims@eac.gov>  
Sent: Wednesday, June 14, 2006 10:17 PM  
Subject: Re: teleconference

> Tova:  
>  
> 5 pm EST is 4 pm Central. Peg would have to call at 7  
> pm EST to be 6 pm Central.  
>  
> Job  
>  
> --- wang@tcf.org wrote:  
>  
>> Let's try to do that. Peg, you will call us 5 pm  
>> EST?  
>> ----- Original Message -----  
>> From: "Job Serebrov" [redacted]  
>> To: "Tova Wang" [redacted]  
>> Sent: Wednesday, June 14, 2006 6:29 PM  
>> Subject: Re: teleconference  
>>  
>>  
>> > Wednesday next week? It would have to be 6 pm.  
>> >  
>> > --- Tova Wang [redacted] wrote:  
>> >

>> >> Hi Job,  
>> >>  
>> >> Peg tells me that we should now be getting the  
>> >> transcript early next week.  
>> >> Regardless, we should talk about the organization  
>> >> and distribution of work  
>> >> on the final report and try to finally get it  
>> >> done.  
>> >> Would it be possible  
>> >> for you to do a call before you leave for work in  
>> >> the morning, say 8 am your  
>> >> time, on Wednesday? If not, could you do 6 pm  
>> >> your  
>> >> time on Wednesday?  
>> >> Thanks.  
>> >>  
>> >> Tova  
>> >>  
>> >> Tova Andrea Wang  
>> >> Democracy Fellow  
>> >> The Century Foundation  
>> >> 41 East 70th Street - New York, NY 10021  
>> >> phone: 212-452-7704 fax: 212-535-7534  
>> >>  
>> >> Visit our Web site, <<http://www.tcf.org/>>  
>> >> [www.tcf.org](http://www.tcf.org/), for the latest news,  
>> >> analysis, opinions, and events.  
>> >>  
>> >> \_\_\_\_\_  
>> >> <<mailto:join-tcfmain@mailhost.groundspring.org>>  
>> >> Click here to receive our  
>> >> weekly e-mail updates.  
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



06/21/2006 09:29 PM

To "Job Serebrov" [redacted] psims@eac.gov  
cc

Subject Re: Teleconference

How about Monday at 6:30 or 7 est?

----- Original Message -----

From: "Job Serebrov" [redacted]  
To: <[psims@eac.gov](mailto:psims@eac.gov)>; "Tova Andrea Wang" [redacted]  
Sent: Wednesday, June 21, 2006 6:21 PM

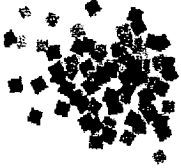
019444



Subject: Re: Teleconference

> It will need to be early next week. What news of the  
> transcript?  
>  
>  
>  
> --- psims@eac.gov wrote:  
>  
>>  
>> I am sorry, but I have to postpone the  
>> teleconference originally scheduled  
>> for this evening. Is another day this week or early  
>> next week good for you  
>> two?  
>> Peggy  
>>  
>> -----  
>> Sent from my BlackBerry Wireless Handheld  
>>  
>>  
>>  
>  
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



Devon E. Romig/EAC/GOV

06/22/2006 03:44 PM

To Margaret Sims/EAC/GOV@EAC

cc [REDACTED]

Subject Fw: May 18, 2006 Meeting

Good news!!! The transcript is finally here.

Devon Romig  
United States Election Assistance Commission  
1225 New York Ave. NW, Suite 1100  
Washington, DC 20005  
202.566.2377 phone  
202.566.3128 fax  
www.eac.gov

----- Forwarded by Devon E. Romig/EAC/GOV on 06/22/2006 03:44 PM -----



"Carol J. Thomas Reporting "

[REDACTED]  
06/22/2006 03:24 PM

To dromig@eac.gov

cc jwilson@eac.gov

Subject May 18, 2006 Meeting

Dear EAC,

019445

Attached please note the ASCII file for the Voting Fraud-Voter Intimidation Meeting taken on Wednesday, May 18, 2006. Your transcript has been shipped to you.

ASCII file name: 051806.txt

Please let us know if you have any questions.



Timothy Brischler, Office Manager, 703.273.9221 051806.TXT  
----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"  
[Redacted]  
06/21/2006 06:21 PM

To psims@eac.gov, "Tova Andrea Wang" [Redacted]  
cc  
Subject Re: Teleconference

It will need to be early next week. What news of the transcript?

--- psims@eac.gov wrote:

- >
- > I am sorry, but I have to postpone the
- > teleconference originally scheduled
- > for this evening. Is another day this week or early
- > next week good for you
- > two?
- > Peggy
- >
- > -----
- > Sent from my BlackBerry Wireless Handheld
- >
- >
- >

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



[Redacted]  
06/22/2006 10:29 AM

To psims@eac.gov  
cc  
Subject

Can I also get an answer on whether we can speak about the project publicly?

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV  
06/19/2006 12:19 PM

To [REDACTED]  
cc "Job Serebrov" [REDACTED]  
Subject Re: teleconference [REDACTED]

OK. I have marked my calendar for a 7 PM EST/6 PM CST teleconference for this Wednesday. Still no transcript. --- Peggy

[REDACTED]



06/15/2006 03:30 PM

To "Job Serebrov" [REDACTED] psims@eac.gov  
cc  
Subject Re: teleconference

fine

----- Original Message -----  
From: "Job Serebrov" [REDACTED]  
To: [REDACTED] <psims@eac.gov>  
Sent: Wednesday, June 14, 2006 10:17 PM  
Subject: Re: teleconference

> Tova:  
>  
> 5 pm EST is 4 pm Central. Peg would have to call at 7  
> pm EST to be 6 pm Central.  
>  
> Job  
>  
> --- [REDACTED] wrote:  
>  
>> Let's try to do that. Peg, you will call us 5 pm  
>> EST?  
>> ----- Original Message -----  
>> From: "Job Serebrov" [REDACTED]  
>> To: "Tova Wang" [REDACTED]  
>> Sent: Wednesday, June 14, 2006 6:29 PM  
>> Subject: Re: teleconference  
>>  
>>  
>> > Wednesday next week? It would have to be 6 pm.  
>> >  
>> > --- Tova Wang [REDACTED] wrote:  
>> >  
>> >> Hi Job,  
>> >>  
>> >> Peg tells me that we should now be getting the  
>> >> transcript early next week.  
>> >> Regardless, we should talk about the organization

019447

>> >> and distribution of work  
>> >> on the final report and try to finally get it  
>> done.  
>> >> Would it be possible  
>> >> for you to do a call before you leave for work in  
>> >> the morning, say 8 am your  
>> >> time, on Wednesday? If not, could you do 6 pm  
>> your  
>> >> time on Wednesday?  
>> >> Thanks.  
>> >>  
>> >> Tova  
>> >>  
>> >> Tova Andrea Wang  
>> >> Democracy Fellow  
>> >> The Century Foundation  
>> >> 41 East 70th Street - New York, NY 10021  
>> >> phone: 212-452-7704 fax: 212-535-7534  
>> >>  
>> >> Visit our Web site, <<http://www.tcf.org/>>  
>> >> [www.tcf.org](http://www.tcf.org), for the latest news,  
>> >> analysis, opinions, and events.  
>> >>  
>> >> \_\_\_\_\_  
>> >>  
>> >> <<mailto:join-tcfmain@mailhost.groundspring.org>>  
>> >> Click here to receive our  
>> >> weekly e-mail updates.  
>> >>  
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>>  
>>  
>  
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"  
[Redacted]  
06/21/2006 09:34 PM

To [Redacted] psims@eac.gov  
cc

Subject Re: Teleconference

Monday at 7 EST is ok with me. What about you Peg?

Job

-- [Redacted] wrote:

> How about Monday at 6:30 or 7 est?  
> ----- Original Message -----  
> From: "Job Serebrov" <[serebrov@sbcglobal.net](mailto:serebrov@sbcglobal.net)>

019448

> To: <psims@eac.gov>; "Tova Andrea Wang"  
> [REDACTED]  
> Sent: Wednesday, June 21, 2006 6:21 PM  
> Subject: Re: Teleconference  
>  
>  
> > It will need to be early next week. What news of  
> the  
> > transcript?  
> >  
> >  
> >  
> > --- psims@eac.gov wrote:  
> >  
> >>  
> >> I am sorry, but I have to postpone the  
> >> teleconference originally scheduled  
> >> for this evening. Is another day this week or  
> >> early  
> >> next week good for you  
> >> two?  
> >> Peggy  
> >>  
> >> -----  
> >> Sent from my BlackBerry Wireless Handheld  
> >>  
> >>  
> >>  
> >  
> >  
>  
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims/EAC/GOV

06/22/2006 10:30 AM

To "Job Serebrov" [REDACTED] "Tova Andrea Wang" [REDACTED]

cc

Subject Re: Teleconference

OK. Next Monday (6-26) at 7 PM EST. I'll call you.  
Peggy

-----  
Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: "Job Serebrov" [REDACTED]

Sent: 06/21/2006 09:34 PM

To: [REDACTED] psims@eac.gov

Subject: Re: Teleconference

019449

Monday at 7 EST is ok with me. What about you Peg?

Job

--- [redacted] wrote:

> How about Monday at 6:30 or 7 est?  
> ----- Original Message -----  
> From: "Job Serebrov" [redacted]  
> To: psims@eac.gov; "Tova Andrea Wang"  
> [redacted]  
> Sent: Wednesday, June 21, 2006 6:21 PM  
> Subject: Re: Teleconference  
>  
>  
> > It will need to be early next week. What news of  
> the  
> > transcript?  
> >  
> >  
> >  
> > --- psims@eac.gov wrote:  
> >  
> >>  
> >> I am sorry, but I have to postpone the  
> >> teleconference originally scheduled  
> >> for this evening. Is another day this week or  
> > early  
> >> next week good for you  
> >> two?  
> >> Peggy  
> >>  
> >> -----  
> >> Sent from my BlackBerry Wireless Handheld  
> >>  
> >>  
> >>  
> >  
> >  
>  
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"  
[redacted]  
06/21/2006 12:25 PM

To psims@eac.gov, "Job Serebrov" [redacted]  
cc  
Subject RE: Teleconference

Anyday anytime except tomorrow is OK by me. Tova

-----Original Message-----  
From: psims@eac.gov [mailto:psims@eac.gov]  
Sent: Wednesday, June 21, 2006 11:15 AM

To: Tova Andrea Wang; Job Serebrov  
Subject: Teleconference

I am sorry, but I have to postpone the teleconference originally scheduled for this evening. Is another day this week or early next week good for you two? Peggy

-----  
Sent from my BlackBerry Wireless Handheld

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"

06/22/2006 09:27 PM

To psims@eac.gov

cc

Subject Suggestions

Peggy:

When Tova sent me her suggestions I made some changes and additions. Tova later wrote to me and said she expected me to come up with my own list. Due to time constraints and at risk of duplication I rather go with the corrected suggestions.



Job RECOMMENDATIONS.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"

06/21/2006 06:25 PM

To "Tova Wang" psims@eac.gov

cc

Subject Re: nexis

I have no objection to amending the official findings/CD to add these.

--- Tova Wang wrote:

> Hi Peg and Job,  
>  
> I don't know how we might be able to use these but  
> here, finally, are the  
> super-refined versions of the nexis charts. Can we

019451

Tova Andrea Wang  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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---

[Click here](#) to receive our weekly e-mail updates.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims/EAC/GOV  
06/21/2006 12:15 PM

To "Tova Andrea Wang" [REDACTED], "Job Serebrov"  
cc [REDACTED]  
Subject Teleconference

I am sorry, but I have to postpone the teleconference originally scheduled for this evening. Is another day this week or early next week good for you two?  
Peggy

-----  
Sent from my BlackBerry Wireless Handheld

019452



----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"  
<serebrov@sbcglobal.net>  
06/28/2006 06:40 PM

To "Tova Wang [REDACTED] psims@eac.gov  
cc:

Subject Re: methodology

Agreed

--- Tova Wang [REDACTED] > wrote:

> As you may recall, the working group expressed  
> interest in the risk analysis  
> method. The recent report by the Brennan Center on  
> voting machines employs  
> this methodology. If you look at pp. 8-19 of the  
> attached, it provides a  
> potential model. I think it might be worth  
> including this as an appendix or  
> footnote in the methodology section. Please let me  
> know what you think.  
> Tova  
>  
> Tova Andrea Wang  
> Democracy Fellow  
> The Century Foundation  
> 41 East 70th Street - New York, NY 10021  
> phone: 212-452-7704 fax: 212-535-7534  
>

019453

> analysis, opinions, and events.  
>  
>  
> <mailto:join-tcfmain@mailhost.groundspring.org>  
> Click here to receive our  
> weekly e-mail updates.  
>  
>  
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



**"Job Serebrov"**  
[Redacted]  
07/02/2006 10:28 AM

To psims@eac.gov  
cc  
Subject Please Change This

Peggy:

In the transcript, there is one serious mistake that must be changed immediately. On page 5 it indicates that I helped review and draft changes to the election code of Libya. It should be Namibia not Libya. The reason this is so serious if it stands is that at the time I reviewed Namibia's Code it was illegal for Americans to deal with Libya. I need to know that this has been corrected any ALL parties who have seen the transcript notified.

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



**"Tova Wang"**  
[Redacted]  
06/23/2006 01:04 PM

To dromig@eac.gov, psims@eac.gov  
cc [Redacted]  
Subject RE: May 18, 2006 Meeting

Wow, there are a lot of errors in this. But at least it gets at the substance. Will this be circulated to the commissioners?

-----Original Message-----  
**From:** dromig@eac.gov [mailto:dromig@eac.gov]  
**Sent:** Thursday, June 22, 2006 2:45 PM  
**To:** psims@eac.gov  
**Cc:** [Redacted]

**Subject: Fw: May 18, 2006 Meeting**

Good news!!! The transcript is finally here.

Devon Romig  
United States Election Assistance Commission  
1225 New York Ave. NW, Suite 1100  
Washington, DC 20005  
202.566.2377 phone  
202.566.3128 fax  
www.eac.gov

----- Forwarded by Devon E. Romig/EAC/GOV on 06/22/2006 03:44 PM -----

"Carol J. Thomas Reporting" [REDACTED]

06/22/2006 03:24 PM

To dromig@eac.gov  
cc jwilson@eac.gov  
Subject May 18, 2006 Meeting

Dear EAC,

Attached please note the ASCII file for the Voting Fraud-Voter Intimidation Meeting taken on Wednesday, May 18, 2006. Your transcript has been shipped to you.

ASCII file name: 051806.txt

Please let us know if you have any questions.

Timothy Brischler, Office Manager, 703.273.9221

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

[REDACTED]  
06/27/2006 12:26 PM

To psims@eac.gov, "Job Serebrov" [REDACTED]

cc

Subject outline of final report

Does this work for you?

Tova Andrea Wang  
Democracy Fellow  
The Century Foundation

019455

Thomas R. Wilkey/EAC/GOV  
12/01/2006 01:31 PM

To "Tova Wang" <[REDACTED]>  
cc  
bcc  
Subject Re: fraud and intimidation report [PDF]

I am still in Florida but it is supposed to be released next Thursday at our public meeting.  
I would have Job and or you request advance copy from Julie who is putting the finishing touches on it.  
We need to talk when I get back.

Thanks  
Tom

-----  
Sent from my BlackBerry Wireless Handheld

----- Original Message -----

**From:** wang  
**Sent:** 12/01/2006 01:31 PM  
**To:** Thomas Wilkey  
**Subject:** fraud and intimidation report

Hi Tom, Any news? Any estimate of when it will be released and whether we will be able to see an embargoed copy ahead of time? Please let me know, I really don't want to be caught off guard on this. I'm on email and cell phone today and the weekend, in the office Monday.

I hope you are doing well and we can get together soon.

Tova

019456

Thomas R. Wilkey/EAC/GOV  
10/12/2006 01:37 PM

To [REDACTED]  
cc  
bcc  
Subject Re: usa today article [REDACTED]

We started doing that as soon as the article came out.

Thomas R. Wilkey  
Executive Director  
US Election Assistance Commission  
1225 New York Ave, NW - Suite 1100  
Washington, DC 20005  
(202) 566-3109 phone  
TWilkey@eac.gov  
wang@tcf.org



wang@tcf.org  
10/12/2006 10:31 AM

To twilkey@eac.gov  
cc  
Subject usa today article

----- Original Message -----

From: [REDACTED]  
To: [twilkey@eac.gov](mailto:twilkey@eac.gov)  
Cc: [Tova Wang](#) ; [Job Serebrov](#)  
Sent: Thursday, October 12, 2006 10:24 AM  
Subject: usa today article

Hi Tom, Is anything going to be done to correct the record in the news reporting in USA Today and now numerous other media that this status report presented to the board of standards by Peg in May is NOT the report we submitted in July? I'm getting questions and don't know how to answer them. I feel compelled to tell people who ask that this is not our report. Our report still has not been released. Thanks.  
Tova

019457

"Job Serebrov" [REDACTED]

11/03/2006 06:04 PM

To jhodgkins@eac.gov

cc

Subject Re: Please send me the summary

Julie:

You should have these as existing literature summaries.

Job

--- jhodgkins@eac.gov wrote:

> Juliet Thompson Hodgkins  
> General Counsel  
> United States Election Assistance Commission  
> 1225 New York Ave., NW, Ste 1100  
> Washington, DC 20005  
> (202) 566-3100

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:13 PM -----

"Job Serebrov" [REDACTED]

11/03/2006 06:08 PM

To jhodgkins@eac.gov

cc

Subject Re: Please send me the summary

More

019456

--- jhodgkins@eac.gov wrote:

> Juliet Thompson Hodgkins  
> General Counsel  
> United States Election Assistance Commission  
> 1225 New York Ave., NW, Ste 1100  
> Washington, DC 20005  
> (202) 566-3100

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:13 PM -----

"Tova Wang" [REDACTED]

11/09/2006 04:54 PM

To bbenavides@eac.gov, [REDACTED]

cc twilkey@eac.gov, jhodgkins@eac.gov

Subject RE: Conference call

Sounds good. I will come by the EAC since its literally a few feet from my office. I look forward to seeing you. Tova

Tova Andrea Wang, Democracy Fellow  
**The Century Foundation**  
1333 H Street, NW, Washington, D.C. 20005

Visit our Web site, [www.tcf.org](http://www.tcf.org), for the latest news, analysis, opinions, and events.

---

**From:** bbenavides@eac.gov [mailto:bbenavides@eac.gov]  
**Sent:** Thursday, November 09, 2006 4:21 PM  
**To:** [REDACTED]  
**Cc:** twilkey@eac.gov; jhodgkins@eac.gov; bbenavides@eac.gov  
**Subject:** Conference call





























Tova, Job -- I have scheduled 6:00 PM EST on Wednesday, November 15 for a conference call with Tom Wilkey and Julie Thompson-Hodgkins.

Conference call in # is 866-222-9044, Passcode [REDACTED]

Bert A. Benavides  
Special Assistant to the Executive Director  
U. S. Elections Assistance Commission  
1225 New York Avenue, NW  
Suite 1100

019459

Washington, DC 2005

    
202-566-3114 GAO\_Report\_JS\_.doc indiana\_litigation\_official.doc Section\_5\_Recommendation\_Memorandum\_summary.doc  
     
Securing\_the\_Vote.doc Shattering\_the\_Myth.doc South\_Dakota\_FINAL.doc Steal\_this\_Vote\_Review\_final.doc  
     
The\_Long\_Shadow\_of\_Jim\_Crow.doc The\_New\_Poll\_Tax\_JS\_.doc Washington\_FINAL.doc Wisconsin\_Audit\_Report.doc  
     
Wisconsin\_FINAL.doc Wisconsin\_Vote\_Fraud\_TF.doc A\_Funny\_Thing\_Review.doc American\_Center\_Report\_FINAL.doc  
    
Americas\_Modern\_Poll\_Tax\_JS\_.doc Brennan\_Analysis\_Voter\_Fraud\_Report\_FINAL.doc cb\_summary.doc  
     
Chandler\_Davidson\_summary\_official.doc Crazy\_Quilt.doc Deliver\_the\_Vote\_Review.doc dnc\_ohio.doc  
    
DOJ\_Public\_Integrity\_Reports\_JS\_.doc Donsanto\_IFES\_FINAL.doc Election\_Protection\_stories.doc  
    
Existing\_Literature\_Reviewed.doc fooled\_again\_review.doc GA\_litigation\_summary2.doc

019460



Juliet E. Hodgkins/EAC/GOV

11/03/2006 06:06 PM

To "Job Serebrov" [REDACTED]

cc

Subject Re: Please send me the summary [Link](#)

Thanks!

-----  
Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: "Job Serebrov" [REDACTED]

Sent: 11/03/2006 06:04 PM

To: Juliet Hodgkins

Subject: Re: Please send me the summary

Julie:

You should have these as existing literature summaries.

Job

--- jhodgkins@eac.gov wrote:

> Juliet Thompson Hodgkins  
> General Counsel  
> United States Election Assistance Commission  
> 1225 New York Ave., NW, Ste 1100  
> Washington, DC 20005

019461

Juliet E. Hodgkins/EAC/GOV  
12/01/2006 12:22 PM

To jlayson@eac.gov  
cc  
bcc  
Subject More emails from Job

Juliet Thompson Hodgkins  
General Counsel  
United States Election Assistance Commission  
1225 New York Ave., NW, Ste 1100  
Washington, DC 20005  
(202) 566-3100

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:18 PM -----

"Job Serebrov" [REDACTED]

08/26/2005 03:35 PM

To klynndyson@eac.gov, sda@mit.edu, [REDACTED]  
cc twilkey@eac.gov, nmortellito@eac.gov, jthompson@eac.gov  
Subject Re: Kick off activities for the EAC Voting fraud/voter intimidation project

Karen:

Either day is fine for me.

Job

--- klynndyson@eac.gov wrote:

> All-  
>  
> Although Tom Wilkey and I are still working to  
> process each of your  
> contracts on this project, we would like to  
> tentatively schedule an  
> in-person meeting on September 12, here in  
> Washington.  
>  
> In the meantime, I'd like to propose that we all  
> have a short  
> teleconference call next Wednesday or Thursday at  
> 1:00 PM to begin to talk  
> through the scope of this project and the respective  
> roles and  
> responsibilities each of you might take on.  
>  
> Could you let me know your availability for a 45  
> minute call on August 31  
> or September 1 at 1:00?  
>

019462

Julie:

Just a reminder that we have a telephone conference for the vote fraud group at 4:00 today. You were going to see if you could talk to Commissioner Davidson before that time so I could know what the possibilities are for serving as her executive assistant. If this is even possible and if the Commission is willing to raise the salaries of the executive assistants, her time table could affect the vote fraud project time table.

Regards,

Job

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:18 PM -----

"Job Serebrov" [REDACTED]

To twilkey@eac.gov, klyndyson@eac.gov, sda@mit.edu, [REDACTED]  
jthompson@eac.gov

09/06/2005 11:42 AM

cc

Subject Draft Schedule Proposal for Vote Fraud Group

I have attached a draft proposed schedule of events for our discussion today. Please keep in mind that this is only a proposal but I thought that we needed somewhere to start from.

Regards,

Job

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:18 PM -----

"Job Serebrov" [REDACTED]

To twilkey@eac.gov, klyndyson@eac.gov, sda@mit.edu, [REDACTED]  
jthompson@eac.gov

09/06/2005 11:46 AM

cc

Subject Once again

I neglected to send the last attachment as a .doc. Please ignore it.

Job

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:18 PM -----

019463

>  
<<http://www.electionline.org/SignUp/tabid/88/Default.aspx>>  
>  
>  
>

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:18 PM -----  
"Job Serebrov" [REDACTED]

09/30/2005 10:45 AM

To jthompson@eac.gov  
cc  
Subject Contracts

Julie:

Any luck finding the whereabouts of our contracts?  
Also, I assume that we will not hear from Peg until  
Monday.

Job

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:18 PM -----  
"Job Serebrov" [REDACTED]

10/21/2005 04:04 PM

To jthompson@eac.gov  
cc  
Subject No Contract Yet

Julie:

I see that I will have to drive folks up there crazy  
Monday to make the Tuesday deadline for the signing  
of our contracts so we get paid on time.

At this point, on Tuesday I just plan to e-mail a  
standard invoice for this month.

Job

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:18 PM -----

019464

Juliet E. Hodgkins/EAC/GOV  
12/01/2006 12:24 PM

To jlayson@eac.gov  
cc  
bcc  
Subject More emails from Tova

Juliet Thompson Hodgkins  
General Counsel  
United States Election Assistance Commission  
1225 New York Ave., NW, Ste 1100  
Washington, DC 20005  
(202) 566-3100

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:23 PM -----

"Tova Wang"

[REDACTED]

09/07/2005 05:14 PM

To klynndyson@eac.gov, twilkey@eac.gov  
cc jthompson@eac.gov, nmortellito@eac.gov, sda@mit.edu, "Job Serebrov"

[REDACTED]

Subject work plan

Hi Karen and Tom,

As we discussed yesterday, attached is a preliminary work plan/division of labor for your review. Please let us know if this is sufficient for the present and if you have any comments or questions.

In terms of hours dedicated to the project, Job and Tova are able to commit to 15-20 hours per week assuming that includes reimbursed periodic travel. Steve can do approximately 2 hours per week. We have tentatively scheduled to meet at your offices in DC, if that is convenient for you, on September 20. We will be able to confirm that within the next day or so.

All of us are very eager to get started on this important work as soon as possible. However, because we also have other work related responsibilities, we are a bit reluctant to do so before having an opportunity to review our contracts. We look forward to receiving them so we can get going right away.

Thanks so much. Speak to you soon.

Tova, Job and Steve

-----Original Message-----

**From:** klynndyson@eac.gov [mailto:klynndyson@eac.gov]

**Sent:** Friday, September 02, 2005 3:19 PM

**To:** klynndyson@eac.gov; nmortellito@eac.gov

**Cc:** jthompson@eac.gov; nmortellito@eac.gov; sda@mit.edu; Job Serebrov; twilkey@eac.gov;

[REDACTED]

019465



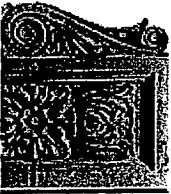
Bert A. Benavides/EAC/GOV  
12/08/2006 10:42 AM

To Jeannie Layson/EAC/GOV  
cc  
bcc  
Subject Fw: Conference call

For the FOIA request

Bert A. Benavides  
Special Assistant to the Executive Director  
U. S. Elections Assistance Commission  
1225 New York Avenue, NW  
Suite 1100  
Washington, DC 20005  
202-566-3114

----- Forwarded by Bert A. Benavides/EAC/GOV on 12/08/2006 10:40 AM -----



Bert A. Benavides/EAC/GOV  
11/13/2006 08:45 AM

To "Job Serebrov"  
cc [redacted] Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.  
Thompson-Hodgkins/EAC/GOV  
Subject Re: Conference call

Job,

I have changed the time, per your request, of the conference call scheduled for Wednesday, November 15 to 6:30 PM EST.

Bert A. Benavides  
Special Assistant to the Executive Director  
202-566-3114

"Job Serebrov" [redacted]



"Job Serebrov"  
[redacted]  
11/09/2006 06:33 PM

To bbenavides@eac.gov, [redacted]  
cc  
Subject Re: Conference call

6:00 pm will not work for me as I am in route home. It would have to be between 6:30 and 7:00 pm your time. Remember I am one hour behind.

Job

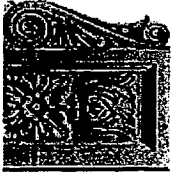
--- bbenavides@eac.gov wrote:

> Tova, Job -- I have scheduled 6:00 PM EST on  
> Wednesday, November 15 for a  
> conference call with Tom Wilkey and Julie

019466

> Thompson-Hodgkins.  
>  
> Conference call in # is 866-222-9044, Passcode  
> [REDACTED]  
>  
>  
>  
> Bert A. Benavides  
> Special Assistant to the Executive Director  
> U. S. Elections Assistance Commission  
> 1225 New York Avenue, NW  
> Suite 1100  
> Washington, DC 20005  
> 202-566-3114

019467

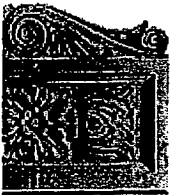


Bert A. Benavides/EAC/GOV  
12/08/2006 10:44 AM

To Jeannie Layson/EAC/GOV  
cc  
bcc  
Subject FOIA Request - Tova Wang

Bert A. Benavides  
Special Assistant to the Executive Director  
U. S. Elections Assistance Commission  
1225 New York Avenue, NW  
Suite 1100  
Washington, DC 20005  
202-566-3114

----- Forwarded by Bert A. Benavides/EAC/GOV on 12/08/2006 10:42 AM -----



Bert A. Benavides/EAC/GOV  
11/13/2006 08:45 AM

To "Job Serebrov"  
cc wang@tcf.org, Thomas R. Wilkey/EAC/GOV@EAC, Juliet E. Thompson-Hodgkins/EAC/GOV  
Subject Re: Conference call

Job,

I have changed the time, per your request, of the conference call scheduled for Wednesday, November 15 to 6:30 PM EST.

Bert A. Benavides  
Special Assistant to the Executive Director  
202-566-3114  
"Job Serebrov"



"Job Serebrov"  
11/09/2006 06:33 PM

To bbenavides@eac.gov,  
cc  
Subject Re: Conference call

6:00 pm will not work for me as I am in route home. It would have to be between 6:30 and 7:00 pm your time. Remember I am one hour behind.

Job

--- bbenavides@eac.gov wrote:

> Tova, Job -- I have scheduled 6:00 PM EST on  
> Wednesday, November 15 for a  
> conference call with Tom Wilkey and Julie  
> Thompson-Hodgkins.  
>

019468



> Conference call in # is 866-222-9044, Passcode

[REDACTED]

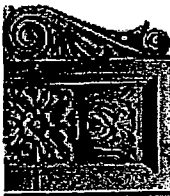
>

>

>

> Bert A. Benavides  
> Special Assistant to the Executive Director  
> U. S. Elections Assistance Commission  
> 1225 New York Avenue, NW  
> Suite 1100  
> Washington, DC 20005  
> 202-566-3114

----- Forwarded by Bert A. Benavides/EAC/GOV on 12/08/2006 10:42 AM -----



Bert A. Benavides/EAC/GOV

11/15/2006 02:19 PM

To "Tova Wang" [REDACTED]  
cc bbenavides@eac.gov  
Subject RE: Conference call

Tova, due to the change in time, both Julie and Tom will be calling into the conference call from their respective residences. Thanks. Take care.

Bert A. Benavides  
Special Assistant to the Executive Director  
U. S. Elections Assistance Commission  
1225 New York Avenue, NW  
Suite 1100  
Washington, DC 20005  
202-566-3114

Tova Wang" [REDACTED]



"Tova Wang"

[REDACTED]

11/09/2006 04:54 PM

To bbenavides@eac.gov, [REDACTED]  
cc twilkey@eac.gov, jhodgkins@eac.gov  
Subject RE: Conference call

Sounds good. I will come by the EAC since its literally a few feet from my office. I look forward to seeing you. Tova

Tova Andrea Wang, Democracy Fellow  
The Century Foundation  
1333 H Street, NW, Washington, D.C. 20005

Visit our Web site, [www.tcf.org](http://www.tcf.org), for the latest news, analysis, opinions, and events.

019469

---

**From:** bbenavides@eac.gov [mailto:bbenavides@eac.gov]  
**Sent:** Thursday, November 09, 2006 4:21 PM  
**To:** [REDACTED]  
**Cc:** twilkey@eac.gov; jhodgkins@eac.gov; bbenavides@eac.gov  
**Subject:** Conference call

Tova, Job -- I have scheduled 6:00 PM EST on Wednesday, November 15 for a conference call with Tom Wilkey and Julie Thompson-Hodgkins.

Conference call in # is 866-222-9044, Passcode [REDACTED]

Bert A. Benavides  
Special Assistant to the Executive Director  
U. S. Elections Assistance Commission  
1225 New York Avenue, NW  
Suite 1100  
Washington, DC 20005  
202-566-3114

019470



"Weinberg and Utrecht "

05/15/2006 01:53 PM

To psims@eac.gov

cc

Subject Re: Voting Fraud-Voter Intimidation

Peggy:

The package came today. Thanks. See you Thursday.  
Barry

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV

05/16/2006 11:27 AM

To "Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL

cc

Subject Re: Your Materials

I have forwarded your message to our consultants and have requested a corrected version for distribution at the WG meeting. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>

05/16/2006 10:46 AM

To psims@eac.gov

cc

Subject Your Materials

Peg - -

I have read over the materials you sent to me and viewed the pieces on the CD.

I have only one correction:

I did not say that offenders who receive target letters routinely request - - or routinely receive - - audiences here at DOJHQ. That is very rare. Instead, what usually happens is that once a subject for an election fraud investigation is advised that he or she is going to be charged that person usually enters into plea negotiations and ultimately pleads guilty. Very few federal election fraud cases go to trial. When a subject does request a HQ interview or a HW hearing, it would be held in the first instance by myself. But again, Peg, that is rare.

Also, while the occurrences of prosecutions of isolated instances of felons and alien voters and double voters has increased, we still aggressively and I believe quite successfully pursue systematic schemes to corrupt the electoral process, as the cases we brought recently out of Knott and Pike Counties in Kentucky, those we brought out of Lincoln and Logan Counties in West Virginia, and those we brought in

019471

New Hampshire growing out of the jamming of get0-out-the-vote phone bank lines attest.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

[REDACTED]  
05/16/2006 03:53 PM

To psims@eac.gov

cc

Subject RE: board of advisers presentation

I'll be here for a while, I just wanted to make sure. If you send it to me anytime before 5 I can look at it in time. If not, I'll try my best to look at it en route tomorrow.

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Tuesday, May 16, 2006 2:51 PM

**To:** [REDACTED]

**Subject:** Re: board of advisers presentation

I haven't sent it yet. If you need to leave early, you can look at what I have so far, which does not have the intro or the text regarding the final report. --- Peggy

"Tova Wang" [REDACTED]

05/16/2006 03:47 PM

To psims@eac.gov

cc

Subject board of advisers presentation

Hi Peg, Have you tried to send me the presentation? I haven't gotten it, but I think we may be having email problems. Let me know. I'd need to look at it today since I'll be tied up tomorrow.  
Tova

Tova Andrea Wang  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

019472

----- Forwarded by Margaret Sims/EAC/GOV on 05/16/2006 10:58 AM -----



"Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov>  
>  
05/16/2006 10:46 AM

To psims@eac.gov  
cc  
Subject Your Materials

Peg --

I have read over the materials you sent to me and viewed the pieces on the CD.

I have only one correction:

I did not say that offenders who receive target letters routinely request -- or routinely receive -- audiences here at DOJHQ. That is very rare. Instead, what usually happens is that once a subject for an election fraud investigation is advised that he or she is going to be charged that person usually enters into plea negotiations and ultimately pleads guilty. Very few federal election fraud cases go to trial. When a subject does request a HQ interview or a HW hearing, it would be held in the first instance by myself. But again, Peg, that is rare.

Also, while the occurrences of prosecutions of isolated instances of felons and alien voters and double voters has increased, we still aggressively and I believe quite successfully pursue systematic schemes to corrupt the electoral process, as the cases we brought recently out of Knott and Pike Counties in Kentucky, those we brought out of Lincoln and Logan Counties in West Virginia, and those we brought in New Hampshire growing out of the jamming of get-out-the-vote phone bank lines attest.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"  
[REDACTED]  
05/15/2006 09:56 AM

To dromig@eac.gov  
cc psims@eac.gov  
Subject RE: I'm sorry

Great -- thanks so much and apologies for the false alarm.

-----Original Message-----

019473

**From:** dromig@eac.gov [mailto:dromig@eac.gov]  
**Sent:** Monday, May 15, 2006 8:51 AM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: I'm sorry

This article is on the CD, it is located in the "Nexis Article Charts" folder.

Devon Romig  
United States Election Assistance Commission  
1225 New York Ave. NW, Suite 1100  
Washington, DC 20005  
202.566.2377 phone  
202.566.3128 fax  
www.eac.gov

"Tova Wang" [REDACTED]

05/15/2006 09:26 AM

To psims@eac.gov  
cc dromig@eac.gov  
Subject RE: I'm sorry

Thats good. I'm probably just getting crazy, trying to make sure everything is perfect. Devon, maybe you can check? Otherwise I'll check it when it comes. Thanks. And be well Peg.

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Monday, May 15, 2006 8:23 AM  
**To:** Tova Andrea Wang  
**Subject:** Re: I'm sorry

Tova:

I think you did send this --- or is this a revised version of one you sent earlier? It should be on the CD in the packet you should receive today.. (Can't check that right now as I am at the clinic.) If I put anything on the CD that you want to highlight at the meeting, let me know and we'll make copies for those attending.

Peggy

-----  
Sent from my BlackBerry Wireless Handheld

----- Original Message -----

**From:** "Tova Wang" [REDACTED]

019474

**Sent:** 05/15/2006 09:07 AM  
**To:** Margaret Sims  
**Cc:** Devon Romig  
**Subject:** I'm sorry

I don't think I sent this to you either. Can we hand it out at the meeting as an addendum? Its another summary that would have gone in the news article section. I'm usually so organized, I'm very embarrassed. Too many things! Thanks

Tova Andrea Wang  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

Visit our Web site, [www.tcf.org](http://www.tcf.org), for the latest news, analysis, opinions, and events.

---

[Click here](#) to receive our weekly e-mail updates.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

**Margaret Sims /EAC/GOV**

05/16/2006 08:43 AM

To "Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL

cc

Subject Re: Voting Fraud-Voter Intimidation Working Group 

Here is the content of the email attachment:

### **Existing Research Analysis**

There are many reports and books that describe anecdotes and draw broad conclusions from a large array of incidents. There is little research that is truly systematic or scientific. The most systematic look at fraud is the report written by Lori Minnite. The most systematic look at voter intimidation is the report by Laughlin McDonald. Books written about this subject seem to all have a political bias and a pre-existing agenda that makes them somewhat less valuable.

Researchers agree that measuring something like the incidence of fraud and intimidation in a scientifically legitimate way is extremely difficult from a methodological perspective and would require resources beyond the means of most social and political scientists. As a result, there is much more written on this topic by advocacy groups than social scientists. It is hoped that this gap will be filled in the "second phase" of this EAC project.

Moreover, reports and books make allegations but, perhaps by their nature, have little follow up. As a result, it is difficult to know when something has remained in the stage

019475

of being an allegation and gone no further, or progressed to the point of being investigated or prosecuted or in any other way proven to be valid by an independent, neutral entity. This is true, for example, with respect to allegations of voter intimidation by civil rights organizations, and, with respect to fraud, John Fund's frequently cited book. Again, this is something that it is hoped will be addressed in the "second phase" of this EAC project by doing follow up research on allegations made in reports, books and newspaper articles.

Other items of note:

- There is as much evidence, and as much concern, about structural forms of disenfranchisement as about intentional abuse of the system. These include felon disenfranchisement, poor maintenance of databases and identification requirements.
- There is tremendous disagreement about the extent to which polling place fraud, e.g. double voting, intentional felon voting, noncitizen voting, is a serious problem. On balance, more researchers find it to be less of a problem than is commonly described in the political debate, but some reports say it is a major problem, albeit hard to identify.
- There is substantial concern across the board about absentee balloting and the opportunity it presents for fraud.
- Federal law governing election fraud and intimidation is varied and complex and yet may nonetheless be insufficient or subject to too many limitations to be as effective as it might be.
- Deceptive practices, e.g. targeted flyers and phone calls providing misinformation, were a major problem in 2004.
- Voter intimidation continues to be focused on minority communities, although the American Center for Voting Rights uniquely alleges it is focused on Republicans.

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov>  
>

05/15/2006 04:53 PM

To psims@eac.gov

cc

Subject Re: Voting Fraud-Voter Intimidation Working Group

Peggy --

I am currently on train in transit back from a day in Newark. I tried to recover your attachment on Blackberry but got a message telling me the "file is empty."

019476



Can you paste it to an e-mail perhaps?

-----  
Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>  
To: barnwine@lawyerscommittee.org <barnwine@lawyerscommittee.org>;  
Rbauer@perkinscoie.com <Rbauer@perkinscoie.com>; bginsberg@pattonboggs.com  
<bginsberg@pattonboggs.com>; mhearne@lathropgage.com  
<mhearne@lathropgage.com>; jrperez50@sbcglobal.net <jrperez50@sbcglobal.net>;  
krogers@sos.state.ga.us <krogers@sos.state.ga.us>; assistant@sos.in.gov  
<assistant@sos.in.gov>; weinutr@verizon.net <weinutr@verizon.net>  
CC: jgreenbaum@lawyerscommittee.org <jgreenbaum@lawyerscommittee.org>;  
vjohnson@lawyerscommittee.org <vjohnson@lawyerscommittee.org>;  
dlovecchio@perkinscoie.com <dlovecchio@perkinscoie.com>;  
bschuler@lathropgage.com <bschuler@lathropgage.com>; Donsanto, Craig  
<Craig.Donsanto@crm.usdoj.gov>  
Sent: Mon May 15 16:37:48 2006  
Subject: Voting Fraud-Voter Intimidation Working Group

Dear Working Group Members and Participants:

You should receive a packet of information today, either by Federal Express or hand delivery, concerning Thursday's meeting of the project Working Group for EAC's Voting Fraud-Voter Intimidation research project. Attached is an analysis of the consultants' research into relevant literature and reports. This summary was not available when we prepared the information packets last Friday, but may be of interest to you. Our consultants and I look forward to having a productive discussion with you.

Regards,

Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims/EAC/GOV

05/19/2006 02:51 PM

To Craig Donsanto

cc

Subject Voting Fraud-Voter Intimidation Project-Nexis Word Search

Craig;

019477

You asked about the Nexis search terms used by our consultants. The list follows. --- Peggy.

Election and fraud  
Voter and fraud  
Vote and fraud  
Voter and challenge  
Vote and challenge  
Election and challenge  
Election and irregularity  
Election and irregularities  
Election and violation  
Election and stealing  
Ballot box and tampering  
Ballot box and theft  
Ballot box and stealing  
Election and officers  
Election and Sheriff  
Miscount and votes  
Election and crime  
Election and criminal  
Vote and crime  
Vote and criminal  
Double voting  
Multiple voting  
Dead and voting  
Election and counting and violation  
Election and counting and error  
Vote and counting and violation  
Vote and counting and error  
Voter and intimidation  
Voter and intimidating  
Vote and intimidation  
Denial and voter and registration  
Voter identification  
Vote and identification  
Voter and racial profiling  
Vote and racial profiling  
Voter and racial  
Vote and racial  
Voter and racial and challenge  
Vote and racial and challenge  
Voter and deny and racial  
Vote and deny and racial  
Voter and deny and challenge  
Vote and deny and challenge

019478

Voter and deny and black  
Vote and deny and black  
Voter and black and challenge  
Vote and black and challenge  
Voter and deny and African American  
Vote and deny and African American  
Voter and African American and challenge  
Vote and African American and challenge  
Election and black and challenge  
Election and African American and challenge  
Voter and deny and Hispanic  
Voter and deny and Latino  
Vote and deny and Hispanic  
Vote and deny and Latino  
Voter and Hispanic and challenge  
Voter and Latino and challenge  
Vote and Hispanic and challenge  
Vote and Latino and challenge  
Election and Hispanic and challenge  
Election and Latino and challenge  
Voter and deny and Native American  
Vote and deny and Native American  
Voter and Native American and challenge  
Vote and Native American and challenge  
Election and Native American and challenge  
Voter and deny and Asian American  
Vote and deny and Asian American  
Voter and Asian American and challenge  
Vote and Asian American and challenge  
Voter and Asian American and challenge  
Election and Asian American and challenge  
Voter and deny and Indian  
Vote and deny and Indian  
Voter and Indian and challenge  
Vote and Indian and challenge  
Election and Indian and challenge  
Poll tax  
Voting and test  
Absentee ballot and deny  
Absentee ballot and reject  
Absentee ballot and challenge  
Vote and challenge  
Voter and challenge  
Election and challenge  
Vote and police

019479

Voter and police  
Poll and police  
Vote and law enforcement  
Voter and law enforcement  
Poll and law enforcement  
Vote and deceptive practices  
Voter and deceptive practices  
Election and deceptive practices  
Voter and deceive  
Voter and false information  
Dirty tricks  
Vote and felon  
Vote and ex-felon  
Disenfranchisement  
Disenfranchise  
Law and election and manipulation  
Vote and purging  
Vote and purge  
Registration and removal  
Registration and purging  
Registration and purge  
Vote buying  
Vote and noncitizen  
Voter and noncitizen  
Vote and selective enforcement  
Identification and selective  
Election and misinformation  
Registration and restrictions  
Election and administrator and fraud  
Election and official and fraud  
Provisional ballot and deny  
Provisional ballot and denial  
Affidavit ballot and deny  
Affidavit ballot and denial  
Absentee ballot and coerce  
Absentee ballot and coercion  
Registration and destruction  
Voter and deter  
Vote and deterrence  
Voter and deterrence  
Ballot integrity  
Ballot security  
Ballot security and minority  
Ballot security and black  
Ballot security and African American

019480

Ballot security and Latino  
Ballot security and Hispanic  
Ballot security and Native American  
Ballot security and Indian  
Vote and suppression  
Minority and vote and suppression  
Black and vote and suppression  
African American and vote and suppression  
Latino and vote and suppression  
Hispanic and vote and suppression  
Native American and vote and suppression  
Vote and suppress  
Minority and vote and suppress  
African American and vote and suppress  
Latino and vote and suppress  
Native American and vote and suppress  
Vote and depress  
Jim Crow  
Literacy test  
Voter and harass  
Voter and harassment  
Vote and mail and fraud  
Poll and guards  
Election and consent decree  
Vote and barrier  
Voting and barrier  
Voter and barrier  
Election and long line  
Voter and long line

Poll worker and challenge  
Poll worker and intimidate  
Poll worker and intimidation  
Poll worker and intimidating  
Poll worker and threatening  
Poll worker and abusive  
Election official and challenge  
Election official and intimidate  
Election official and intimidation  
Election official and intimidating  
Election official and threatening  
Election official and abusive  
Poll watcher and challenge  
Poll watcher and intimidate  
Poll watcher and intimidating

019481

Poll watcher and intimidation  
Poll watcher and abusive  
Poll watcher and threatening  
Poll inspector and challenge  
Poll inspector and intimidate  
Poll inspector and intimidating  
Poll inspector and intimidation  
Poll inspector and abusive  
Poll inspector and threatening  
Poll judge and challenge  
Poll judge and intimidate  
Poll judge and intimidating  
Poll judge and intimidation  
Poll judge and abusive  
Poll judge and threatening  
Poll monitor and challenge  
Poll monitor and intimidate  
Poll monitor and intimidating  
Poll monitor and intimidation  
Poll monitor and abusive  
Poll monitor and threatening  
Election judge and challenge  
Election judge and intimidate  
Election judge and intimidating  
Election judge and intimidation  
Election judge and abusive  
Election judge and threatening  
Election monitor and challenge  
Election monitor and intimidate  
Election monitor and intimidating  
Election monitor and intimidation  
Election monitor and abusive  
Election monitor and threatening  
Election observer and challenge  
Election observer and intimidate  
Election observer and intimidating  
Election observer and intimidation  
Election observer and abusive  
Election observer and threatening

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV  
05/16/2006 03:37 PM

To "Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL  
cc

Subject RE: Your Materials 

019482

OK. --- Peg

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov>  
v>

05/16/2006 03:17 PM

To psims@eac.gov

cc

Subject RE: Your Materials

Let me try to do it, Peg. Again what I do not want to see occur is for the LCCR to start attacking us. We have more in common with them than I had originally assumed, thanks to the write-ups of their interviews. We need to promote what we have in common not try to score political points. But I will try to correct the records as long as you will agree you heard what I said the way I know I said it!

---

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Tuesday, May 16, 2006 3:14 PM

**To:** Donsanto, Craig

**Subject:** RE: Your Materials

I fully understand. Do you want me to prepare a correction sheet for the Working Group, placing your second and more important point first, or do you want to handle this verbally at the meeting? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 02:55 PM

To psims@eac.gov

cc

Subject RE: Your Materials

The first item is not as big a deal as the second one: the processes under which subjects of investigations come to Jesus is not as important as the overall assessment of our law enforcement achievements. But stressing the isolated test cases we brought - - and will continue to bring - - to deter things like felon voting, alien voting and double voting, which not mentioning such significant achievements as the five case PROJECTS mentioned in my last e-mail - - misrepresents what we are doing and the deterrent message we are trying to communicate.

019483

I appreciate that these two young people may have found themselves in a Brave New World when they came over here. It showed in their questioning. But the fact that criminal law enforcement is not at all similar to preventative legal relief (as under the Voting Rights Act) or civil relief (as election contest litigation) is I guess more of a problem than I at first foresaw. My real concern is that the civil rights groups - - with whom we over here have an amazing amount of common grounds - - will take the singling out of the felon and alien voter cases as evincing a malevolent aggression on their constituencies. That is not the case. We are only enforcing the law.

---

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Tuesday, May 16, 2006 2:47 PM  
**To:** Donsanto, Craig  
**Subject:** RE: Your Materials

I think they are panicking because they are preparing to travel tomorrow and may not have time to submit a revised version. They also are resisting changes to their interview summaries because the summaries represent what they think they heard. I was there at the interview and I heard what you said. I'm not sure that either of them heard everything (including the nuances) because so much of the information was new to them and it was one of their earlier interviews. I'm sorry I did not catch the defects before the summary went out.

My first concern is ensuring that the Working Group has the correct information. Then, we can deal with what version, *if any*, goes in the final report. Do you want me to excerpt the corrections from your email and submit them to the Working Group? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 01:41 PM

Topsims@eac.gov  
cc  
Subject: RE: Your Materials

019484



Sure. But where is the resistance coming from? The notes were not accurate. As you know, I have to be very concerned about that.

---

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Tuesday, May 16, 2006 12:34 PM  
**To:** Donsanto, Craig  
**Subject:** RE: Your Materials

Craig:

I am getting some resistance from my consultants to correcting the summary of the interview prior to the meeting. Would you mind noting the corrections at the meeting? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 12:06 PM

Topsims@eac.gov  
cc  
SubjectRE: Your Materials

Thank you, Peg. This stuff is very interesting.

019485

---

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Tuesday, May 16, 2006 11:27 AM  
**To:** Donsanto, Craig  
**Subject:** Re: Your Materials

I have forwarded your message to our consultants and have requested a corrected version for distribution at the WG meeting. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 10:46 AM

Topsims@eac.gov  
cc  
SubjectYour Materials

Peg --

I have read over the materials you sent to me and viewed the pieces on the CD.

019486

I have only one correction:

I did not say that offenders who receive target letters routinely request - - or routinely receive - - audiences here at DOJHQ. That is very rare. Instead, what usually happens is that once a subject for an election fraud investigation is advised that he or she is going to be charged that person usually enters into plea negotiations and ultimately pleads guilty. Very few federal election fraud cases go to trial. When a subject does request a HQ interview or a HW hearing, it would be held in the first instance by myself. But again, Peg, that is rare.

Also, while the occurrences of prosecutions of isolated instances of felons and alien voters and double voters has increased, we still aggressively and I believe quite successfully pursue systematic schemes to corrupt the electoral process, as the cases we brought recently out of Knott and Pike Counties in Kentucky, those we brought out of Lincoln and Logan Counties in West Virginia, and those we brought in New Hampshire growing out of the jamming of get-out-the-vote phone bank lines attest.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

[REDACTED]  
05/16/2006 11:03 AM

To psims@eac.gov, serebrov@sbcglobal.net  
cc

Subject RE: Your Materials

I think he can just raise these points at the meeting, no? I'm sure many we interviewed would say we misquoted them on something. This is what both Job and I remember him saying. I think it would be unfair for him to change/amend his interview without giving the same opportunity to the other interviewees.

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Tuesday, May 16, 2006 9:59 AM

**To:** [REDACTED]

**Subject:** Fw: Your Materials

See corrections from Donsanto at DOJ. We should probably provide corrected versions to the Working Group. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 05/16/2006 10:58 AM -----

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 10:46 AM

To psims@eac.gov  
cc  
Subject Your Materials

019487

Peg --

I have read over the materials you sent to me and viewed the pieces on the CD.

I have only one correction:

I did not say that offenders who receive target letters routinely request -- or routinely receive -- audiences here at DOJHQ. That is very rare. Instead, what usually happens is that once a subject for an election fraud investigation is advised that he or she is going to be charged that person usually enters into plea negotiations and ultimately pleads guilty. Very few federal election fraud cases go to trial. When a subject does request a HQ interview or a HW hearing, it would be held in the first instance by myself. But again, Peg, that is rare.

Also, while the occurrences of prosecutions of isolated instances of felons and alien voters and double voters has increased, we still aggressively and I believe quite successfully pursue systematic schemes to corrupt the electoral process, as the cases we brought recently out of Knott and Pike Counties in Kentucky, those we brought out of Lincoln and Logan Counties in West Virginia, and those we brought in New Hampshire growing out of the jamming of get0-out-the-vote phone bank lines attest.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov  
>

05/19/2006 03:17 PM

To psims@eac.gov

cc "Simmons, Nancy" <Nancy.Simmons@usdoj.gov>

Subject Re: Voting Fraud-Voter Intimidation Project-Nexis Word Search

Peggy --

I was just thinking of you!

Great session yesterday. I really enjoyed it. Robust discussion.

On another subject, Nancy Simmons needs the e-mail address of NASED. Can you give her both that and the website address for them? Her e-mail is nancy.simmons@usdoj.gov.

-----  
Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>

To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>

Sent: Fri May 19 14:51:21 2006

Subject: Voting Fraud-Voter Intimidation Project-Nexis Word Search

Craig;

You asked about the Nexis search terms used by our consultants. The list

019488

follows. --- Peggy.

Election and fraud  
Voter and fraud  
Vote and fraud  
Voter and challenge  
Vote and challenge  
Election and challenge  
Election and irregularity  
Election and irregularities  
Election and violation  
Election and stealing  
Ballot box and tampering  
Ballot box and theft  
Ballot box and stealing  
Election and officers  
Election and Sheriff  
Miscount and votes  
Election and crime  
Election and criminal  
Vote and crime  
Vote and criminal  
Double voting  
Multiple voting  
Dead and voting  
Election and counting and violation  
Election and counting and error  
Vote and counting and violation  
Vote and counting and error  
Voter and intimidation  
Voter and intimidating  
Vote and intimidation  
Denial and voter and registration  
Voter identification  
Vote and identification  
Voter and racial profiling  
Vote and racial profiling  
Voter and racial  
Vote and racial  
Voter and racial and challenge  
Vote and racial and challenge  
Voter and deny and racial  
Vote and deny and racial  
Voter and deny and challenge  
Vote and deny and challenge  
Voter and deny and black  
Vote and deny and black  
Voter and black and challenge  
Vote and black and challenge  
Voter and deny and African American  
Vote and deny and African American  
Voter and African American and challenge  
Vote and African American and challenge  
Election and black and challenge  
Election and African American and challenge  
Voter and deny and Hispanic  
Voter and deny and Latino  
Vote and deny and Hispanic  
Vote and deny and Latino  
Voter and Hispanic and challenge  
Voter and Latino and challenge

019489

Vote and Hispanic and challenge  
Vote and Latino and challenge  
Election and Hispanic and challenge  
Election and Latino and challenge  
Voter and deny and Native American  
Vote and deny and Native American  
Voter and Native American and challenge  
Vote and Native American and challenge  
Election and Native American and challenge  
Voter and deny and Asian American  
Vote and deny and Asian American  
Voter and Asian American and challenge  
Vote and Asian American and challenge  
Voter and Asian American and challenge  
Election and Asian American and challenge  
Voter and deny and Indian  
Vote and deny and Indian  
Voter and Indian and challenge  
Vote and Indian and challenge  
Election and Indian and challenge  
Poll tax  
Voting and test  
Absentee ballot and deny  
Absentee ballot and reject  
Absentee ballot and challenge  
Vote and challenge  
Voter and challenge  
Election and challenge  
Vote and police  
Voter and police  
Poll and police  
Vote and law enforcement  
Voter and law enforcement  
Poll and law enforcement  
Vote and deceptive practices  
Voter and deceptive practices  
Election and deceptive practices  
Voter and deceive  
Voter and false information  
Dirty tricks  
Vote and felon  
Vote and ex-felon  
Disenfranchisement  
Disenfranchise  
Law and election and manipulation  
Vote and purging  
Vote and purge  
Registration and removal  
Registration and purging  
Registration and purge  
Vote buying  
Vote and noncitizen  
Voter and noncitizen  
Vote and selective enforcement  
Identification and selective  
Election and misinformation  
Registration and restrictions  
Election and administrator and fraud  
Election and official and fraud  
Provisional ballot and deny  
Provisional ballot and denial

019490

Affidavit ballot and deny  
Affidavit ballot and denial  
Absentee ballot and coerce  
Absentee ballot and coercion  
Registration and destruction  
Voter and deter  
Vote and deterrence  
Voter and deterrence  
Ballot integrity  
Ballot security  
Ballot security and minority  
Ballot security and black  
Ballot security and African American  
Ballot security and Latino  
Ballot security and Hispanic  
Ballot security and Native American  
Ballot security and Indian  
Vote and suppression  
Minority and vote and suppression  
Black and vote and suppression  
African American and vote and suppression  
Latino and vote and suppression  
Hispanic and vote and suppression  
Native American and vote and suppression  
Vote and suppress  
Minority and vote and suppress  
African American and vote and suppress  
Latino and vote and suppress  
Native American and vote and suppress  
Vote and depress  
Jim Crow  
Literacy test  
Voter and harass  
Voter and harassment  
Vote and mail and fraud  
Poll and guards  
Election and consent decree  
Vote and barrier  
Voting and barrier  
Voter and barrier  
Election and long line  
Voter and long line

Poll worker and challenge  
Poll worker and intimidate  
Poll worker and intimidation  
Poll worker and intimidating  
Poll worker and threatening  
Poll worker and abusive  
Election official and challenge  
Election official and intimidate  
Election official and intimidation  
Election official and intimidating  
Election official and threatening  
Election official and abusive  
Poll watcher and challenge  
Poll watcher and intimidate  
Poll watcher and intimidating  
Poll watcher and intimidation  
Poll watcher and abusive  
Poll watcher and threatening

Poll inspector and challenge  
Poll inspector and intimidate  
Poll inspector and intimidating  
Poll inspector and intimidation  
Poll inspector and abusive  
Poll inspector and threatening  
Poll judge and challenge  
Poll judge and intimidate  
Poll judge and intimidating  
Poll judge and intimidation  
Poll judge and abusive  
Poll judge and threatening  
Poll monitor and challenge  
Poll monitor and intimidate  
Poll monitor and intimidating  
Poll monitor and intimidation  
Poll monitor and abusive  
Poll monitor and threatening  
Election judge and challenge  
Election judge and intimidate  
Election judge and intimidating  
Election judge and intimidation  
Election judge and abusive  
Election judge and threatening  
Election monitor and challenge  
Election monitor and intimidate  
Election monitor and intimidating  
Election monitor and intimidation  
Election monitor and abusive  
Election monitor and threatening  
Election observer and challenge  
Election observer and intimidate  
Election observer and intimidating  
Election observer and intimidation  
Election observer and abusive  
Election observer and threatening

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM ---



"Tova Wang"

05/15/2006 05:05 PM

To psims@eac.gov

cc

Subject RE: Fraud Definition

Sounds good. Thanks.

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Monday, May 15, 2006 4:03 PM

To:

Subject: RE: Fraud Definition

Tova:

019492



----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



[REDACTED]  
07/01/2006 05:30 PM

To psims@eac.gov  
cc [REDACTED]  
Subject Re: FW: methodology

It would be great if someone there could work on cleaning it up. Let us know. Thanks.

----- Original Message -----

From: [psims@eac.gov](mailto:psims@eac.gov)  
To: [REDACTED]  
Cc: [REDACTED]  
Sent: Friday, June 30, 2006 5:25 PM  
Subject: Re: FW: methodology

The attached is the text extracted from pages 8-19 and the Attachment C referenced within the text. The formatting is still a little weird. Can you work with this, or do I need to play with it some more? --- Peggy

"Tova Wang" [REDACTED]

06/29/2006 12:07 PM

To [psims@eac.gov](mailto:psims@eac.gov)  
cc  
Subject FW: methodology

Will it be possible for you to extract the excerpt for inclusion in the report? Thanks.

-----Original Message-----

From: Job Serebrov [mailto:[REDACTED]]  
Sent: Wednesday, June 28, 2006 5:40 PM  
To: Tova Wang; [psims@eac.gov](mailto:psims@eac.gov)  
Subject: Re: methodology

Agreed

--- Tova Wang [REDACTED] wrote:

019493

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV  
07/03/2006 11:04 AM

To "Tova Wang" [REDACTED]  
cc [REDACTED]  
Subject Re: final report [REDACTED]

Once is enough. You don't need to resend. --- Peggy

"Tova Wang" [REDACTED]



"Tova Wang"  
[REDACTED]  
07/03/2006 09:10 AM

To psims@eac.gov  
cc [REDACTED]  
Subject final report

Peg, We don't need to re-send you all of the material that we gave you to provide to the working group for the final report, eg the individual interviews, research summaries, nexis and case charts, right? Thanks. Happy 4th. Tova

**Tova Andrea Wang**  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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[Click here](#) to receive our weekly e-mail updates.

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV  
07/03/2006 11:35 AM

To "Tova Wang" [REDACTED]  
cc [REDACTED]  
Subject RE: FW: methodology [REDACTED]

I've asked Devon to do it. She can get it to you faster than I. --- Peggy

"Tova Wang" [REDACTED]

019494



"Tova Wang"  
[REDACTED]  
07/03/2006 11:18 AM

To psims@eac.gov  
cc [REDACTED]  
Subject RE: FW: methodology

The excess returns would be a great start, and then I can do the rest.  
Thanks a lot.

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]  
Sent: Monday, July 03, 2006 10:14 AM  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: Re: FW: methodology

Do you just need to have the excess returns removed, or do you think it  
needs other clean up as well? --- Peggy

019495

07/17/2006 12:25 PM

To "Tova Wang" [REDACTED]  
cc "Job Serebrov" [REDACTED]  
Subject RE: final report [REDACTED]

Yes, I have the list of Working Group members. --- Peggy

"Tova Wang" [REDACTED]

07/17/2006 10:29 AM

To psims@eac.gov  
cc "Job Serebrov" [REDACTED]  
Subject RE: final report

appendices attached, except Peg I think you put together the list of the working group members? In any case, I can't find one at the moment, but it would be easy enough to put together. Perhaps even Devon or someone could do that, especially since I don't think I have any hours left, and probably shouldn't even be writing this email. I don't remember the conversation about adding to the list of interviewees, but we can talk about that later.

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Monday, July 17, 2006 9:13 AM  
**To:** [REDACTED]  
**Cc:** "Job Serebrov" [REDACTED]  
**Subject:** Re: final report

Thanks. I probably won't be able to start getting into this until tomorrow AM. I noticed that the appendices weren't attached. I think we discussed earlier that the list of interviewees needed to have more information for the final report, and the list of books and documents should be presented in the same manner as a bibliography for the final report. We can talk more about this tonight during our teleconference at 7 PM EST. --- Peggy

"Tova Wang" [REDACTED]

07/17/2006 09:33 AM

To psims@eac.gov  
cc "Job Serebrov" [REDACTED]

019496

Yes, I have the list of Working Group members. --- Peggy

"Tova Wang" [REDACTED]

07/17/2006 10:29 AM

To psims@eac.gov  
cc "Job Serebrov" [REDACTED] wang@tcf.org  
Subject RE: final report

appendices attached, except Peg I think you put together the list of the working group members? In any case, I can't find one at the moment, but it would be easy enough to put together. Perhaps even Devon or someone could do that, especially since I don't think I have any hours left, and probably shouldn't even be writing this email. I don't remember the conversation about adding to the list of interviewees, but we can talk about that later.

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Monday, July 17, 2006 9:13 AM

**To:** [REDACTED]

**Cc:** 'Job Serebrov'; [REDACTED]

**Subject:** Re: final report

Thanks. I probably won't be able to start getting into this until tomorrow AM. I noticed that the appendices weren't attached. I think we discussed earlier that the list of interviewees needed to have more information for the final report, and the list of books and documents should be presented in the same manner as a bibliography for the final report. We can talk more about this tonight during our teleconference at 7 PM EST. --- Peggy

"Tova Wang" [REDACTED]

07/17/2006 09:33 AM

To psims@eac.gov  
cc "Job Serebrov" [REDACTED]  
Subject final report

019498

Can you send it over? As I recall, it includes bios, right? I'm assuming on the interviewees you think we should have very short biographical information? Also, Peg, I'm not sure if I'll still be at work at 7 or home. Is it ok if I email you late in the day as to where I am? My home phone (for only two more weeks!) is 212-362-5223. Thanks.

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Monday, July 17, 2006 11:26 AM

**To:** [REDACTED]

**Cc:** Job Serebrov [REDACTED]

**Subject:** RE: final report

Yes, I have the list of Working Group members. --- Peggy

"Tova Wang" [REDACTED]

07/17/2006 10:29 AM

To psims@eac.gov

Cc "Job Serebrov" [REDACTED]

Subject RE: final report

appendices attached, except Peg I think you put together the list of the working group members? In any case, I can't find one at the moment, but it would be easy enough to put together. Perhaps even Devon or someone could do that, especially since I don't think I have any hours left, and probably shouldn't even be writing this email. I don't remember the conversation about adding to the list of interviewees, but we can talk about that later.

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Monday, July 17, 2006 9:13 AM

**To:** [REDACTED]

**Cc:** Job Serebrov; [REDACTED]

**Subject:** Re: final report

Thanks. I probably won't be able to start getting into this until tomorrow AM. I noticed that the appendices weren't attached. I think we discussed earlier that the list of interviewees needed to have more information for the final report, and the list of books and documents should be presented in the same manner as a bibliography for the final report. We can talk more about this tonight during our teleconference at 7 PM EST. --- Peggy

"Tova Wang" [REDACTED]

019499

---

**From:** Tova Wang [mailto: [REDACTED]]  
**Sent:** Wednesday, July 26, 2006 9:31 AM  
**To:** psims@eac.gov  
**Cc:** 'Job Serebrov'; [REDACTED]  
**Subject:** bibliographic form

Hi Peg, Here is the list of literature reviewed in bibliographic form. Please let us know if you have been able to look over any of the materials. Starting this afternoon, I will be pretty unavailable for the next two weeks.

Thanks

Tova Andrea Wang  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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[Click here](#) to receive our weekly e-mail updates.



Lit review in bibliographic form.doc

019500

Margaret Sims/EAC/GOV  
11/28/2006 11:25 AM

To Jeannie Layson/EAC/GOV@EAC  
cc ecortes@eac.gov  
bcc  
Subject Accessible Email with Tova and Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/28/2006 11:22 AM -----



"Tova Wang"  
[REDACTED]  
08/21/2006 12:16 PM

To psims@eac.gov  
cc  
Subject call

Hi Peg, I left you a voice message last week -- you might have been at NCSL. Anyway, would you give me a call when you have a moment? Thanks.

Tova Andrea Wang, Democracy Fellow  
**The Century Foundation**  
1333 H Street, NW, Washington, D.C. 20037

Visit our Web site, [www.tcf.org](http://www.tcf.org), for the latest news, analysis, opinions, and events.

----- Forwarded by Margaret Sims/EAC/GOV on 11/28/2006 11:22 AM -----



"Ambrogi, Adam (Rules)"  
<Adam\_Ambrogi@rules.senate.gov>  
10/02/2006 11:38 AM

To psims@eac.gov [REDACTED]  
cc  
Subject Chapin Survey

Peggy and Tova:

I know that we had been looking for a state survey of election fraud and intimidation statutes—as you may have seen, Doug Chapin recently released a report on this info-attached here. I hope all is well with the both of you.

Best regards,  
Adam

-----  
Adam D. Ambrogi  
Democratic Professional Staff Member

019501



Senate Committee on Rules and Administration  
Russell Senate Office Building, Room 479  
Washington, D.C. 20510  
202-224-0279



Chapin.state.fraud.intimidation.statutes.Oct.1.2006.pdf

— Forwarded by Margaret Sims/EAC/GOV on 11/28/2006 11:22 AM —



"Tova Wang"

10/03/2006 10:41 AM

To "Ambrogi, Adam (Rules)"  
<Adam\_Ambrogi@rules.senate.gov>, psims@eac.gov  
cc

Subject RE: Chapin Survey

Thanks Adam. As the current project moves forward and then proceeds to phase 2, this will be a great resource I'm sure. Tova

Tova Andrea Wang, Democracy Fellow  
**The Century Foundation**  
1333 H Street, NW, Washington, D.C. 20005

Visit our Web site, [www.tcf.org](http://www.tcf.org), for the latest news, analysis, opinions, and events.

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**From:** Ambrogi, Adam (Rules) [mailto:Adam\_Ambrogi@rules.senate.gov]  
**Sent:** Monday, October 02, 2006 11:39 AM  
**To:** psims@eac.gov; [REDACTED]  
**Subject:** Chapin Survey

Peggy and Tova:

I know that we had been looking for a state survey of election fraud and intimidation statutes—as you may have seen, Doug Chapin recently released a report on this info-attached here. I hope all is well with the both of you.

Best regards,  
Adam

---

Adam D. Ambrogi  
Democratic Professional Staff Member  
Senate Committee on Rules and Administration  
Russell Senate Office Building, Room 479

019502

Washington, D.C. 20510  
202-224-0279

----- Forwarded by Margaret Sims/EAC/GOV on 11/28/2006 11:22 AM -----

Margaret Sims /EAC/GOV

10/13/2006 02:49 PM

To Tova Andrea Wang, Job Serebrov  
cc

Subject Don't Believe Everything You Read

Tova and Job:

I am home recuperating, but see that in my absence, a USA Today article has gotten everyone stirred up. The report to which the article refers is only the status report on the voting fraud-voter intimidation research project that was delivered to our Standards Board and Board of Advisors last spring. I provided a copy of this document to both of you. but have attached another copy for your information. This document is subject to public release because it was presented at a public meeting.

Due to internal resource allocation problems, your final report has not yet been reviewed by the Commissioners. It is considered a working document (not subject to public release) until it has completed the review process and the Commissioners have agreed to release it. There has been no attempt by the Commission to hold up the report. I bear responsibility for any delays in moving it along. Please be reassured that we would not release your report without letting you know.

Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov



VF-VI Study Status 5-17-06.pdf

----- Forwarded by Margaret Sims/EAC/GOV on 11/28/2006 11:22 AM -----



"Job Serebrov"

10/13/2006 03:26 PM

To psims@eac.gov, wang@tcf.org  
cc

Subject Re: Don't Believe Everything You Read

Peg:

We saw both the USA Today article and a similar thing was reported on Rush Limbaugh's show naming both of us. I had a talk this morning with folks at the EAC. I told them at this point there needs to be a press release sent out by the Chairman saying just what you stated. This is the only

019503

way to rehabilitate the work we did, the Chairman's credibility, and our reputations. I also fear that if this is not done the EAC will begin to receive calls from Congressman and Senators regarding the "report" and its effect on voter ID requirements.

Peg, up to now Tova and I have refused to speak with the press at all out of respect for the EAC and its mission. We both stand by our work and its conclusions. We both also feel that if a statement (as well phrased as you did in this e-mail clarifying the issue) is not forthcoming from the Chairman then I will have to correct this error with the Press. I explained this in my conversation this morning with the EAC.

Tova and I worked hard to produce a correct, accurate and truthful report. I could care less that the results are not what the more conservative members of my Party wanted. Neither one of us was willing to conform results for political expediency. I think its important for me to note that I was very impressed with Tova's members of the Working Group and I can't say enough about Tova's partnership effort in this endeavor. While neither one of us really care about outside opinions, we do care that the Chairman was quoted or misquoted in a way that would disparage our year-long effort and all of the tax payer money that went into it. For this reason, we believe that a press release clarifying the situation is necessary from either the Chairman or from me.

Regards,

Job

*psims@eac.gov* wrote:

Tova and Job:

I am home recuperating, but see that in my absence, a USA Today article has gotten everyone stirred up. The report to which the article refers is only the status report on the voting fraud-voter intimidation research project that was delivered to our Standards Board and Board of Advisors last spring. I provided a copy of this document to both of you. but have attached another copy for your information. This document is subject to public release because it was presented at a pubic meeting.

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Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

019504

----- Forwarded by Margaret Sims/EAC/GOV on 11/28/2006 11:22 AM -----

Margaret Sims /EAC/GOV

11/02/2006 04:52 PM

To [REDACTED]

cc

Subject Work Papers

Job:

Julie recalls you asking her how to send your work papers for the voting fraud study to EAC. She asked if I had received them. I was not sure what papers you were referencing, so I could not adequately respond. Can you shed some light on this matter?

Peggy Sims

Election Research Specialist

U.S. Election Assistance Commission

1225 New York Ave, NW - Ste 1100

Washington, DC 20005

Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)

Fax: 202-566-3127

email: [psims@eac.gov](mailto:psims@eac.gov)

----- Forwarded by Margaret Sims/EAC/GOV on 11/28/2006 11:22 AM -----



"Job Serebrov"

[REDACTED]  
11/02/2006 05:14 PM

To [psims@eac.gov](mailto:psims@eac.gov)

cc

Subject Re: Work Papers

Yes. I asked her if she wanted me to delete the Voter Fraud Project files on my computer or whether I should keep them. She said to download them to a disk and send them to her at the EAC. These files are just duplicates of what you have plus the text of some of the articles. What do you want me to do? I will not be able to do anything until after the election on Tuesday in any case because I am so involved in Asa Hutchinson's campaign.

Hope you are feeling better.

Regards,

Job

*psims@eac.gov* wrote:

Job:

Julie recalls you asking her how to send your work papers for the voting fraud study to EAC. She asked if I had received them. I was not sure what papers you were referencing, so I could not adequately

019505

respond. Can you shed some light on this matter?

Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: [psims@eac.gov](mailto:psims@eac.gov)

019506

From: psims@eac.gov <psims@eac.gov>  
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>  
Sent: Thu May 04 17:20:39 2006  
Subject: RE: Voting Fraud-Voter Intimidation

It is just the Working Group for the Voting Fraud-Voter Intimidation Project.  
I am asking you to attend as Technical Advisor for the project. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/04/2006 03:26 PM

To

psims@eac.gov

cc

Subject

RE: Voting Fraud-Voter Intimidation

Peg - - what is the name of the group?

---

From: psims@eac.gov [mailto:psims@eac.gov]  
Sent: Thursday, May 04, 2006 3:13 PM  
To: Donsanto, Craig  
Subject: RE: Voting Fraud-Voter Intimidation

Craig:

This meeting is being held to obtain input from our eight-member Working Group  
for the project. The group is composed of election lawyers, election

019507

officials, and a representative of an advocacy group, all of whom have an interest and some expertise in the identification and/or prosecution of voting fraud and voter intimidation. The group was chosen so that we would have an equal number of folks on each side of the political spectrum, plus some nonpartisan members.

After our consultants review the results of their preliminary research (interviews, literature review, case law), we will ask the Working Group to brainstorm possible next steps for EAC. Our consultants will write a report summarizing the proposals that come out of this meeting. The report will go to the Commissioners, who will decide what they want to do, funds available, and what priority to assigned to the effort(s).

Your participation in this part of the process is extremely important, so I am very happy that you can find time for us that afternoon. I'll get an agenda and other information to you next week. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/04/2006 02:32 PM

To

psims@eac.gov

cc

Subject

RE: Voting Fraud-Voter Intimidation

Okay, Peg - - I will mark off the entire afternoon and try to be there. What is the agenda? I was not aware that this was anything beyond having your contractors spend another session with me. Also, if they will be needing stats and stuff like that I need to know as I will bring my state-people with me.

---

From: psims@eac.gov [mailto:psims@eac.gov]  
Sent: Thursday, May 04, 2006 2:28 PM  
To: Donsanto, Craig  
Subject: Re: Voting Fraud-Voter Intimidation

Right now, we are planning to meet in EAC's large conference room between 1 PM

019508

and 5 PM. If you cannot be there for the whole afternoon, we will appreciate whatever time you can spare. I'll get back to you with more information (agenda, list of Working Group members, etc.). --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 05:59 PM

To

psims@eac.gov

cc

Subject

Re: Voting Fraud-Voter Intimidation

Afternoon of May 18 -- 2:30 okay? How long will they need??

-----  
Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>

To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>

Sent: Wed May 03 16:59:09 2006

Subject: Re: Voting Fraud-Voter Intimidation

I am looking at the afternoon of 5/18 for the meeting, due to scheduling conflicts of Working Group members. There remain two members from whom we have not yet received confirmations of their schedule (with some, it is like pulling teeth), but right now 5/18 still looks like the best day. We may have to hold the meeting over here to make it easier for Commissioners to drop in.  
--- Peg

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 12:53 PM

To

psims@eac.gov

cc

019509



Subject

Re: Voting Fraud-Voter Intimidation

Okay -- you are on for May 18th! Can we do it over here at 10?  
-----

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>  
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>  
Sent: Wed May 03 12:40:19 2006  
Subject: Re: Voting Fraud-Voter Intimidation

My problem is that agency staff is booked most of the week of 5/21. Monday through Wednesday are taken up with meetings of the Standards Board Executive Committee, the full Standards Board, and the Board of Advisors. Thursday, we have EAC's public meeting. Also, I will lose one of my two consultants in June, so I'm trying to wrap up this project (and get the final report from the consultants) by the end of May.

Say "Hi" to Cameron for me.

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 11:56 AM

To

psims@eac.gov

cc

Subject

Re: Voting Fraud-Voter Intimidation

Hi Peg. I am sitting here with Cameron Quinn putting together this year's ballt conference for AUSAs. She send her best!

I am available on 5/18. But I am also going to the Board of Advisors Meeting the following week. I would rather do this then.  
-----

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>

019510

To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>  
Sent: Wed May 03 11:39:50 2006  
Subject: Voting Fraud-Voter Intimidation

Craig:

We are continuing our efforts to hone in on a date for the Working Group meeting. Are you available the afternoon of Thursday, May 18?

Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----



"Tova Wang"

05/09/2006 11:45 AM

To psims@eac.gov

cc

Subject RE: Case Summaries

yes

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Tuesday, May 09, 2006 10:38 AM

**To:** wang@tcf.org

**Subject:** Fw: Case Summaries

Had you seen this? --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 05/09/2006 11:38 AM -----

"Job Serebrov"

05/08/2006 09:30 AM

To psims@eac.gov

cc

Subject Case Summaries

019511

Peggy:

Please add this to the packet.

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----



"Job Serebrov"

05/12/2006 03:45 PM

To psims@eac.gov

cc

Subject Re: Good News

I'm thankful it all worked out.

--- psims@eac.gov wrote:

> Ginsberg has accepted our invitation! --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----

Margaret Sims/EAC/GOV

05/11/2006 02:35 PM

To Craig Donsanto

cc

Subject Voting Fraud-Voter Intimidation Working Group

Craig:

I think we have resolved the issue of Barbara Arnwine's absence from the upcoming meeting by having one of her staff represent her (and her organization). Please review the attached rough summary of DOJ Cases ASAP and let me know if I need to delete reference to the open investigations. Hopefully, we won't have to remove this information as it does not specify the defendants or States involved. --- Peg

**Rough Summary of Department of Justice, Public Integrity Section Activities, October 2002-January 2006**

**Prosecutions and Convictions-- Individuals**

Noncitizen voting: 20

Vote buying: 49

Double voting: 12

Registration fraud: 13

Civil Rights: 4

Voter Intimidation: 2

Unclear: 1

019512

Open Investigations (note: a few cases overlap with prosecutions and convictions)

Noncitizen voting: 3  
Vote buying: 25  
Double voting: 15  
Registration fraud: 29  
Absentee ballot fraud: 9  
Official: 8  
Ineligibles: 4  
Deceptive Practices: 1  
Civil Rights: 14  
Intimidation: 6  
Other: 2

Cases and Investigations Closed for Lack of Evidence

Civil Rights: 8  
Official: 12  
Registration Fraud: 12  
Absentee Ballot Fraud: 14  
Ineligible Voting: 3  
Intimidation: 8  
Double Voting: 5  
Ballot Box Stuffing: 1  
Vote Buying: 14  
Ballot/machine tampering: 2  
Other: 8  
Unclear: 3

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----

Margaret Sims /EAC/GOV

05/03/2006 12:40 PM

To "Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL  
cc

Subject Re: Voting Fraud-Voter Intimidation

My problem is that agency staff is booked most of the week of 5/21. Monday through Wednesday are taken up with meetings of the Standards Board Executive Committee, the full Standards Board, and the Board of Advisors. Thursday, we have EAC's public meeting. Also, I will lose one of my two consultants in June, so I'm trying to wrap up this project (and get the final report from the consultants) by the end of May.

Say "Hi" to Cameron for me.

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

019513



"Donsanto, Craig"  
 <Craig.Donsanto@usdoj.gov>  
 v>  
 05/03/2006 11:56 AM

To psims@eac.gov  
 cc  
 Subject Re: Voting Fraud-Voter Intimidation

Hi Peg. I am sitting here with Cameron Quinn putting together this year's ballt conference for AUSAs. She send her best!

I am available on 5/18. But I am also going to the Board of Advisors Meeting the following week. I would rather do this then.

-----  
 Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>  
 To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>  
 Sent: Wed May 03 11:39:50 2006  
 Subject: Voting Fraud-Voter Intimidation

Craig:

We are continuing our efforts to hone in on a date for the Working Group meeting. Are you available the afternoon of Thursday, May 18?

Peggy Sims  
 Election Research Specialist  
 U.S. Election Assistance Commission

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----

Margaret Sims /EAC/GOV

05/11/2006 02:08 PM

To Job Serebrov  
 cc [REDACTED]  
 Subject Literature Summary

Tova just sent me the summary you prepared of The Federal Crime of Election Fraud by Craig Donsanto. There is something wrong in the fourth paragraph (odd characters and missing text). Can you please send a replacement fourth paragraph? You can send it in an email and I will place it in the document. ---  
 Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----



"Tova Wang"  
 [REDACTED]  
 05/11/2006 05:32 PM

To psims@eac.gov  
 cc  
 Subject RE: new working group representative

019514

I'm up for a short meeting afterward and a teleconference on Monday. And maybe when all of this is over, you and I can have dinner! Have I told you that I am moving down to DC this summer?

I suspect you have put up with much more than I have and I really appreciate everything you have done.

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Thursday, May 11, 2006 4:27 PM  
**To:** [REDACTED]  
**Subject:** RE: new working group representative

Tova:

I understood Job to say that he could only find a hotel room with the right bed in Roanoke (hours away). He will drive in Thursday morning for the meeting and return to that hotel Thursday night. He won't drive back into DC for a Friday morning meeting.

We don't have to do dinner. I recognize that you have spent a lot of time and energy to make this project work, and I don't want to put you out. (You have done a lot under difficult circumstances.) Though we will be bushed, we may want to have a short meeting right after the Working Group disperses --- or we could do a teleconference the following Monday afternoon (before I head into three more days of meetings). --- Peggy

"Tova Wang" [REDACTED]

05/11/2006 04:54 PM

To psims@eac.gov [REDACTED]  
cc  
Subject RE: new working group representative

It would not be my first preference to do this right after the meeting, and I sort of had tentative plans. They can be changed if necessary of course, but what happened to meeting on Friday morning?

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Thursday, May 11, 2006 3:47 PM  
**To:** [REDACTED]  
**Subject:** Re: new working group representative

Dinner sounds like a great idea. Do either of you have any dietary restrictions or preferences? (I

019515



05/11/2006 01:30 PM

To psims@eac.gov, dromig@eac.gov  
cc  
Subject research summaries

I have the feeling we didn't include these in the original batch I sent you. Could you double check and if not, would you please include them in the existing research materials? Sorry and thanks. I'm kind of doing all of this on my own in case you couldn't tell. List is coming...

**Tova Andrea Wang**  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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Brennan Analysis Voter Fraud Report FINAL.doc Fed Crime Election Fraud (JS).doc  
----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----

**Margaret Sims /EAC/GOV**  
05/11/2006 01:56 PM

To "Tova Wang" [REDACTED]  
cc

Subject Re: research summaries

Something is wrong in the fourth paragraph of the Federal Election Crime summary. Do you know what it is supposed to say there?

"Tova Wang" <wang@tcf.org>



"Tova Wang"  
[REDACTED]  
05/11/2006 01:30 PM

To psims@eac.gov, dromig@eac.gov  
cc  
Subject research summaries

I have the feeling we didn't include these in the original batch I sent you. Could you double check and if not, would you please include them in the existing research materials? Sorry and thanks. I'm kind of doing all of this on my own in case you couldn't tell. List is coming...

**Tova Andrea Wang**  
Democracy Fellow

019517



"Tova Wang"

05/17/2006 01:38 PM

To psims@eac.gov

cc dromig@eac.gov, [REDACTED]

Subject existing literature list

Job, please double check to make sure I haven't missed anything

**Tova Andrea Wang**

Democracy Fellow

**The Century Foundation**

41 East 70th Street - New York, NY 10021

phone: 212-452-7704 fax: 212-535-7534

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---

019518





Existing Literature Reviewed.doc

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM ---



"Tova Wang"

[Redacted]

05/11/2006 04:54 PM

To psims@eac.gov, serebrov@sbcglobal.net

cc

Subject RE: new working group representative

It would not be my first preference to do this right after the meeting, and I sort of had tentative plans. They can be changed if necessary of course, but what happened to meeting on Friday morning?

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Thursday, May 11, 2006 3:47 PM

**To:** [Redacted]

**Subject:** Re: new working group representative

Dinner sounds like a great idea. Do either of you have any dietary restrictions of preferences? (I seem to recall that Tova would prefer a place that has vegetarian options). I'll try to locate a nearby place that won't bust the budget. --- Peggy

019519

Tova Andrea Wang  
Democracy Fellow  
The Century Foundation  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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Click here to receive our weekly e-mail updates.



Wisconsin FINAL.doc South Dakota FINAL.doc Washington FINAL.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----



"Job Serebrov"

05/09/2006 11:24 AM

To psims@eac.gov

cc

Subject Re: Fwd: RE: Working Group meeting

I will hear from him tomorrow but that still does not solve all of my issues---see my longer e-mail.

--- psims@eac.gov wrote:

> I had a voice mail message from him on Monday. I  
> called him back but had  
> to leave a voice mail message (telephone tag). If  
> you hear from him and  
> he is willing and able to come, I need to know this.  
> We need to have him  
> call our travel service to make travel arrangements  
> ASAP. Thanks. ---  
> Peggy

>  
>  
>  
>  
> "Job Serebrov" <[REDACTED]>  
> 05/09/2006 10:46 AM  
>  
> To  
> psims@eac.gov  
> cc  
>  
> Subject  
> Fwd: RE: Working Group meeting

> FYI

019520

>  
> --- "Patrick J. Rogers" [REDACTED]  
> wrote:  
>  
> > Subject: RE: Working Group meeting  
> > Date: Tue, 9 May 2006 07:42:44 -0600  
> > From: "Patrick J. Rogers" [REDACTED]  
> > To: "Job Serebrov" [REDACTED]  
> >  
> > Job---maybe. I will call you and/or Ms. Sims  
> > tomorrow. Depositions all  
> > day today. Thanks, Pat  
> >  
> > What's the best number to call you tomorrow?  
> >  
> >  
> > Patrick J. Rogers  
> > Modrall, Sperling, Roehl, Harris & Sisk, P.A.  
> > [REDACTED]  
> > Tel: [REDACTED]  
> > Fax: [REDACTED]  
> >  
> >

> > -----Original Message-----  
> > From: Job Serebrov [mailto:[REDACTED]]  
> >  
> > Sent: Monday, May 08, 2006 9:41 PM  
> > To: Patrick J. Rogers  
> > Subject: Working Group meeting  
> >  
> > Pat:  
> >  
> > The working group meeting for the voter fraud  
> > project is scheduled for  
> > May 18th in DC but David Norcross can't attend.  
> > Could you come? If so,  
> > we need to arrange travel and a hotel for you.  
> >  
> > Regards,  
> >  
> > Job  
> >  
> >

-----  
> > Modrall, Sperling, Roehl, Harris & Sisk, P.A.  
> >  
> >

-----  
> > THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE  
> > INDIVIDUAL OR ENTITY TO  
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> > without copying it, and notify the sender by reply  
> > e-mail or by calling  
> > [REDACTED] so that our address record can be  
> > corrected. Thank you.  
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----



"Tova Wang"

[REDACTED]  
05/02/2006 04:42 PM

To dromig@eac.gov

cc psims@eac.gov

Subject RE: Voting Fraud/Voter Intimidation Project Working Group

Barbara says that you have been working it out with her assistant Valerie, that they have spoken to you several times.

-----Original Message-----

**From:** dromig@eac.gov [mailto:dromig@eac.gov]

**Sent:** Tuesday, May 02, 2006 8:46 AM

**To:** [REDACTED]

**Cc:** psims@eac.gov

**Subject:** Voting Fraud/Voter Intimidation Project Working Group

Dear Tova,

I am working with Peggy Sims in order to set a date for the Voting Fraud/Voter Intimidation Project Working Group. I have been trying to reach Barbara Arnwine in order to find out which days in May she is potentially available to attend this meeting but all of my attempts have been unsuccessful.

I would appreciate any help that you could provide in this matter.

Sincerely,

Devon Romig  
U.S. Election Assistance Commission  
1225 New York Ave. NW - Suite #1100  
Washington, D.C. 20005

019522

(202)566-2377

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----

Margaret Sims /EAC/GOV  
05/04/2006 02:08 PM

To "Weinberg and Utrecht"

cc [REDACTED]

Subject Re: Voting Fraud-Voter Intimidation [REDACTED]

OK, thanks. I'll get back to you with more information. --- Peggy

"Weinberg and Utrecht" [REDACTED]



"Weinberg and Utrecht"

[REDACTED]  
05/04/2006 01:34 PM

To psims@eac.gov

cc

Subject Re: Voting Fraud-Voter Intimidation

that would be fine

----- Original Message -----

**From:** psims@eac.gov

**To:** [REDACTED]

**Sent:** Thursday, May 04, 2006 1:08 PM

**Subject:** Voting Fraud-Voter Intimidation

Barry:

It appears that the afternoon of Thursday, May 18 is best for a meeting of the working group. I know you said you would not be available in the morning that day. If we started at 1 PM, would that be too soon for you?

Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----



"Job Serebroy"

[REDACTED]  
05/12/2006 02:33 PM

To psims@eac.gov

019523

"Tova Wang" [REDACTED]



"Tova Wang"

05/02/2006 05:06 PM

To dromig@eac.gov

cc psims@eac.gov

Subject RE: Voting Fraud/Voter Intimidation Project Working Group

Can you please give me an idea where we are at with all this? I'd like to be able to figure out my schedule. Thanks -- and thanks for all your assistance on this. Tova

-----Original Message-----

**From:** dromig@eac.gov [mailto:dromig@eac.gov]

**Sent:** Tuesday, May 02, 2006 3:54 PM

**To:** [REDACTED]

**Subject:** RE: voting Fraud/Voter Intimidation Project Working Group

Yes, I have spoken to her assistant several times but today has been the first time that I have ever spoken to her assistant. We did get the information that we needed. Thanks for your help!

Devon Romig  
U.S. Election Assistance Commission  
1225 New York Ave. NW - Suite #1100  
Washington, D.C. 20005  
(202)566-2377

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----



[REDACTED]  
05/03/2006 02:25 PM

To psims@eac.gov, [REDACTED]

cc dromig@eac.gov

Subject Re: Working Group Meeting

Sounds good. I'm available any time on Monday. Tova

----- Original Message -----

**From:** psims@eac.gov

**To:** [REDACTED]

**Cc:** dromig@eac.gov

**Sent:** Wednesday, May 03, 2006 1:44 PM

**Subject:** Working Group Meeting

Job and Tova:

019524

As of now, the afternoon of Thursday , May 18 appears to be the best possible date for the meeting. Norcross is not available to attend in person that day (he is available only 2 days during the first three weeks of May). We won't have confirmation of the availability of Secretary Rokita until tomorrow --- but I am hopeful.

I'll give you an update tomorrow. Maybe we can schedule a teleconference on Monday afternoon. ---  
Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



[REDACTED]  
05/13/2006 10:54 AM

To psims@eac.gov

cc "Job Serebrov" [REDACTED]

Subject Fw: research summary

Job found it. I'm assuming its too late to include so as I said I'll just present it if thats OK. Thanks again Job. T

----- Original Message -----

From: "Job Serebrov" [REDACTED]

To: [REDACTED]

Sent: Saturday, May 13, 2006 10:12 AM

Subject: Re: research summary

> T~

>

> Are you talking about this?

>

> J~

>

> --- [REDACTED]

>

>> In the middle of the night I got the feeling that  
>> you may be right, that I did do a summary of the  
>> existing literature review (that Job, you approved)  
>> . I'll have to look for it on Monday (unless I go  
>> into the office over the weekend, which is  
>> possible). I may be hallucinating, but if not, I'll  
>> just present it at the meeting rather than try to  
>> get it to them ahead of time. Tova



Existing\_research\_thoughts.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>

v>

05/11/2006 02:55 PM

To psims@eac.gov

cc

Subject RE: Voting Fraud-Voter Intimidation Working Group

Peggy - -

019525

I have Cynthia Mitchell in here with me now.

She says that the figures you listed in your attachment are your analysis of our product, and that therefore we cannot re-evaluate them.

I do not see anything in these raw numbers that impacts adversely any privacy or privilege issues.

We can update the public list and send that to you, if you'd prefer. That would allow you to represent that the numbers are current up through now. But if you would prefer, you can use what you have as long as it is represented as complete only through January, 2006.

Let us know your desires - - -

---

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Thursday, May 11, 2006 2:35 PM  
**To:** Donsanto, Craig  
**Subject:** Voting Fraud-Voter Intimidation Working Group  
**Importance:** High

Craig:

I think we have resolved the issue of Barbara Arnwine's absence from the upcoming meeting by having one of her staff represent her (and her organization). Please review the attached rough summary of DOJ Cases ASAP and let me know if I need to delete reference to the open investigations. Hopefully, we won't have to remove this information as it does not specify the defendants or States involved. --- Peg

**Rough Summary of Department of Justice, Public Integrity Section Activities, October 2002-January 2006**

**Prosecutions and Convictions-- Individuals**

Noncitizen voting: 20  
Vote buying: 49  
Double voting: 12  
Registration fraud: 13  
Civil Rights: 4  
Voter Intimidation: 2  
Unclear: 1

**Open Investigations** (note: a few cases overlap with prosecutions and convictions)

Noncitizen voting: 3  
Vote buying: 25  
Double voting: 15  
Registration fraud: 29  
Absentee ballot fraud: 9  
Official: 8

019526



Ineligibles: 4  
Deceptive Practices: 1  
Civil Rights: 14  
Intimidation: 6  
Other: 2

Cases and Investigations Closed for Lack of Evidence

Civil Rights: 8  
Official: 12  
Registration Fraud: 12  
Absentee Ballot Fraud: 14  
Ineligible Voting: 3  
Intimidation: 8  
Double Voting: 5  
Ballot Box Stuffing: 1  
Vote Buying: 14  
Ballot/machine tampering: 2  
Other: 8  
Unclear: 3

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV

05/11/2006 03:33 PM

To "Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL  
cc

Subject RE: Voting Fraud-Voter Intimidation Working Group 

Craig:

I would love to have an updated list for our research files. For purposes of getting this information out to our participants, I will note that the consultants' summary is based upon information provided as of January 2006. Thanks.

Do you expect to be at your office tomorrow afternoon? I can walk over with the information packet we will have put together for the Working Group. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov>  
v>

05/11/2006 02:55 PM

To psims@eac.gov

cc

Subject RE: Voting Fraud-Voter Intimidation Working Group

019527

Peggy - -

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019528

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Other: 2

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Vote Buying: 14  
Ballot/machine tampering: 2  
Other: 8  
Unclear: 3

Tova Andrea Wang  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

Visit our Web site, [www.tcf.org](http://www.tcf.org), for the latest news, analysis, opinions, and events.

[Click here](#) to receive our weekly e-mail updates.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV  
05/08/2006 01:05 PM

To "Job Serebrov"

cc [REDACTED]

Subject Re: Working Group 

Job:

I don't think we can put you on teleconference for 4 1/2 hours. We really need to have you here in person if you are to help conduct the Working Group meeting. You should make your travel arrangements ASAP.

--- Peggy

"Job Serebrov" [REDACTED]



"Job Serebrov"  
[REDACTED]  
05/08/2006 10:14 AM

To psims@eac.gov, [REDACTED]

cc

Subject Re: Working Group

Peggy:

4:00 eastern on Tuesday is fine however, given the financial restrictions that you indicated would be in place for use of my car (I would actually loose money coming to DC) and given the cost of hotels at this time (I can't afford to front these costs and wait for months to be repaid), etc, it would take a miracle for this working group meeting to take place in person. It is looking like the only way it will get done is by teleconference. I also share Tova's concern about the unknown nature of Mr. Perez.

Job

019530

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>  
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>  
Sent: Wed May 03 12:40:19 2006  
Subject: Re: Voting Fraud-Voter Intimidation

My problem is that agency staff is booked most of the week of 5/21. Monday through Wednesday are taken up with meetings of the Standards Board Executive Committee, the full Standards Board, and the Board of Advisors. Thursday, we have EAC's public meeting. Also, I will lose one of my two consultants in June, so I'm trying to wrap up this project (and get the final report from the consultants) by the end of May.

Say "Hi" to Cameron for me.

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 11:56 AM

To

psims@eac.gov

cc

Subject

Re: Voting Fraud-Voter Intimidation

Hi Peg. I am sitting here with Cameron Quinn putting together this year's ballt conference for AUSAs. She send her best!

I am available on 5/18. But I am also going to the Board of Advisors Meeting the following week. I would rather do this then.

-----  
Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>  
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>  
Sent: Wed May 03 11:39:50 2006  
Subject: Voting Fraud-Voter Intimidation

Craig:

We are continuing our efforts to hone in on a date for the Working Group meeting. Are you available the afternoon of Thursday, May 18?

Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission

019531

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV

05/03/2006 04:59 PM

To "Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL

cc

Subject Re: Voting Fraud-Voter Intimidation 

I am looking at the afternoon of 5/18 for the meeting, due to scheduling conflicts of Working Group members. There remain two members from whom we have not yet received confirmations of their schedule (with some, it is like pulling teeth), but right now 5/18 still looks like the best day. We may have to hold the meeting over here to make it easier for Commissioners to drop in. --- Peg

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>

v>

05/03/2006 12:53 PM

To psims@eac.gov

cc

Subject Re: Voting Fraud-Voter Intimidation

Okay -- you are on for May 18th! Can we do it over here at 10?

-----  
Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>

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Say "Hi" to Cameron for me.

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

019532

05/04/2006 06:08 PM

Topsims@eac.gov

cc

SubjectRe: Voting Fraud-Voter Intimidation

Peggy -- they don't have anything to do with the Leadership Conference on Civil Rights do they?

I ask only because the Justice Department is currently engaged in a very acrimoneous FOIA litigation with LCCR that focuses precisely on our efforts to combat voter "intimidationm"  
-----

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>  
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>  
Sent: Thu May 04 17:20:39 2006  
Subject: RE: Voting Fraud-Voter Intimidation

It is just the Working Group for the Voting Fraud-Voter Intimidation Project. I am asking you to attend as Technical Advisor for the project. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/04/2006 03:26 PM

To

psims@eac.gov

cc

Subject

019533

RE: Voting Fraud-Voter Intimidation

Peg - - what is the name of the group?

---

From: psims@eac.gov [mailto:psims@eac.gov]  
Sent: Thursday, May 04, 2006 3:13 PM  
To: Donsanto, Craig  
Subject: RE: Voting Fraud-Voter Intimidation

Craig:

This meeting is being held to obtain input from our eight-member Working Group for the project. The group is composed of election lawyers, election officials, and a representative of an advocacy group, all of whom have an interest and some expertise in the identification and/or prosecution of voting fraud and voter intimidation. The group was chosen so that we would have an equal number of folks on each side of the political spectrum, plus some nonpartisan members.

After our consultants review the results of their preliminary research (interviews, literature review, case law), we will ask the Working Group to brainstorm possible next steps for EAC. Our consultants will write a report summarizing the proposals that come out of this meeting. The report will go to the Commissioners, who will decide what they want to do, funds available, and what priority to assigned to the effort(s).

Your participation in this part of the process is extremely important, so I am very happy that you can find time for us that afternoon. I'll get an agenda and other information to you next week. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/04/2006 02:32 PM

To

psims@eac.gov

cc

Subject

RE: Voting Fraud-Voter Intimidation

019534



Okay, Peg - - I will mark off the entire afternoon and try to be there. What is the agenda? I was not aware that this was anything beyond having your contractors spend another session with me. Also, if they will be needing stats and stuff like that I need to know as I will bring my state-people with me.

---

From: psims@eac.gov [mailto:psims@eac.gov]  
Sent: Thursday, May 04, 2006 2:28 PM  
To: Donsanto, Craig  
Subject: Re: Voting Fraud-Voter Intimidation

Right now, we are planning to meet in EAC's large conference room between 1 PM and 5 PM. If you cannot be there for the whole afternoon, we will appreciate whatever time you can spare. I'll get back to you with more information (agenda, list of Working Group members, etc.). --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 05:59 PM

To psims@eac.gov  
cc  
Subject Re: Voting Fraud-Voter Intimidation

Afternoon of May 18 -- 2:30 okay? How long will they need??  
-----

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

019535

From: psims@eac.gov <psims@eac.gov>  
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>  
Sent: Wed May 03 16:59:09 2006  
Subject: Re: Voting Fraud-Voter Intimidation

I am looking at the afternoon of 5/18 for the meeting, due to scheduling conflicts of Working Group members. There remain two members from whom we have not yet received confirmations of their schedule (with some, it is like pulling teeth), but right now 5/18 still looks like the best day. We may have to hold the meeting over here to make it easier for Commissioners to drop in.  
--- Peg

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 12:53 PM

To

psims@eac.gov

cc

Subject

Re: Voting Fraud-Voter Intimidation

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Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>  
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>  
Sent: Wed May 03 12:40:19 2006  
Subject: Re: Voting Fraud-Voter Intimidation

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Say "Hi" to Cameron for me.

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 11:56 AM

To

019536

psims@eac.gov

cc

Subject

Re: Voting Fraud-Voter Intimidation

Hi Peg. I am sitting here with Cameron Quinn putting together this year's ballt conference for AUSAs. She send her best!

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Subject: Voting Fraud-Voter Intimidation

Craig:

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Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission

019537

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov>  
>

To psims@eac.gov  
cc

05/03/2006 05:59 PM

Subject Re: Voting Fraud-Voter Intimidation

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05/03/2006 12:53 PM

To

psims@eac.gov

cc

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"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 11:56 AM

019539

To  
cc  
Subject

psims@eac.gov

Re: Voting Fraud-Voter Intimidation

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Election Research Specialist  
U.S. Election Assistance Commission

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

**Margaret Sims /EAC/GOV**

05/04/2006 02:28 PM

To "Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL  
cc

Subject Re: Voting Fraud-Voter Intimidation [1]

Right now, we are planning to meet in EAC's large conference room between 1 PM and 5 PM. If you cannot be there for the whole afternoon, we will appreciate whatever time you can spare. I'll get back to you with more information (agenda, list of Working Group members, etc.). --- Peggy

019540

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov  
>

To psims@eac.gov

cc

05/03/2006 05:59 PM

Subject Re: Voting Fraud-Voter Intimidation

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"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 12:53 PM

To

psims@eac.gov

cc

Subject

Re: Voting Fraud-Voter Intimidation

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To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>

Sent: Wed May 03 12:40:19 2006

019541

Subject: Re: Voting Fraud-Voter Intimidation

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"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 11:56 AM

To

psims@eac.gov

cc

Subject

Re: Voting Fraud-Voter Intimidation

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To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>

Sent: Wed May 03 11:39:50 2006

Subject: Voting Fraud-Voter Intimidation

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Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission

019542



— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM —

Margaret Sims/EAC/GOV

05/05/2006 02:32 PM

To Tova Andrea Wang, Job Serebrov

cc dromig@eac.gov

Subject Working Group

019543

Hi, Folks:

#### Teleconference

Are both of you available for a teleconference next Tuesday afternoon at about 4 PM EST? If this does not work for you, please suggest another date and/or time. I would like to discuss our preparations for the Working Group meeting.

#### Working Group Members

We have a very good person to fill the slot for the nonpartisan local election official: J.R. Perez, Elections Administrator for Guadalupe County, TX. Attached is his bio. Hope you have no objections to him. He is available on May 18. I have place 2 calls to Pat Rogers office, but have not yet received a reply. Job, if you have any pull with him, you may want to contact him, too.

#### Travel Arrangements

You should make your own travel arrangements, including hotel. Travel time cannot be billed to the contract, except for hours actually worked on the contract (i.e.; reviewing materials in preparation for the meeting, and the like). Current Federal rates follow:

Maximum Lodging = \$180 per day- does not include hotel taxes (if you cannot get this rate, we have covered reasonable rates that are a little higher)

Meals & Incidentals = \$64 per day (except that it is \$48 on the first and last day of travel)

Mileage for Personally Owned Vehicle = \$ .445 per mile

Under the new contract, I do not have to fill out a travel authorization for you. I can approve your trip via email. Afterwards, when you turn in your next pay voucher, you can attach the airline receipt (or mileage documentation), hotel receipt(s), and ground transportation receipts and a copy of any printed itineraries. Calculate the total travel expenses due you, including applicable per diem. I do not need meal receipts.

Job, under Federal travel regulations, deviations for personal reasons are not normally accommodated. What you can do, however, is to give me a comparison of the cost of roundtrip mileage, hotel, and per diem of doing it your way against the cost of a roundtrip flight, ground transportation, hotel, and per diem. If your way costs less, it should be no problem to cover the full cost. If your way is more expensive, we may only pay up to the amount of traditional travel. (The same rules apply to me when I travel.) If you can tell me where, other than DC, you will spend the night, I can check on applicable per diem rates.

Peggy

Margaret Sims /EAC/GOV  
05/12/2006 03:19 PM

To "Job Serebrov"  
cc [REDACTED]  
Subject Re: Fraud Definition [E]

I have placed another call to his office (after one previous call to his assistant and an email to him). I, too, am concerned about our dwindling chances. --- Peggy

"Job Serebrov" <serebrov@sbcglobal.net>



"Job Serebrov"  
[REDACTED]  
05/12/2006 03:06 PM

To psims@eac.gov  
cc  
Subject Re: Fraud Definition

Given the short time period, you may want to give Ginsberg a deadline. The longer we wait, the poorer our chances are of getting Braden.

--- psims@eac.gov wrote:

> I am reluctant to invite Braden until after I have  
> received a "No" from  
> Ginsberg. --- Peg  
>  
>  
>  
> "Job Serebrov" [REDACTED]  
> 05/12/2006 02:33 [REDACTED]  
>  
> To  
> psims@eac.gov  
> cc  
> >  
> >  
> > "Job Serebrov" <[REDACTED]>  
> > 05/12/2006 12:52 PM  
> >  
> > To  
> > psims@eac.gov, [REDACTED]  
> > cc  
> >  
> > Subject  
> > Re: Fraud Definition  
> >  
> >  
> >  
> >  
> > This is ok, given the fact that the WG may have  
> > suggestions. Will you be sending us the same  
> > packets  
> > that you are sending the WG? Also, I figure with  
> > Tova's response we will need to have a  
> > teleconference  
> > on the report once I return to Little Rock. We  
> > will  
> > need to do it that following Monday or Tuesday.  
> >  
> >

019546

> >  
> > --- psims@eac.gov wrote:  
> >  
> > > Would you please take a look at the attached? I  
> > > combined both of your  
> > > definitions, reformatted the list, removed a  
> > > reference to the fraud having  
> > > to have an actual impact on the election results  
> > > (because fraud can be  
> > > prosecuted without proving that it actually  
> > > changed  
> > > the results of the  
> > > election), and taken out a couple of vague  
> > > examples  
> > > (e.g.; reference to  
> > > failing to enforce state laws --- because there  
> > may  
> > > be legitimate reasons  
> > > for not doing so).  
> > >  
> > > I have made contact with Ben Ginsberg's office  
> > and  
> > > am waiting to hear if  
> > > he accepts our invitation to join the working  
> > > group.  
> > > --- Peggy  
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



05/07/2006 12:33 PM

To psims@eac.gov,



cc

Subject Re: Working Group

The bio for JR Perez tells us very little about him and there is pretty much nothing about him on the web. Can you tell us more about him and how you decided on him? Thanks. Tova

----- Original Message -----

**From:** psims@eac.gov

**To:** [Redacted]

**Cc:** [droning@eac.gov](mailto:droning@eac.gov)

**Sent:** Friday, May 05, 2006 2:32 PM

019545

**Subject: Working Group**

Hi, Folks:

**Teleconference**

Are both of you available for a teleconference next Tuesday afternoon at about 4 PM EST? If this does not work for you, please suggest another date and/or time. I would like to discuss our preparations for the Working Group meeting.

**Working Group Members**

We have a very good person to fill the slot for the nonpartisan local election official: J.R. Perez, Elections Administrator for Guadalupe County, TX. Attached is his bio. Hope you have no objections to him. He is available on May 18. I have place 2 calls to Pat Rogers office, but have not yet received a reply. Job, if you have any pull with him, you may want to contact him, too.

**Travel Arrangements**

You should make your own travel arrangements, including hotel. Travel time cannot be billed to the contract, except for hours actually worked on the contract (i.e.; reviewing materials in preparation for the meeting, and the like). Current Federal rates follow:

Maximum Lodging = \$180 per day- does not include hotel taxes (if you cannot get this rate, we have covered reasonable rates that are a little higher)

Meals & Incidentals = \$64 per day (except that it is \$48 on the first and last day of travel)

Mileage for Personally Owned Vehicle = \$ .445 per mile

Under the new contract, I do not have to fill out a travel authorization for you. I can approve your trip via email. Afterwards, when you turn in your next pay voucher, you can attach the airline receipt (or mileage documentation), hotel receipt(s), and ground transportation receipts and a copy of any printed itineraries. Calculate the total travel expenses due you, including applicable per diem. I do not need meal receipts.

Job, under Federal travel regulations, deviations for personal reasons are not normally accommodated. What you can do, however, is to give me a comparison of the cost of roundtrip mileage, hotel, and per diem of doing it your way against the cost of a roundtrip flight, ground transportation, hotel, and per diem. If your way costs less, it should be no problem to cover the full cost. If your way is more expensive, we may only pay up to the amount of traditional travel. (The same rules apply to me when I travel.) If you can tell me where, other than DC, you will spend the night, I can check on applicable per diem rates.

Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV

05/11/2006 04:23 PM

To "Tova Wang" [REDACTED]

cc

Subject Re: Material I may not have included [REDACTED]

Would these go under literature review or news article review? --- Peggy

019546

"Tova Wang" [REDACTED]



"Tova Wang"

05/10/2006 11:45 AM

To psims@eac.gov

cc [REDACTED] dromig@eac.gov

Subject Material I may not have included

Peg,

Correct me if I'm wrong, but I think I omitted sending you these specific summaries that are based on complex cases that could not be adequately described within the confines of the nexis article excel spreadsheets. If we can, these should be included, probably on the disc. Sorry.

Tova Andrea Wang  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

Visit our Web site, [www.tcf.org](http://www.tcf.org), for the latest news, analysis, opinions, and events.

[Click here](#) to receive our weekly e-mail updates.



Wisconsin FINAL.doc



South Dakota FINAL.doc



Washington FINAL.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV

05/04/2006 10:33 AM

To Job Serebrov

cc

Subject Good News

Job:

Secretary Rokita is available May 18. I'm going to talk with the Chairman today about substituting Rogers for Norcross. Do you have contact information for Rogers? --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV

05/04/2006 05:20 PM

To "Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL

cc

Subject RE: Voting Fraud-Voter Intimidation [REDACTED]

019547

It is just the Working Group for the Voting Fraud-Voter Intimidation Project. I am asking you to attend as Technical Advisor for the project. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov  
>

05/04/2006 03:26 PM

To psims@eac.gov

cc

Subject RE: Voting Fraud-Voter Intimidation

Peg - - what is the name of the group?

---

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Thursday, May 04, 2006 3:13 PM  
**To:** Donsanto, Craig  
**Subject:** RE: Voting Fraud-Voter Intimidation

Craig:

This meeting is being held to obtain input from our eight-member Working Group for the project. The group is composed of election lawyers, election officials, and a representative of an advocacy group, all of whom have an interest and some expertise in the identification and/or prosecution of voting fraud and voter intimidation. The group was chosen so that we would have an equal number of folks on each side of the political spectrum, plus some nonpartisan members.

After our consultants review the results of their preliminary research (interviews, literature review, case law), we will ask the Working Group to brainstorm possible next steps for EAC. Our consultants will write a report summarizing the proposals that come out of this meeting. The report will go to the Commissioners, who will decide what they want to do, funds available, and what priority to assigned to the effort(s).

Your participation in this part of the process is extremely important, so I am very happy that you can find time for us that afternoon. I'll get an agenda and other information to you next week. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/04/2006 02:32 PM

Topsims@eac.gov

cc

SubjectRE: Voting Fraud-Voter Intimidation

019548

Okay, Peg - - I will mark off the entire afternoon and try to be there. What is the agenda? I was not aware that this was anything beyond having your contractors spend another session with me. Also, if they will be needing stats and stuff like that I need to know as I will bring my state-people with me.

---

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Thursday, May 04, 2006 2:28 PM  
**To:** Donsanto, Craig  
**Subject:** Re: Voting Fraud-Voter Intimidation

Right now, we are planning to meet in EAC's large conference room between 1 PM and 5 PM. If you cannot be there for the whole afternoon, we will appreciate whatever time you can spare. I'll get back to you with more information (agenda, list of Working Group members, etc.). --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 05:59 PM

Topsims@eac.gov  
cc  
Subject: Re: Voting Fraud-Voter Intimidation

Afternoon of May 18 -- 2:30 okay? How long will they need??

-----  
Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

019549

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>  
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>  
Sent: Wed May 03 16:59:09 2006  
Subject: Re: Voting Fraud-Voter Intimidation

I am looking at the afternoon of 5/18 for the meeting, due to scheduling conflicts of Working Group members. There remain two members from whom we have not yet received confirmations of their schedule (with some, it is like pulling teeth), but right now 5/18 still looks like the best day. We may have to hold the meeting over here to make it easier for Commissioners to drop in.  
--- Peg

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 12:53 PM

To

psims@eac.gov

cc

Subject

Re: Voting Fraud-Voter Intimidation

Okay -- you are on for May 18th! Can we do it over here at 10?  
-----

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>  
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>  
Sent: Wed May 03 12:40:19 2006  
Subject: Re: Voting Fraud-Voter Intimidation

My problem is that agency staff is booked most of the week of 5/21. Monday through Wednesday are taken up with meetings of the Standards Board Executive Committee, the full Standards Board, and the Board of Advisors. Thursday, we have EAC's public meeting. Also, I will lose one of my two consultants in June, so I'm trying to wrap up this project (and get the final report from the consultants) by the end of May.

Say "Hi" to Cameron for me.

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

019550



05/03/2006 11:56 AM

To

psims@eac.gov

cc

Subject

Re: Voting Fraud-Voter Intimidation

Hi Peg. I am sitting here with Cameron Quinn putting together this year's ballt conference for AUSAs. She send her best!

I am available on 5/18. But I am also going to the Board of Advisors Meeting the following week. I would rather do this then.

-----  
Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>

To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>

Sent: Wed May 03 11:39:50 2006

Subject: Voting Fraud-Voter Intimidation

Craig:

We are continuing our efforts to hone in on a date for the Working Group meeting. Are you available the afternoon of Thursday, May 18?

Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV

05/12/2006 01:34 PM

To "Tova Wang" [REDACTED]

cc

Subject RE: Fraud Definition [E]

Lets raise this issue at the meeting. (I'll add "DRAFT" to the current document.) My concern is that there are a number of requirements in the Voting Rights Act. Not all of them are considered election fraud, when violated. For example, failure to preclear changes in election procedures is not treated as election fraud, though it is actionable. --- Peggy

019551

.  
>  
>  
> "Job Serebrov" [REDACTED]  
> 05/11/2006 03:49 PM  
>  
> To  
> psims@eac.gov  
> cc  
>  
> Subject  
> Re: Literature Summary  
>  
>  
>  
>  
>  
> I resent the review as you see at the bottom. When I  
> opened it and sent it there was no corrupted text.  
>  
>  
>  
> --- psims@eac.gov wrote:  
>  
> > Do you have text to replace the corrupted text in  
> > paragraph 4? --- Peggy  
> >  
> >

> >  
> >  
> > "Job Serebrov" [REDACTED]  
> > 05/11/2006 03:17 PM  
> >  
> > To  
> > psims@eac.gov  
> > cc  
> >  
> > Subject  
> > Re: Literature Summary  
> >  
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> >  
> > --- psims@eac.gov wrote:  
> >  
> > > Tova just sent me the summary you prepared of  
> > The  
> > > Federal Crime of  
> > > Election Fraud by Craig Donsanto. There is  
> > > something wrong in the fourth  
> > > paragraph (odd characters and missing text).  
> > Can  
> > > you please send a  
> > > replacement fourth paragraph? You can send it  
> > in  
> > > an email and I will  
> > > place it in the document. --- Peggy  
> >  
>  
>  
>  
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Job Serebrov"

[REDACTED]  
05/03/2006 01:48 PM

To psims@eac.gov, [REDACTED]  
cc dromig@eac.gov

Subject Re: Working Group Meeting

Peggy:

I expect that since Norcross can't make it either you will try to get Rogers or cut one of Tova's folks.

Job

--- psims@eac.gov wrote:

> Job and Tova:  
>  
> As of now, the afternoon of Thursday, May 18 appears  
> to be the best  
> possible date for the meeting. Norcross is not  
> available to attend in  
> person that day (he is available only 2 days during  
> the first three weeks  
> of May). We won't have confirmation of the  
> availability of Secretary  
> Rokita until tomorrow --- but I am hopeful.  
>  
> I'll give you an update tomorrow. Maybe we can  
> schedule a teleconference  
> on Monday afternoon. --- Peggy

"Job Serebrov" 

05/08/2006 11:30 PM

To psims@eac.gov  
cc  
Subject Re: Working Group

Peggy:

What political party is Perez with? How political is he? Is the position in Texas neutral or political? Who appointed Perez?

As to Pat I will contact him but I can't promise anything. If Pat can't come, who is getting knocked off Tova's list?

Job

019554



Subject RE: Literature Summary

We accidentally left it out when we emailed all the summaries

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Thursday, May 11, 2006 1:09 PM  
**To:** serebrov@sbcglobal.net  
**Cc:** wang@tcf.org  
**Subject:** Literature Summary

Tova just sent me the summary you prepared of The Federal Crime of Election Fraud by Craig Donsanto. There is something wrong in the fourth paragraph (odd characters and missing text). Can you please send a replacement fourth paragraph? You can send it in an email and I will place it in the document. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Tova Wang"  
[Redacted]  
05/11/2006 03:45 PM

To "Job Serebrov" [Redacted] psims@eac.gov  
cc [Redacted]

Subject RE: new working group representative

He is representing Barbara Arnwine, and we have already established we are not disinviting anyone. We still don't know about Ginsburg yet anyway, right?

-----Original Message-----

**From:** Job Serebrov [Redacted]  
**Sent:** Thursday, May 11, 2006 2:36 PM  
**To:** Tova Wang; psims@eac.gov  
**Cc:** [Redacted]  
**Subject:** Re: new working group representative

I have an objection to Greenbaum. While I realize he comes from an advocacy group, he is not a minority attorney and we already have a rep who worked with DOJ. If it is to be Greenbaum, I would rather not fill that position since I am one down.

--- Tova Wang [Redacted] > wrote:

> is Jon Greenbaum  
>  
> Here' s his info in full:  
>  
> <http://www.lawyerscommittee.org/2005website/aboutus/staff/staffgreenbaum.htm>  
> 1  
>  
> He is the Director of the Voting Rights Project for  
> the Lawyers Committee

Okay, Peg - - I will mark off the entire afternoon and try to be there. What is the agenda? I was not aware that this was anything beyond having your contractors spend another session with me. Also, if they will be needing stats and stuff like that I need to know as I will bring my state-people with me.

---

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Thursday, May 04, 2006 2:28 PM  
**To:** Donsanto, Craig  
**Subject:** Re: Voting Fraud-Voter Intimidation

Right now, we are planning to meet in EAC's large conference room between 1 PM and 5 PM. If you cannot be there for the whole afternoon, we will appreciate whatever time you can spare. I'll get back to you with more information (agenda, list of Working Group members, etc.). --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 05:59 PM

Topsims@eac.gov  
cc  
SubjectRe: Voting Fraud-Voter Intimidation

Afternoon of May 18 -- 2:30 okay? How long will they need??  
-----

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

019556

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>  
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>  
Sent: Wed May 03 16:59:09 2006  
Subject: Re: Voting Fraud-Voter Intimidation

I am looking at the afternoon of 5/18 for the meeting, due to scheduling conflicts of Working Group members. There remain two members from whom we have not yet received confirmations of their schedule (with some, it is like pulling teeth), but right now 5/18 still looks like the best day. We may have to hold the meeting over here to make it easier for Commissioners to drop in.  
--- Peg

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 12:53 PM

To

psims@eac.gov

cc

Subject

Re: Voting Fraud-Voter Intimidation

Okay -- you are on for May 18th! Can we do it over here at 10?  
-----

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>  
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>  
Sent: Wed May 03 12:40:19 2006  
Subject: Re: Voting Fraud-Voter Intimidation

My problem is that agency staff is booked most of the week of 5/21. Monday through Wednesday are taken up with meetings of the Standards Board Executive Committee, the full Standards Board, and the Board of Advisors. Thursday, we have EAC's public meeting. Also, I will lose one of my two consultants in June, so I'm trying to wrap up this project (and get the final report from the consultants) by the end of May.

Say "Hi" to Cameron for me.

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

019557

>  
 > "Job Serebrov" [REDACTED]  
 > 05/11/2006 03:17 PM  
 >  
 > To  
 > psims@eac.gov  
 > cc  
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 > Subject  
 > Re: Literature Summary  
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> --- psims@eac.gov wrote:  
 >  
 > > Tova just sent me the summary you prepared of The  
 > > Federal Crime of  
 > > Election Fraud by Craig Donsanto. There is  
 > > something wrong in the fourth  
 > > paragraph (odd characters and missing text). Can  
 > > you please send a  
 > > replacement fourth paragraph? You can send it in  
 > > an email and I will  
 > > place it in the document. --- Peggy  
 >


----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV  
 05/05/2006 01:59 PM To "J. R. Perez" [REDACTED]  
 cc  
 Subject Re: Bio for Perez [REDACTED]

Thanks, J.R. Great to have you on board! We will get back to you shortly regarding travel arrangements. The meeting materials will be sent by Federal Express next week.

Peggy Sims  
 Election Research Specialist  
 U.S. Election Assistance Commission  
 1225 New York Ave, NW - Ste 1100  
 Washington, DC 20005  
 Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
 Fax: 202-566-3127  
 email: psims@eac.gov

"J. R. Perez" [REDACTED]

 "J. R. Perez" [REDACTED]

psims@eac.gov





05/05/2006 01:23 PM

To  
cc  
Subject Bio for Perez

Hi Peggy, it was nice talking with you today and I would be glad to try and add to the discussion. I am attaching a brief bio and will await your instructions for the travel arrangements. I look forward to receiving the current information on panel issues.

J.R. Perez  
Elections Administrator  
Guadalupe County



bio 5\_5\_06.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Weinberg and Utrecht "

05/05/2006 12:27 PM

To psims@eac.gov  
cc  
Subject Re: Voting Fraud-Voter Intimidation

5201 Roosevelt St.  
Bethesda, MD 20814

----- Original Message -----

From: psims@eac.gov  
To: [REDACTED]  
Sent: Friday, May 05, 2006 10:56 AM  
Subject: Re: Voting Fraud-Voter Intimidation

Barry:

Would you please provide an address to which we can Federal Express materials before the meeting? ---  
Peg

"Weinberg and Utrecht "

05/04/2006 01:34 PM

To psims@eac.gov  
cc  
Subject Re: Voting Fraud-Voter Intimidation

019559

that would be fine

----- Original Message -----

From: [psims@eac.gov](mailto:psims@eac.gov)

To: [REDACTED]

Sent: Thursday, May 04, 2006 1:08 PM

Subject: Voting Fraud-Voter Intimidation

Barry:

It appears that the afternoon of Thursday, May 18 is best for a meeting of the working group. I know you said you would not be available in the morning that day. If we started at 1 PM, would that be too soon for you?

Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: [psims@eac.gov](mailto:psims@eac.gov)

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Job Serebrov"

[REDACTED]  
05/12/2006 02:52 PM

To: [psims@eac.gov](mailto:psims@eac.gov)

cc

Subject: Re: Working Group List

List a vacancy---to be filled. If we don't hear from Ginsberg by late afternoon please call Braden.

Job

--- [psims@eac.gov](mailto:psims@eac.gov) wrote:

> Job:  
>  
> What do you suggest I do with the list of Working  
> Group members. I need  
> to get the Fed Ex packages out by the end of the  
> day, and have not heard  
> back from Ginsberg. Do you want me to list a

019560

> vacancy, or list Norcross  
> with a note that he cannot attend? If we find a  
> substitute, we can always  
> provide an updated list next Thursday. --- Peggy

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM ---



[REDACTED]  
05/13/2006 09:10 AM

To psims@eac.gov  
cc "Job Serebrov" [REDACTED]  
Subject research summary

In the middle of the night I got the feeling that you may be right, that I did do a summary of the existing literature review (that Job, you approved) . I'll have to look for it on Monday (unless I go into the office over the weekend, which is possible). I may be hallucinating, but if not, I'll just present it at the meeting rather than try to get it to them ahead of time. Tova

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM ---

019561

> serebrov@sbcglobal.net  
> Subject  
> Re: new working group representative

>  
>  
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>  
> I have an objection to Greenbaum. While I realize he  
> comes from an advocacy group, he is not a minority  
> attorney and we already have a rep who worked with  
> DOJ. If it is to be Greenbaum, I would rather not  
> fill  
> that position since I am one down.

> --- Tova Wang [REDACTED] wrote:

> > is Jon Greenbaum  
> >  
> > Here' s his info in full:

> >  
> <http://www.lawyerscommittee.org/2005website/aboutus/staff/staffgreenbaum.htm>

> > 1

> >  
> > He is the Director of the Voting Rights Project  
> > for  
> > the Lawyers Committee  
> > for Civil Rights. He will be representing Barbara  
> > Arnwine, the Executive  
> > Director of the Lawyers Committee.

> > His contact and mailing info is:

> >  
> > jgreenbaum@lawyerscommittee.org  
> > 202-662-8315  
> > 1401 New York Avenue, NW  
> > Suite 400  
> > Washington, DC 20005

> >  
> >  
> > Tova Andrea Wang  
> > Democracy Fellow

019562

> > The Century Foundation  
> > 41 East 70th Street - New York, NY 10021  
> > phone: 212-452-7704 fax: 212-535-7534  
> >  
> > Visit our Web site, <<http://www.tcf.org/>>  
> > [www.tcf.org](http://www.tcf.org), for the latest news,  
> > analysis, opinions, and events.  
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> > \_\_\_\_\_  
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> > <<mailto:join-tcfmain@mailhost.groundspring.org>>  
> > Click here to receive our  
> > weekly e-mail updates.  
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Donsanto, Craig"  
<[Craig.Donsanto@usdoj.gov](mailto:Craig.Donsanto@usdoj.gov)>  
v>  
05/11/2006 02:39 PM

To psims@eac.gov, "Mitchell, Cynthia"  
<[Cynthia.Mitchell@usdoj.gov](mailto:Cynthia.Mitchell@usdoj.gov)>  
cc "Simmons, Nancy" <[Nancy.Simmons@usdoj.gov](mailto:Nancy.Simmons@usdoj.gov)>  
Subject RE: Voting Fraud-Voter Intimidation Working Group

Cindy --

Can you please check the accuracy of these figures -- which you recall we gave to the EAC a month or so ago -- to ensure that they are up-to-date?

I believe we have had several public events that have taken place since we gave them the Public Fraud List a few weeks ago.

---

**From:** psims@eac.gov [<mailto:psims@eac.gov>]  
**Sent:** Thursday, May 11, 2006 2:35 PM  
**To:** Donsanto, Craig  
**Subject:** Voting Fraud-Voter Intimidation Working Group  
**Importance:** High

Craig:

I think we have resolved the issue of Barbara Arnwine's absence from the upcoming meeting by having one of her staff represent her (and her organization). Please review the attached rough summary of DOJ

019563

Cases ASAP and let me know if I need to delete reference to the open investigations. Hopefully, we won't have to remove this information as it does not specify the defendants or States involved. --- Peg

**Rough Summary of Department of Justice, Public Integrity Section Activities, October 2002-January 2006**

**Prosecutions and Convictions-- Individuals**

Noncitizen voting: 20

Vote buying: 49

Double voting: 12

Registration fraud: 13

Civil Rights: 4

Voter Intimidation: 2

Unclear: 1

**Open Investigations** (note: a few cases overlap with prosecutions and convictions)

Noncitizen voting: 3

Vote buying: 25

Double voting: 15

Registration fraud: 29

Absentee ballot fraud: 9

Official: 8

Ineligibles: 4

Deceptive Practices: 1

Civil Rights: 14

Intimidation: 6

Other: 2

**Cases and Investigations Closed for Lack of Evidence**

Civil Rights: 8

Official: 12

Registration Fraud: 12

Absentee Ballot Fraud: 14

Ineligible Voting: 3

Intimidation: 8

Double Voting: 5

Ballot Box Stuffing: 1

Vote Buying: 14

Ballot/machine tampering: 2

Other: 8

Unclear: 3

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM ---



"Job Serebrov"

019564



[REDACTED]  
05/09/2006 10:46 AM

To psims@eac.gov

cc

Subject Fwd: RE: Working Group meeting

FYI

--- "Patrick J. Rogers" [REDACTED] wrote:

> Subject: RE: Working Group meeting  
> Date: Tue, 9 May 2006 07:42:44 -0600  
> From: "Patrick J. Rogers" [REDACTED]  
> To: "Job Serebrov" [REDACTED]

>  
> Job---maybe. I will call you and/or Ms. Sims  
> tomorrow. Depositions all  
> day today. Thanks, Pat

>  
> What's the best number to call you tomorrow?

>  
> Patrick J. Rogers  
> Modrall, Sperling, Roehl, Harris & Sisk, P.A.  
> P.O. Box 2168  
> Albuquerque, NM 87103-2168  
> Tel: [REDACTED]  
> Fax: [REDACTED]

>  
> -----Original Message-----  
> From: Job Serebrov [mailto:serebrov@sbcglobal.net]  
> Sent: Monday, May 08, 2006 9:41 PM  
> To: Patrick J. Rogers  
> Subject: Working Group meeting

> Pat:

>  
> The working group meeting for the voter fraud  
> project is scheduled for  
> May 18th in DC but David Norcross can't attend.  
> Could you come? If so,  
> we need to arrange travel and a hotel for you.

> Regards,

> Job

-----  
> Modrall, Sperling, Roehl, Harris & Sisk, P.A.  
-----

> THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE  
> INDIVIDUAL OR ENTITY TO  
> WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION  
> THAT IS PRIVILEGED,  
> CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER

019565

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> reader of this message is not the intended recipient  
> or agent  
> responsible for delivering the message to the  
> intended recipient, you  
> are hereby notified that any dissemination or  
> copying of this  
> communication is strictly prohibited. If you have  
> received this  
> electronic transmission in error, please delete it  
> from your system  
> without copying it, and notify the sender by reply  
> e-mail or by calling  
> 505.848.1800, so that our address record can be  
> corrected. Thank you.  
>  
>  
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV

05/09/2006 11:16 AM

To "Job Serebrov"

cc [REDACTED]

Subject Re: Fwd: RE: Working Group meeting

I had a voice mail message from him on Monday. I called him back but had to leave a voice mail message (telephone tag). If you hear from him and he is willing and able to come, I need to know this. We need to have him call our travel service to make travel arrangements ASAP. Thanks. --- Peggy

"Job Serebrov" [REDACTED]



"Job Serebrov"

05/09/2006 10:46 AM

To psims@eac.gov

cc

Subject Fwd: RE: Working Group meeting

FYI

--- "Patrick J. Rogers" [REDACTED] wrote:

> Subject: RE: Working Group meeting  
> Date: Tue, 9 May 2006 07:42:44 -0600  
> From: "Patrick J. Rogers" [REDACTED]  
> To: "Job Serebrov" [REDACTED]  
>  
> Job---maybe. I will call you and/or Ms. Sims  
> tomorrow. Depositions all  
> day today. Thanks, Pat

019566



>  
> What's the best number to call you tomorrow?

>  
> Patrick J. Rogers  
> Modrall, Sperling, Roehl, Harris & Sisk, P.A.  
> P.O. Box 2168  
> Albuquerque, NM 87103-2168

>  
> -----Original Message-----  
> From: Job Serebrov [mailto:serebrov@sbcglobal.net]  
> Sent: Monday, May 08, 2006 9:41 PM  
> To: Patrick J. Rogers  
> Subject: Working Group meeting

> Pat:  
>  
> The working group meeting for the voter fraud  
> project is scheduled for  
> May 18th in DC but David Norcross can't attend.  
> Could you come? If so,  
> we need to arrange travel and a hotel for you.

> Regards,

> Job

-----  
> Modrall, Sperling, Roehl, Harris & Sisk, P.A.  
>

-----  
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> communication is strictly prohibited. If you have  
> received this  
> electronic transmission in error, please delete it  
> from your system  
> without copying it, and notify the sender by reply  
> e-mail or by calling  
> 505.848.1800, so that our address record can be  
> corrected. Thank you.

>  
>  
>  
019567

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV

05/09/2006 11:38 AM

To Tova Andrea Wang

cc

Subject Fw: Case Summaries

Had you seen this? --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 05/09/2006 11:38 AM -----



"Job Serebrov"

05/08/2006 09:30 AM

To psims@eac.gov

cc

Subject Case Summaries

Peggy:

Please add this to the packet.

019568



Job Case Summaries.doc

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM ---

Margaret Sims /EAC/GOV

05/12/2006 03:22 PM

To Job Serebrov, Tova Andrea Wang

cc

Subject Good News

Ginsberg has accepted our invitation! --- Peggy

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM ---



"Job Serebrov"

05/11/2006 10:16 AM

To psims@eac.gov

cc

Subject Re: Today's Teleconference

The teleconference is on. However, I am still one person down for the meeting and I am not comfortable. This will have to be discussed since from the start it was agreed that the WG would be equal and if I lost a person Tova would have to loose one. Further and most importantly, I don't yet have a hotel so my attendance is still up in the air. Finally, the agenda is not what we discussed and gives far too much time for areas that can be covered in a short time. Not listed are all of the questions that Tova's proposed agenda had. All in all, it needs to be redone.

--- psims@eac.gov wrote:

- > I assume that we are still on for today's
- > teleconference at 11 AM EST. I
- > will call you. I have attached a draft agenda for
- > your review and
- > comment. --- Peggy
- >
- >

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM ---



"Tova Wang"

05/08/2006 10:18 AM

To psims@eac.gov

cc

Subject RE: Working Group

019569

I am more than happy to attend in person

-----Original Message-----

From: Job Serebrov [mailto: [REDACTED]]  
Sent: Monday, May 08, 2006 9:15 AM  
To: psims@eac.gov; [REDACTED]  
Subject: Re: Working Group

Peggy:

4:00 eastern on Tuesday is fine however, given the financial restrictions that you indicated would be in place for use of my car (I would actually loose money coming to DC) and given the cost of hotels at this time (I can't afford to front these costs and wait for months to be repaid), etc, it would take a miracle for this working group meeting to take place in person. It is looking like the only way it will get done is by teleconference. I also share Tova's concern about the unknown nature of Mr. Perez.

Job

--- psims@eac.gov wrote:

> Hi, Folks:  
>  
> Teleconference  
> Are both of you available for a teleconference next  
> Tuesday afternoon at  
> about 4 PM EST? If this does not work for you,  
> please suggest another  
> date and/or time. I would like to discuss our  
> preparations for the  
> Working Group meeting.  
>  
> Working Group Members  
> We have a very good person to fill the slot for the nonpartisan local  
> election official: J.R. Perez, Elections  
> Administrator for Guadalupe  
> County, TX. Attached is his bio. Hope you have no  
> objections to him. He  
> is available on May 18. I have place 2 calls to Pat  
> Rogers office, but  
> have not yet received a reply. Job, if you have any  
> pull with him, you  
> may want to contact him, too.  
>  
> Travel Arrangements  
> You should make your own travel arrangements,  
> including hotel. Travel  
> time cannot be billed to the contract, except for  
> hours actually worked on  
> the contract (i.e.; reviewing materials in  
> preparation for the meeting,  
> and the like). Current Federal rates follow:  
>

019570

- > Maximum Lodging = \$180 per day- does not include
- > hotel taxes (if you
- > cannot get this rate, we have covered reasonable
- > rates that are a little
- > higher)
- > Meals & Incidentals = \$64 per day (except that it is
- > \$48 on the first and
- > last day of travel)
- > Mileage for Personally Owned Vehicle = \$ .445 per
- > mile
- >
- > Under the new contract, I do not have to fill out a
- > travel authorization
- > for you. I can approve your trip via email.
- > Afterwards, when you turn in
- > your next pay voucher, you can attach the airline
- > receipt (or mileage
- > documentation), hotel receipt(s), and ground
- > transportation receipts and a
- > copy of any printed itineraries. Calculate the
- > total travel expenses due
- > you, including applicable per diem. I do not need
- > meal receipts.
- >
- > Job, under Federal travel regulations, deviations
- > for personal reasons are
- > not normally accommodated. What you can do,
- > however, is to give me a
- > comparison of the cost of roundtrip mileage, hotel,
- > and per diem of doing
- > it your way against the cost of a roundtrip flight,
- > ground transportation,
- > hotel, and per diem. If your way costs less, it
- > should be no problem to
- > cover the full cost. If your way is more expensive,
- > we may only pay up to
- > the amount of traditional travel. (The same rules
- > apply to me when I
- > travel.) If you can tell me where, other than DC,
- > you will spend the
- > night, I can check on applicable per diem rates.
- >
- > Peggy
- >
- >

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Tova Wang"

05/09/2006 05:28 PM

To psims@eac.gov

cc

Subject arwine

019571

She definitely cannot do it. Would you please find out if Wade Henderson would be possible? Now its my turn to be upset!!! Thanks.

Tova Andrea Wang  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV

05/12/2006 02:46 PM

To Job Serebrov

cc

Subject Working Group List

Job:

What do you suggest I do with the list of Working Group members. I need to get the Fed Ex packages out by the end of the day, and have not heard back from Ginsberg. Do you want me to list a vacancy, or list Norcross with a note that he cannot attend? If we find a substitute, we can always provide an updated list next Thursday. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Tova Wang"

05/11/2006 04:25 PM

To psims@eac.gov

cc

Subject RE: Material I may not have included

news article review

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Thursday, May 11, 2006 3:23 PM

**To:** wang@tcf.org

**Subject:** Re: Material I may not have included

Would these go under literature review or news article review? --- Peggy

"Tova Wang"

019572

05/10/2006 11:45 AM

To psims@eac.gov  
cc [REDACTED], dromig@eac.gov  
Subject Material I may not have included

Peg,

Correct me if I'm wrong, but I think I omitted sending you these specific summaries that are based on complex cases that could not be adequately described within the confines of the nexis article excel spreadsheets. If we can, these should be included, probably on the disc. Sorry.

Tova Andrea Wang  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV

05/11/2006 11:45 AM

To Job Serebrov

cc

Subject Court Case Charts

Job

In preparing the CDs, we have run across the following files that appear to be duplicates. Which ones should go on the CD? -- Peggy



Chart Election Accessible.doc



Chart Vote Inaccessible.doc



ChartDenialVoterRegistrat.doc



ChartDenialVoterRegistrat2.doc



ChartProvisionalBallotDen.doc



ChartProvisionalBallotDen2.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Job Serebrov"



To psims@eac.gov

019573

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Tova Wang"

[REDACTED]  
05/11/2006 01:59 PM

To psims@eac.gov

cc

Subject RE: research summaries

Job did this one

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Thursday, May 11, 2006 12:56 PM

**To:** [REDACTED]

**Subject:** Re: research summaries

Something is wrong in the fourth paragraph of the Federal Election Crime summary. Do you know

019574



what it is supposed to say there?

"Tova Wang" [REDACTED]

05/11/2006 01:30 PM

To psims@eac.gov, dromig@eac.gov  
cc  
Subject research summaries

I have the feeling we didn't include these in the original batch I sent you. Could you double check and if not, would you please include them in the existing research materials? Sorry and thanks. I'm kind of doing all of this on my own in case you couldn't tell. List is coming...

**Tova Andrea Wang**  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV

05/11/2006 11:16 AM

To Job Serebrov, Tova Andrea Wang

cc

Subject Rev Agenda for Working Group Meeting



Agenda 5-18-06 Mtg.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV

05/09/2006 02:48 PM

To Adam Ambrogi/EAC/GOV

cc

Subject Fw: Working Group-Perez


019575

> > >  
> > >  
> > > Tova Andrea Wang  
> > > Democracy Fellow  
> > > The Century Foundation  
> > > 41 East 70th Street - New York, NY 10021  
> > > phone: 212-452-7704 fax: 212-535-7534  
> > >  
> > > Visit our Web site, <<http://www.tcf.org/>>  
> > > [www.tcf.org](http://www.tcf.org), for the latest news,  
> > > analysis, opinions, and events.  
> > >  
> > > \_\_\_\_\_  
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV  
05/11/2006 03:54 PM

To "Job Serebrov"  
cc [REDACTED]  
Subject Re: Literature Summary 

When I opened the attachment, I still had problems with the 4th paragraph. Would you please just send me that paragraph within the text of your email so that I can paste it into the document? --- Peggy

"Job Serebrov" [REDACTED]



"Job Serebrov"  
[REDACTED]  
05/11/2006 03:49 PM

To psims@eac.gov  
cc  
Subject Re: Literature Summary

I resent the review as you see at the bottom. When I opened it and sent it there was no corrupted text.

--- psims@eac.gov wrote:

> Do you have text to replace the corrupted text in  
> paragraph 4? --- Peggy

>  
>  
>  
>

> "Job Serebrov" [REDACTED]  
> 05/11/2006 03:17 PM

>  
> To  
> psims@eac.gov  
> cc

019577

>  
> Subject  
> Re: Literature Summary  
>  
>  
>  
>  
>  
>  
>  
>  
> --- psims@eac.gov wrote:  
>  
> > Tova just sent me the summary you prepared of The  
> > Federal Crime of  
> > Election Fraud by Craig Donsanto. There is  
> > something wrong in the fourth  
> > paragraph (odd characters and missing text). Can  
> > you please send a  
> > replacement fourth paragraph? You can send it in  
> > an email and I will  
> > place it in the document. --- Peggy  
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV

05/05/2006 12:53 PM

To "Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL  
cc

Subject RE: Please remind me of time and place for Voter  
Intimidation project meeting

The meeting is scheduled for Thursday, May 18, 1- 5:30 PM (though we may finish earlier). It will be held in EAC's large conference room (the one we use for public meetings, located off our lobby). --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov>  
v>

05/05/2006 12:43 PM

To psims@eac.gov  
cc

Subject RE: Please remind me of time and place for Voter  
Intimidation project meeting

If you tell me now I will put it into my calendar here, which in turn will remind me!

---

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Friday, May 05, 2006 12:42 PM

019578

**To:** Donsanto, Craig

**Subject:** Re: Please remind me of time and place for Voter Intimidation project meeting

How many days in advance do you need the reminder? --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV


05/09/2006 02:51 PM

To "Tova Wang" <wang@tcf.org>@GSAEXTERNAL

cc Adam Ambrogi/EAC/GOV@EAC

Subject RE: Working Group-Perez 

We are still on for 4 PM. Ray is out of the office due to a family emergency, so I suggest you NOT contact him. You may contact his Special Assistant, Adam Ambrogi (aambrogi@eac.gov or 202-566-3105), who also hails from Texas. --- Peggy

"Tova Wang" <

019579

"Job Serebrov" [REDACTED]

05/08/2006 11:30 PM

To psims@eac.gov  
cc  
Subject Re: Working Group

Peggy:

What political party is Perez with? How political is he? Is the position in Texas neutral or political? Who appointed Perez?

As to Pat I will contact him but I can't promise anything. If Pat can't come, who is getting knocked off Tova's list?

Job

019580

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV

05/12/2006 10:10 AM

To

cc

Subject Voting Fraud-Voter Intimidation Working Group

Dear Mr. Ginsberg:

This is to confirm my call to your office this morning inviting you to be a member of and attend the upcoming meeting of the U.S. Election Assistance Commission's (EAC) Working Group on Voting Fraud-Voter Intimidation. The meeting is scheduled to take place from 1:00 PM to 5:30 PM on Thursday, May 18th, 2006 at the offices of the U.S. Election Assistance Commission (EAC), 1225 New York Avenue, NW, 11th Floor, Washington, DC.

Section 241 of the Help America Vote Act of 2002 (HAVA) requires EAC to conduct research on election administration issues. Among the tasks listed in the statute are the development of:

- nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office [section 241(b)(6)]; and
- methods of identifying, deterring, and investigating methods of voter intimidation [section 241(b)(7)].

EAC's Board of Advisors recommended that the agency make research on these matters a high priority. Subsequently, the Commission contracted with two consultants (Job Serebrov and Tova Wang) to:

- develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections;
- perform background research (including Federal and State administrative and case law review), identify current activities of key government agencies, civic and advocacy organizations regarding these topics, and deliver a summary of this research and all source documentation;
- establish a project working group, in consultation with EAC, composed of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation;
- provide the description of what constitutes voting fraud and voter intimidation, and the results of the preliminary research to the working group, and convene the working group to discuss potential avenues for future EAC research on this topic; and
- produce a report to EAC summarizing the findings of the preliminary research effort and working group deliberations that includes recommendations for future research, if any;

We strive to include bipartisan representation on the Working Group associated with this project. You were recommended for this project by our Republican consultant, Job Serebrov. Your ideas for possible EAC activities related to this topic will help the agency as it plans future actions to meet its HAVA responsibilities.

If you can find the time in your busy schedule to participate, I will have an information packet delivered to your office by COB, Monday, May 15. Please let me know if you are available. Thank you.

Regards,

Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005

019531

Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)

Fax: 202-566-3127

email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV

05/10/2006 09:25 AM

To "Tova Wang" [REDACTED]

cc

Subject Re: arnwine [REDACTED]

I'm checking on this. Will get back to you as soon as I have more info. --- Peggy

"Tova Wang" [REDACTED]



"Tova Wang"

[REDACTED]  
05/09/2006 05:28 PM

To psims@eac.gov

cc

Subject arnwine

She definitely cannot do it. Would you please find out if Wade Henderson would be possible? Now its my turn to be upset!!! Thanks.

**Tova Andrea Wang**

Democracy Fellow

**The Century Foundation**

41 East 70th Street - New York, NY 10021

phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV

05/09/2006 11:44 AM

To "Job Serebrov" [REDACTED]

cc

Subject Re: Working Group-Perez [REDACTED]

OK, I get it. The text in the attachment follows:

019582



EXCERPTS FROM TEXAS ELECTION CODE

SUBCHAPTER B. COUNTY ELECTIONS ADMINISTRATOR

\*\*\*

§ 31.032. APPOINTMENT OF ADMINISTRATOR; COUNTY ELECTION COMMISSION.

(a) The position of county elections administrator is filled by appointment of the county election commission, which consists of:

- (1) the county judge, as chair;
- (2) the county clerk, as vice chair;
- (3) the county tax assessor-collector, as secretary; and
- (4) the county chair of each political party that made nominations

by primary election for the last general election for state and county officers preceding the date of the meeting at which the appointment is made.

(b) The affirmative vote of a majority of the commission's membership is necessary for the appointment of an administrator.

(c) Each appointment must be evidenced by a written resolution or order signed by the number of commission members necessary to make the appointment. Not later than the third day after the date an administrator is appointed, the officer who presided at the meeting shall file a signed copy of the resolution or order with the county clerk. Not later than the third day after the date the copy is filed, the county clerk shall deliver a certified copy of the resolution or order to the secretary of state.

(d) The initial appointment may be made at any time after the adoption of the order creating the position.

\*\*\*

§ 31.035. RESTRICTIONS ON POLITICAL ACTIVITIES.

(a) A county elections administrator may not be a candidate for a public office or an office of a political party, hold a public office, or hold an office of or position in a political party. At the time an administrator becomes a candidate or accepts an office or position in violation of this subsection, the administrator vacates the position of administrator.

(b) A county elections administrator commits an offense if the administrator makes a political contribution or political expenditure, as defined by the law regulating political funds and campaigns, or publicly supports or opposes a candidate for public office or a measure to be voted on at an election. An offense under this subsection is a Class A misdemeanor. On a final conviction, the administrator's employment is terminated, and the person convicted is ineligible for future appointment as county elections administrator.

> >  
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>  
>  
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV

05/11/2006 03:46 PM

To "Job Serebrov"

cc

Subject Re: Literature Summary 

Do you have text to replace the corrupted text in paragraph 4? --- Peggy

"Job Serebrov" 



"Job Serebrov"

05/11/2006 03:17 PM

To psims@eac.gov

cc

Subject Re: Literature Summary

--- psims@eac.gov wrote:

> Tova just sent me the summary you prepared of The  
> Federal Crime of  
> Election Fraud by Craig Donsanto. There is  
> something wrong in the fourth  
> paragraph (odd characters and missing text). Can  
> you please send a  
> replacement fourth paragraph? You can send it in  
> an email and I will



> place it in the document. --- Peggy Fed Crime Election Fraud.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV

05/05/2006 09:15 AM

To "Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL

cc

019584

Subject Re: Voting Fraud-Voter Intimidation

The non-election officials on the Working Group currently include:

- Barry Weinberg, whom you know
- Barbara Arnwine, Lawyers Committee for Civil Rights Under Law (organization associated with the Voting Rights Project and Election Protection)
- Bob Bauer, Perkins Coie, DC (Democrat attorney)
- Mark "Thor" Hearne, Lathrop & Gage, St Louis, MO (Republican attorney)

I am trying to recruit one other Republican attorney, Patrick Rogers, Modrall, Sperling, Roehl, Harris and Sisk, NM, who was recommended by our Republican consultant. He would replace an original member who is no longer available.

I know that Barbara has associated at conferences and in legislative efforts with Wade Henderson, Leadership Conference on Civil Rights. Also, the Lawyers Committee for Civil Rights is listed as on of many members of the Executive Committee for the Leadership Conference on Civil Rights (see [http://www.civilrights.org/about/lccr/executive\\_committee.html](http://www.civilrights.org/about/lccr/executive_committee.html)).

Does this information help? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov>  
v>

To psims@eac.gov

cc

05/04/2006 06:08 PM

Subject Re: Voting Fraud-Voter Intimidation

Peggy -- they don't have anything to do with the Leadership Conference on Civil Rights do they?

I ask only because the Justice Department is currently engaged in a very acrimoneous FOIA litigation with LCCR that focuses precisely on our efforts to combat voter "intimidationm"

-----  
Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>  
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>  
Sent: Thu May 04 17:20:39 2006  
Subject: RE: Voting Fraud-Voter Intimidation

It is just the Working Group for the Voting Fraud-Voter Intimidation Project. I am asking you to attend as Technical Advisor for the project. --- Peggy

019585

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/04/2006 03:26 PM

To

psims@eac.gov

cc

Subject

RE: Voting Fraud-Voter Intimidation

Peg - - what is the name of the group?

---

From: psims@eac.gov [mailto:psims@eac.gov]  
Sent: Thursday, May 04, 2006 3:13 PM  
To: Donsanto, Craig  
Subject: RE: Voting Fraud-Voter Intimidation

Craig:

This meeting is being held to obtain input from our eight-member Working Group for the project. The group is composed of election lawyers, election officials, and a representative of an advocacy group, all of whom have an interest and some expertise in the identification and/or prosecution of voting fraud and voter intimidation. The group was chosen so that we would have an equal number of folks on each side of the political spectrum, plus some nonpartisan members.

After our consultants review the results of their preliminary research (interviews, literature review, case law), we will ask the Working Group to brainstorm possible next steps for EAC. Our consultants will write a report summarizing the proposals that come out of this meeting. The report will go to the Commissioners, who will decide what they want to do, funds available, and what priority to assigned to the effort(s).

Your participation in this part of the process is extremely important, so I am very happy that you can find time for us that afternoon. I'll get an agenda and other information to you next week. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/04/2006 02:32 PM

To

psims@eac.gov

cc

019586

Subject

RE: Voting Fraud-Voter Intimidation

Okay, Peg - - I will mark off the entire afternoon and try to be there. What is the agenda? I was not aware that this was anything beyond having your contractors spend another session with me. Also, if they will be needing stats and stuff like that I need to know as I will bring my state-people with me.

---

From: psims@eac.gov [mailto:psims@eac.gov]  
Sent: Thursday, May 04, 2006 2:28 PM  
To: Donsanto, Craig  
Subject: Re: Voting Fraud-Voter Intimidation

Right now, we are planning to meet in EAC's large conference room between 1 PM and 5 PM. If you cannot be there for the whole afternoon, we will appreciate whatever time you can spare. I'll get back to you with more information (agenda, list of Working Group members, etc.). --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 05:59 PM

To

psims@eac.gov

cc

Subject

Re: Voting Fraud-Voter Intimidation

019587

Subject

RE: Voting Fraud-Voter Intimidation

Okay, Peg - - I will mark off the entire afternoon and try to be there. What is the agenda? I was not aware that this was anything beyond having your contractors spend another session with me. Also, if they will be needing stats and stuff like that I need to know as I will bring my state-people with me.

---

From: psims@eac.gov [mailto:psims@eac.gov]  
Sent: Thursday, May 04, 2006 2:28 PM  
To: Donsanto, Craig  
Subject: Re: Voting Fraud-Voter Intimidation

Right now, we are planning to meet in EAC's large conference room between 1 PM and 5 PM. If you cannot be there for the whole afternoon, we will appreciate whatever time you can spare. I'll get back to you with more information (agenda, list of Working Group members, etc.). --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 05:59 PM

To

psims@eac.gov

cc

Subject

Re: Voting Fraud-Voter Intimidation

019588

Afternoon of May 18 -- 2:30 okay? How long will they need??  
-----

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>  
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>  
Sent: Wed May 03 16:59:09 2006  
Subject: Re: Voting Fraud-Voter Intimidation

I am looking at the afternoon of 5/18 for the meeting, due to scheduling conflicts of Working Group members. There remain two members from whom we have not yet received confirmations of their schedule (with some, it is like pulling teeth), but right now 5/18 still looks like the best day. We may have to hold the meeting over here to make it easier for Commissioners to drop in.  
--- Peg

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 12:53 PM

To

psims@eac.gov

cc

Subject

Re: Voting Fraud-Voter Intimidation

Okay -- you are on for May 18th! Can we do it over here at 10?  
-----

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>  
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>  
Sent: Wed May 03 12:40:19 2006  
Subject: Re: Voting Fraud-Voter Intimidation

My problem is that agency staff is booked most of the week of 5/21. Monday through Wednesday are taken up with meetings of the Standards Board Executive Committee, the full Standards Board, and the Board of Advisors. Thursday, we have EAC's public meeting. Also, I will lose one of my two consultants in June, so I'm trying to wrap up this project (and get the final report from the consultants) by the end of May.

019589

019590

Say "Hi" to Cameron for me.

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 11:56 AM

To  
psims@eac.gov

cc

Subject  
Re: Voting Fraud-Voter Intimidation

Hi Peg. I am sitting here with Cameron Quinn putting together this year's ballt conference for AUSAs. She send her best!

I am available on 5/18. But I am also going to the Board of Advisors Meeting the following week. I would rather do this then.

-----  
Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----  
From: psims@eac.gov <psims@eac.gov>  
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>  
Sent: Wed May 03 11:39:50 2006  
Subject: Voting Fraud-Voter Intimidation

Craig:

We are continuing our efforts to hone in on a date for the Working Group meeting. Are you available the afternoon of Thursday, May 18?

Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission



05/15/2006 01:09 PM

To "Tova Wang" [REDACTED]  
cc  
Subject Re: Thursday [REDACTED]

No problem. I've got the conference room reserved from Noon to 6 PM, so you can come earlier. —  
Peggy

"Tova Wang" [REDACTED]



"Tova Wang"  
[REDACTED]  
05/15/2006 11:36 AM

To psims@eac.gov  
cc  
Subject thursday

Is it OK if I come around 12:30 or so to make sure I have all my materials arranged properly for  
presentation? Thanks.

**Tova Andrea Wang**  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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[Click here](#) to receive our weekly e-mail updates.

— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM —



"Tova Wang"  
[REDACTED]  
05/31/2006 01:50 PM

To psims@eac.gov  
cc [REDACTED]  
Subject RE: Working Group Notes

019591

Peg, I'm sorry, but this is really not helpful. Its another outline. I guess we have to wait for the transcript. I wish now I had taken notes myself! Thanks anyway. Tova

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Wednesday, May 31, 2006 12:31 PM

**To:** [REDACTED]

**Cc:** [REDACTED]

**Subject:** Re: Working Group Notes

Sorry. We have had so much going on, I did not have time to send the attached to you last week. This is Devon's compilation of notes taken by EAC staff at the working group meeting. --- Peggy

"Tova Wang" [REDACTED]

05/31/2006 11:26 AM

To psims@eac.gov  
cc  
Subject notes

Hi Peg,

How are you? I was wondering, whatever happened to getting the collective notes of the EAC staff? Thanks. Tova

**Tova Andrea Wang**  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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---

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

[REDACTED]  
05/31/2006 11:26 AM

To psims@eac.gov  
cc

019592



Subject notes

Hi Peg,

How are you? I was wondering, whatever happened to getting the collective notes of the EAC staff?  
Thanks. Tova

Tova Andrea Wang  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV  
05/31/2006 01:30 PM

To "Tova Wang" [redacted]  
cc [redacted]  
Subject Re: Working Group Notes

Sorry. We have had so much going on, I did not have time to send the attached to you last week. This is Devon's compilation of notes taken by EAC staff at the working group meeting. --- Peggy



VFVI Meeting Summary.doc

"Tova Wang" [redacted]



"Tova Wang"  
[redacted]  
05/31/2006 11:26 AM

To psims@eac.gov  
cc  
Subject notes

Hi Peg,

How are you? I was wondering, whatever happened to getting the collective notes of the EAC staff?  
Thanks. Tova

019593

Tova Andrea Wang  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

[REDACTED]  
06/02/2006 04:50 PM

To psims@eac.gov

cc

Subject transcript

Hi Peg,

Do you have an ETA for the transcript? Seems like it should be around now. Thanks and have a great weekend. Tova

Tova Andrea Wang  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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[Click here](#) to receive our weekly e-mail updates.

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



[REDACTED]  
06/08/2006 09:15 AM

To psims@eac.gov

cc "Job Serebrov" [REDACTED]

Subject

Hi, Whats going on? I have not received responses from either one of you in a week. I'd like to wrap this up in the next two weeks if we can. Did you get my recommendations? Thanks.

Tova

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV

019594

06/08/2006 09:35 AM

To [REDACTED]  
cc [REDACTED]  
Subject Re: [REDACTED]

Sorry. We have been swamped with other program activities and preparations for today's testimony before House Admin. We have not yet received the transcript of the Working Group session. Devon checked with the court reporter, who said it will be delivered today. --- Peggy

[REDACTED]



[REDACTED]  
06/08/2006 09:15 AM

To psims@eac.gov  
cc "Job Serebrov" [REDACTED]  
Subject

Hi, Whats going on? I have not received responses from either one of you in a week. I'd like to wrap this up in the next two weeks if we can. Did you get my recommendations? Thanks.

Tova

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM ---



[REDACTED]  
06/14/2006 08:56 PM

To "Job Serebrov" [REDACTED] psims@eac.gov  
cc  
Subject Re: teleconference

Let's try to do that. Peg, you will call us 5 pm EST?

----- Original Message -----

From: "Job Serebrov" [REDACTED]  
To: "Tova Wang" [REDACTED]  
Sent: Wednesday, June 14, 2006 6:29 PM  
Subject: Re: teleconference

> Wednesday next week? It would have to be 6 pm.  
>  
> --- Tova Wang [REDACTED] wrote:  
>  
>> Hi Job,  
>>  
>> Peg tells me that we should now be getting the  
>> transcript early next week.  
>> Regardless, we should talk about the organization

019595

>> and distribution of work  
>> on the final report and try to finally get it done.  
>> Would it be possible  
>> for you to do a call before you leave for work in  
>> the morning, say 8 am your  
>> time, on Wednesday? If not, could you do 6 pm your  
>> time on Wednesday?  
>> Thanks.  
>>  
>> Tova  
>>  
>> Tova Andrea Wang  
>> Democracy Fellow  
>> The Century Foundation  
>> 41 East 70th Street - New York, NY 10021  
>> phone: 212-452-7704 fax: 212-535-7534  
>>  
>> Visit our Web site, <<http://www.tcf.org/>>  
>> [www.tcf.org](http://www.tcf.org), for the latest news,  
>> analysis, opinions, and events.  
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>> <<mailto:join-tcfmain@mailhost.groundspring.org>>  
>> Click here to receive our  
>> weekly e-mail updates.  
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"  
[REDACTED]  
06/09/2006 08:53 AM

To psims@eac.gov  
cc  
Subject FW: Transcript & Teleconference

Hi Peg,

How do you recommend dealing with this? I have this feeling like he's trying to create a situation where I will have to write it myself. Thanks. Tova

-----Original Message-----

From: Job Serebrov [mailto:[REDACTED]]  
Sent: Thursday, June 08, 2006 9:42 PM  
To: psims@eac.gov; [REDACTED]  
Subject: Re: Transcript & Teleconference

Peggy:

I can't predict when I get home but it is between 5:30

019596

and 6:30 my time. I know that is generally too late to have a teleconference.

I plan to review Tova's recommendations this weekend and work on my own as well as expanding the explanation of the case section.

Please see what your financial officer did with regards to my travel.

Thank you,

Job

--- psims@eac.gov wrote:

> What time do you arrive home from work? Perhaps we  
> could talk then?  
>  
> Re your question on the mileage, I have approached  
> our Financial Officer  
> with a request that you receive full reimbursement  
> on the grounds that  
> your actual total travel costs are less than the  
> estimated total travel  
> costs if you had flown to DC, stayed in our more  
> expensive hotels, and  
> received the higher per diem for 3 days (instead of  
> 1). I have not yet  
> received a response from her and she has been out of  
> the office much of  
> this week, so I don't know what she decided to do.  
> --- Peggy

>  
>  
>  
> "Job Serebrov" [REDACTED]  
> 06/08/2006 01:10 PM  
>  
> To  
> psims@eac.gov, [REDACTED]  
> cc  
> [REDACTED]  
> Subject  
> Re: Transcript & Teleconference

>  
>  
>  
>  
> Peg:  
>  
> I just arrived home for lunch. I can no longer take  
> time during the work day for telephone conferences.  
> As  
> I told you I will need to finish this project after  
> daily working hours. I am still getting things done  
> from being out for ten days. I will review Tova's recommendations and  
> expand on mine this weekend.

019597

>  
> Also, I sent you an e-mail asking how you handled  
> the  
> mileage portion of my travel voucher?  
>  
> Job  
>  
>  
>  
> --- psims@eac.gov wrote:  
>  
>> 4 PM EST is fine with me, if it works for Job.  
> ---  
>> Peggy  
>>  
>>  
>>  
>>  
>>  
>> [REDACTED]  
>> 06/08/2006 10:10 AM  
>>  
>> To  
>> psims@eac.gov  
>> cc  
>> [REDACTED]  
>> Subject  
>> Re: Transcript & Teleconference  
>>  
>>  
>>  
>>  
>>  
>> Can we make it 4 est? I have another meeting at  
>> 3.  
>> ----- Original Message -----  
>> From: <psims@eac.gov>  
>> To: [REDACTED]  
>> Cc: [REDACTED]  
>> Sent: Thursday, June 08, 2006 9:55 AM  
>> Subject: Re: Transcript & Teleconference  
>>  
>>  
>> >  
>>> I'll see how it comes in. I hope we receive an  
>> electronic copy. If we  
>>> only receive a hard copy, we can pdf it and  
> email  
> it to the two of you.  
>>> How about Monday afternoon at 3 PM EST for a  
> brief  
>> teleconference? I  
>>> really can't do it before them because of other  
>> commitments. --- Peggy  
>>>  
>>>  
>>>  
>>>  
>>>  
>>>  
>>>  
>>> [REDACTED]

019598



Afternoon of May 18 -- 2:30 okay? How long will they need??

-----  
Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>  
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>  
Sent: Wed May 03 16:59:09 2006  
Subject: Re: Voting Fraud-Voter Intimidation

I am looking at the afternoon of 5/18 for the meeting, due to scheduling conflicts of Working Group members. There remain two members from whom we have not yet received confirmations of their schedule (with some, it is like pulling teeth), but right now 5/18 still looks like the best day. We may have to hold the meeting over here to make it easier for Commissioners to drop in.  
--- Peg

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 12:53 PM

To

psims@eac.gov

cc

Subject

Re: Voting Fraud-Voter Intimidation

Okay -- you are on for May 18th! Can we do it over here at 10?

-----  
Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>  
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>  
Sent: Wed May 03 12:40:19 2006  
Subject: Re: Voting Fraud-Voter Intimidation

My problem is that agency staff is booked most of the week of 5/21. Monday through Wednesday are taken up with meetings of the Standards Board Executive Committee, the full Standards Board, and the Board of Advisors. Thursday, we have EAC's public meeting. Also, I will lose one of my two consultants in June, so I'm trying to wrap up this project (and get the final report from the consultants) by the end of May.

019596

>>>  
>>> 06/08/2006 09:42 To  
>>> AM  
>> psims@eac.gov  
>>> cc  
>>> [REDACTED]  
>>> Subject  
>>>  
>>> Re: Re:  
>>>  
>>>  
>>>  
>>>  
>>>  
>>>  
>>>  
>>>  
>>>  
>>>  
>>>  
>>>  
>>> How will you be getting it to us? Will it be  
>> something you can email?  
>>> And  
>>>  
>>> can we set up a call for some time in the next  
> few  
>> days? Thanks.  
>>> ----- Original Message -----  
>>> From: <psims@eac.gov>  
>>> To: [REDACTED]  
>>> Cc: [REDACTED]  
>>> Sent: Thursday, June 08, 2006 9:35 AM  
>>> Subject: Re:  
>>>  
>>>  
>>>  
>>>> Sorry. We have been swamped with other program  
>> activities and  
>>>> preparations  
>>>> for today's testimony before House Admin. We  
>> have not yet received the  
>>>> transcript of the Working Group session. Devon  
>> checked with the court  
>>>> reporter, who said it will be delivered today.  
>> --- Peggy  
>>>>  
>>>>  
>>>>  
>>>>  
>>>>  
>>>> [REDACTED]  
>>>>  
>>>> 06/08/2006 09:15 To  
>>>> AM  
>> psims@eac.gov  
>>>> cc  
>>>>  
>> Serebrov"  
>>>>  
>>>> [REDACTED]  
>>>> Subject  
>>>>  
>>>>

> > >>  
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> > >>  
> > >>  
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> > >>  
> > >> Hi, Whats going on? I have not received  
> > responses from either one of  
> > > you  
> > >> in a week. I'd like to wrap this up in the next  
> > two weeks if we can.  
> > Did  
> > >> you get my recommendations? Thanks.  
> > >>  
> > >> Tova  
> > >>  
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims/EAC/GOV

06/09/2006 09:09 AM

To "Tova Wang" [REDACTED]

cc

Subject Re: FW: Transcript & Teleconference [REDACTED]

I sent him an email to find out when he is home from work. Perhaps lunch time or early evening will work for him. I plan to include him in all correspondence regarding the final report and do expect him to contribute. He has already responded that he might be able to add to the draft recommendations you submitted (which would have to be reviewed by you), so let's see. As of this morning, I still don't have the transcript. --- Peggy

"Tova Wang" [REDACTED]



"Tova Wang"

[REDACTED]  
06/09/2006 08:53 AM

To psims@eac.gov

cc

Subject FW: Transcript & Teleconference

019601

Hi Peg,

How do you recommend dealing with this? I have this feeling like he's trying to create a situation where I will have to write it myself. Thanks. Tova

-----Original Message-----

From: Job Serebrov [mailto: [REDACTED]]  
Sent: Thursday, June 08, 2006 9:42 PM  
To: psims@eac.gov; [REDACTED]  
Subject: Re: Transcript & Teleconference

Peggy:

I can't predict when I get home but it is between 5:30 and 6:30 my time. I know that is generally too late to have a teleconference.

I plan to review Tova's recommendations this weekend and work on my own as well as expanding the explanation of the case section.

Please see what your financial officer did with regards to my travel.

Thank you,

Job

--- psims@eac.gov wrote:

> What time do you arrive home from work? Perhaps we  
> could talk then?  
>  
> Re your question on the mileage, I have approached  
> our Financial Officer  
> with a request that you receive full reimbursement  
> on the grounds that  
> your actual total travel costs are less than the  
> estimated total travel  
> costs if you had flown to DC, stayed in our more  
> expensive hotels, and  
> received the higher per diem for 3 days (instead of  
> 1). I have not yet  
> received a response from her and she has been out of  
> the office much of  
> this week, so I don't know what she decided to do.  
> --- Peggy  
>  
>  
>  
> "Job Serebrov" [REDACTED]  
> 06/08/2006 01:10 PM  
>  
> To  
> psims@eac.gov, [REDACTED]

019602

> cc  
> [REDACTED]  
> Subject  
> Re: Transcript & Teleconference  
>  
>  
>  
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>  
> Peg:  
>  
> I just arrived home for lunch. I can no longer take  
> time during the work day for telephone conferences.  
> As  
> I told you I will need to finish this project after  
> daily working hours. I am still getting things done  
> from being out for ten days. I will review Tova's recommendations and  
> expand on mine this weekend.  
>  
> Also, I sent you an e-mail asking how you handled  
> the  
> mileage portion of my travel voucher?  
>  
> Job  
>  
>  
>  
> --- psims@eac.gov wrote:  
>  
> > 4 PM EST is fine with me, if it works for Job.  
> ---  
> > Peggy  
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> >  
> > [REDACTED]  
> > 06/08/2006 10:10 AM  
> >  
> > To  
> > psims@eac.gov  
> > cc  
> > [REDACTED]  
> > Subject  
> > Re: Transcript & Teleconference  
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> >  
> > Can we make it 4 est? I have another meeting at  
> > 3.  
> > ----- Original Message -----  
> > From: <psims@eac.gov>  
> > To: [REDACTED]  
> > Cc: [REDACTED]  
> > Sent: Thursday, June 08, 2006 9:55 AM  
> > Subject: Re: Transcript & Teleconference  
> >

019603

> >  
> > >  
> > > I'll see how it comes in. I hope we receive an  
> > electronic copy. If we  
> > > only receive a hard copy, we can pdf it and  
> email  
> > it to the two of you.  
> > > How about Monday afternoon at 3 PM EST for a  
> brief  
> > teleconference? I  
> > > really can't do it before then because of other  
> > commitments. --- Peggy  
> > >  
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> > > [REDACTED]  
> > > 06/08/2006 09:42 To  
> > > AM  
> > psims@eac.gov  
> > > cc  
> > >  
> > > [REDACTED]  
> > > Subject  
> > > Re: Re:  
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> > > How will you be getting it to us? Will it be  
> > something you can email?  
> > > And  
> > >  
> > > can we set up a call for some time in the next  
> few  
> > days? Thanks.  
> > > ----- Original Message -----  
> > > From: <psims@eac.gov>  
> > > To: [REDACTED]  
> > > Cc: [REDACTED]  
> > > Sent: Thursday, June 08, 2006 9:35 AM  
> > > Subject: Re:  
> > >  
> > >  
> > >> Sorry. We have been swamped with other program  
> > >> activities and  
> > >> preparations  
> > >> for today's testimony before House Admin. We  
> > >> have not yet received the  
> > >> transcript of the Working Group session. Devon  
> > >> checked with the court



Subject Re: Re:



How will you be getting it to us? Will it be something you can email? And can we set up a call for some time in the next few days? Thanks.

----- Original Message -----

From: <psims@eac.gov>  
To: [redacted]  
Cc: [redacted]  
Sent: Thursday, June 08, 2006 9:35 AM  
Subject: Re:

>  
> Sorry. We have been swamped with other program activities and  
> preparations  
> for today's testimony before House Admin. We have not yet received the  
> transcript of the Working Group session. Devon checked with the court  
> reporter, who said it will be delivered today. --- Peggy

[redacted]

>  
> 06/08/2006 09:15 AM To psims@eac.gov  
> CC "Job Serebrov"  
> [redacted] Subject

>  
> Hi, Whats going on? I have not received responses from either one of you  
> in a week. I'd like to wrap this up in the next two weeks if we can. Did  
> you get my recommendations? Thanks.

> Tova

>  
>

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM ---

Margaret Sims /EAC/GOV  
06/08/2006 09:55 AM To [redacted]  
cc [redacted]

019606





>  
>  
> Hi, Whats going on? I have not received responses from either one of you  
> in a week. I'd like to wrap this up in the next two weeks if we can. Did  
> you get my recommendations? Thanks.  
>  
> Tova  
>  
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

[REDACTED]  
06/09/2006 12:49 PM

To psims@eac.gov, "Job Serebrov" [REDACTED]

cc

Subject more gao

Sorry, its 500 pages -- it also includes data on absentee fraud and voter intimidation

Tova Andrea Wang  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

Visit our Web site, [www.tcf.org](http://www.tcf.org), for the latest news, analysis, opinions, and events.

[Click here](#) to receive our weekly e-mail updates.

---

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

[REDACTED]  
06/12/2006 04:46 PM

To psims@eac.gov

cc

Subject RE: Will Call Later

Either between 9 and 10 or between 12 and 1:30 would be ideal, but I should be around most of the afternoon. Thanks Peg. Tova

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Monday, June 12, 2006 2:39 PM  
**To:** [REDACTED]  
**Subject:** Will Call Later

I'll try to call you Wednesday. Is there a time that is best for you? Today has been too hectic.

019608

Tomorrow is primary election day in VA. Still no transcript. I have taken a look at the recommendations that you sent me, but have not yet heard from Job. --- Peg  
----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV

06/12/2006 05:09 PM

To "Tova Wang" [REDACTED]

cc

Subject RE: Will Call Later [REDACTED]

How about 9:30 AM EST, Wednesday morning (6/14/06)?

"Tova Wang" [REDACTED]



"Tova Wang"

06/12/2006 04:46 PM

To psims@eac.gov

cc

Subject RE: Will Call Later

Either between 9 and 10 or between 12 and 1:30 would be ideal, but I should be around most of the afternoon. Thanks Peg. Tova

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Monday, June 12, 2006 2:39 PM

**To:** wang@tcf.org

**Subject:** Will Call Later

I'll try to call you Wednesday. Is there a time that is best for you? Today has been too hectic. Tomorrow is primary election day in VA. Still no transcript. I have taken a look at the recommendations that you sent me, but have not yet heard from Job. --- Peg

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

06/14/2006 09:40 AM

To "Job Serebrov" [REDACTED]

cc psims@eac.gov

Subject teleconference

Hi Job,

Peg tells me that we should now be getting the transcript early next week. Regardless, we should talk about the organization and distribution of work on the final report and try to finally get it done. Would it be possible for you to do a call before you leave for work in the morning, say 8 am your time, on Wednesday? If not, could you do 6 pm your time on Wednesday? Thanks.

019609

Tova

Tova Andrea Wang  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

Visit our Web site, [www.tcf.org](http://www.tcf.org), for the latest news, analysis, opinions, and events.

[Click here](#) to receive our weekly e-mail updates.

— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM —



"Tova Wang" [REDACTED]

06/12/2006 05:11 PM

To psims@eac.gov

cc

Subject RE: Will Call Later

Perfect. Thanks.

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Monday, June 12, 2006 4:09 PM

**To:** [REDACTED]

**Subject:** RE: Will Call Later

How about 9:30 AM EST, Wednesday morning (6/14/06)?

"Tova Wang" [REDACTED]

06/12/2006 04:46 PM

To psims@eac.gov

cc

Subject RE: Will Call Later

Either between 9 and 10 or between 12 and 1:30 would be ideal, but I should be around most of the afternoon. Thanks Peg. Tova

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

019610

**Sent:** Monday, June 12, 2006 2:39 PM  
**To:** wang@tcf.org  
**Subject:** Will Call Later

I'll try to call you Wednesday. Is there a time that is best for you? Today has been too hectic. Tomorrow is primary election day in VA. Still no transcript. I have taken a look at the recommendations that you sent me, but have not yet heard from Job. --- Peg

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM ---



"Tova Wang"

06/05/2006 04:30 PM

To psims@eac.gov,  
cc

Subject recommendations

Here are my recommendations with the last one now included. Please let me know about the transcript and when you all want to talk about getting the final report done. Thanks. Tova

**Tova Andrea Wang**  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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[Click here](#) to receive our weekly e-mail updates.



future suggestions.doc

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM ---



"Tova Wang"

06/09/2006 08:53 AM

To "Job Serebrov", psims@eac.gov  
cc

Subject RE: Transcript & Teleconference

What about during a lunch hour?

-----Original Message-----

From: Job Serebrov [mailto:]  
Sent: Thursday, June 08, 2006 9:42 PM  
To: psims@eac.gov;  
Subject: Re: Transcript & Teleconference

Peggy:

019611

I can't predict when I get home but it is between 5:30 and 6:30 my time. I know that is generally too late to have a teleconference.

I plan to review Tova's recommendations this weekend and work on my own as well as expanding the explanation of the case section.

Please see what your financial officer did with regards to my travel.

Thank you,

Job

--- psims@eac.gov wrote:

> What time do you arrive home from work? Perhaps we  
> could talk then?

>

> Re your question on the mileage, I have approached  
> our Financial Officer  
> with a request that you receive full reimbursement  
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> your actual total travel costs are less than the  
> estimated total travel  
> costs if you had flown to DC, stayed in our more  
> expensive hotels, and  
> received the higher per diem for 3 days (instead of  
> 1). I have not yet  
> received a response from her and she has been out of  
> the office much of  
> this week, so I don't know what she decided to do.  
> --- Peggy

>

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> "Job Serebrov" [REDACTED]  
> 06/08/2006 01:10 PM

>

> To  
> psims@eac.gov, [REDACTED]  
> cc  
> serebrov@sbcglobal.net  
> Subject  
> Re: Transcript & Teleconference

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> Peg:

>






> I just arrived home for lunch. I can no longer take  
> time during the work day for telephone conferences.

> As

> I told you I will need to finish this project after  
> daily working hours. I am still getting things done  
> from being out for ten days. I will review Tova's recommendations and

019612

> expand on mine this weekend.  
>  
> Also, I sent you an e-mail asking how you handled  
> the  
> mileage portion of my travel voucher?  
>  
> Job  
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> --- psims@eac.gov wrote:  
>  
> > 4 PM EST is fine with me, if it works for Job.  
> ---  
> > Peggy  
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> > [REDACTED]  
> > 06/08/2006 10:10 AM  
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> > To  
> > psims@eac.gov  
> > cc  
> > [REDACTED]  
> > [REDACTED]  
> > Re: Transcript & Teleconference  
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> > Can we make it 4 est? I have another meeting at  
> > 3.  
> > ----- Original Message -----  
> > From: <psims@eac.gov>  
> > To: [REDACTED]  
> > Cc: [REDACTED]  
> > Sent: Thursday, June 08, 2006 9:55 AM  
> > Subject: Re: Transcript & Teleconference  
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> > > I'll see how it comes in. I hope we receive an  
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> > > 06/08/2006 09:42 To  
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> > psims@eac.gov  
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> > > From: <psims@eac.gov>  
> > > To:   
> > > Cc:  
> > > Sent: Thursday, June 08, 2006 9:35 AM  
> > > Subject: Re:  
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> > >>  
> > >> Sorry. We have been swamped with other program  
> > activities and  
> > >> preparations  
> > >> for today's testimony before House Admin. We  
> > have not yet received the  
> > >> transcript of the Working Group session. Devon  
> > checked with the court  
> > >> reporter, who said it will be delivered today.  
> > --- Peggy  
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> > >>   
> > >> 06/08/2006 09:15 To  
> > >> AM  
> > psims@eac.gov  
> > >> cc  
> > >> "Job  
> > Serebrov"  
> > >>  
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> > >> Subject  
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> > Did  
> > >> you get my recommendations? Thanks.  
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> > >> Tova  
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"

06/13/2006 09:10 AM

To psims@eac.gov, [REDACTED]

cc

Subject Transcripts, Etc.

Peggy:

Any sign of the transcript? Will the other members of the working group get a copy? I have had questions from several about it.

If you want to talk I can do so this Friday at 6 pm your time.

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

019615



wang@tcf.org  
06/08/2006 03:30 PM

To "Job Serebrov" [REDACTED], psims@eac.gov  
cc [REDACTED]  
Subject Re: Transcript & Teleconference

What time do you suggest talking?

----- Original Message -----

From: "Job Serebrov" [REDACTED]  
To: <psims@eac.gov>; [REDACTED]  
Cc: [REDACTED]  
Sent: Thursday, June 08, 2006 1:10 PM  
Subject: Re: Transcript & Teleconference

> Peg:

>

> I just arrived home for lunch. I can no longer take  
> time during the work day for telephone conferences. As  
> I told you I will need to finish this project after  
> daily working hours. I am still getting things done  
> from being out for ten days. I will review Tova's  
> recommendations and expand on mine this weekend.

>

> Also, I sent you an e-mail asking how you handled the  
> mileage portion of my travel voucher?

>

> Job

>

>

>

> --- psims@eac.gov wrote:

>

>> 4 PM EST is fine with me, if it works for Job. ---

>> Peggy

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>> 06/08/2006 10:10 AM

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>> To

>> psims@eac.gov

>> cc

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>> subject  
>> Re: Transcript & Teleconference

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>> Can we make it 4 est? I have another meeting at 3.

>> ----- Original Message -----

>> From: <psims@eac.gov>

019616

>> To: [REDACTED]  
>> Cc: [REDACTED]  
>> Sent: Thursday, June 08, 2006 9:55 AM  
>> Subject: Re: Transcript & Teleconference

>>  
>>  
>> > I'll see how it comes in. I hope we receive an  
>> electronic copy. If we  
>> > only receive a hard copy, we can pdf it and email  
>> it to the two of you.  
>> > How about Monday afternoon at 3 PM EST for a brief  
>> teleconference? I  
>> > really can't do it before them because of other  
>> commitments. --- Peggy

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>> > [REDACTED]  
>> > 06/08/2006 09:42 To  
>> > AM

>> psims@eac.gov  
>> > cc

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>> > [REDACTED]  
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Re: Re:

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>> > How will you be getting it to us? Will it be  
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>> > can we set up a call for some time in the next few  
>> days? Thanks.

>> > ----- Original Message -----  
>> > From: <psims@eac.gov>  
>> > To: [REDACTED]  
>> > Cc: [REDACTED]  
>> > Sent: Thursday, June 08, 2006 9:35 AM  
>> > Subject: Re:

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>> >

>> > Sorry. We have been swamped with other program  
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>> > preparations  
>> > for today's testimony before House Admin. We  
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>> --- Peggy

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



06/08/2006 10:10 AM

To psims@eac.gov

cc

Subject Re: Transcript & Teleconference

019618

Can we make it 4 est? I have another meeting at 3.

----- Original Message -----

From: <psims@eac.gov>

To: [REDACTED]

Cc: [REDACTED]

Sent: Thursday, June 08, 2006 9:55 AM

Subject: Re: Transcript & Teleconference

>  
> I'll see how it comes in. I hope we receive an electronic copy. If we  
> only receive a hard copy, we can pdf it and email it to the two of you.  
> How about Monday afternoon at 3 PM EST for a brief teleconference? I  
> really can't do it before then because of other commitments. --- Peggy

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>> Sorry. We have been swamped with other program activities and  
>> preparations

>> for today's testimony before House Admin. We have not yet received the  
>> transcript of the Working Group session. Devon checked with the court  
>> reporter, who said it will be delivered today. --- Peggy

>>

>>

06/08/2006 09:42  
AM

psims@eac.gov

To

cc

Subject

Re: Re:

> How will you be getting it to us? Will it be something you can email?  
> And

> can we set up a call for some time in the next few days? Thanks.

> ----- Original Message -----

> From: <psims@eac.gov>

> To: [REDACTED]

> Cc: [REDACTED]

> Sent: Thursday, June 08, 2006 9:35 AM

> Subject: Re:

>

>

>>

019615



----- Original Message -----  
From: <psims@eac.gov>  
To: [REDACTED]  
Cc: [REDACTED]  
Sent: Thursday, June 08, 2006 9:55 AM  
Subject: Re: Transcript & Teleconference

>  
> I'll see how it comes in. I hope we receive an electronic copy. If we  
> only receive a hard copy, we can pdf it and email it to the two of you.  
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>  
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>  
>  
> [REDACTED]  
>  
> 06/08/2006 09:42 AM  
>  
> psims@eac.gov  
>  
> [REDACTED]  
> Subject  
> Re: Re:  
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> How will you be getting it to us? Will it be something you can email?  
> And  
>  
> can we set up a call for some time in the next few days? Thanks.

> ----- Original Message -----  
> From: <psims@eac.gov>  
> To: [REDACTED]  
> Cc: [REDACTED]  
> Sent: Thursday, June 08, 2006 9:35 AM  
> Subject: Re:

>>  
>> Sorry. We have been swamped with other program activities and  
>> preparations  
>> for today's testimony before House Admin. We have not yet received the  
>> transcript of the Working Group session. Devon checked with the court  
>> reporter, who said it will be delivered today. --- Peggy

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>> [REDACTED]  
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>> 06/08/2006 09:15 AM psims@eac.gov To  
>> "Job Serebrov" cc  
>> [REDACTED] Subject  
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>> Hi, Whats going on? I have not received responses from either one of  
> you  
>> in a week. I'd like to wrap this up in the next two weeks if we can. Did  
>> you get my recommendations? Thanks.  
>>  
>> Tova  
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--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM ---



"Tova Wang"

[REDACTED]  
06/13/2006 10:07 AM

To "Job Serebrov" [REDACTED] psims@eac.gov  
cc

Subject RE: Transcripts, Etc.

I can't do that time, I'll be at an event in DC.

-----Original Message-----

From: Job Serebrov [mailto:[REDACTED]]  
Sent: Tuesday, June 13, 2006 8:10 AM  
To: psims@eac.gov; [REDACTED]  
Subject: Transcripts, Etc.

Peggy:

Any sign of the transcript? Will the other members of the working group get a copy? I have had questions from several about it.

If you want to talk I can do so this Friday at 6 pm your time.

019622



Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"  
[REDACTED]

06/08/2006 10:42 PM

To psims@eac.gov, [REDACTED]

cc

Subject Re: Transcript & Teleconference

Peggy:

I can't predict when I get home but it is between 5:30 and 6:30 my time. I know that is generally too late to have a teleconference.

I plan to review Tova's recommendations this weekend and work on my own as well as expanding the explanation of the case section.

Please see what your financial officer did with regards to my travel.

Thank you,

Job

--- psims@eac.gov wrote:

> What time do you arrive home from work? Perhaps we  
> could talk then?  
>  
> Re your question on the mileage, I have approached  
> our Financial Officer  
> with a request that you receive full reimbursement  
> on the grounds that  
> your actual total travel costs are less than the  
> estimated total travel  
> costs if you had flown to DC, stayed in our more  
> expensive hotels, and  
> received the higher per diem for 3 days (instead of  
> 1). I have not yet  
> received a response from her and she has been out of  
> the office much of  
> this week, so I don't know what she decided to do.  
> --- Peggy  
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>  
> "Job Serebrov" [REDACTED]  
> 06/08/2006 01:10 PM  
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019623

> To  
> psims@eac.gov, [REDACTED]  
> cc  
> [REDACTED]  
> Subject  
> Re: Transcript & Teleconference  
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> Peg:  
>  
> I just arrived home for lunch. I can no longer take  
> time during the work day for telephone conferences.  
> As  
> I told you I will need to finish this project after  
> daily working hours. I am still getting things done  
> from being out for ten days. I will review Tova's  
> recommendations and expand on mine this weekend.  
>  
> Also, I sent you an e-mail asking how you handled  
> the  
> mileage portion of my travel voucher?

> Job

> --- psims@eac.gov wrote:

> > 4 PM EST is fine with me, if it works for Job.

> ---  
> > Peggy

> > [REDACTED]  
> > 06/08/2006 10:10 AM

> > To  
> > psims@eac.gov  
> > cc

> > Subject  
> > Re: Transcript & Teleconference

> > Can we make it 4 est? I have another meeting at  
> > 3.

> > ----- Original Message -----

> > From: <psims@eac.gov>

> > To: [REDACTED]

> > Cc: [REDACTED]

> > Sent: Thursday, June 08, 2006 9:55 AM

019624

> > Subject: Re: Transcript & Teleconference  
> >  
> >  
> > > I'll see how it comes in. I hope we receive an  
> > electronic copy. If we  
> > > only receive a hard copy, we can pdf it and  
> email  
> > it to the two of you.  
> > > How about Monday afternoon at 3 PM EST for a  
> brief  
> > teleconference? I  
> > > really can't do it before them because of other  
> > commitments. --- Peggy

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[REDACTED]  
06/08/2006 09:42 To  
AM

> > psims@eac.gov  
> > > cc

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> > > Subject

Re: Re:

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> > > How will you be getting it to us? Will it be  
> > something you can email?

> > > And

> > >  
> > > can we set up a call for some time in the next  
> few  
> > days? Thanks.

> > > ----- Original Message -----

> > > From: <psims@eac.gov>

> > > To:

> > > Cc: [REDACTED]

> > > Sent: Thursday, June 08, 2006 9:35 AM

> > > Subject: Re:

> > >  
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> > >> Sorry. We have been swamped with other program  
> > activities and  
> > >> preparations  
> > >> for today's testimony before House Admin. We  
> > have not yet received the

> > >> transcript of the Working Group session. Devon  
> > checked with the court  
> > >> reporter, who said it will be delivered today.

> > --- Peggy

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06/08/2006 09:15 To  
AM

> > psims@eac.gov

> > >> cc

> > >>

"Job

> > Serebrov"

> > >>

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> > >> Subject

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

06/09/2006 12:09 PM

To psims@eac.gov, "Job Serebrov"

cc

Subject gao report

019626

This has information on many of our topics, but they also surveyed jurisdictions on voter reg fraud coming up with a rate of 5%

Elections: The Nation's Evolving Election System as Reflected in the November 2004 General Election. GAO-06-450, June 6.

<http://www.gao.gov/cgi-bin/getrpt?GAO-06-450>

Highlights - <http://www.gao.gov/highlights/d06450high.pdf>

Tova Andrea Wang

Democracy Fellow

**The Century Foundation**

41 East 70th Street - New York, NY 10021

phone: 212-452-7704 fax: 212-535-7534

Visit our Web site, [www.tcf.org](http://www.tcf.org), for the latest news, analysis, opinions, and events.

[Click here](#) to receive our weekly e-mail updates.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims/EAC/GOV

06/12/2006 03:39 PM

To Tova Andrea Wang

cc

Subject Will Call Later

I'll try to call you Wednesday. Is there a time that is best for you? Today has been too hectic. Tomorrow is primary election day in VA. Still no transcript. I have taken a look at the recommendations that you sent me, but have not yet heard from Job. --- Peg

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



[REDACTED]  
06/14/2006 10:46 PM

To "Job Serebrov" [REDACTED] psims@eac.gov

cc

Subject Re: teleconference

Could you do Friday in the morning?

----- Original Message -----

From: "Job Serebrov" [REDACTED]

To: [REDACTED] <psims@eac.gov>

Sent: Wednesday, June 14, 2006 10:17 PM

Subject: Re: teleconference

> Tova:

>

> 5 pm EST is 4 pm Central. Peg would have to call at 7

019627

> pm EST to be 6 pm Central.  
>  
> Job  
>  
> --- wang@tcf.org wrote:  
>  
>> Let's try to do that. Peg, you will call us 5 pm  
>> EST?  
>> ----- Original Message -----  
>> From: "Job Serebrov" [REDACTED]  
>> To: "Tova Wang" [REDACTED]  
>> Sent: Wednesday, June 14, 2006 6:29 PM  
>> Subject: Re: teleconference  
>>  
>>  
>> > Wednesday next week? It would have to be 6 pm.  
>> >  
>> > --- Tova Wang [REDACTED] wrote:  
>> >  
>> >> Hi Job,  
>> >>  
>> >> Peg tells me that we should now be getting the  
>> >> transcript early next week.  
>> >> Regardless, we should talk about the organization  
>> >> and distribution of work  
>> >> on the final report and try to finally get it  
>> >> done.  
>> >> Would it be possible  
>> >> for you to do a call before you leave for work in  
>> >> the morning, say 8 am your  
>> >> time, on Wednesday? If not, could you do 6 pm  
>> >> your  
>> >> time on Wednesday?  
>> >> Thanks.  
>> >>  
>> >> Tova  
>> >>  
>> >> Tova Andrea Wang  
>> >> Democracy Fellow  
>> >> The Century Foundation  
>> >> 41 East 70th Street - New York, NY 10021  
>> >> phone: 212-452-7704 fax: 212-535-7534  
>> >>  
>> >> Visit our Web site, <<http://www.tcf.org/>>  
>> >> [www.tcf.org](http://www.tcf.org/), for the latest news,  
>> >> analysis, opinions, and events.  
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>> >> \_\_\_\_\_  
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>> >> <<mailto:join-tcfmain@mailhost.groundspring.org>>  
>> >> Click here to receive our  
>> >> weekly e-mail updates.  
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019628

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"  
<serebrov@sbcglobal.net>  
06/08/2006 01:10 PM

To psims@eac.gov, [REDACTED]  
cc [REDACTED]  
Subject Re: Transcript & Teleconference

Peg:

I just arrived home for lunch. I can no longer take time during the work day for telephone conferences. As I told you I will need to finish this project after daily working hours. I am still getting things done from being out for ten days. I will review Tova's recommendations and expand on mine this weekend.

Also, I sent you an e-mail asking how you handled the mileage portion of my travel voucher?

Job

--- psims@eac.gov wrote:

> 4 PM EST is fine with me, if it works for Job. ---  
> Peggy  
>  
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>  
> [REDACTED]  
> 06/08/2006 10:10 AM  
>  
> To  
> psims@eac.gov  
> cc  
> [REDACTED]  
> Subject  
> Re: Transcript & Teleconference  
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>  
> Can we make it 4 est? I have another meeting at 3.  
> ----- Original Message -----  
> From: <psims@eac.gov>  
> To: [REDACTED]  
> Cc: [REDACTED]  
> Sent: Thursday, June 08, 2006 9:55 AM  
> Subject: Re: Transcript & Teleconference

019625

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> >  
> > I'll see how it comes in. I hope we receive an  
> electronic copy. If we  
> > only receive a hard copy, we can pdf it and email  
> it to the two of you.  
> > How about Monday afternoon at 3 PM EST for a brief  
> teleconference? I  
> > really can't do it before them because of other  
> commitments. --- Peggy

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[REDACTED]

06/08/2006 09:42 To  
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> psims@eac.gov  
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> > Subject

Re: Re:

> > How will you be getting it to us? Will it be  
> something you can email?  
> > And

> > can we set up a call for some time in the next few  
> days? Thanks.

> > ----- Original Message -----

> > From: <psims@eac.gov>

> > To:

> > Cc:

> > Sent: Thursday, June 08, 2006 9:35 AM

> > Subject: Re:

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> >> Sorry. We have been swamped with other program  
> activities and  
> >> preparations  
> >> for today's testimony before House Admin. We  
> have not yet received the  
> >> transcript of the Working Group session. Devon  
> checked with the court  
> >> reporter, who said it will be delivered today.  
> --- Peggy

019630



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> >> 06/08/2006 09:15 To  
> >> AM  
> psims@eac.gov  
> >> cc  
> >> "Job  
> Serebrov"  
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> >> Hi, Whats going on? I have not received  
> responses from either one of  
> > you  
> >> in a week. I'd like to wrap this up in the next  
> two weeks if we can.  
> Did  
> >> you get my recommendations? Thanks.  
> >>  
> >> Tova  
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims/EAC/GOV

06/08/2006 05:09 PM

To "Job Serebrov"

cc

Subject Re: Transcript & Teleconference

What time do you arrive home from work? Perhaps we could talk then?

Re your question on the mileage, I have approached our Financial Officer with a request that you receive

019631

full reimbursement on the grounds that your actual total travel costs are less than the estimated total travel costs if you had flown to DC, stayed in our more expensive hotels, and received the higher per diem for 3 days (instead of 1). I have not yet received a response from her and she has been out of the office much of this week, so I don't know what she decided to do. --- Peggy

"Job Serebrov" [REDACTED]



"Job Serebrov"  
[REDACTED]  
06/08/2006 01:10 PM

To psims@eac.gov [REDACTED]  
cc [REDACTED]  
Subject Re: Transcript & Teleconference

Peg:

I just arrived home for lunch. I can no longer take time during the work day for telephone conferences. As I told you I will need to finish this project after daily working hours. I am still getting things done from being out for ten days. I will review Tova's recommendations and expand on mine this weekend.

Also, I sent you an e-mail asking how you handled the mileage portion of my travel voucher?

Job

--- psims@eac.gov wrote:

> 4 PM EST is fine with me, if it works for Job. ---  
> Peggy  
>  
>  
>  
> [REDACTED]  
> 06/08/2006 10:10 AM  
>  
> To  
> psims@eac.gov  
> cc  
> [REDACTED]  
> Subject  
> Re: Transcript & Teleconference  
>  
>  
>  
>  
> Can we make it 4 est? I have another meeting at 3.  
> ----- Original Message -----  
> From: <psims@eac.gov>  
> To: [REDACTED]

> Cc: <serebrov@sbcglobal.net>  
> Sent: Thursday, June 08, 2006 9:55 AM  
> Subject: Re: Transcript & Teleconference

>  
>

> > I'll see how it comes in. I hope we receive an  
> electronic copy. If we  
> > only receive a hard copy, we can pdf it and email  
> it to the two of you.  
> > How about Monday afternoon at 3 PM EST for a brief  
> teleconference? I  
> > really can't do it before them because of other  
> commitments. --- Peggy

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> > 06/08/2006 09:42 To  
> > AM

> psims@eac.gov

> > cc

> >

> > Subject

Re: Re:

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> > How will you be getting it to us? Will it be

> something you can email?

> > And

> >

> > can we set up a call for some time in the next few

> days? Thanks.

> > ----- Original Message -----

> > From: <psims@eac.gov>

> > To: <[REDACTED]>

> > Cc:

> > Sent: Thursday, June 08, 2006 9:35 AM

> > Subject: Re:

> >

> >

> >>

> >> Sorry. We have been swamped with other program

> activities and

> >> preparations

> >> for today's testimony before House Admin. We

> have not yet received the

> >> transcript of the Working Group session. Devon

019633

> checked with the court  
> >> reporter, who said it will be delivered today.  
> --- Peggy  
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> >>  
> >> [REDACTED]  
> >> 06/08/2006 09:15 To  
> >> AM  
> psims@eac.gov  
> >> cc  
> >> "Job  
> Serebrov"  
> >>  
> >> [REDACTED]  
> >> Subject  
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> >>  
> >> Hi, Whats going on? I have not received  
> responses from either one of  
> > you  
> >> in a week. I'd like to wrap this up in the next  
> two weeks if we can.  
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> >>  
> >> Tova  
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"  
[REDACTED]  
06/09/2006 09:20 AM

To psims@eac.gov  
cc  
Subject FW: Transcript & Teleconference

-----Original Message-----

From: Job Serebrov [mailto:serebrov@sbcglobal.net]  
Sent: Friday, June 09, 2006 8:17 AM  
To: Tova Wang  
Subject: RE: Transcript & Teleconference

Normally I am not home for lunch.

--- Tova Wang [REDACTED] wrote:

> What about during a lunch hour?

>

> -----Original Message-----

> From: Job Serebrov [mailto:[REDACTED]]  
> Sent: Thursday, June 08, 2006 9:42 PM  
> To: psims@eac.gov; [REDACTED]  
> Subject: Re: Transcript & Teleconference

>

>

> Peggy:

>

> I can't predict when I get home but it is between  
> 5:30  
> and 6:30 my time. I know that is generally too late  
> to  
> have a teleconference.

>

> I plan to review Tova's recommendations this weekend  
> and work on my own as well as expanding the  
> explanation of the case section.

>

> Please see what your financial officer did with  
> regards to my travel.

>

> Thank you,

>

> Job

>

> --- psims@eac.gov wrote:

>

> > What time do you arrive home from work? Perhaps  
> we  
> > could talk then?

> >

> > Re your question on the mileage, I have approached  
> > our Financial Officer  
> > with a request that you receive full reimbursement  
> > on the grounds that  
> > your actual total travel costs are less than the  
> > estimated total travel  
> > costs if you had flown to DC, stayed in our more  
> > expensive hotels, and  
> > received the higher per diem for 3 days (instead  
> of  
> > 1). I have not yet  
> > received a response from her and she has been out  
> of

019635

> > the office much of  
> > this week, so I don't know what she decided to do.  
> > --- Peggy

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> > "Job Serebrov" [REDACTED]  
> > 06/08/2006 01:10 PM

> >  
> > To  
> > psims@eac.gov, [REDACTED]  
> > cc  
> > [REDACTED]  
> > Subject  
> > Re: Transcript & Teleconference

> >  
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> > Peg:

> >  
> > I just arrived home for lunch. I can no longer  
> > take  
> > time during the work day for telephone  
> > conferences.  
> > As  
> > I told you I will need to finish this project  
> > after  
> > daily working hours. I am still getting things  
> > done  
> > from being out for ten days. I will review Tova's  
> > recommendations and  
> > expand on mine this weekend.

> >  
> > Also, I sent you an e-mail asking how you handled  
> > the  
> > mileage portion of my travel voucher?

> >  
> > Job

> >  
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> > --- psims@eac.gov wrote:

> >  
> > > 4 PM EST is fine with me, if it works for Job.

> > ---  
> > > Peggy

> > >  
> > >  
> > >  
> > >

> > [REDACTED]  
> > > 06/08/2006 10:10 AM

> > >  
> > > To  
> > > psims@eac.gov

> > > cc  
> > > [REDACTED]



> > > > can we set up a call for some time in the next  
> > few  
> > > days? Thanks.  
> > > > ----- Original Message -----  
> > > > From: <psims@eac.gov>  
> > > > To: [REDACTED]  
> > > > Cc: [REDACTED]  
> > > > Sent: Thursday, June 08, 2006 9:35 AM  
> > > > Subject: Re:  
> > > >  
> > > >  
> > > >> Sorry. We have been swamped with other  
> program  
> > > activities and  
> > > >> preparations  
> > > >> for today's testimony before House Admin. We  
> > > have not yet received the  
> > > >> transcript of the Working Group session.  
> Devon  
> > > checked with the court  
> > > >> reporter, who said it will be delivered  
> today.  
> > > --- Peggy  
> > > >>  
> > > >>  
> > > >>  
> > > >>  
> > > >>  
> > > >>  
> > > >> 06/08/2006 09:15 To  
> > > >> AM  
>  
=== message truncated ===

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"

06/14/2006 10:17 PM

To: [REDACTED] psims@eac.gov

cc

Subject Re: teleconference

Tova:

5 pm EST is 4 pm Central. Peg would have to call at 7  
pm EST to be 6 pm Central.

Job

--- [REDACTED] wrote:

> Let's try to do that. Peg, you will call us 5 pm

019638



> EST?  
> ----- Original Message -----  
> From: "Job Serebrov" [REDACTED]  
> To: "Tova Wang" [REDACTED]  
> Sent: Wednesday, June 14, 2006 6:29 PM  
> Subject: Re: teleconference  
>  
>  
> > Wednesday next week? It would have to be 6 pm.  
> >  
> > --- Tova Wang [REDACTED] > wrote:  
> >  
> >> Hi Job,  
> >>  
> >> Peg tells me that we should now be getting the  
> >> transcript early next week.  
> >> Regardless, we should talk about the organization  
> >> and distribution of work  
> >> on the final report and try to finally get it  
> >> done.  
> >> Would it be possible  
> >> for you to do a call before you leave for work in  
> >> the morning, say 8 am your  
> >> time, on Wednesday? If not, could you do 6 pm  
> >> your  
> >> time on Wednesday?  
> >> Thanks.  
> >>  
> >> Tova  
> >>  
> >> Tova Andrea Wang  
> >> Democracy Fellow  
> >> The Century Foundation  
> >> 41 East 70th Street - New York, NY 10021  
> >> phone: 212-452-7704 fax: 212-535-7534  
> >>  
> >> Visit our Web site, <<http://www.tcf.org/>>  
> >> [www.tcf.org](http://www.tcf.org), for the latest news,  
> >> analysis, opinions, and events.  
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> >> \_\_\_\_\_  
> >>  
> >> <<mailto:join-tcfmain@mailhost.groundspring.org>>  
> >> Click here to receive our  
> >> weekly e-mail updates.  
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> >  
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>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"  
[REDACTED] >  
06/21/2006 11:00 AM

To "Job Serebrov" [REDACTED] >, psims@eac.gov  
cc

019639




Subject nexis

Hi Peg and Job,

I don't know how we might be able to use these but here, finally, are the super-refined versions of the


nexis charts. Can we include them? Thanks. Tova  absentee nexis chart 2FORMAT.xls

'dead' voters and  multiple voting nexis chartFORMAT.xls  intimidation and suppressionFORMAT.xls

 voter registration fraud nexischartFORMAT.xls

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



  
06/15/2006 03:30 PM


To "Job Serebrov" @sims@eac.gov

cc

Subject Re: teleconference

fine

----- Original Message -----

From: "Job Serebrov" 

To:  <psims@eac.gov>

Sent: Wednesday, June 14, 2006 10:17 PM

Subject: Re: teleconference

> Tova:

>

> 5 pm EST is 4 pm Central. Peg would have to call at 7  
> pm EST to be 6 pm Central.

>

> Job


>


> --- wang@tcf.org wrote:

>

>> Let's try to do that. Peg, you will call us 5 pm  
>> EST?

>> ----- Original Message -----

>> From: "Job Serebrov" 

>> To: "Tova Wang" 

>> Sent: Wednesday, June 14, 2006 6:29 PM

>> Subject: Re: teleconference

>>

>>

>> > Wednesday next week? It would have to be 6 pm.

>> >

>> > --- Tova Wang  wrote:

>> >

019640

>> >> Hi Job,  
>> >>  
>> >> Peg tells me that we should now be getting the  
>> >> transcript early next week.  
>> >> Regardless, we should talk about the organization  
>> >> and distribution of work  
>> >> on the final report and try to finally get it  
>> done.  
>> >> Would it be possible  
>> >> for you to do a call before you leave for work in  
>> >> the morning, say 8 am your  
>> >> time, on Wednesday? If not, could you do 6 pm  
>> your  
>> >> time on Wednesday?  
>> >> Thanks.  
>> >>  
>> >> Tova  
>> >>  
>> >> Tova Andrea Wang  
>> >> Democracy Fellow  
>> >> The Century Foundation  
>> >> 41 East 70th Street - New York, NY 10021  
>> >> phone: 212-452-7704 fax: 212-535-7534  
>> >>  
>> >> Visit our Web site, <<http://www.tcf.org/>>  
>> >> www.tcf.org, for the latest news,  
>> >> analysis, opinions, and events.  
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>> >> \_\_\_\_\_  
>> >>  
>> >> <<mailto:join-tcfmain@mailhost.groundspring.org>>  
>> >> Click here to receive our  
>> >> weekly e-mail updates.  
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



[REDACTED]  
06/21/2006 09:29 PM

To "Job Serebrov" [REDACTED] <[psims@eac.gov](mailto:psims@eac.gov)>  
cc  
Subject Re: Teleconference

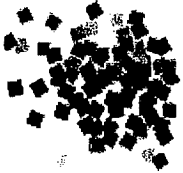
How about Monday at 6:30 or 7 est?  
----- Original Message -----  
From: "Job Serebrov" [REDACTED]  
To: <[psims@eac.gov](mailto:psims@eac.gov)>; "Tova Andrea Wang" [REDACTED]  
Sent: Wednesday, June 21, 2006 6:21 PM

019641

Subject: Re: Teleconference

> It will need to be early next week. What news of the  
> transcript?  
>  
>  
> --- psims@eac.gov wrote:  
>  
>>  
>> I am sorry, but I have to postpone the  
>> teleconference originally scheduled  
>> for this evening. Is another day this week or early  
>> next week good for you  
>> two?  
>> Peggy  
>>  
>> -----  
>> Sent from my BlackBerry Wireless Handheld  
>>  
>>  
>>  
>  
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



Devon E. Romig/EAC/GOV

06/22/2006 03:44 PM

To Margaret Sims/EAC/GOV@EAC

cc [REDACTED]

Subject Fw: May 18, 2006 Meeting

Good news!!! The transcript is finally here.

Devon Romig  
United States Election Assistance Commission  
1225 New York Ave. NW, Suite 1100  
Washington, DC 20005  
202.566.2377 phone  
202.566.3128 fax  
www.eac.gov

----- Forwarded by Devon E. Romig/EAC/GOV on 06/22/2006 03:44 PM -----



"Carol J. Thomas Reporting"  
<carolthomasreporting@cox.net>

06/22/2006 03:24 PM

To dromig@eac.gov

cc jwilson@eac.gov

Subject May 18, 2006 Meeting

Dear EAC,

019642

Attached please note the ASCII file for the Voting Fraud-Voter Intimidation Meeting taken on Wednesday, May 18, 2006. Your transcript has been shipped to you.

ASCII file name: 051806.txt

Please let us know if you have any questions.



Timothy Brischler, Office Manager, 703.273.9221 051806.TXT  
----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"  
[Redacted] t>  
06/21/2006 06:21 PM

To psims@eac.gov, "Tova Andrea Wang" [Redacted]  
cc  
Subject Re: Teleconference

It will need to be early next week. What news of the transcript?

--- psims@eac.gov wrote:

>  
> I am sorry, but I have to postpone the  
> teleconference originally scheduled  
> for this evening. Is another day this week or early  
> next week good for you  
> two?  
> Peggy  
>  
> -----  
> Sent from my BlackBerry Wireless Handheld  
>  
>  
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



[Redacted]  
06/22/2006 10:29 AM

To psims@eac.gov  
cc  
Subject

Can I also get an answer on whether we can speak about the project publicly?  
----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV  
06/19/2006 12:19 PM

To [REDACTED]  
cc "Job Serebrov" [REDACTED]  
Subject Re: teleconference

OK. I have marked my calendar for a 7 PM EST/6 PM CST teleconference for this Wednesday. Still no transcript. --- Peggy

[REDACTED]



[REDACTED]  
06/15/2006 03:30 PM

To "Job Serebrov" [REDACTED], psims@eac.gov  
cc  
Subject Re: teleconference

fine  
----- Original Message -----  
From: "Job Serebrov" [REDACTED]  
To: [REDACTED]; <psims@eac.gov>  
Sent: Wednesday, June 14, 2006 10:17 PM  
Subject: Re: teleconference

> Tova:  
>  
> 5 pm EST is 4 pm Central. Peg would have to call at 7  
> pm EST to be 6 pm Central.  
>  
> Job  
>  
> --- wang@tcf.org wrote:  
>  
>> Let's try to do that. Peg, you will call us 5 pm  
>> EST?  
>> ----- Original Message -----  
>> From: "Job Serebrov" [REDACTED]  
>> To: "Tova Wang" [REDACTED]  
>> Sent: Wednesday, June 14, 2006 6:29 PM  
>> Subject: Re: teleconference  
>>  
>>  
>> > Wednesday next week? It would have to be 6 pm.  
>> >  
>> > --- Tova Wang [REDACTED] wrote:  
>> >  
>> >> Hi Job,  
>> >>  
>> >> Peg tells me that we should now be getting the  
>> >> transcript early next week.  
>> >> Regardless, we should talk about the organization

>> >> and distribution of work  
>> >> on the final report and try to finally get it  
>> done.  
>> >> Would it be possible  
>> >> for you to do a call before you leave for work in  
>> >> the morning, say 8 am your  
>> >> time, on Wednesday? If not, could you do 6 pm  
>> your  
>> >> time on Wednesday?  
>> >> Thanks.  
>> >>  
>> >> Tova  
>> >>  
>> >> Tova Andrea Wang  
>> >> Democracy Fellow  
>> >> The Century Foundation  
>> >> 41 East 70th Street - New York, NY 10021  
>> >> phone: 212-452-7704 fax: 212-535-7534  
>> >>  
>> >> Visit our Web site, <<http://www.tcf.org/>>  
>> >> [www.tcf.org](http://www.tcf.org/), for the latest news,  
>> >> analysis, opinions, and events.  
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>> >> <<mailto:join-tcfmain@mailhost.groundspring.org>>  
>> >> Click here to receive our  
>> >> weekly e-mail updates.  
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"

06/21/2006 09:34 PM

To [redacted]@sims@eac.gov  
cc

Subject Re: Teleconference

Monday at 7 EST is ok with me. What about you Peg?

Job

--- [redacted] wrote:

> How about Monday at 6:30 or 7 est?

> ----- Original Message -----

> From: "Job Serebrov" [redacted]

019645

> To: <psims@eac.gov>; "Tova Andrea Wang"  
> [REDACTED]  
> Sent: Wednesday, June 21, 2006 6:21 PM  
> Subject: Re: Teleconference  
>  
>  
> > It will need to be early next week. What news of  
> the  
> > transcript?  
> >  
> >  
> >  
> > --- psims@eac.gov wrote:  
> >  
> >>  
> >> I am sorry, but I have to postpone the  
> >> teleconference originally scheduled  
> >> for this evening. Is another day this week or  
> early  
> >> next week good for you  
> >> two?  
> >> Peggy  
> >>  
> >> -----  
> >> Sent from my BlackBerry Wireless Handheld  
> >>  
> >>  
> >>  
> >  
>  
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims/EAC/GOV

06/22/2006 10:30 AM

To "Job Serebrov" [REDACTED] at>, "Tova Andrea Wang" [REDACTED]  
cc [REDACTED]

Subject Re: Teleconference

OK. Next Monday (6-26) at 7 PM EST. I'll call you.  
Peggy

-----  
Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: "Job Serebrov" [REDACTED]  
Sent: 06/21/2006 09:34 PM  
To: [REDACTED]; psims@eac.gov  
Subject: Re: Teleconference

019646



Monday at 7 EST is ok with me. What about you Peg?

Job

--- wang@tcf.org wrote:

> How about Monday at 6:30 or 7 est?  
> ----- Original Message -----  
> From: "Job Serebrov" [REDACTED]  
> To: <psims@eac.gov>; "Tova Andrea Wang"  
> [REDACTED]  
> Sent: Wednesday, June 21, 2006 6:21 PM  
> Subject: Re: Teleconference  
>  
>  
> > It will need to be early next week. What news of  
> the  
> > transcript?  
> >  
> >  
> > --- psims@eac.gov wrote:  
> >  
> >>  
> >> I am sorry, but I have to postpone the  
> >> teleconference originally scheduled  
> >> for this evening. Is another day this week or  
> >> early  
> >> next week good for you  
> >> two?  
> >> Peggy  
> >>  
> >> -----  
> >> Sent from my BlackBerry Wireless Handheld  
> >>  
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> >  
>  
>  
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"  
[REDACTED]  
06/21/2006 12:25 PM

To psims@eac.gov, "Job Serebrov" [REDACTED]  
cc  
Subject RE: Teleconference

Anyday anytime except tomorrow is OK by me. Tova

-----Original Message-----  
From: psims@eac.gov [mailto:psims@eac.gov]  
Sent: Wednesday, June 21, 2006 11:15 AM

019647

To: Tova Andrea Wang; Job Serebrov  
Subject: Teleconference

I am sorry, but I have to postpone the teleconference originally scheduled for this evening. Is another day this week or early next week good for you two? Peggy

-----  
Sent from my BlackBerry Wireless Handheld

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"

06/22/2006 09:27 PM

To psims@eac.gov

cc

Subject Suggestions

Peggy:

When Tova sent me her suggestions I made some changes and additions. Tova later wrote to me and said she expected me to come up with my own list. Due to time constraints and at risk of duplication I rather go with the corrected suggestions.



Job RECOMMENDATIONS.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"

06/21/2006 06:25 PM

To "Tova Wang" psims@eac.gov

cc

Subject Re: nexis

I have no objection to amending the official findings/CD to add these.

--- Tova Wang wrote:

> Hi Peg and Job,  
>  
> I don't know how we might be able to use these but  
> here, finally, are the  
> super-refined versions of the nexis charts. Can we

019648

> include them? Thanks.  
> Tova  
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims/EAC/GOV

06/22/2006 10:31 AM

To "Job Serebrov" [REDACTED], "Tova Andrea Wang" [REDACTED]

cc

Subject Re: nexis

Fine by me.  
Peggy

-----  
Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: "Job Serebrov" [REDACTED]

Sent: 06/21/2006 06:25 PM

To: "Tova Wang" [REDACTED]; psims@eac.gov

Subject: Re: nexis

I have no objection to amending the official findings/CD to add these.

--- Tova Wang [REDACTED] wrote:

> Hi Peg and Job,

>

> I don't know how we might be able to use these but

> here, finally, are the

> super-refined versions of the nexis charts. Can we

> include them? Thanks.

> Tova

>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

[REDACTED]  
06/20/2006 11:10 AM

To psims@eac.gov

cc

Subject question

Am I correct in assuming that I still cannot discuss the findings of our report? Thanks.

019649

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"

[REDACTED]  
07/02/2006 10:28 AM

To psims@eac.gov

cc

Subject Please Change This

Peggy:

In the transcript, there is one serious mistake that must be changed immediately. On page 5 it indicates that I helped review and draft changes to the election code of Libya. It should be Namibia not Libya. The reason this is so serious if it stands is that at the time I reviewed Namibia's Code it was illegal for Americans to deal with Libya. I need to know that this has been corrected any ALL parties who have seen the transcript notified.

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

[REDACTED]  
06/23/2006 01:04 PM

To dromig@eac.gov, psims@eac.gov

cc [REDACTED]

Subject RE: May 18, 2006 Meeting

Wow, there are a lot of errors in this. But at least it gets at the substance. Will this be circulated to the commissioners?

-----Original Message-----

**From:** dromig@eac.gov [mailto:dromig@eac.gov]

**Sent:** Thursday, June 22, 2006 2:45 PM

**To:** psims@eac.gov

**Cc:** [REDACTED]

019650

**Subject: Fw: May 18, 2006 Meeting**

Good news!!! The transcript is finally here.

Devon Romig  
United States Election Assistance Commission  
1225 New York Ave. NW, Suite 1100  
Washington, DC 20005  
202.566.2377 phone  
202.566.3128 fax  
www.eac.gov

----- Forwarded by Devon E. Romig/EAC/GOV on 06/22/2006 03:44 PM -----

"Carol J. Thomas Reporting" <carolthomasreporting@cox.net>

06/22/2006 03:24 PM

To dromig@eac.gov  
cc jwilson@eac.gov  
Subject May 18, 2006 Meeting

Dear EAC,

Attached please note the ASCII file for the Voting Fraud-Voter Intimidation Meeting taken on Wednesday, May 18, 2006. Your transcript has been shipped to you.

ASCII file name: 051806.txt

Please let us know if you have any questions.

Timothy Brischler, Office Manager, 703.273.9221

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

06/27/2006 12:26 PM

To psims@eac.gov, "Job Serebrov"  
cc  
Subject outline of final report

Does this work for you?

Tova Andrea Wang  
Democracy Fellow  
The Century Foundation

019651

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims/EAC/GOV

06/26/2006 04:38 PM

To "Tova Wang" <[REDACTED]>

cc dromig@eac.gov, [REDACTED]

Subject RE: May 18, 2006 Meeting

I wasn't planning on circulating the transcript to the Commissioners. Most of them probably don't have the time to go through the whole thing. I will let them know it is available, if they are interested in reviewing it.

--- Peggy

"Tova Wang" <[REDACTED]>



"Tova Wang"

06/23/2006 01:04 PM

To dromig@eac.gov, psims@eac.gov

cc [REDACTED]

Subject RE: May 18, 2006 Meeting

Wow, there are a lot of errors in this. But at least it gets at the substance. Will this be circulated to the commissioners?

-----Original Message-----

**From:** dromig@eac.gov [mailto:dromig@eac.gov]

**Sent:** Thursday, June 22, 2006 2:45 PM

**To:** psims@eac.gov

**Cc:** [REDACTED]

**Subject:** Fw: May 18, 2006 Meeting

Good news!!! The transcript is finally here.

Devon Romig  
United States Election Assistance Commission  
1225 New York Ave. NW, Suite 1100  
Washington, DC 20005  
202.566.2377 phone  
202.566.3128 fax  
www.eac.gov

----- Forwarded by Devon E. Romig/EAC/GOV on 06/22/2006 03:44 PM -----

"Carol J. Thomas Reporting" <carolthomasreporting@cox.net>

06/22/2006 03:24 PM

To dromig@eac.gov

cc jwilson@eac.gov

Subject May 18, 2006 Meeting

019652

Dear EAC,

Attached please note the ASCII file for the Voting Fraud-Voter Intimidation Meeting taken on Wednesday, May 18, 2006. Your transcript has been shipped to you.

ASCII file name: 051806.txt

Please let us know if you have any questions.

Timothy Brischler, Office Manager, 703.273.9221

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"

06/27/2006 10:07 PM

To [REDACTED] psims@eac.gov  
cc [REDACTED]

Subject Re: definition

I am ok with it.

--- Tova Wang [REDACTED] wrote:

> Is this OK now?  
>  
> Tova Andrea Wang  
> Democracy Fellow  
> The Century Foundation  
> 41 East 70th Street - New York, NY 10021  
> phone: 212-452-7704 fax: 212-535-7534  
>  
> Visit our Web site, <<http://www.tcf.org/>>  
> [www.tcf.org](http://www.tcf.org), for the latest news,  
> analysis, opinions, and events.  
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> \_\_\_\_\_  
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> <<mailto:join-tcfmain@mailhost.groundspring.org>>  
> Click here to receive our  
> weekly e-mail updates.  
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019653

> > Click here to receive our  
> > weekly e-mail updates.  
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov  
>  
05/16/2006 01:41 PM

To psims@eac.gov  
cc  
Subject RE: Your Materials

Sure. But where is the resistance coming from? The notes were not accurate. As you know, I have to be very concerned about that.

---

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Tuesday, May 16, 2006 12:34 PM  
**To:** Donsanto, Craig  
**Subject:** RE: Your Materials

Craig:

I am getting some resistance from my consultants to correcting the summary of the interview prior to the meeting. Would you mind noting the corrections at the meeting? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

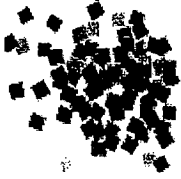
05/16/2006 12:06 PM

Topsims@eac.gov  
cc  
Subject RE: Your Materials

019654



----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



Devon E. Romig/EAC/GOV

05/25/2006 02:37 PM

To Margaret Sims/EAC/GOV@EAC

cc

Subject Summary for VFVI working group meeting

Peggy,

Here is the summary that you requested. Let me know if this works.

Thanks!

Devon Romig  
United States Election Assistance Commission  
1225 New York Ave. NW, Suite 1100  
Washington, DC 20005  
202.566.2377 phone  
202.566.3128 fax  
www.eac.gov



VFVI Meeting Summary.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV

05/16/2006 02:47 PM

To "Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL

cc

Subject RE: Your Materials

I think they are panicking because they are preparing to travel tomorrow and may not have time to submit a revised version. They also are resisting changes to their interview summaries because the summaries represent what they think they heard. I was there at the interview and I heard what you said. I'm not sure that either of them heard everything (including the nuances) because so much of the information was new to them and it was one of their earlier interviews. I'm sorry I did not catch the defects before the summary went out.

My first concern is ensuring that the Working Group has the correct information. Then, we can deal with what version, *if any*, goes in the final report. Do you want me to excerpt the corrections from your email and submit them to the Working Group? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov>  
v>

05/16/2006 01:41 PM

To psims@eac.gov

cc

019655



Subject RE: Your Materials

Sure. But where is the resistance coming from? The notes were not accurate. As you know, I have to be very concerned about that.

---

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Tuesday, May 16, 2006 12:34 PM  
**To:** Donsanto, Craig  
**Subject:** RE: Your Materials

Craig:

I am getting some resistance from my consultants to correcting the summary of the interview prior to the meeting. Would you mind noting the corrections at the meeting? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 12:06 PM

Topsims@eac.gov  
cc  
SubjectRE: Your Materials

Thank you, Peg. This stuff is very interesting.

---

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Tuesday, May 16, 2006 11:27 AM  
**To:** Donsanto, Craig  
**Subject:** Re: Your Materials

I have forwarded your message to our consultants and have requested a corrected version for distribution at the WG meeting. --- Peggy

019656

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Tuesday, May 16, 2006 11:27 AM  
**To:** Donsanto, Craig  
**Subject:** Re: Your Materials

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"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 10:46 AM

Topsims@eac.gov  
cc  
SubjectYour Materials

Peg - -

I have read over the materials you sent to me and viewed the pieces on the CD.

I have only one correction:

I did not say that offenders who receive target letters routinely request - - or routinely receive - - audiences here at DOJHQ. That is very rare. Instead, what usually happens is that once a subject for an election fraud investigation is advised that he or she is going to be charged that person usually enters into plea negotiations and ultimately pleads guilty. Very few federal election fraud cases go to trial. When a subject does request a HQ interview or a HW hearing, it would be held in the first instance by myself. But again, Peg, that is rare.

019657

Also, while the occurrences of prosecutions of isolated instances of felons and alien voters and double voters has increased, we still aggressively and I believe quite successfully pursue systematic schemes to corrupt the electoral process, as the cases we brought recently out of Knott and Pike Counties in Kentucky, those we brought out of Lincoln and Logan Counties in West Virginia, and those we brought in New Hampshire growing out of the jamming of get0-out-the-vote phone bank lines attest.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV

05/16/2006 03:14 PM

To "Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL

cc

Subject RE: Your Materials 

I fully understand. Do you want me to prepare a correction sheet for the Working Group, placing your second and more important point first, or do you want to handle this verbally at the meeting? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>

05/16/2006 02:55 PM

To psims@eac.gov

cc

Subject RE: Your Materials

The first item is not as big a deal as the second one: the processes under which subjects of investigations come to Jesus is not as important as the overall assessment of our law enforcement achievements. But stressing the isolated test cases we brought - - and will continue to bring - - to deter things like felon voting, alien voting and double voting, which not mentioning such significant achievements as the five case PROJECTS mentioned in my last e-mail - - misrepresents what we are doing and the deterrent message we are trying to communicate.

I appreciate that these two young people may have found themselves in a Brave New World when they came over here. It showed in their questioning. But the fact that criminal law enforcement is not at all similar to preventative legal relief (as under the Voting Rights Act) or civil relief (as election contest litigation) is I guess more of a problem than I at first foresaw. My real concern is that the civil rights groups - - with whom we over here have an amazing amount of common grounds - - will take the singling out of the felon and alien voter cases as evincing a malevolent aggression on their constituencies. That is not the case. We are only enforcing the law.

---

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Tuesday, May 16, 2006 2:47 PM

**To:** Donsanto, Craig

**Subject:** RE: Your Materials

I think they are panicking because they are preparing to travel tomorrow and may not have time to submit a revised version. They also are resisting changes to their interview summaries because the summaries represent what they think they heard. I was there at the interview and I heard what you said. I'm not sure that either of them heard everything (including the nuances) because so much of the information was new

019658

to them and it was one of their earlier interviews. I'm sorry I did not catch the defects before the summary went out.

My first concern is ensuring that the Working Group has the correct information. Then, we can deal with what version, *if any*, goes in the final report. Do you want me to excerpt the corrections from your email and submit them to the Working Group? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 01:41 PM

Topsims@eac.gov  
cc  
SubjectRE: Your Materials

Sure. But where is the resistance coming from? The notes were not accurate. As you know, I have to be very concerned about that.

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05/16/2006 12:06 PM

Topsims@eac.gov  
cc  
SubjectRE: Your Materials

019659

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05/16/2006 10:46 AM

Topsims@eac.gov  
cc  
SubjectYour Materials

019660

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I have only one correction:

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov  
v>  
05/23/2006 02:49 PM

To psims@eac.gov, "Voriss, Natalie (USAEO)"  
<Natalie.Voriss@usdoj.gov>, "Hillman, Noel"  
<Noel.Hillman@usdoj.gov>, "Simmons, Nancy"  
<Nancy.Simmons@usdoj.gov>

cc

Subject Request to interview AUSAs

Peg --

At the Advisory Board meeting we had last week, your two contractors asked to interview the over-100 AUSAs who are serving as District Election Officers in connection with the Fraud study.

This request needs to be addressed to Natalie Voriss of EOUSA per the message from here that follows.

If the contractors require additional information in connection with the Fraud Study, and should EOUSA not be able to satisfy their needs n they can communicate with me on criminal issues and Cameron Quinn on Civil Rights issues.

I will be here when you arrive later today at the Board of Advisors meeting

019661

when you arrive to talk to us at 4:30.

Ms. Voris' message follows:

Per the USAM, all requests for interviews/surveys/research projects that involve USAOs must be approved by EOUSA. I am pasting the provision below - the contact name needs to be updated. Requests should come to me, as the Acting Counsel to the Director.

Thanks,  
Natalie

-----  
Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Tova Wang"

05/24/2006 02:52 PM

To psims@eac.gov

cc

Subject press interview

Hi Peg,

Just wanted to give you the heads up that I did an interview with a reporter from The Hill today on fraud. As far as I know he is simply referring to me as a fellow at TCF and I did not discuss the project in any way

**Tova Andrea Wang**  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

Visit our Web site, [www.tcf.org](http://www.tcf.org), for the latest news, analysis, opinions, and events.

[Click here](#) to receive our weekly e-mail updates.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV

05/24/2006 03:17 PM

To "Tova Wang" <wang@tcf.org>@GSAEXTERNAL

cc Jeannie Layson/EAC/GOV@EAC, bwhitener@eac.gov

Subject Re: press interview

Thanks for the "heads up". --- Peggy

"Tova Wang" [REDACTED]

019662



05/17/2006 03:03 PM

To Craig Donsanto

cc

Subject Status Report on Voting Fraud-Voter Intimidation Project

Craig:

This is what I was working on for the upcoming meetings of the EAC Board of Advisors and EAC Standards Board. --- Peggy



EAC Boards VF-VI Status Report.doc

---- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM ----



"Job Serebrov"

05/16/2006 09:25 AM

To psims@eac.gov

cc

Subject Re: Date Ranges for Research

Cases were from 2000 to the present.

--- psims@eac.gov wrote:

> Would you please refresh my memory about the date  
> ranges used for the  
> Nexis article research and the case law research?  
> I'm drawing a blank and  
> I don't see it in the summaries. I need it for this  
> mornings Commissioner  
> briefing. Thanks! --- Peggy

019663

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Tova Wang"  
<wang@tcf.org>  
05/15/2006 11:36 AM

To psims@eac.gov  
cc  
Subject thursday

Is it OK if I come around 12:30 or so to make sure I have all my materials arranged properly for presentation? Thanks.

**Tova Andrea Wang**  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

Visit our Web site, [www.tcf.org](http://www.tcf.org), for the latest news, analysis, opinions, and events.

[Click here](#) to receive our weekly e-mail updates.

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov>  
v>  
05/17/2006 10:59 AM

To psims@eac.gov  
cc  
Subject RE: Report on Voting Fraud-Voter Intimidation Research

Peg --

This is a complicated issue largely because of two things: 1) there is a lot of ambiguity out there as to what constitutes "intimidation." To the civil rights community, "intimidation" means anything that makes voting uncomfortable or less than automatic. To us in the criminal law enforcement "intimidation" means threats of economic or physical nature made to force or prevent voting. Only the latter involve aggravating factors that warrant putting offenders in jail, and the statutes that address "intimidation" from a criminal perspective are thus limited. We have never had many "intimidation" criminal cases. For one thing, in this modern post voting rights era, there is not a lot of physical/economic duress out there in the voting context -- at least not that I have seen. For another, where it does occur it is very hard to investigate and detect as victims who have been physically or economically intimidated are not likely to come to the FBI.

The bottom line is that we take matters that do present predication for physical or economically based "intimidation" very seriously, AND that we are being extremely proactive in trying to find ways to prosecute matters involving voter suppression as in the Tobin cases in New Hampshire where the local GOP tried to jam telephone lines for a GOTV effort run by the Dems. But even there -- the usual "suppression" matter involves flyers that are passed around giving out misleading information about an election, and we have investigated every one of those that came to our attention last election cycle. We were not able to identify the person(s) responsible for printing the misleading flyers in any of these. But we sure as heck tried.

---

019664

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Wednesday, May 17, 2006 9:57 AM  
**To:** Donsanto, Craig  
**Subject:** Report on Voting Fraud-Voter Intimidation Research

Craig:

I'm putting the finishing touches on a status report to the EAC Standards Board and EAC Board of Advisors on our Voting Fraud-Voter Intimidation research project. For the most part, I am using our consultants summaries for the report, but one bullet under the interview summaries is giving me heartburn. It is the bullet that references the decrease in DOJ voter intimidation actions. It is one of the places in which our consultants had indicated that your office is focussing on prosecuting individuals. I have reworded it and would like your feedback on the revision:

Several people indicate - including representatives from DOJ -- that for various reasons, the Department of Justice is bringing fewer voter intimidation and suppression cases now, and has increased its focus on matters such as noncitizen voting, double voting, and felon voting. While the Voting Section of the Civil Rights Division focuses on systemic patterns of malfeasance, the Election Crimes Branch of the Public Integrity Section has increased prosecutions of individual instances of felon, alien, and double voting while also maintaining an aggressive pursuit of systematic schemes to corrupt the electoral process.

Please suggest any changes that you think would further clarify the current approach. --- Peggy  
--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM ----

Margaret Sims /EAC/GOV

05/15/2006 04:37 PM

To Voting Fraud-Voter Intimidation Working Group

cc jgreenbaum@lawyerscommittee.org,  
vjohnson@lawyerscommittee.org,  
dlovecchio@perkinscoie.com, bschuler@lathropgag.com,  
Craig.Donsanto@usdoj.gov

Subject Voting Fraud-Voter Intimidation Working Group

Dear Working Group Members and Participants:

You should receive a packet of information today, either by Federal Express or hand delivery, concerning Thursday's meeting of the project Working Group for EAC's Voting Fraud-Voter Intimidation research project. Attached is an analysis of the consultants' research into relevant literature and reports. This summary was not available when we prepared the information packets last Friday, but may be of interest to you. Our consultants and I look forward to having a productive discussion with you.

Regards,

Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

019665

**Sent:** Tuesday, May 16, 2006 7:41 AM  
**To:** wang@tcf.org; serebrov@sbcglobal.net  
**Subject:** Date Ranges for Research

Would you please refresh my memory about the date ranges used for the Nexis article research and the case law research? I'm drawing a blank and I don't see it in the summaries. I need it for this mornings Commissioner briefing. Thanks! --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV

05/15/2006 06:41 PM

To "Craig Donsanto" <Craig.Donsanto@usdoj.gov>

cc

Subject Re: Voting Fraud-Voter Intimidation Working Group

It could be a Berry problem. (I occasionally have that problem with attachments I try to retrieve through my Blackberry.)

The attachment is a pdf file, but I have access to a Word version that I can use to insert text in an email tomorrow. I don,t have access to the attachment from my Berry.

Peggy

-----  
Sent from my BlackBerry Wireless Handheld

----- Original Message -----  
From: "Donsanto, Craig" [Craig.Donsanto@usdoj.gov]  
Sent: 05/15/2006 04:53 PM  
To: psims@eac.gov  
Subject: Re: Voting Fraud-Voter Intimidation Working Group

Peggy --

I am currently on train in trasit back from a day in Newark. I tried to recover your attachment on Blackberry but got a message telling me the "file is empty."

Can you paste it to an e-mail perhaps?

-----  
Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----  
From: psims@eac.gov <psims@eac.gov>  
To: barnwine@lawyerscommittee.org <barnwine@lawyerscommittee.org>;  
Rbauer@perkinscoie.com <Rbauer@perkinscoie.com>; bginsberg@pattonboggs.com  
<bginsberg@pattonboggs.com>; mhearne@lathroppage.com  
<mhearne@lathroppage.com>; jrperez50@sbcglobal.net <jrperez50@sbcglobal.net>;  
krogers@sos.state.ga.us <krogers@sos.state.ga.us>; assistant@sos.in.gov  
<assistant@sos.in.gov>; weinutr@verizon.net <weinutr@verizon.net>  
CC: jgreenbaum@lawyerscommittee.org <jgreenbaum@lawyerscommittee.org>;

019666

vjohnson@lawyerscommittee.org <vjohnson@lawyerscommittee.org>;  
dlovecchio@perkinscoie.com <dlovecchio@perkinscoie.com>;  
bschuler@lathropgage.com <bschuler@lathropgage.com>; Donsanto, Craig  
<Craig.Donsanto@crm.usdoj.gov>  
Sent: Mon May 15 16:37:48 2006  
Subject: Voting Fraud-Voter Intimidation Working Group

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Regards,

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Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

019667



Hi Peg, Have you tried to send me the presentation? I haven't gotten it, but I think we may be having email problems. Let me know. I'd need to look at it today since I'll be tied up tomorrow. Tova

**Tova Andrea Wang**  
 Democracy Fellow  
**The Century Foundation**  
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 phone: 212-452-7704 fax: 212-535-7534

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[Click here](#) to receive our weekly e-mail updates.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Donsanto, Craig"  
 <Craig.Donsanto@usdoj.gov v>  
 05/16/2006 03:17 PM  
 To psims@eac.gov  
 cc  
 Subject RE: Your Materials

Let me try to do it, Peg. Again what I do not want to see occur is for the LCCR to start attacking us. We have more in common with them than I had originally assumed, thanks to the write-ups of their interviews. We need to promote what we have in common not try to score political points. But I will try to correct the records as long as you will agree you heard what I said the way I know I said it!

---

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Tuesday, May 16, 2006 3:14 PM  
**To:** Donsanto, Craig  
**Subject:** RE: Your Materials

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"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 02:55 PM

To psims@eac.gov  
 cc  
 Subject RE: Your Materials

019666

The first item is not as big a deal as the second one: the processes under which subjects of investigations come to Jesus is not as important as the overall assessment of our law enforcement achievements. But stressing the isolated test cases we brought - - and will continue to bring - - to deter things like felon voting, alien voting and double voting, which not mentioning such significant achievements as the five case PROJECTS mentioned in my last e-mail - - misrepresents what we are doing and the deterrent message we are trying to communicate.

I appreciate that these two young people may have found themselves in a Brave New World when they came over here. It showed in their questioning. But the fact that criminal law enforcement is not at all similar to preventative legal relief (as under the Voting Rights Act) or civil relief (as election contest litigation) is I guess more of a problem than I at first foresaw. My real concern is that the civil rights groups - - with whom we over here have an amazing amount of common grounds - - will take the singling out of the felon and alien voter cases as evincing a malevolent aggression on their constituencies. That is not the case. We are only enforcing the law.

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**To:** Donsanto, Craig  
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"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 01:41 PM

Topsims@eac.gov  
cc  
Subject: RE: Your Materials

019669

Sure. But where is the resistance coming from? The notes were not accurate. As you know, I have to be very concerned about that.

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**Sent:** Tuesday, May 16, 2006 12:34 PM  
**To:** Donsanto, Craig  
**Subject:** RE: Your Materials

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"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 12:06 PM

Topsims@eac.gov  
cc  
SubjectRE: Your Materials

019670



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05/16/2006 10:46 AM

Topsims@eac.gov  
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SubjectYour Materials

019671

Peg --

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I have only one correction:

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV

05/23/2006 08:45 AM

To "Tova Wang" [REDACTED]

cc

Subject RE: PowerPoint Presentation to EAC Boards [REDACTED]

I know --- I'll have to cover that in my oral presentation, along with some other points. The audience will have a copy of the paper I put together using Job's and your summaries and findings. The paper provides a lot more detail. We did not plan to provide a copy of the PowerPoint presentation, which is just meant to keep me on track and them interested in the presentation. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Tova Wang" [REDACTED]

05/26/2006 10:41 AM

To psims@eac.gov, "Job Serebrov" [REDACTED]

cc

Subject RE: Request to interview AUSAs

I still think we should include the recommendations in the report

-----Original Message-----

019672

From: psims@eac.gov [mailto:psims@eac.gov]  
Sent: Friday, May 26, 2006 9:30 AM  
To: Tova Andrea Wang; Job Serebrov  
Subject: Fw: Request to interview AUSAs

Below is Craig's response to the request to interview AUSAs. It does not appear that this avenue is likely because the AUSAs are so busy..

Also, he asked about permission for other folks to attend the election crimes training session, and the answer was "no". (I can't even get in, and I'm a federal employee.). I understand that a good part of the reason is practical -- they are having enough trouble accommodating the folks that are required to come.

Peggy

-----  
Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: "Donsanto, Craig" [Craig.Donsanto@usdoj.gov]  
Sent: 05/23/2006 02:49 PM  
To: psims@eac.gov; "Voris, Natalie (USAEO)" <Natalie.Voris@usdoj.gov>;  
"Hillman, Noel" <Noel.Hillman@usdoj.gov>; "Simmons, Nancy"  
<Nancy.Simmons@usdoj.gov>  
Subject: Request to interview AUSAs

Peg --

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Thanks,  
Natalie

-----  
Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

019678

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV

05/16/2006 03:50 PM

To "Tova Wang" [REDACTED]

cc

Subject Re: board of advisers presentation [REDACTED]

I haven't sent it yet. If you need to leave early, you can look at what I have so far, which does not have the intro or the text regarding the final report. --- Peggy



EAC Board Status Report.doc

"Tova Wang" [REDACTED]



"Tova Wang"

[REDACTED]  
05/16/2006 03:47 PM

To psims@eac.gov

cc

Subject board of advisers presentation

Hi Peg, Have you tried to send me the presentation? I haven't gotten it, but I think we may be having email problems. Let me know. I'd need to look at it today since I'll be tied up tomorrow. Tova

**Tova Andrea Wang**

Democracy Fellow

**The Century Foundation**

41 East 70th Street - New York, NY 10021

phone: 212-452-7704 fax: 212-535-7534

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---

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>

v>

05/17/2006 03:24 PM

To psims@eac.gov

cc

Subject RE: Status Report on Voting Fraud-Voter Intimidation Project

019674

Thank you, Peg. This is at least more accurate than what I read this morning. Thank you for taking the time to discuss this with me. I shall see you tomorrow.

---

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Wednesday, May 17, 2006 3:04 PM  
**To:** Donsanto, Craig  
**Subject:** Status Report on Voting Fraud-Voter Intimidation Project

Craig:

This is what I was working on for the upcoming meetings of the EAC Board of Advisors and EAC Standards Board. --- Peggy

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM ---



"Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov  
>

To psims@eac.gov

cc

05/17/2006 01:23 PM

Subject Re: Report on Voting Fraud-Voter Intimidation Research

Peggy -- can you call me about this in about an hour?

202-514-1421.

-----  
Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>  
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>  
Sent: Wed May 17 09:56:39 2006  
Subject: Report on Voting Fraud-Voter Intimidation Research

Craig:

I'm putting the finishing touches on a status report to the EAC Standards Board and EAC Board of Advisors on our Voting Fraud-Voter Intimidation research project. For the most part, I am using our consultants summaries for the report, but one bullet under the interview summaries is giving me heartburn. It is the bullet that references the decrease in DOJ voter intimidation actions. It is one of the places in which our consultants had indicated that your office is focussing on prosecuting individuals. I have reworded it and would like your feedback on the revision:

Several people indicate - including representatives from DOJ -- that for various reasons, the Department of Justice is bringing fewer voter intimidation and suppression cases now, and has increased its focus on matters such as noncitizen voting, double voting, and felon voting. While the Voting

019675

Section of the Civil Rights Division focuses on systemic patterns of malfeasance, the Election Crimes Branch of the Public Integrity Section has increased prosecutions of individual instances of felon, alien, and double voting while also maintaining an aggressive pursuit of systematic schemes to corrupt the electoral process.

Please suggest any changes that you think would further clarify the current approach. --- Peggy

019676



"Tova Wang"

05/24/2006 09:14 AM

To psims@eac.gov

cc

Subject presentation

How did it go? Were you able to verbally correct that discrepancy we talked about the other day?  
Thanks. Tova

Tova Andrea Wang  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV

05/16/2006 08:41 AM

To Tova Andrea Wang, Job Serebrov

cc

Subject Date Ranges for Research

Would you please refresh my memory about the date ranges used for the Nexis article research and the case law research? I'm drawing a blank and I don't see it in the summaries. I need it for this mornings Commissioner briefing. Thanks! --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

05/16/2006 11:50 AM

To psims@eac.gov

cc

Subject RE: Corrections

I still think its sufficient for him to raise the points verbally. All of the interview summaries reflect what Job and I both understood the interviewees to say. This really opens to the door to people making, as Job says, "corrections"

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Tuesday, May 16, 2006 10:47 AM

019677

"Tova Wang" [REDACTED]

05/24/2006 09:14 AM

To psims@eac.gov

cc

Subject presentation

How did it go? Were you able to verbally correct that discrepancy we talked about the other day?  
Thanks. Tova

**Tova Andrea Wang**  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

019678



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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang" [REDACTED]

05/16/2006 05:08 PM

To psims@eac.gov

cc

Subject RE: board of advisers presentation

This looks fine otherwise, but I'm not sure I understand why you included the attachments you did. They are not really representative of what we did for the project as a whole. The summaries are just meant to supplement the nexis excel charts.

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Tuesday, May 16, 2006 2:51 PM

**To:** [REDACTED]

**Subject:** Re: board of advisers presentation

I haven't sent it yet. If you need to leave early, you can look at what I have so far, which does not have the intro or the text regarding the final report. --- Peggy

"Tova Wang" [REDACTED]

05/16/2006 03:47 PM

To psims@eac.gov

cc

Subject board of advisers presentation

Hi Peg, Have you tried to send me the presentation? I haven't gotten it, but I think we may be having email problems. Let me know. I'd need to look at it today since I'll be tied up tomorrow.  
Tova

019679

Tova Andrea Wang  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
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[Click here](#) to receive our weekly e-mail updates.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Donsanto, Craig"

<Craig.Donsanto@usdoj.gov

v>

05/16/2006 12:06 PM

To psims@eac.gov

cc

Subject RE: Your Materials

Thank you, Peg. This stuff is very interesting.

---

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Tuesday, May 16, 2006 11:27 AM  
**To:** Donsanto, Craig  
**Subject:** Re: Your Materials

I have forwarded your message to our consultants and have requested a corrected version for distribution at the WG meeting. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 10:46 AM

Topsims@eac.gov

cc

SubjectYour Materials

Peg --

I have read over the materials you sent to me and viewed the pieces on the CD.

019680

I have only one correction:

I did not say that offenders who receive target letters routinely request -- or routinely receive -- audiences here at DOJHQ. That is very rare. Instead, what usually happens is that once a subject for an election fraud investigation is advised that he or she is going to be charged that person usually enters into plea negotiations and ultimately pleads guilty. Very few federal election fraud cases go to trial. When a subject does request a HQ interview or a HW hearing, it would be held in the first instance by myself. But again, Peg, that is rare.

Also, while the occurrences of prosecutions of isolated instances of felons and alien voters and double voters has increased, we still aggressively and I believe quite successfully pursue systematic schemes to corrupt the electoral process, as the cases we brought recently out of Knott and Pike Counties in Kentucky, those we brought out of Lincoln and Logan Counties in West Virginia, and those we brought in New Hampshire growing out of the jamming of get0-out-the-vote phone bank lines attest.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV

05/16/2006 12:34 PM

To "Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL

cc

Subject RE: Your Materials

Craig:

I am getting some resistance from my consultants to correcting the summary of the interview prior to the meeting. Would you mind noting the corrections at the meeting? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov>

05/16/2006 12:06 PM

To psims@eac.gov

cc

Subject RE: Your Materials

Thank you, Peg. This stuff is very interesting.

---

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Tuesday, May 16, 2006 11:27 AM

**To:** Donsanto, Craig

**Subject:** Re: Your Materials

I have forwarded your message to our consultants and have requested a corrected version for distribution at the WG meeting. --- Peggy

019681

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 10:46 AM

Topsims@eac.gov  
cc  
Subject>Your Materials

Peg - -

I have read over the materials you sent to me and viewed the pieces on the CD.

I have only one correction:

I did not say that offenders who receive target letters routinely request - - or routinely receive - - audiences here at DOJHQ. That is very rare. Instead, what usually happens is that once a subject for an election fraud investigation is advised that he or she is going to be charged that person usually enters into plea negotiations and ultimately pleads guilty. Very few federal election fraud cases go to trial. When a subject does request a HQ interview or a HW hearing, it would be held in the first instance by myself. But again, Peg, that is rare.

Also, while the occurrences of prosecutions of isolated instances of felons and alien voters and double voters has increased, we still aggressively and I believe quite successfully pursue systematic schemes to corrupt the electoral process, as the cases we brought recently out of Knott and Pike Counties in Kentucky, those we brought out of Lincoln and Logan Counties in West Virginia, and those we brought in New Hampshire growing out of the jamming of get0-out-the-vote phone bank lines attest.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"

05/16/2006 11:13 AM

To "Tova Wang" [redacted]@topsims@eac.gov  
cc

Subject Corrections

I don't think anyone should be given the opportunity to correct mistakes.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

019682



"Job Serebrov" [Redacted]

05/16/2006 11:06 AM

To psims@eac.gov

cc

Subject Re: Question

OK. Weather is not going to be great in DC Thursday. I hope that does not delay me.

--- psims@eac.gov wrote:

> We don't need a castle key, but we have to wait  
 > until the Chairman returns  
 > to the office tomorrow to confirm availability of  
 > the parking pass. I  
 > expect you will be on the road, then. Try calling  
 > me our toll-free line  
 > (1-866-747-1471) tomorrow afternoon, say after 2 PM  
 > EST, so that we can  
 > talk about this. --- Peg

>

>

>

>

> "Job Serebrov" [Redacted]  
 > 05/15/2006 09:56 AM

>

> To  
 > psims@eac.gov  
 > cc

>

> Subject  
 > Re: Question

>

>

>

>

>  
>  
> Did you find out whether I can use the Chairman's  
> parking spot?  
>  
> --- psims@eac.gov wrote:  
>  
> > You will need to submit hotel and parking  
> receipts.  
> > You don't need to submit meal receipts. You don't  
> > need to submit gas receipts because use of a  
> > personally owned vehicle (POV) is reimbursed based  
> > on mileage. I think I emailed the mileage rate to  
> > you. If you need it again, I'll look it up when I  
> am  
> > at the office (this afternoon).  
> > Peg  
> >  
> > -----  
> > Sent from my BlackBerry Wireless Handheld  
> >  
> >  
> > ----- Original Message -----  
> > From: "Job Serebrov" [REDACTED]  
> > Sent: 05/12/2006 09:05 PM  
> > To: psims@eac.gov  
> > Subject: Question  
> >  
> > Peg:  
> >  
> > Since I am driving to DC, besides hotel receipts,  
> do  
> > you want me to keep my gas receipts or how will my  
> car  
> > use be compensated? Also, I assume I don't have  
> to  
> > retain food receipts.  
> >  
> > Job  
> >  
> >  
> >  
>  
>  
>  
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

[REDACTED]  
05/15/2006 09:07 AM

To psims@eac.gov  
cc dromig@eac.gov  
Subject I'm sorry

019684

> Subject: Re: New Working Group Member  
>  
> Ben Ginsberg is one of the most respected election  
> law attorneys in the country. Great choice.  
>  
> -----  
> Sent from my BlackBerry Wireless Handheld  
>  
>  
>  
> ----- Original Message -----  
> From: Margaret Sims  
> Sent: 05/12/2006 04:04 PM  
> To: pdegregorio@eac.gov  
> Cc: CN=Amie J. Sherrill/OU=EAC/O=GOV@EAC  
> Subject: New Working Group Member  
>  
> FYI - The person I mentioned as a replacement for  
> David Norcross, who was  
> unavailable, could not attend or Voting Fraud-Voter  
> Intimidation Working  
> Group meeting. Our consultant, Job Serebrov,  
> suggested Benjamin Ginsberg,  
> who is willing. I'm sorry I could not check with  
> you on this beforehand  
> --- things happened so fast! --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims/EAC/GOV

05/22/2006 04:55 PM

To Tova Andrea Wang, Job Serebrov

cc

Subject PowerPoint Presentation to EAC Boards

FYI - Attached is a copy of the PowerPoint presentation on the voting fraud-voter intimidation research project for tomorrow's meetings of the EAC Standards Board (110 state and local election officials) and the EAC Advisory Board (37 representatives from national associations and government agencies who play a role in HAVA implementation and from science and technology-related professions appointed by Congressional members). I used your summaries as the primary source of information for the presentation. --- Peggy



VF-VI Project Presentation.ppt

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Tamar Nedzar/EAC/GOV

05/18/2006 04:36 PM

To cdonsanto@usdoj.gov, weinutr@verizon.net,  
assistant@sos.in.gov, krogers@sos.state.ga.us,  
jrperez50@sbcglobal.net, mhearne@lathropgage.com,  
bginsberg@pattonboggs.com, Rbauer@perkinscoie.com,  
barnwine@lawyerscommittee.org, serebrov@sbcglobal.net,  
wang@tcf.org

cc Margaret Sims/EAC/GOV@EAC, Edgardo  
Cortes/EAC/GOV@EAC, Juliet E.

019685

Thompson-Hodgkins/EAC/GOV@EAC  
Subject Senate and House Conference Reports

All,

As discussed in the meeting today, please find attached the House and Senate Conference Reports associated with the passage of HAVA. In each document, the word "fraud" is capitalized, bolded, and highlighted.

Kind Regards,

Tamar Nedzar  
Law Clerk  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
(202) 566-2377  
<http://www.eac.gov>  
TNedzar@eac.gov



House Conference Report.doc



Senate Conference Report.doc

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM ---



"Tova Wang"

[Redacted]  
05/23/2006 09:23 AM

To psims@eac.gov  
cc

Subject RE: PowerPoint Presentation to EAC Boards

OK, thanks

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Tuesday, May 23, 2006 7:46 AM  
**To:** wang@tcf.org  
**Subject:** RE: PowerPoint Presentation to EAC Boards

I know --- I'll have to cover that in my oral presentation, along with some other points. The audience will have a copy of the paper I put together using Job's and your summaries and findings. The paper provides a lot more detail. We did not plan to provide a copy of the PowerPoint presentation, which is just meant to keep me on track and them interested in the presentation. --- Peggy

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM ---



"Tova Wang"

[Redacted]

To psims@eac.gov

019686



Peggy:

The package came today. Thanks. See you Thursday.

Barry

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV

05/15/2006 01:56 PM

To "Weinberg and Utrecht"

cc [REDACTED]

Subject Re: Voting Fraud-Voter Intimidation [REDACTED]

Barry:

Would you please take a moment to review the draft definition of election fraud? One of our consultants is concerned that it does not sufficiently cover violations of the Voting Rights Act that would qualify. Thanks!  
--- Peggy

"Weinberg and Utrecht" [REDACTED]

019687

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Tova Wang"  
[REDACTED]

11/18/2005 04:51 PM

To psims@eac.gov

cc "Job Serebrov" [REDACTED]

Subject information you requested

Hi Peg,

Attached please find our joint working definition of voter fraud and intimidation.

This is also to let you know that Job and I have agreed that I may speak with political and social scientists with expertise in methodology and data collection alone.

Finally, the types of expenses that we are incurring unrelated to travel include such items as long distance phone calls, particularly between Job and myself, but also between me and the political scientists mentioned above; and books such as John Fund's "Stealing Elections," Andrew Gumbel's "Stealing the Election," and "Deliver the Vote: A History of Election Fraud, an American Political Tradition-1742-2004" by Tracy Campbell, which cost in the \$25 range each. I also ordered the 2005 National Directory of Prosecuting Attorneys for \$50. Another potential expense might be shipping fees if we want to exchange material that cannot be emailed. Please let us know how you would like us to arrange for reimbursement for such expenses.

Thanks.

019638

Tova

**Tova Andrea Wang**  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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combined defining Fraud.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Job Serebrov"

10/03/2005 10:08 AM

To psims@eac.gov  
cc

Subject Mettings

Peggy:

Just spoke with Tova. We would like to have a three way telephone conference with you this week if possible. The best dates for our face to face are Oct 24th or 28th. Please let me know what works for you.

Talk with you when you get answers to my questions.

Regards,

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Job Serebrov"

12/09/2005 12:21 PM

To psims@eac.gov,  
cc

Subject Request

Peggy & Tova:

Can you send us the names of the members of the Working Group once they are finalized?

Tova how about discussing the interview list early

019639

next week and at that time we can also discuss theme topics.

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Job Serebrov"

11/16/2005 06:11 PM

To psims@eac.gov

cc

Subject Re: Moving Along

Peggy:

Friday is best for me to teleconference.

Job

--- psims@eac.gov wrote:

- > Dear Tova and Job:
- >
- > Rest assured that I have not ignored your emails.
- > We have a lot going on
- > around here, and have had to use a triage system to
- > tackle all of the
- > things that currently need our attention. I
- > understand that Julie has
- > responded to Tova's question about the September
- > monthly report,
- > indicating that the nomenclature refers to work done
- > in September, not a
- > monthly report due in September. Here are responses
- > to other questions
- > you have raised, and some concerns of mine:
- >
- > Teleconference - We do need a teleconference this
- > week to discuss some
- > procedural issues and any remaining concerns that
- > you may have. At the
- > moment, my schedule for the remainder of the week is
- > flexible. When would
- > a teleconference be convenient for you two?
- >
- > Working Group - I am circulating your lists of
- > possible working group
- > members to our Commissioners for review and comment.
- > I will get back to
- > you as soon as I have heard from everyone. This may
- > take awhile, probably
- > through the end of November, as one of our
- > Commissioners is out of the
- > office for an extended period due to a death in the
- > family.
- >

019690

> Revised Workplan - Due to political sensitivities  
> regarding this project,  
> it is more important than usual that you act as a  
> team. I noticed several  
> instances on the revised workplan where only one of  
> you is scheduled to be  
> involved. While it seems to me that it would be OK  
> for one or the other  
> to take the lead on a particular aspect of the work  
> (e.g.; developing  
> Westlaw search terms, drafting a research  
> instrument, or setting up  
> interviews), it is very important that both of you  
> be involved in making  
> final decisions on the information gathering process  
> and in the resulting  
> information gathering effort (e.g.; finalizing the  
> Westlaw search terms  
> and reviewing the search results; finalizing the  
> proposed research  
> instrument, administering the survey, and reviewing  
> the survey responses;  
> and conducting interviews).  
>  
> DOJ Contact - I am working through the DOJ  
> bureaucracy to obtain the  
> input we need from the Election Crimes Branch. I  
> have spoken to the  
> career attorney I mentioned in previous  
> teleconferences, Craig Donsanto.  
> He is very interested in providing information and  
> perspectives that will  
> be useful to the project; but may have to obtain his  
> superior's permission  
> to participate. I will keep you posted on my  
> efforts. Once we have  
> access to him, it will be important to schedule an  
> initial interview at  
> the earliest time convenient for him and the two of  
> you.  
>  
> Contacting Other EAC Contractors - Questions for  
> other EAC contractors  
> need to be fielded through me. I realize this may  
> seem cumbersome, but  
> there are a number of reasons for this, some  
> involving contractual issues,  
> some procedural and policy issues. I will have to  
> coordinate our  
> activities on this project with the EAC project  
> manager for the other EAC  
> research project(s). Together, we will ascertain  
> what the other  
> contractors already have provided to EAC that may  
> answer your questions,  
> perhaps without an interview being necessary, or if  
> the research is not  
> far enough along to provide the information you  
> seek.  
>  
> Peggy Sims

019691

> Research Specialist  
> U.S. Election Assistance Commission  
> 1225 New York Ave, NW - Ste 1100  
> Washington, DC 20005  
> Phone: 866-747-1471 (toll free) or 202-566-3120  
> (direct)  
> Fax: 202-566-3127  
> email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



12/20/2005 08:52 PM

To "Job Serebrov" [REDACTED]  
tnedzar@eac.gov  
cc psims@eac.gov

Subject Re: Today's Searches

Somehow I did not get the original email with the search results. Would someone please send them to me? Thanks. Tova

----- Original Message -----

From: "Job Serebrov" <serebrov@sbcglobal.net>  
To: <tnedzar@eac.gov>; <wang@tcf.org>  
Cc: <psims@eac.gov>  
Sent: Tuesday, December 20, 2005 8:15 PM  
Subject: Re: Today's Searches

> Tamar:  
>  
> This looks real good. Thanks for the excellent effort.  
> I know this has not been the easiest assignment.  
>  
> Job  
>  
> --- tnedzar@eac.gov wrote:  
>  
>> Tova and Job,  
>>  
>> Please find below today's results. I modified the  
>> searches in Lexis so  
>> that the files now include the case summaries as  
>> well as headnotes. I'll  
>> keep plugging away tomorrow. Please be in touch if  
>> you have any questions.  
>>  
>>  
>> Thank you,  
>>  
>> Tamar Nedzar  
>> Law Clerk  
>> U.S. Election Assistance Commission  
>> 1225 New York Avenue, NW Suite 1100  
>> Washington, DC 20005  
>> (202) 566-2377  
>> http://www.eac.gov

019692

>  
>  
>  
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----

Tamar Nedzar/EAC/GOV  
12/20/2005 09:45 AM

To "Job Serebrov"  
cc [REDACTED] OGSSEXTERNAL  
Margaret Sims/EAC/GOV@EAC  
Subject Re: Cases

Job,

I was using Lexis because I don't have inter-semester access to Westlaw. In addition, Westlaw does not allow me to restrict to specific dates. However, I called the dean of my school this morning and he granted me access to Westlaw for the break on a limited basis, so I will start fresh with the terms.

In the student version of Westlaw, I can choose cases in the past 3 or 10 years, but cannot select a date range. I will use the 10 year limitation unless you write to tell me otherwise.

I'll send results tonight.

Thanks,

Tamar Nedzar  
Law Clerk  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
(202) 566-2377  
<http://www.eac.gov>  
TNedzar@eac.gov  
"Job Serebrov" <serebrov@sbcglobal.net>



"Job Serebrov"  
[REDACTED]  
12/19/2005 09:30 PM

To TNedzar@eac.gov  
cc [REDACTED]  
Subject Cases

Tamar:

I received your first Zip File today and there is another major problem. These look like Lexis and not Westlaw searches. The way this material is presented it is impossible to tell what is going on. I stated in

019693

my last e-mail that I wanted you to use Westlaw because you can pull up a short case evaluation for each case. These are no good to us without these evaluations. The evaluations list the parties, a short statement of facts and a short summary of the court's holding. I can only evaluate these cases with such a summary. Sorry to send you back to the drawing board but better now then after you substantially completed the assignment. If you can get these kind of evaluations with Lexis then go ahead but if not you need to use Westlaw.

Regards,

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



[REDACTED]  
12/24/2005 11:00 AM

To psims@eac.gov  
cc "Job Serebrov" [REDACTED]  
Subject need to talk again

Hi Peg,

Hope you're enjoying the holiday weekend. Job and I are having a bit of a disagreement about how we should be handling the existing research materials and would like to briefly discuss this with you. Are you available on Tuesday morning? We are both available until 11:30 am. Thanks so much.

Tova

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----

Margaret Sims /EAC/GOV

12/27/2005 12:11 PM

To [REDACTED]  
cc "Job Serebrov" [REDACTED]  
Subject Re: need to talk again

Oops! I had an appointment Tuesday morning and did not see your message until after Noon. (When I have my Blackberry, I will be able to respond more promptly.) Are you two available any other time today? I will be out of the office Wednesday through Monday, but will be back in the office Tuesday afternoon. --- Peggy



[REDACTED]  
12/24/2005 11:00 AM

To psims@eac.gov  
cc "Job Serebrov" [REDACTED]

019694





Subject need to talk again

Hi Peg,

Hope you're enjoying the holiday weekend. Job and I are having a bit of a disagreement about how we should be handling the existing research materials and would like to briefly discuss this with you. Are you available on Tuesday morning? We are both available until 11:30 am. Thanks so much.

Tova

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Job Serebrov"

12/19/2005 03:53 PM

To psims@eac.gov, [REDACTED]

cc

Subject FYI

The following file folders on the disc you sent me were empty:

Misleading Ex-felon Voting Right

Non-Citizen Voting

Wrongful Removal of Eligible Voters from Registration Lists

If they were blank file folders, why were they included?

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Tova Wang"

12/08/2005 11:25 AM

To psims@eac.gov

cc

Subject RE: FW: Commission Consensus on Working Group

I would at least like to have input on the local election official. I also need a bit of time to think about the state official, because I'm not sure Cathy Cox will do it. So I need to consider a back-up. Thanks. Tova

-----Original Message-----

019695

> > email: psims@eac.gov  
> >  
> >  
> >  
> >  
> >  
> >  
> >

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Tova Wang"

[Redacted]  
11/03/2005 05:28 PM

To psims@eac.gov

cc

Subject RE: Tuesday

That's great. I'll probably come by between 2 and 3 if thats ok. I look forward to seeing you, even if only briefly. Tova

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Thursday, November 03, 2005 5:23 PM

**To:** [Redacted]

**Subject:** re: Tuesday

Tova:

I should be available during the mid to late afternoon, provided we are not besieged with election-related calls. Regardless, I can provide the file with the news clippings for your review.

--- Peggy

"Tova Wang" [Redacted]

11/03/2005 02:00 PM

To psims@eac.gov

cc

Subject tuesday

019096

Hi Peg,

I will be down in DC next Tuesday for a meeting. I wonder if it would be useful for me to come by -- I think you mentioned at one point you had a big collection of articles. It would be great to be able to take a look at them. I'm available mid to late afternoon. Let me know.

Any word on the contract situation?

Thanks.

**Tova Andrea Wang**  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

Visit our Web site, [www.tcf.org](http://www.tcf.org), for the latest news, analysis, opinions, and events.

[Click here](#) to receive our weekly e-mail updates.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Craig.Donsanto@usdoj.gov

"  
<Craig.Donsanto@usdoj.gov  
>

To "psims@eac.gov" <psims@eac.gov>  
cc

12/06/2005 04:34 PM

Subject RE: Voting Fraud-Preliminary Research

I'd be delighted! Will you be coming as well (I hope)?

Please refresh my recollection when this gets closer in time -- i.e. after New Years.

-----  
From: psims@eac.gov [mailto:psims@eac.gov]  
Sent: Tuesday, December 06, 2005 4:27 PM  
To: Donsanto, Craig  
Subject: Voting Fraud-Preliminary Research

Craig:

The Chair gave me your response. I'm pleased, to say the least! Would you be available for an hour or so on January 13 (a Friday) to talk with our two

019697

consultants when they are in town? If so, when would be most convenient for you? Would you prefer that I accompany them, or are you willing to take them on alone?

Also, would you prefer that our consultants forward any information requests through me (both before and after their meeting with you), or may I provide your contact information so that they can make their requests directly? Already, I have received a request for any related statistical data you may have. I have given them a copy of the January 1995 version of your Federal Prosecution of Election Offenses.

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Tova Wang"

11/29/2005 02:25 PM

To psims@eac.gov, [REDACTED]

cc

Subject RE: Teleconference With Legal Clerk and Intern

I am available any of those times. Remind us of their names again please? Tova

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Tuesday, November 29, 2005 2:18 PM

**To:** [REDACTED]

**Subject:** Teleconference With Legal Clerk and Intern

Tova and Job:

Are you two available for a teleconference with our Law Clerk and Intern tomorrow at either of the times listed below?

Between 12 and 1 PM EST; or

Any time between 3:30 and 5:30 PM EST

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127

019698

email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----

Margaret Sims /EAC/GOV

11/29/2005 03:18 PM

To "Tova Wang" <[REDACTED]>

cc s [REDACTED]

Subject RE: Teleconference With Legal Clerk and Intern 

The Law Clerk's name is Tamar Nedzar. She is very sharp. Our intern's name is Devon Romig.

Tamar has the most recent lists of search terms and may have questions about them. Devon will need to know how you want the press clippings sorted by type of voting fraud. I think we need to give her a specific list. that, I hope, will not overlap. For example, do you want her to sort using the term Absentee Ballot

Fraud when that can involve voter intimidation/coercion/undue influence, vote buying, ballot tampering, and ballot box stuffing (by voting in the name of another or under a fictitious name).

We need to discuss this because I am concerned that we currently do not have a full written description of what does and does not constitute voting fraud and voter intimidation. The current written definition excludes voter registration shenanigans; yet, voter registration applications submitted with fictitious names or that falsely affirm eligibility to vote are considered election crimes that can have an impact on election results. Specifically, they are used in schemes to vote more than once or to have ineligible persons participate in voting. Also, an increasing number of States are including as an election crime the knowing and willful destruction of voter registration applications by voter registration drives and their failure to transmit such applications to the election office in a timely manner.

If we define voting fraud as any illegal act that has a clear and direct distorting impact on the election results, then administrative mistakes that violate federal or State law could be included. For federal elections, administrative mistakes definitely are not considered voting fraud. The examples provided for "de facto" fraud and "quasi" fraud also are not likely to be considered part of voting fraud and voter intimidation without evidence that there also is ballot box stuffing, vote buying, tampering with ballots or vote tallies, voter intimidation, etc. Although a number of things other than voting fraud and voter intimidation can (and do) distort election results, EAC is handling such issues under separate research efforts.

For your information, I have attached a speech presented by Craig Donsanto (complete with typos) that addresses the issue of defining voting fraud. Perhaps it will be of interest to you.

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov



Ponencia%20Dr.%20Craig%20Donsanto.%20VOTER.FRAUD.MEXICO%2009-27.pdf

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Tova Wang" <[REDACTED]>

To "Job Serebrov" <[REDACTED]>, psims@eac.gov

019699

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----

**Margaret Sims /EAC/GOV**

10/05/2005 01:19 PM

To: Job Serebrov

cc

Subject: Teleconference Today

Job:

This is just to remind you that I will be calling today at 4:00 PM EST (3:00 PM CST). --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----

**Tamar Nedzar /EAC/GOV**

11/30/2005 05:25 PM

To: [REDACTED]

cc: Margaret Sims/EAC/GOV@EAC

Subject: Search Results Example



Tova and Job,

It was good to talk to you today. Hope you are doing well. I've attached my African American search results below. It encompasses all of the terms you suggested having to do with African Americans.

The following is a search I used to truncate words and combine terms, but I still got a large number of results:

Vot! and deny and black or vot! and black and challenge or vot! and black and reject or vot! and black or vot! And deny and African w/s American or vot! And African w/s American and reject or challenge or vot! And African w/s American or election and black and deny or challenge or reject or election and black or election and African w/s American and deny or challenge or reject or election and African w/s American or ballot and security and black or ballot and security and African w/s American or black and vot! And suppress! Or African w/s American and vot! And suppress or African w/s and disenfranchis! or black and disenfranchis!

If this search yields useful cases for you, I can continue searching using the same strategy. If not, please provide me with additional guidelines and I will do my best!

Please feel free to contact me should you have any questions or need additional information.

Thank you,  
Tamar Nedzar  
Law Clerk  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
(202) 566-2377  
<http://www.eac.gov>

019700

**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

Visit our Web site, [www.tcf.org](http://www.tcf.org), for the latest news, analysis, opinions, and events.

[Click here](#) to receive our weekly e-mail updates.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Job Serebrov"

10/03/2005 05:25 PM

To psims@eac.gov, [REDACTED]

cc

Subject RE: Voting Fraud Teleconference-Meeting-Work Schedule

Peggy:

We needed to schedule the face to face meeting for Oct 28. Talk with you on Weds.

Job

--- psims@eac.gov wrote:

- > I will initiate the calls to you two on Wednesday.
- > The number I have for
- > Tova is [REDACTED] For Job, I have [REDACTED]
- > Let me know if I
- > should use a different number for you on Wednesday.
- >
- > Thanks, Tova, for the copy of the draft workplan you
- > provided to Karen.
- > I'll take a look at it and, hopefully, provide some
- > feedback on Wednesday.
- > I have not yet caught up to all the paperwork and
- > emails that preceded my
- > assignment to this project. Karen just handed me a
- > folder full of
- > documents that should help.
- >
- > I think you may have received an email from Nicole
- > Mortellito regarding an
- > October 14 meeting. If you two cannot come in
- > person but can attend via
- > phone, just let me know. Nicole's message has
- > information regarding hotel
- > rates that conflicts with what I've just sent you.
- > I've asked her to
- > double check her information because I have another
- > contractor that has
- > had no problem obtaining government rate at hotels.
- >
- > Yes, you will be paid on a monthly basis. You can

019701

> file your first invoice  
> on October 25, according to Diana Scott.  
>  
> Peggy Sims  
> Research Specialist  
> U.S. Election Assistance Commission  
> 1225 New York Ave, NW - Ste 1100  
> Washington, DC 20005  
> Phone: 866-747-1471 (toll free) or 202-566-3120  
> (direct)  
> Fax: 202-566-3127  
> email: psims@eac.gov  
>  
>  
>  
> "Tova Wang" [REDACTED]  
> 10/03/2005 05:54 PM  
>  
> To  
> psims@eac.gov, [REDACTED]  
> cc  
> ggilmour@eac.gov  
> Subject  
> RE: Voting Fraud Teleconference-Meeting-Work  
> Schedule  
>  
>  
>  
>  
> Peg, This all sounds good. Will you be calling us  
> on Wednesday?  
>  
> I should not need a hotel for the 28th. Just let me  
> know what time. Are  
> there expense forms we should have for  
> reimbursement?  
>  
> On the work product, we did send Karen a very  
> preliminary draft of a work  
> plan. I attach it again here and we can talk about  
> it more on Wednesday.  
>  
> My only money question is, are we being paid on a  
> monthly basis? And if  
> so, when does that begin? I assume this all is in  
> the contracts we'll be  
> getting...  
>  
> Thanks.  
>  
> Tova  
> -----Original Message-----  
> From: psims@eac.gov [mailto:psims@eac.gov]  
> Sent: Monday, October 03, 2005 2:48 PM  
> To: [REDACTED]  
> Cc: ggilmour@eac.gov  
> Subject: Voting Fraud Teleconference-Meeting-Work  
> Schedule

019702



>  
>  
> Tova and Job:  
>  
> Teleconference -  
> Let's schedule the teleconference for 4:00 PM on  
> Wednesday, October 5.  
> Gavin Gilmour will join us.  
>  
> Meeting -  
> October 28 is fine for the face-to-face meeting in  
> DC. We have allocated  
> \$5,000 to each of you to cover reasonable and  
> necessary travel and other  
> incidental expenses. Expenses claimed for  
> reimbursement need to be  
> itemized, with appropriate receipts provided. You  
> should be able to  
> obtain the Federal government rate at an area hotel  
> (if you plan to stay  
> overnight). If the hotel needs a letter from EAC  
> (in lieu of showing them  
> your signed contract), just let me know. Airlines  
> apparently no longer  
> honor government rates for government contractors.  
> Rail carriers may  
> provide government rates for government contractors.  
> If you drive, the  
> current government rate for a personally owned  
> vehicle (POV) is 48.5 cents  
> per mile.  
>  
> Deliverables -  
> The first item on the list of deliverables is the  
> draft project workplan,  
> which is due ASAP after award. Would it be possible  
> for the two of you to  
> deliver a draft workplan to me via email by 10/11?  
> That would be after we  
> have had our teleconference to work out lingering  
> questions.  
>  
> Questions for Finance -  
> If you have questions for our Finance Officer, you  
> can reach her via email  
> at dscott@eac.gov. I would appreciate it if you  
> would cc: me on such  
> emails, so that I know to follow up with her.  
>  
> Peggy Sims  
> Research Specialist  
> U.S. Election Assistance Commission  
> 1225 New York Ave, NW - Ste 1100  
> Washington, DC 20005  
> Phone: 866-747-1471 (toll free) or 202-566-3120  
> (direct)  
> Fax: 202-566-3127  
> email: psims@eac.gov  
>

019703

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Tova Wang"

11/28/2005 05:30 PM

To "Job Serebrov" [REDACTED] psims@eac.gov

cc

Subject word searches

In the course of compiling a list of search terms for the nexis research, I thought of some major omissions to the WESTLAW list.

Everywhere we have a term such as African American and .... or Latino and .... we should also have the following:

Asian American (and if possible, Chinese, Korean, Vietnamese)  
Native American  
Indian  
Indian Country

Moreover, everywhere we have poll worker or poll inspector we should also have the following:

Poll judges  
Poll monitors  
Poll observers

Let me know if you want me to re-do the list.

Tova

**Tova Andrea Wang**  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

Visit our Web site, [www.tcf.org](http://www.tcf.org), for the latest news, analysis, opinions, and events.

[Click here](#) to receive our weekly e-mail updates.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Tova Wang"

11/29/2005 04:02 PM

To psims@eac.gov

cc [REDACTED]

Subject RE: Teleconference With Legal Clerk and Intern

019704

Can you give us a better idea of the other EAC research projects that you think we might overlap with if we include these activities? Job and I had strong reasons for what we did and did not include and how we wanted to frame the term fraud, so we do indeed need to discuss this -- perhaps before or after the discussion with Tamar and Devon?

Thanks. Tova

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Tuesday, November 29, 2005 3:18 PM

**To:** [REDACTED]

**Cc:** [REDACTED]

**Subject:** RE: Teleconference With Legal Clerk and Intern

The Law Clerk's name is Tamar Nedzar. She is very sharp. Our intern's name is Devon Romig.

Tamar has the most recent lists of search terms and may have questions about them. Devon will need to know how you want the press clippings sorted by type of voting fraud. I think we need to give her a specific list. that, I hope, will not overlap. For example, do you want her to sort using the term Absentee Ballot

Fraud when that can involve voter intimidation/coercion/undue influence, vote buying, ballot tampering, and ballot box stuffing (by voting in the name of another or under a fictitious name).

We need to discuss this because I am concerned that we currently do not have a full written description of what does and does not constitute voting fraud and voter intimidation. The current written definition excludes voter registration shenanigans; yet, voter registration applications submitted with fictitious names or that falsely affirm eligibility to vote are considered election crimes that can have an impact on election results. Specifically, they are used in schemes to vote more than once or to have ineligible persons participate in voting. Also, an increasing number of States are including as an election crime the knowing and willful destruction of voter registration applications by voter registration drives and their failure to transmit such applications to the election office in a timely manner.

If we define voting fraud as any illegal act that has a clear and direct distorting impact on the election results, then administrative mistakes that violate federal or State law could be included. For federal elections, administrative mistakes definitely are not considered voting fraud. The examples provided for "de facto" fraud and "quasi" fraud also are not likely to be considered part of voting fraud and voter intimidation without evidence that there also is ballot box stuffing, vote buying, tampering with ballots or vote tallies, voter intimidation, etc. Although a number of things other than voting fraud and voter intimidation can (and do) distort election results, EAC is handling such issues under separate research efforts.

For your information, I have attached a speech presented by Craig Donsanto (complete with typos) that addresses the issue of defining voting fraud. Perhaps it will be of interest to you.

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005

019705

Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----

Margaret Sims/EAC/GOV

12/19/2005 05:10 PM

To "Job Serebrov"

cc [REDACTED]

Subject Re: FYI [REDACTED]

Job:

Devon set up the folders before she completed her review of the articles. I saw that the folders were empty, but did not ask her to remove them. If you copy the CD contents to a file on your computer, you may yet use the empty folders to file relevant articles found subsequent to Devon's sorting. For example, I have a few recent articles that I will send via email. When we come across articles that belong in the empty folders, we can put them there. --- Peggy

"Job Serebrov" <serebrov@sbcglobal.net>



"Job Serebrov"

[REDACTED]  
12/19/2005 03:53 PM

To psims@eac.gov, [REDACTED]

cc

Subject FYI

The following file folders on the disc you sent me were empty:

Misleading Ex-felon Voting Right

Non-Citizen Voting

Wrongful Removal of Eligible Voters from Registration Lists

If they were blank file folders, why were they included?

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Job Serebrov"

[REDACTED]  
11/08/2005 03:40 PM

To psims@eac.gov

019706



cc  
Subject Various

Peggy:

Tova and I will need copies of your vote fraud literature file. Also, do you want a one liner on all of the people proposed for the working group or just the three that we are recommending for the final group?  
Any work from Gavin?

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Job Serebroy"  
[Redacted]  
11/15/2005 12:34 PM

To psims@eac.gov  
cc  
Subject One or More Line Info Bios

Peggy:

I am requesting that we be able to have four instead of three from each side. I have four very good people who have a lot of experience in this area. I left you a telephone call on this matter. I know we have to watch the budget but one of my picks is in DC and will not cost much if anything to get to meetings. I know that Tova also had Dc people that she could add as a fourth.

Job



Working Group One Line Info.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----

Tamar Nedzar/EAC/GOV  
12/20/2005 05:53 PM

To [Redacted]  
cc Margaret Sims/EAC/GOV@EAC  
Subject Today's Searches

Tova and Job,

Please find below today's results. I modified the searches in Lexis so that the files now include the case summaries as well as headnotes. I'll keep plugging away tomorrow. Please be in touch if you have any questions.

Thank you,

Tamar Nedzar  
Law Clerk  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
(202) 566-2377  
<http://www.eac.gov>  
[TNedzar@eac.gov](mailto:TNedzar@eac.gov)



12\_20.ZIP

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----

Margaret Sims/EAC/GOV

11/30/2005 04:50 PM

To Tova Andrea Wang, Job Serebrov

cc

Subject Tamar and Devon Contact Information

Tova and Job:

This is to confirm the email addresses and best phone numbers to reach Tamar Nedzar and Devon Romig. I would appreciate it if you would cc: me on any emails to them. That way you can keep me in the loop without my serving as a road block or go-between. Thanks! --- Peggy

Tamar Nedzar  
Law Clerk  
Phone (cell): 703-861-2055  
Email: [TNedzar@eac.gov](mailto:TNedzar@eac.gov)

Devon Romig  
Intern  
Phone: 202-566-1707  
Email: [DRomig@eac.gov](mailto:DRomig@eac.gov)

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----

"Job Serebrov"



12/22/2005 04:45 PM

To [psims@eac.gov](mailto:psims@eac.gov)

cc

Subject Interview List

Peggy:

019708

Here is the interview list. Please make any recommendation that you feel is needed.



Job TovaJobInterview List.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Tova Wang"

10/31/2005 02:51 PM

To psims@eac.gov, [REDACTED]

cc

Subject RE: Teleconference Needed

I am available. Tova

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Monday, October 31, 2005 2:45 PM

**To:** serebrov@sbcglobal.net; wang@tcf.org

**Subject:** Teleconference Needed

Would both of you be available for a teleconference tomorrow at 2 PM EST concerning contract issues? The teleconference would include Julie Thompson, our General Counsel, and me. We would call you.

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----

Margaret Sims /EAC/GOV

10/31/2005 03:10 PM

To Tova Andrea Wang, Serebrov

cc

Subject RE: Teleconference Needed 

We are confirmed for a teleconference tomorrow at 2 PM EST. We will call you at the following phone numbers, unless you tell me otherwise:

Tova  
Job [REDACTED]

Thanks!

-- Peggy

019709

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Job Serebrov"

12/20/2005 08:15 PM

To

cc psims@eac.gov

Subject Re: Today's Searches

Tamar:

This looks real good. Thanks for the excellent effort.  
I know this has not been the easiest assignment.

Job

--- tnedzar@eac.gov wrote:

> Tova and Job,  
>  
> Please find below today's results. I modified the  
> searches in Lexis so  
> that the files now include the case summaries as  
> well as headnotes. I'll  
> keep plugging away tomorrow. Please be in touch if  
> you have any questions.  
>  
>  
> Thank you,  
>  
> Tamar Nedzar  
> Law Clerk  
> U.S. Election Assistance Commission  
> 1225 New York Avenue, NW Suite 1100  
> Washington, DC 20005  
> (202) 566-2377  
> <http://www.eac.gov>  
> TNedzar@eac.gov  
>  
>  
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Job Serebrov"

11/21/2005 12:07 PM

To psims@eac.gov

cc

Subject Word Search Terms

Peggy:

I sent the words search terms to Tova yesterday to

019710



review. Unfortunately, she will not be able to do so until late today or tomorrow. Consequently, I need to wait to send them to you.

As far as a trip to DC goes, I gave Tova two possible dates---Friday December 16 or Monday December 19.

Regards,

Job

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM ---



12/27/2005 09:19 AM

To psims@eac.gov

cc "Job Serebrov" [REDACTED]

Subject conf call

Since it seems unlikely that we are going to be able to talk this morning, I am available any time tomorrow.  
Tova

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM ---



"Craig.Donsanto@usdoj.gov"

<Craig.Donsanto@usdoj.gov>  
v>

11/16/2005 07:28 PM

To "Noel.Hillman@usdoj.gov" <Noel.Hillman@usdoj.gov>,  
"psims@eac.gov" <psims@eac.gov>

cc

Subject Re: Requesting Your Help-Preliminary Research on Voting Fraud and Voter Intimidation

Peg --

Please have your Chair send ME a letter spelling out what your Commission's mandate, how I can help it, and asking me to do so. I will take it from there.

-----  
Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>

To: Donsanto, Craig <Craig.Donsanto@usdoj.gov>

Sent: Wed Nov 16 17:34:08 2005

Subject: Requesting Your Help-Preliminary Research on Voting Fraud and Voter Intimidation

Hi, Craig:

As I mentioned in my telephone call earlier today, I have been assigned to manage the U.S. Election Assistance Commission's (EAC) preliminary research project on voting fraud and voter intimidation. I know these are subjects

019711

with which you are intimately familiar and recognize that the project needs the information and insights that you can provide, so I am asking for your help.

As you know, section 241 of the Help America Vote Act of 2002 requires EAC to conduct research on election administration issues. Among the issues listed in the statute are:

- \* nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office [section 241(b)(6)]; and

- \* identifying, deterring, and investigating methods of voter intimidation [section 241(b)(7)].

EAC's Board of Advisors recommended that EAC make research on these topics a high priority. Subsequently, the Commission contracted with two consultants (Tova Wang and Job Serebrov) to:

- \* develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections;

- \* perform background research (including Federal and State administrative and case law review), identify current activities of key government agencies, civic and advocacy organizations regarding these topics, and deliver a summary of this research and all source documentation;

- \* establish a project working group, in consultation with EAC, composed of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation;

- \* provide the description of what constitutes voting fraud and voter intimidation and the results of the background research to the working group;

- \* convene the working group to discuss potential avenues for future EAC research on this topic;

- \* produce a report to EAC summarizing the findings of the preliminary research effort and working group deliberations that includes recommendations for future research, if any;

- \* draft the project scope and Statement of Work for future research on these topics, if EAC decides to pursue one or more recommendations for future research.

At minimum, I hope that you can serve as an information resource for the team of two EAC consultants hired to conduct the research and me. I also would like to explore the feasibility of your participation in meetings of the project working group.

If EAC needs to submit a more formal request for your help, please advise me how to do so. Also, it would help me to know if there are any restrictions on your participation, other than anticipated restrictions on the time you have available.

019712

Let me know if you have any questions about this request or the research project. I look forward to hearing from you and hope you are doing well.

Regards,

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----

Margaret Sims/EAC/GOV

11/22/2005 04:50 PM

To "Craig.Donsanto@usdoj.gov"

<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL

cc

Subject Re: Requesting Your Help-Preliminary Research on Voting  
Fraud and Voter Intimidation 

Craig:

This is just to let you know that I have drafted a letter for the Chair's signature, but she may want to make some changes before she signs. Once it is signed, I'll fax a copy to you and send the original by mail. For planning purposes, can you tell me when you don't expect to be available during the next 3 months (Dec-Feb)?

Peggy Sims

Phone: 202-566-3120 (direct)

email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Job Serebrov"

  
11/15/2005 10:37 AM

To psims@eac.gov

cc

Subject Question

Peggy:

We need to have a conference call this week if possible. I will have the one liner bios to you today. Also, when do you think the Commission with make its choices?

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----

019713

Margaret Sims /EAC/GOV

10/03/2005 12:49 PM

To "Job Serebrov"

[REDACTED]  
Wang

L, Tova Andrea

cc

Subject Re: Meetings

I am available for a 3-way teleconference after Noon on Wednesday this week. My schedule on Thursday and Friday is flexible, as well. When would be best for you two? I can call the telephone numbers you prefer and set up the conference call from my desk.

Both the 24th or the 28th are fine with me for the face-to-face meeting. Which do you prefer? If you have no preference, I suggest we pick the earlier of the two.

Regarding your contracts, I understand that the contract will carry the date of 9/25/05. All contracts have to be signed by the Chair, who has been out of the office on Commission business. I have been told that she will sign off on your contracts, among others, today. Our financial officer will send it to you after that. I'll try to obtain copies and fax the appropriate one to you as soon as they have been signed.

Regarding your pay, the contract will state that you should submit a monthly invoice to EAC for payment of your fee for that month. The contract is for 6 months, so our Finance Officer, Diana Scott, wants you to submit an invoice to her each month for 1/6th of the total payment, beginning 10/25/05.

I look forward to talking again with the two of you.

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

"Job Serebrov" [REDACTED]



"Job Serebrov"

[REDACTED]  
10/03/2005 10:08 AM

To psims@eac.gov

cc

Subject Mettings

Peggy:

Just spoke with Tova. We would like to have a three way telephone conference with you this week if possible. The best dates for our face to face are Oct 24th or 28th. Please let me know what works for you.

Talk with you when you get answers to my questions.

019714

Regards,

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Job Serebrov"

11/09/2005 04:27 PM

To [REDACTED]@sims@eac.gov

cc

Subject Revised Work Plan

Peggy:

Here is the revised work plan that Tova and I worked on today. Any word from the Chair on signing?



Job Revised Work Plan.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----

Tamar Nedzar/EAC/GOV

12/19/2005 04:55 PM

To [REDACTED]  
cc Margaret Sims/EAC/GOV@EAC

Subject First set of search results

Tova and Job,


Now that my exams are over for the semester, I am able to spend more time on your project. I plan to send you an email with my results from the day. Please find the first batch below.

Thanks,

Tamar Nedzar  
Law Clerk  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
(202) 566-2377  
<http://www.eac.gov>  
[TNedzar@eac.gov](mailto:TNedzar@eac.gov)

019715

Tamar Nedzar/EAC/GOV  
12/21/2005 09:44 AM

To w [REDACTED]  
cc Margaret Sims/EAC/GOV@EAC  
Subject Re: Today's Searches 

Tova,

Please find below yesterday's search results. I'll send another email at the end of the day today.

If you do not receive the results again, please call me at the office. GSA will only allow us to send such large files after business hours, so it may be that your computer times out receipt after a certain amount of time.



12\_20.ZIP

Tamar Nedzar  
Law Clerk  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
(202) 566-2377  
<http://www.eac.gov>

019716

TNedzar@eac.gov



12/20/2005 08:52 PM

To "Job Serebrov" <[REDACTED]>  
tnedzar@eac.gov  
cc psims@eac.gov

Subject Re: Today's Searches

Somehow I did not get the original email with the search results. Would someone please send them to me? Thanks. Tova

----- Original Message -----

From: "Job Serebrov" <[REDACTED]>  
To: <tnedzar@eac.gov>; [REDACTED]  
Cc: <psims@eac.gov>  
Sent: Tuesday, December 20, 2005 8:15 PM  
Subject: Re: Today's Searches

> Tamar:  
>  
> This looks real good. Thanks for the excellent effort.  
> I know this has not been the easiest assignment.  
>  
> Job  
>  
> --- tnedzar@eac.gov wrote:  
>  
>> Tova and Job,  
>>  
>> Please find below today's results. I modified the  
>> searches in Lexis so  
>> that the files now include the case summaries as  
>> well as headnotes. I'll  
>> keep plugging away tomorrow. Please be in touch if  
>> you have any questions.  
>>  
>>  
>> Thank you,  
>>  
>> Tamar Nedzar  
>> Law Clerk  
>> U.S. Election Assistance Commission  
>> 1225 New York Avenue, NW Suite 1100  
>> Washington, DC 20005  
>> (202) 566-2377  
>> <http://www.eac.gov>  
>> TNedzar@eac.gov  
>>  
>>  
>>  
>  
>

019717

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Job Serebrov"

12/19/2005 03:31 PM

To psims@eac.gov

cc [REDACTED]

Subject List

Peggy:

Here is a list of what we are waiting for from you:

approval of the final definition of voter fraud

final working group list

Also, we are waiting on the law clerk's search results. We know this will take till next month.

Finally, we are waiting on money. Any word on what is going on since we spoke this morning?

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



10/19/2005 03:34 PM

To "Job Serebrov" [REDACTED]

cc psims@eac.gov

Subject Re: Travel to DC and Proposed Working Group Members

OK, but Peg, I think the timeline we originally proposed may have to be moved forward if we are not in a position to do the work we need to do yet. Will that be possible? Thanks.

----- Original Message -----

From: "Job Serebrov" [REDACTED]

To: [REDACTED]

Cc: <psims@eac.gov>

Sent: Wednesday, October 19, 2005 2:16 PM

Subject: Re: Travel to DC and Proposed Working Group Members

> Tova:

>

> I don't have travel booked yet and want to wait until  
> everything is in order.

>

019718





10/19/2005 03:34 PM

To "Job Serebrov" [REDACTED]

cc psims@eac.gov

Subject Re: Travel to DC and Proposed Working Group Members

OK, but Peg, I think the timeline we originally proposed may have to be moved forward if we are not in a position to do the work we need to do yet. Will that be possible? Thanks.

----- Original Message -----

From: "Job Serebrov" [REDACTED]

To: [REDACTED]

Cc: psims@eac.gov

Sent: Wednesday, October 19, 2005 2:16 PM

Subject: Re: Travel to DC and Proposed Working Group Members

> Tova:

>

> I don't have travel booked yet and want to wait until  
> everything is in order.

>

> Job

>

> --- wang@tcf.org wrote:

>

019719

>> Would it be possible for Job and I just to use the  
>> EAC office as a meeting place since we already have  
>> the travel booked? He and I should meet. Thanks.

>> Tova

>> ----- Original Message -----

>> From: psims@eac.gov

>> To: [REDACTED]

>> Sent: Wednesday, October 19, 2005 11:11 AM

>> Subject: Travel to DC and Proposed Working Group  
>> Members

>>

>>

>>

>> Dear Tova and Job:

>>

>> I have been advised by our Counsel that, since the  
>> contracts have not yet been signed, we will have to  
>> postpone our October 28th meeting. Tova, for future  
>> reference, the per diem rates for DC (the Greater  
>> Washington, DC area) can be accessed through that  
>> web site I provided by clicking on the District of  
>> Columbia link on the map.

>>

>> I also have to ask you to hold any further efforts  
>> on the Working Group until further notice. We are  
>> going to have to limit the number in the group to no  
>> more than six. EAC has to pay for the travel for  
>> these folks out of FY 2006 dollars. The agency  
>> currently is operating under a continuing  
>> resolution, and may not have its FY 2006 budget  
>> until December 2005, or later. When you submit the  
>> names of possible Working Group members, I will need  
>> a summary of their work in studying or enforcing  
>> laws against voting fraud and voter intimidation.  
>> (It is not sufficient to have expressed an interest  
>> in these matters, we need experienced folks.) The  
>> working group can include nonpartisan members, so  
>> long as any partisan-leaning members are balanced  
>> (i.e.; 1 R for 1 D).

>>

>> I am sorry for any inconvenience that this may  
>> cause. I wish I had the power to change the  
>> situation, but I don't.

>>

>> Peggy Sims

>> Research Specialist

>> U.S. Election Assistance Commission

>> 1225 New York Ave, NW - Ste 1100

>> Washington, DC 20005

>> Phone: 866-747-1471 (toll free) or 202-566-3120

>> (direct)

>> Fax: 202-566-3127

>> email: psims@eac.gov

>

>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----

019720

Margaret Sims /EAC/GOV

10/03/2005 04:41 PM

To "Tova Wang" [REDACTED], Job  
Serebrov

cc

Subject RE: Voting Fraud Teleconference-Meeting-Work Schedule  


I will initiate the calls to you two on Wednesday. The number I have for Tova is [REDACTED]. For Job, I have [REDACTED]. Let me know if I should use a different number for you on Wednesday.

Thanks, Tova, for the copy of the draft workplan you provided to Karen. I'll take a look at it and, hopefully, provide some feedback on Wednesday. I have not yet caught up to all the paperwork and emails that preceded my assignment to this project. Karen just handed me a folder full of documents that should help.

I think you may have received an email from Nicole Mortellito regarding an October 14 meeting. If you two cannot come in person but can attend via phone, just let me know. Nicole's message has information regarding hotel rates that conflicts with what I've just sent you. I've asked her to double check her information because I have another contractor that has had no problem obtaining government rate at hotels.

Yes, you will be paid on a monthly basis. You can file your first invoice on October 25, according to Diana Scott.

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

"Tova Wang" [REDACTED]



"Tova Wang"

[REDACTED]  
10/03/2005 03:54 PM

To psims@eac.gov, [REDACTED]

cc ggilmour@eac.gov

Subject RE: Voting Fraud Teleconference-Meeting-Work Schedule

Peg, This all sounds good. Will you be calling us on Wednesday?

I should not need a hotel for the 28th. Just let me know what time. Are there expense forms we should have for reimbursement?

On the work product, we did send Karen a very preliminary draft of a work plan. I attach it again here and we can talk about it more on Wednesday.

My only money question is, are we being paid on a monthly basis? And if so, when does that begin? I

019721

assume this all is in the contracts we'll be getting...

Thanks.

Tova

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Monday, October 03, 2005 2:48 PM

**To:** [REDACTED]

**Cc:** ggilmour@eac.gov

**Subject:** Voting Fraud Teleconference-Meeting-Work Schedule

Tova and Job:

**Teleconference -**

Let's schedule the teleconference for 4:00 PM on Wednesday, October 5. Gavin Gilmour will join us.

**Meeting -**

October 28 is fine for the face-to-face meeting in DC. We have allocated \$5,000 to each of you to cover reasonable and necessary travel and other incidental expenses. Expenses claimed for reimbursement need to be itemized, with appropriate receipts provided. You should be able to obtain the Federal government rate at an area hotel (if you plan to stay overnight). If the hotel needs a letter from EAC (in lieu of showing them your signed contract), just let me know. Airlines apparently no longer honor government rates for government contractors. Rail carriers may provide government rates for government contractors. If you drive, the current government rate for a personally owned vehicle (POV) is 48.5 cents per mile.

**Deliverables -**

The first item on the list of deliverables is the draft project workplan, which is due ASAP after award. Would it be possible for the two of you to deliver a draft workplan to me via email by 10/11? That would be after we have had our teleconference to work out lingering questions.

**Questions for Finance -**

If you have questions for our Finance Officer, you can reach her via email at dscott@eac.gov. I would appreciate it if you would cc: me on such emails, so that I know to follow up with her.

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127



email: psims@eac.gov tw plan 0907.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----

Margaret Sims/EAC/GOV

019722

11/04/2005 11:41 AM

To "Tova Wang" [REDACTED]  
cc  
Subject RE: Tuesday

Tova:  
Look forward to seeing you between 2 and 3 PM next Tuesday. If you need to make it later, that's OK. ---  
Peggy

"Tova Wang" [REDACTED]



"Tova Wang"  
[REDACTED]  
11/03/2005 05:28 PM

To psims@eac.gov  
cc  
Subject RE: Tuesday

That's great. I'll probably come by between 2 and 3 if that's ok. I look forward to seeing you, even if only briefly. Tova

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Thursday, November 03, 2005 5:23 PM  
**To:** wang@tcf.org  
**Subject:** Re: Tuesday

Tova:

I should be available during the mid to late afternoon, provided we are not besieged with election-related calls. Regardless, I can provide the file with the news clippings for your review.

--- Peggy

"Tova Wang" [REDACTED]

11/03/2005 02:00 PM

To psims@eac.gov  
cc  
Subject tuesday

019723

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM ---



"Job Serebrov"

[REDACTED]  
11/21/2005 05:47 PM

To "Tova Wang" [REDACTED] psims@eac.gov

cc

Subject RE: In-Person Meeting

I probably could give two to three days in January.

--- Tova Wang <[REDACTED]> wrote:

> As I mentioned to Job earlier, I think we need to

019724

> meet as soon as possible  
> in order to develop and pare down our lists of who  
> we want to interview,  
> determine how we are going to go about doing the  
> interviews (in-person,  
> phone, email), schedule such meetings, decide what  
> themes we agree to  
> discuss with them; go over existing research and how  
> we will work on  
> summarizing existing findings; hammer out what is  
> within the scope of our  
> research; meet with the intern and law clerk;  
> discuss how we are going to do  
> the case law research; etc. Up to now, we both  
> agreed, we have been  
> operating in a bit of a void. We've been trying to  
> do this meeting for  
> months.

>  
> Is it that you think we can combine this meeting  
> with a meeting with Craig?  
> I actually think they need to be separate since I  
> think both will be very  
> laborious and very different in nature.  
>  
> However, I will defer to whatever you, Peg, think  
> best. I don't fee so  
> strongly about it that I will be extremely upset if  
> we wait until January.

> Thanks.

> Tova

> -----Original Message-----

> From: psims@eac.gov [mailto:psims@eac.gov]  
> Sent: Monday, November 21, 2005 5:09 PM  
> To: [REDACTED]  
> Subject: Re: In-Person Meeting

>  
>  
> Job and Tova:

>  
> If you both agree, a meeting in early January in  
> lieu of a December meeting  
> would be fine with me. As it would be good for you  
> two to pick Craig  
> Donsanto's brain when you are here, I'll find out  
> when he is not available  
> so that we can avoid that time.

>  
> Peggy Sims  
> Research Specialist  
> U.S. Election Assistance Commission  
> 1225 New York Ave, NW - Ste 1100  
> Washington, DC 20005  
> Phone: 866-747-1471 (toll free) or 202-566-3120  
> (direct)  
> Fax: 202-566-3127  
> email: psims@eac.gov

019725

>  
>  
>  
>  
>  
>  
> "Job Serebrov" [REDACTED]  
>  
>  
> 11/21/2005 04:02 PM  
>  
>  
> To  
> psims@eac.gov  
>  
> cc  
>  
> Subject  
> Re: Word Search Terms  
>  
>  
>  
>  
>  
>  
>  
> What do you think about moving the meeting to  
> January  
> after all of the holidays?  
>  
> --- psims@eac.gov wrote:  
>  
> > Thanks for the update. I'll let Tamar know. ---  
> > Peggy  
> >  
> >  
> >  
> >  
> > "Job Serebrov" [REDACTED]  
> > 11/21/2005 12:07 PM  
> >  
> > To  
> > psims@eac.gov  
> > cc  
> >  
> > Subject  
> > Word Search Terms  
> >  
> >  
> >  
> >  
> >  
> > Peggy:  
> >  
> > I sent the words search terms to Tova yesterday to  
> > review. Unfortunately, she will not be able to do  
> > so  
> > until late today or tomorrow. Consequently, I need  
> > to  
> > wait to send them to you.  
> >  
> > As far as a trip to DC goes, I gave Tova two



> > possible  
> > dates---Friday December 16 or Monday December 19.  
> >  
> > Regards,  
> >  
> > Job  
> >  
> >  
> >  
> >  
> >  
> >  
> >  
> >  
> >  
> >  
> >  
> >  
> >  
> >

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----

Tamar Nedzar /EAC/GOV

12/05/2005 09:43 AM

To Margaret Sims/EAC/GOV@EAC

cc

Subject Fw: Search Results Example

Don't know if you saw this or not.

Tamar Nedzar  
Law Clerk  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
(202) 566-2377  
<http://www.eac.gov>  
TNedzar@eac.gov

----- Forwarded by Tamar Nedzar/EAC/GOV on 12/05/2005 09:44 AM -----



"Job Serebrov"

[REDACTED] et>  
12/02/2005 05:18 PM

To tnedzar@eac.gov

cc [REDACTED]

Subject Re: Search Results Example

Tamar:

You are not going to be able to place all of these word searches together. We need you to take each term on the list and do a search on it. You can only merge terms when it will not add other terms and therefore affect the outcome. For instance, vote and voter could probable be merged. I know this creates much much more work but it can't be helped. I would like you to pull the first 50 cases for each set of terms and send them

019727

to us with a short case summary (I know Westlaw lets you do a short case summary). From there we will have to read the cases and decide if we need any others in that search term.

Regards,

Job

--- tnedzar@eac.gov wrote:

-----  
Tova and Job,

It was good to talk to you today. Hope you are doing well. I've attached my African American search results below. It encompasses all of the terms you suggested having to do with African Americans.

The following is a search I used to truncate words and combine terms, but I still got a large number of results:

Vot! and deny and black or vot! and black and challenge or vot! and black and reject or vot! and black or vot! And deny and African w/s American or vot! And African w/s American and reject or challenge or vot! And African w/s American or election and black and deny or challenge or reject or election and black or election and African w/s American and deny or challenge or reject or election and African w/s American or ballot and security and black or ballot and security and African w/s American or black and vot! And suppress! Or African w/s American and vot! And suppress or African w/s and disenfranchis! or black and disenfranchis!

If this search yields useful cases for you, I can continue searching using the same strategy. If not, please provide me with additional guidelines and I will do my best!

Please feel free to contact me should you have any questions or need additional information.  
Thank you,

Tamar Nedzar  
Law Clerk  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
(202) 566-2377  
<http://www.eac.gov>  
TNedzar@eac.gov

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM ---

019728

Margaret Sims /EAC/GOV

12/21/2005 03:59 PM

To Job Serebrov, Wang

cc

Subject Teleconference

My schedule is flexible on Thursday and Friday. I'll call you both at 4:30 PM EST tomorrow (Thursday), unless I hear that is not a good time for either of you. --- Peggy

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM ---



[REDACTED]  
12/16/2005 05:08 PM

To psims@eac.gov

cc

Subject Re: More Money Roulette or Double or Nothing Still Equals Zero

Thanks Peg. Any success in talking to Gracia about Cathy Cox? Have a good weekend. Tova  
----- Original Message -----

From: psims@eac.gov

To: [REDACTED]

Cc: [REDACTED]

Sent: Friday, December 16, 2005 11:55 AM

Subject: Re: More Money Roulette or Double or Nothing Still Equals Zero

Thanks for letting me know. Julie and I will deal with this. This is just ridiculous! --- Peggy

"Job Serebrov" [REDACTED]

12/16/2005 10:16 AM

To jthompson@eac.gov, psims@eac.gov

cc

Subject More Money Roulette or Double or Nothing Still Equals Zero

Dear Julie & Peggy:

I just checked my bank account and no money. That also means that Tova is also penniless. As I understood, there was actually a chance that we were getting all

019729

back pay by today. But alas---double or nothing still equals zero in this case no matter how you spin it.

Please give those wonderful folks who are in charge of releasing your funds a call and find out if they are on the beach in Brazil.

Eternally Broke,

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Tova Wang"

[REDACTED]  
12/08/2005 11:07 AM

To psims@eac.gov

cc

Subject FW: Commission Consensus on Working Group

Do you agree with this? Thanks. Tova

-----Original Message-----

From: Job Serebrov [mailto:serebrov@sbcglobal.net]

Sent: Thursday, December 08, 2005 11:05 AM

To: Tova Wang

Subject: RE: Commission Consensus on Working Group

I told Peggy a three way talk was not necessary. I will be picking my legal/advocacy people today after talking with one of my potential members.

--- Tova Wang <wang@tcf.org> wrote:

> I would like for any initial discussion of this be  
> among all three of us at  
> the same time. I also need to give some thought to  
> it. I am available all  
> day Monday.

>

> -----Original Message-----

> From: Job Serebrov [mailto:serebrov@sbcglobal.net]

> Sent: Thursday, December 08, 2005 10:55 AM

> To: psims@eac.gov; w [REDACTED]

> Subject: Re: Commission Consensus on Working Group

>

>

> Tova:

>

> Why don't you pick the academic since I had none on

> my

> list. I am letting Peggy pick the DOJ person and I

> suggested that she find a Hispanic for the local

> election official.

>

> Job

019730

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Tova Wang"

08/23/2005 05:58 PM

To klynndyson@eac.gov, twilkey@eac.gov

cc psims@eac.gov

Subject RE: Kick off activities for the EAC Voting fraud/voter intimidation project

Karen and Tom,

Thanks so much. I am looking forward to working with you and my co-consultants on what I think is an extremely important topic.

I am pretty much available any day that week except Monday the 12th, so whatever is most convenient for everyone else any other day is fine by me. Please let me know the contract specifics when possible so I can work out an arrangement with The Century Foundation (which will not be a problem). Thanks again.

Tova

**Tova Andrea Wang**  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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[Click here](#) to receive our weekly e-mail updates.

-----Original Message-----

**From:** klynndyson@eac.gov [mailto:klynndyson@eac.gov]

**Sent:** Tuesday, August 23, 2005 4:44 PM

**To:** twilkey@eac.gov; sda@mit.edu; [REDACTED]

**Cc:** psims@eac.gov

**Subject:** Kick off activities for the EAC Voting fraud/voter intimidation project

Greetings-

Tom Wilkey and I have just completed a series of very informative and productive conversations with each of you and are anxious to move to the next step of this process.

We hope to assemble our consultant team on this project, within the next three weeks and are presently awaiting final approval of your contracts from our Commissioners. We anticipate this will take place in the next week to ten days.

We would like to assemble the team- Steve Ansolabehere of MIT, Tova Wang from The New Century Foundation and Job Serebrov, who has worked extensively on these issues for the State

019732

of Arkansas, during the week of September 11. Please get back to us with some tentative dates during that week that might work with your schedule.

We look forward to working with all of you and appreciate your efforts on behalf of the EAC.

Regards-

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----

Margaret Sims /EAC/GOV

11/30/2005 08:41 AM

To Job Serebrov, Tova Andrea Wang

cc

Subject Wednesday Teleconference

Based on your feedback, I would like to schedule a teleconference among the three of us at 3:30 PM EST today --- to discuss any remaining issues regarding what we mean by voting fraud and voter intimidation, and what we want in the search terms. Then, I can bring Tamar and Devon in to join us at 3:45. Does that work for you two?

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Tova Wang"

12/06/2005 03:56 PM

To psims@eac.gov

cc

Subject RE: 2 quick questions

Thanks Peg. I would think we would want to meet with Craig for at least an hour. We could schedule it for an hour if he is OK with it running over if necessary. If we would like statistical data from him should we request that in advance or wait until we see him to discuss what he can provide us with?

Also, does the below mean I will be receiving all three payments at once?

Thanks again. Tova

-----Original Message-----

019733

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Tuesday, December 06, 2005 3:06 PM  
**To:** [REDACTED]  
**Subject:** Re: 2 quick questions

Hi, Tova;

How much time do you want to schedule for the meeting with Donsanto ? An hour? We've just received his response to our request confirming that he is pleased to be of assistance, which means he has received the OK from his superiors. I also want to include him in any Working Group discussions, although he will not be named as a member of that group. He is a great resource because he is smart and organized, and has years of experience in this area as a career DOJ attorney. I find that he is not shy about identifying challenges and noting improvements that he thinks are needed.

I signed off on all 3 of your invoices. [REDACTED]

[REDACTED]

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

"Tova Wang" [REDACTED]

12/02/2005 02:22 PM

To psims@eac.gov  
cc  
Subject 2 quick questions

019736

Hi Peg,

[REDACTED] Also, will you be able to schedule a meeting with Craig Donsanto for us for January 13?

Thanks. Have a good weekend. Tova

Tova Andrea Wang  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM —

Margaret Sims /EAC/GOV

12/07/2005 11:18 AM

To "Tova Wang" <[REDACTED]>, Job Serebrov

cc

Subject: Donsanto Interview & Payments

Tova and Job:

Craig Donsanto would like to meet at his office at 2 PM on Friday, January 13. I can either meet you there, or escort you there after we meet at EAC. (His office is within walking distance of EAC.) Please remember to bring ID, as we have to show it when we sign in.

He would prefer that you send any requests for data through me, so just let me know in more detail what you want. I suggest that we submit requests for any information that you deem appropriate, before the interview, so that you can review it before we go in. We can always request more information after the interview, if something comes up during our discussion.

Regarding questions about pending payments, Job will receive two more payments (perhaps at the same time, perhaps on separate days) and Tova will receive 3 payments (possibly all at the same time).

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: [psims@eac.gov](mailto:psims@eac.gov)

"Tova Wang" <[REDACTED]>

019735





"Tova Wang"

12/06/2005 03:56 PM

To psims@eac.gov

cc

Subject RE: 2 quick questions

Thanks Peg. I would think we would want to meet with Craig for at least an hour. We could schedule it for an hour if he is OK with it running over if necessary. If we would like statistical data from him should we request that in advance or wait until we see him to discuss what he can provide us with?

Also, does the below mean I will be receiving all three payments at once?

Thanks again. Tova

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Tuesday, December 06, 2005 3:06 PM

**To:** [REDACTED]

**Subject:** Re: 2 quick questions

Hi, Tova;

How much time do you want to schedule for the meeting with Donsanto ? An hour? We've just received his response to our request confirming that he is pleased to be of assistance, which means he has received the OK from his superiors. I also want to include him in any Working Group discussions, although he will not be named as a member of that group. He is a great resource because he is smart and organized, and has years of experience in this area as a career DOJ attorney. I find that he is not shy about identifying challenges and noting improvements that he thinks are needed.

I signed off on all 3 of your invoices [REDACTED]

Peggy Sims  
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Fax: 202-566-3127  
email: psims@eac.gov

019735

"Tova Wang" [REDACTED]

12/02/2005 02:22 PM

To psims@eac.gov  
cc  
Subject 2 quick questions

Hi Peg,

[REDACTED] Also, will you be able to schedule a meeting with Craig Donsanto for us for January 13? I will have my travel info for you within the next couple of days. [REDACTED]

Thanks. Have a good weekend. Tova

Tova Andrea Wang  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM —



"Tova Wang"

[REDACTED]  
11/30/2005 09:25 AM

To psims@eac.gov, serebrov@sbcglobal.net  
cc  
Subject RE: Wednesday Teleconference

Sounds good. Tova

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Wednesday, November 30, 2005 8:41 AM

019737

To: [REDACTED]  
Subject: Wednesday Teleconference

Based on your feedback, I would like to schedule a teleconference among the three of us at 3:30 PM EST today — to discuss any remaining issues regarding what we mean by voting fraud and voter intimidation, and what we want in the search terms. Then, I can bring Tamar and Devon in to join us at 3:45. Does that work for you two?

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
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Fax: 202-566-3127  
email: psims@eac.gov

— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM —



"Job Serebrov"

[REDACTED] et>  
10/31/2005 02:47 PM

To psims@eac.gov  
cc

Subject Re: Teleconference Needed

Whats up now?

--- psims@eac.gov wrote:

> Would both of you be available for a teleconference  
> tomorrow at 2 PM EST  
> concerning contract issues? The teleconference  
> would include Julie  
> Thompson, our General Counsel, and me. We would  
> call you.  
>  
> Peggy Sims  
> Research Specialist  
> U.S. Election Assistance Commission  
> 1225 New York Ave, NW - Ste 1100  
> Washington, DC 20005  
> Phone: 866-747-1471 (toll free) or 202-566-3120  
> (direct)  
> Fax: 202-566-3127  
> email: psims@eac.gov

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM ---

Margaret Sims/EAC/GOV  
10/17/2005 03:08 PM

To [REDACTED]  
cc

Subject Re: talking ☒

019738

Tova:

Let's try talking tomorrow afternoon. Any time after 1 PM would be fine with me. Thanks! --- Peggy

wang@tcf.org



wang@tcf.org

10/17/2005 12:05 PM

To psims@eac.gov

cc

Subject talking

Hi Peg, Sorry to bother you again. I just realized I will not have access to email for the rest of the day. If you happen to have time this afternoon to talk please leave me a message on my cell phone  
[REDACTED] Otherwise, let me know what a good time would be tomorrow. Thanks again.

Tova

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Tova Wang"

[REDACTED]  
10/19/2005 10:56 AM

To psims@eac.gov

cc

Subject

Hi Peg,

Attached is my list of proposed working group members. I have not yet spoken to most of these people -- I wanted to get the go-ahead first. Also, I must admit to you that some of these names were tacked on after seeing the type of people Job would be requesting, as we discussed yesterday. I leave the sorting out of all that to your wisdom! Thanks and let me know if you have any questions or would like to see bios.

Tova

PS -- I will be at an election reform conference in Estes Park, CO Thursday and Friday where there apparently is no cell phone service. I will, however, be checking email.

**Tova Andrea Wang**

Senior Program Officer and Democracy Fellow

**The Century Foundation**

41 East 70th Street - New York, NY 10021

phone: 212-452-7704 fax: 212-535-7534

019739

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working group suggestions -long list.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



11/13/2005 11:03 AM

To psims@eac.gov

cc "Tova Wang"

Subject working group

Hi Peg,

As we discussed, attached is a list of my working group recommendations with just a couple of sentences on each one. Frankly, there are a number of people I could have included, it was very difficult to narrow it



down. Anyway, let me know if this works for you. Thanks. Tova wg suggestions -- short version.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----



"Craig.Donsanto@usdoj.gov

<Craig.Donsanto@usdoj.gov>

12/06/2005 05:46 PM

To "psims@eac.gov" <psims@eac.gov>

cc

Subject Re: Voting Fraud-Preliminary Research

Peg --

It's a little early! Anything can happen in the next month. But let's tentatively set this for 2 at my offices. I will get a conference room. But please remind me a week before. And yes: I would prefer it if you were involved in all aspects of my interaction with this project. You and I go back a long way, Peg, and I am confident you will understand whatever I tell your contractors.

-----  
Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>

To: Donsanto, Craig <Craig.Donsanto@usdoj.gov>

Sent: Tue Dec 06 17:15:18 2005

Subject: RE: Voting Fraud-Preliminary Research

Craig:

What time would you prefer on January 13? Would you prefer that our

019740

consultants forward any information requests through me (both before and after their meeting with you), or may I provide your contact information so that they can make their requests directly? Already, I have received a request for any related statistical data you may have. I have given them a copy of the January 1995 version of your Federal Prosecution of Election Offenses. --- Peggy

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM ---



"Tova Wang"

12/21/2005 12:45 PM

To psims@eac.gov

cc

Subject conference call

Hi Peg,

Job and I would like to talk to you about some research issues -- are you available late tomorrow afternoon or Friday morning to talk? Thanks.

Tova Andrea Wang  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM ---

Margaret Sims/EAC/GOV

11/17/2005 02:33 PM

To Wang, Serebrov

cc

Subject Teleconference

How about 2 PM EST tomorrow (Friday)? I'll call each of you and bring you into the conference. --- Peggy

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM ---



"Tova Wang"

10/12/2005 02:25 PM

To psims@eac.gov

cc

Subject RE: Contract Issues-Government Per Diem Rates

019741

Hi Peggy,

Thanks for getting all this information for us. We are also progressing on our work nicely already. One question: what is the per diem for trips to DC? That doesn't seem to be listed, I guess because there is a presumption people are travelling from DC. This is obviously not an urgent question, so whenever you can get around to it. Thanks. Talk to you soon.

Tova

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Tuesday, October 11, 2005 4:33 PM  
**To:** [REDACTED]  
**Subject:** Contract Issues-Government Per Diem Rates

Good Morning Job an Tova:

I still do not have copies of your signed contracts. I understand that they may have to be revised if the project is going to use an EAC intern and EAC Westlaw access. I've scheduled a meeting with one of our attorneys this week to discuss the matter and will get back to you with further information, when I have it.

By now, you should have heard that the October 14 contractor meeting has been cancelled. Instead, EAC has scheduled a couple of staff meetings to review requirements for invoices and requests for reimbursement. I should have more information for you on this front by next Monday.

Today, I am sending by Federal Express the most recent copy of the Department of Justice's *Federal Prosecution of Election Offenses* and the Federal Election Commission's *Innovations in Election Administration 8: Election Document Retention in an Age of High Technology*. Let me know if you do not have it within a couple of days.

New per diem rates for federal travelers are effective October 1, 2005. You can find these rates at [http://www.gsa.gov/Portal/gsa/ep/contentView.do?programId=9704&channelId=-15943&oid=16365&contentId=17943&pageTypeId=8203&contentType=GSA\\_BASIC&programPage=%2Fep%2Fprogram%2FgsaBasic.jsp&P=MTT](http://www.gsa.gov/Portal/gsa/ep/contentView.do?programId=9704&channelId=-15943&oid=16365&contentId=17943&pageTypeId=8203&contentType=GSA_BASIC&programPage=%2Fep%2Fprogram%2FgsaBasic.jsp&P=MTT).

Peggy Sims  
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U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
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Fax: 202-566-3127  
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----



"Tova Wang"

[REDACTED]  
11/17/2005 02:39 PM

To psims@eac.gov, [REDACTED]

cc

Subject RE: Teleconference

01974

Fine by me. Thanks.Tova

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Thursday, November 17, 2005 2:33 PM

**To:** wang@tcf.org; serebrov@sbcglobal.net

**Subject:** Teleconference

How about 2 PM EST tomorrow (Friday)? I'll call each of you and bring you into the conference.

--- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----



"Job Serebrov"

11/29/2005 06:04 PM

To psims@eac.gov

cc

Subject RE: Teleconference With Legal Clerk and Intern

Peggy:

I think that you have hit the major problem in voter fraud---the federal/state system. We are essentially operating under state laws that control federal elections. Administrative mistakes can amount to voter fraud because the state system controls voting procedure. I must strongly disagree with you as to whether de facto or quasi fraud needs anything else. In my 15 years of election practice and administration it needed nothing else.

We can discuss the rest of your additions to our difinition at our conference call.

Job

--- psims@eac.gov wrote:

- > The Law Clerk's name is Tamar Nedzar. She is very
- > sharp. Our intern's
- > name is Devon Romig.
- >
- > Tamar has the most recent lists of search terms and
- > may have questions
- > about them. Devon will need to know how you want
- > the press clippings
- > sorted by type of voting fraud. I think we need to
- > give her a specific
- > list. that, I hope, will not overlap. For example,
- > do you want her to
- > sort using the term Absentee Ballot
- > Fraud when that can involve voter
- > intimidation/coercion/undue influence,
- > vote buying, ballot tampering, and ballot box

019743



> stuffing (by voting in the  
> name of another or under a fictitious name).  
>  
> We need to discuss this because I am concerned that  
> we currently do not  
> have a full written description of what does and  
> does not constitute  
> voting fraud and voter intimidation. The current  
> written definition  
> excludes voter registration shenanigans; yet, voter  
> registration  
> applications submitted with fictitious names or that  
> falsely affirm  
> eligibility to vote are considered election crimes  
> that can have an impact  
> on election results. Specifically, they are used in  
> schemes to vote more  
> than once or to have ineligible persons participate  
> in voting. Also, an  
> increasing number of States are including as an  
> election crime the knowing  
> and willful destruction of voter registration  
> applications by voter  
> registration drives and their failure to transmit  
> such applications to the  
> election office in a timely manner.  
>  
> If we define voting fraud as any illegal act that  
> has a clear and direct  
> distorting impact on the election results, then  
> administrative mistakes  
> that violate federal or State law could be included.  
> For federal  
> elections, administrative mistakes definitely are  
> not considered voting  
> fraud. The examples provided for "de facto" fraud  
> and "quasi" fraud also  
> are not likely to be considered part of voting fraud  
> and voter  
> intimidation without evidence that there also is  
> ballot box stuffing, vote  
> buying, tampering with ballots or vote tallies,  
> voter intimidation, etc.  
> Although a number of things other than voting fraud  
> and voter intimidation  
> can (and do) distort election results, EAC is  
> handling such issues under  
> separate research efforts.  
>  
> For your information, I have attached a speech  
> presented by Craig Donsanto  
> (complete with typos) that addresses the issue of  
> defining voting fraud.  
> Perhaps it will be of interest to you.  
>  
> Peggy Sims  
> Research Specialist  
> U.S. Election Assistance Commission  
> 1225 New York Ave, NW - Ste 1100  
> Washington, DC 20005  
> Phone: 866-747-1471 (toll free) or 202-566-3120

019744

> (direct)  
> Fax: 202-566-3127  
> email: psims@eac.gov  
>  
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----

Margaret Sims/EAC/GOV

11/16/2005 05:34 PM

To Craig Donsanto

cc

Subject Requesting Your Help-Preliminary Research on Voting Fraud  
and Voter Intimidation

Hi, Craig:

As I mentioned in my telephone call earlier today, I have been assigned to manage the U.S. Election Assistance Commission's (EAC) preliminary research project on voting fraud and voter intimidation. I know these are subjects with which you are intimately familiar and recognize that the project needs the information and insights that you can provide, so I am asking for your help.

As you know, section 241 of the Help America Vote Act of 2002 requires EAC to conduct research on election administration issues. Among the issues listed in the statute are:

- nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office [section 241(b)(6)]; and
- identifying, deterring, and investigating methods of voter intimidation [section 241(b)(7)].

EAC's Board of Advisors recommended that EAC make research on these topics a high priority. Subsequently, the Commission contracted with two consultants (Tova Wang and Job Serebrov) to:

- develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections;
- perform background research (including Federal and State administrative and case law review), identify current activities of key government agencies, civic and advocacy organizations regarding these topics, and deliver a summary of this research and all source documentation;
- establish a project working group, in consultation with EAC, composed of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation;
- provide the description of what constitutes voting fraud and voter intimidation and the results of the background research to the working group;
- convene the working group to discuss potential avenues for future EAC research on this topic;
- produce a report to EAC summarizing the findings of the preliminary research effort and working group deliberations that includes recommendations for future research, if any;
- draft the project scope and Statement of Work for future research on these topics, if EAC decides to pursue one or more recommendations for future research.

At minimum, I hope that you can serve as an information resource for the team of two EAC consultants hired to conduct the research and me. I also would like to explore the feasibility of your participation in meetings of the project working group.

If EAC needs to submit a more formal request for your help, please advise me how to do so. Also, it would help me to know if there are any restrictions on your participation, other than anticipated restrictions on the time you have available.

Let me know if you have any questions about this request or the research project. I look forward to hearing from you and hope you are doing well.

Regards,

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----



"Tova Wang"

11/29/2005 11:37 AM

To psims@eac.gov

cc

Subject: intern and law clerk

Do you know yet if we will be able to speak to them today or tomorrow? Thanks. Tova

Tova Andrea Wang  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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[Click here](#) to receive our weekly e-mail updates.

---

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----

Tamar Nedzar/EAC/GOV

12/20/2005 11:31 AM

To "Job Serebrov"

<[REDACTED]@GSAEXTERNAL>  
cc [REDACTED] Margaret Sims/EAC/GOV@EAC

Subject: Re: Cases [REDACTED]

Hi Job,

The Westlaw search took more than half an hour-I think because I can only download results into ASCII format. I did find a way to add a case summary to the Lexis output. I have attached the first search below. If this is useful to you, I would rather use Lexis because output into a PDF file is faster. If you'd still prefer me to use Westlaw, I'll have to figure out a way to shorten the search times.

019745



fraud\_and\_election.pdf

Thanks,

Tamar Nedzar  
Law Clerk  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
(202) 566-2377  
<http://www.eac.gov>  
TNedzar@eac.gov  
"Job Serebrov" <serebrov@sbcglobal.net>



"Job Serebrov"

12/20/2005 09:53 AM

To tnedzar@eac.gov

cc: [REDACTED]

Subject Re: Cases

Tamar:

Please use the 10 year range. The case summary is the most important item. In the US Courts version of Westlaw you can restrict by date.

Thanks,

Job

--- tnedzar@eac.gov wrote:

- > Job,
- >
- > I was using Lexis because I don't have
- > inter-semester access to Westlaw.
- > In addition, Westlaw does not allow me to restrict
- > to specific dates.
- > However, I called the dean of my school this morning
- > and he granted me
- > access to Westlaw for the break on a limited basis,
- > so I will start fresh
- > with the terms.
- >
- > In the student version of Westlaw, I can choose
- > cases in the past 3 or 10
- > years, but cannot select a date range. I will use
- > the 10 year limitation
- > unless you write to tell me otherwise.
- >
- > I'll send results tonight.
- >
- > Thanks,

019746

>  
> Tamar Nedzar  
> Law Clerk  
> U.S. Election Assistance Commission  
> 1225 New York Avenue, NW Suite 1100  
> Washington, DC 20005  
> (202) 566-2377  
> http://www.eac.gov  
> TNedzar@eac.gov

>  
>  
>  
> "Job Serebrov" <[REDACTED]>  
> 12/19/2005 09:30 PM

>  
> To  
> TNedzar@eac.gov  
> CC

> [REDACTED]  
> Subject  
> Cases

>  
>  
>  
>  
>  
>  
>  
> Tamar:

>  
> I received your first Zip File today and there is  
> another major problem. These look like Lexis and not  
> Westlaw searches. The way this material is presented  
> it is impossible to tell what is going on. I stated  
> in  
> my last e-mail that I wanted you to use Westlaw  
> because you can pull up a short case evaluation for  
> each case. These are no good to us without these  
> evaluations. The evaluations list the parties, a  
> short  
> statement of facts and a short summary of the  
> court's  
> holding. I can only evaluate these cases with such a  
> summary. Sorry to send you back to the drawing board  
> but better now than after you substantially  
> completed  
> the assignment. If you can get these kind of  
> evaluations with Lexis then go ahead but if not you  
> need to use Westlaw.

>  
> Regards,

>  
> Job  
>  
>  
>



"Job Serebrov"

10/03/2005 01:20 PM

To psims@eac.gov

cc

Subject Re: Meetings

Peggy:

I just received an e-mail from Tova. She is also ok with the 28th which is better for me.

I am interested in your answer to her question about work product.

Job

--- psims@eac.gov wrote:

- > I am available for a 3-way teleconference after Noon
- > on Wednesday this
- > week. My schedule on Thursday and Friday is
- > flexible, as well. When
- > would be best for you two? I can call the telephone
- > numbers you prefer
- > and set up the conference call from my desk.
- >
- > Both the 24th or the 28th are fine with me for the
- > face-to-face meeting.
- > Which do you prefer? If you have no preference, I
- > suggest we pick the
- > earlier of the two.
- >
- > Regarding your contracts, I understand that the
- > contract will carry the
- > date of 9/25/05. All contracts have to be signed by
- > the Chair, who has
- > been out of the office on Commission business. I
- > have been told that she
- > will sign off on your contracts, among others,
- > today. Our financial
- > officer will send it to you after that. I'll try to
- > obtain copies and fax
- > the appropriate one to you as soon as they have been
- > signed.
- >
- > Regarding your pay, the contract will state that you
- > should submit a
- > monthly invoice to EAC for payment of your fee for
- > that month. The
- > contract is for 6 months, so our Finance Officer,
- > Diana Scott, wants you
- > to submit an invoice to her each month for 1/6th of
- > the total payment,
- > beginning 10/25/05.
- >
- > I look forward to talking again with the two of you.
- >

D19748

> Peggy Sims  
> Research Specialist  
> U.S. Election Assistance Commission  
> 1225 New York Ave, NW - Ste 1100  
> Washington, DC 20005  
> Phone: 866-747-1471 (toll free) or 202-566-3120  
> (direct)  
> Fax: 202-566-3127  
> email: psims@eac.gov  
>  
>  
>  
> "Job Serebrov" <[REDACTED]>  
> 10/03/2005 10:08 AM  
>  
> To  
> psims@eac.gov  
> cc  
>  
> Subject  
> Mettings  
>  
>  
>  
>  
>  
> Peggy:  
>  
> Just spoke with Tova. We would like to have a three  
> way telephone conference with you this week if  
> possible. The best dates for our face to face are  
> Oct  
> 24th or 28th. Please let me know what works for you.  
>  
>  
> Talk with you when you get answers to my questions.  
>  
> Regards,  
>  
> Job  
>  
>  
>

— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM —

Margaret Sims/EAC/GOV

10/03/2005 03:48 PM

To Tova Andrea Wang, Job Serebrov

cc Gavin S. Gilmour/EAC/GOV@EAC

Subject Voting Fraud Teleconference-Meeting-Work Schedule

Tova and Job:

019749

**Teleconference -**

Let's schedule the teleconference for 4:00 PM on Wednesday, October 5. Gavin Gilmour will join us.

**Meeting -**

October 28 is fine for the face-to-face meeting in DC. We have allocated \$5,000 to each of you to cover reasonable and necessary travel and other incidental expenses. Expenses claimed for reimbursement need to be itemized, with appropriate receipts provided. You should be able to obtain the Federal government rate at an area hotel (if you plan to stay overnight). If the hotel needs a letter from EAC (in lieu of showing them your signed contract), just let me know. Airlines apparently no longer honor government rates for government contractors. Rail carriers may provide government rates for government contractors. If you drive, the current government rate for a personally owned vehicle (POV) is 48.5 cents per mile.

**Deliverables -**

The first item on the list of deliverables is the draft project workplan, which is due ASAP after award. Would it be possible for the two of you to deliver a draft workplan to me via email by 10/11? That would be after we have had our teleconference to work out lingering questions.

**Questions for Finance -**

If you have questions for our Finance Officer, you can reach her via email at [dscott@eac.gov](mailto:dscott@eac.gov). I would appreciate it if you would cc: me on such emails, so that I know to follow up with her.

Peggy Sims

Research Specialist

U.S. Election Assistance Commission

1225 New York Ave, NW - Ste 1100

Washington, DC 20005

Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)

Fax: 202-566-3127

email: [psims@eac.gov](mailto:psims@eac.gov)

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM ---



"Job Serebrov"

12/09/2005 12:50 PM

To [psims@eac.gov](mailto:psims@eac.gov)

cc

Subject Fax

Peggy:

Mari's fax is [REDACTED]

Job

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM ---



"Tova Wang"

10/03/2005 04:50 PM

To [psims@eac.gov](mailto:psims@eac.gov)

cc

Subject RE: Voting Fraud Teleconference-Meeting-Work Schedule

019750



That's the right number. On the 14th I do want to be on by phone. I probably will only be able to be on for the beginning though. I may be able to rejoin again at the end. Will someone be taking notes?

Thanks for everything. Tova

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Monday, October 03, 2005 3:42 PM

**To:** [REDACTED]

**Subject:** RE: Voting Fraud Teleconference-Meeting-Work Schedule

I will initiate the calls to you two on Wednesday. The number I have for Tova is [REDACTED]  
For Job, I have [REDACTED]. Let me know if I should use a different number for you on  
Wednesday.

Thanks, Tova, for the copy of the draft workplan you provided to Karen. I'll take a look at it and, hopefully, provide some feedback on Wednesday. I have not yet caught up to all the paperwork and emails that preceded my assignment to this project. Karen just handed me a folder full of documents that should help.

I think you may have received an email from Nicole Mortellito regarding an October 14 meeting. If you two cannot come in person but can attend via phone, just let me know. Nicole's message has information regarding hotel rates that conflicts with what I've just sent you. I've asked her to double check her information because I have another contractor that has had no problem obtaining government rate at hotels.

Yes, you will be paid on a monthly basis. You can file your first invoice on October 25, according to Diana Scott.

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

"Tova Wang" [REDACTED]

10/03/2005 03:54 PM

To psims@eac.gov, [REDACTED]

cc ggilmour@eac.gov

Subject RE: Voting Fraud Teleconference-Meeting-Work Schedule

019751

Peg, This all sounds good. Will you be calling us on Wednesday?

I should not need a hotel for the 28th. Just let me know what time. Are there expense forms we should have for reimbursement?

On the work product, we did send Karen a very preliminary draft of a work plan. I attach it again here and we can talk about it more on Wednesday.

My only money question is, are we being paid on a monthly basis? And if so, when does that begin? I assume this all is in the contracts we'll be getting...

Thanks.

Tova

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Monday, October 03, 2005 2:48 PM

**To:** [REDACTED]

**Cc:** ggilmour@eac.gov

**Subject:** Voting Fraud Teleconference-Meeting-Work Schedule

Tova and Job:

**Teleconference -**

Let's schedule the teleconference for 4:00 PM on Wednesday, October 5. Gavin Gilmour will join us.

**Meeting -**

October 28 is fine for the face-to-face meeting in DC. We have allocated \$5,000 to each of you to cover reasonable and necessary travel and other incidental expenses. Expenses claimed for reimbursement need to be itemized, with appropriate receipts provided. You should be able to obtain the Federal government rate at an area hotel (if you plan to stay overnight). If the hotel needs a letter from EAC (in lieu of showing them your signed contract), just let me know. Airlines apparently no longer honor government rates for government contractors. Rail carriers may provide government rates for government contractors. If you drive, the current government rate for a personally owned vehicle (POV) is 48.5 cents per mile.

**Deliverables -**

The first item on the list of deliverables is the draft project workplan, which is due ASAP after award. Would it be possible for the two of you to deliver a draft workplan to me via email by 10/11? That would be after we have had our teleconference to work out lingering questions.

**Questions for Finance -**

If you have questions for our Finance Officer, you can reach her via email at dscott@eac.gov. I would appreciate it if you would cc: me on such emails, so that I know to follow up with her.

019752

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----



"Tova Wang"

11/29/2005 02:15 PM

To psims@eac.gov

cc "Job Serebrov"

Subject nexis search

Hi Peg,

Attached are our Nexis word search terms to be used for looking for news articles. A revised westlaw list is forthcoming. As we discussed, we need to talk to the people doing these before they can begin. Thanks.

**Tova Andrea Wang**  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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nexis word search 1128.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----

Margaret Sims/EAC/GOV  
12/06/2005 04:26 PM

To Craig Donsanto  
cc

Subject Voting Fraud-Preliminary Research

Craig:

The Chair gave me your response. I'm pleased, to say the least! Would you be available for an hour or so on January 13 (a Friday) to talk with our two consultants when they are in town? If so, when would be most convenient for you? Would you prefer that I accompany them, or are you willing to take them on alone?

Also, would you prefer that our consultants forward any information requests through me (both before and after their meeting with you), or may I provide your contact information so that they can make their

019753

requests directly? Already, I have received a request for any related statistical data you may have. I have given them a copy of the January 1995 version of your *Federal Prosecution of Election Offenses*.

Peggy Sims.  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM ---



"Job Serebry"  
[Redacted]  
11/22/2005 03:21 PM

To psims@eac.gov, [Redacted]  
cc  
Subject Word Search Terms

Peggy:

Attached are the word search terms.

Job

Tova:

I placed the few words that you added in the middle of my list into my existing file so some terms are out of order from the last list that you sent me.



Job Word Search Terms.doc

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM ---



"Tova Wang"  
[Redacted]  
11/29/2005 04:16 PM

To psims@eac.gov  
cc  
Subject thad

Hi Peg,

I would like to talk to Thad Hall about the methodology of our research and about the threat assessment survey he is doing with Electionline and Caltech [http://www.vote.caltech.edu/media/threat\\_risk.pdf](http://www.vote.caltech.edu/media/threat_risk.pdf). Can you please facilitate that? Thanks.

Tova Andrea Wang

019754

Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM —



"Tova Wang"

12/08/2005 04:08 PM

To psims@eac.gov

cc

Subject RE: FW: Commission Consensus on Working Group

Thanks Peg. I have some thoughts too and will have my final recommendations for you by Monday. It would be great if you could pass by me possible local election officials before we definitely go forward with them. Tova

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Thursday, December 08, 2005 4:03 PM

**To:**

**Subject:** RE: FW: Commission Consensus on Working Group

I understand your predicament if Cathy Cox is not available. So many of the State election officials are Republican. You could try Peter Harvey, Attorney General (and chief election official) for New Jersey. His contact information follows:

Peter C. Harvey (Appointed, D)  
Attorney General of New Jersey  
Department of Law and Public Safety  
25 Market Street, P.O. Box 080  
Trenton, New Jersey 08625-0080  
URL <http://www.njpublicsafety.com>  
609/292-4925 FAX 609/292-3508

\*  
-Chief Election Officer  
\*  
-Other Court Actions  
\*  
\*  
\*  
\*  
\*

I would be happy to share information on any nonpartisan local election officials I am able locate who are familiar with voting fraud and voter intimidation issues.

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)

019755

wang@tcf.org



[REDACTED]  
12/23/2005 01:29 PM

To psims@eac.gov  
cc "Job Serebrov" [REDACTED]  
Subject Re: FYI

Hi Peg,

What was the last date Devon included an article? I've collected some from the past couple of months too, but don't have most of them saved electronically. I guess we should all be collecting between now and when we very hopefully get Tamar to take it over. Thanks. Tova

----- Original Message -----

**From:** [psims@eac.gov](mailto:psims@eac.gov)  
**To:** [serebrov@sbcglobal.net](mailto:serebrov@sbcglobal.net)  
**Cc:** [wang@tcf.org](mailto:wang@tcf.org)  
**Sent:** Monday, December 19, 2005 5:10 PM  
**Subject:** Re: FYI

Job:

Devon set up the folders before she completed her review of the articles. I saw that the folders were empty, but did not ask her to remove them. If you copy the CD contents to a file on your computer, you may yet use the empty folders to file relevant articles found subsequent to Devon's sorting. For example, I have a few recent articles that I will send via email. When we come across articles that belong in the empty folders, we can put them there. --- Peggy

"Job Serebrov" [REDACTED]

12/19/2005 03:53 PM

To psims@eac.gov [REDACTED]  
cc  
Subject FYI

The following file folders on the disc you sent me were empty:

Misleading Ex-felon Voting Right

019756

Non-Citizen Voting

Wrongful Removal of Eligible Voters from Registration Lists

If they were blank file folders, why were they included?

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----

Tamar Nedzar/EAC/GOV

12/05/2005 10:24 AM

To "Tova Wang" <[REDACTED]@EAC>

cc Margaret Sims/EAC/GOV@EAC

Subject RE: Search Results Example [REDACTED]

Tova and Job,

Thank you for your feedback. There are two factors that went into my decision to perform the search in the manner I indicated which may have a bearing on whether you want me to do each search individually.

First, I checked with the Lexis representative at my school, who suggested the search methodology I used. She indicated that I would get the same results if I did the searches separately or together.

Second, as I am in the midst of finals, as you can imagine, I have limited time to devote to work. I will only be in the office two days in the next two weeks and will not be able to do much work from home. As a result, I probably won't be able to do the majority of the searches until just after Christmas if I am to do the each term separately. If not, I should be able to get you results by the week before Christmas.

I will do whatever you and Peggy decide given your timelines, but wanted to let you know the factors that went into my decision.

Thank you,

Tamar Nedzar  
Law Clerk  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
(202) 566-2377  
<http://www.eac.gov>  
TNedzar@eac.gov

"Tova Wang" <[REDACTED]>



"Tova Wang"

12/02/2005 05:22 PM

To tnedzar@eac.gov

cc "Job Serebrov" <[REDACTED]>

019757



Subject RE: Search Results Example

And thank you for your work on this. Let us know if you have any questions.

-----Original Message-----

From: Job Serebrov [mailto: [REDACTED]]  
Sent: Friday, December 02, 2005 5:19 PM  
To: tnedzar@eac.gov  
Cc: [REDACTED]  
Subject: Re: Search Results Example

Tamar:

You are not going to be able to place all of these word searches together. We need you to take each term on the list and do a search on it. You can only merge terms when it will not add other terms and therefore affect the outcome. For instance, vote and voter could probable be merged. I know this creates much much more work but it can't be helped. I would like you to pull the first 50 cases for each set of terms and send them to us with a short case summary (I know Westlaw lets you do a short case summary). From there we will have to read the cases and decide if we need any others in that search term.

Regards,

Job

--- tnedzar@eac.gov wrote:

-----  
Tova and Job,

It was good to talk to you today. Hope you are doing well. I've attached my African American search results below. It encompasses all of the terms you suggested having to do with African Americans.

The following is a search I used to truncate words and combine terms, but I still got a large number of results:

Vot! and deny and black or vot! and black and challenge or vot! and black and reject or vot! and black or vot! And deny and African w/s American or vot! And African w/s American and reject or challenge or vot! And African w/s American or election and black and deny or challenge or reject or election and black or election and African w/s American and deny or challenge or reject or election and African w/s American or ballot and security and black or ballot and security and African w/s American or black and

019758



vot! And suppress! Or African w/s American and vot!  
And suppress or African w/s and disenfranchis! or  
black and disenfranchis!

If this search yields useful cases for you, I can  
continue searching using the same strategy. If not,  
please provide me with additional guidelines and I  
will do my best!

Please feel free to contact me should you have any  
questions or need additional information.  
Thank you,

Tamar Nedzar  
Law Clerk  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
(202) 566-2377  
<http://www.eac.gov>  
TNedzar@eac.gov

019759



**The Century Foundation**

41 East 70th Street - New York, NY 10021

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----



"Tova Wang"

10/24/2005 05:30 PM

To psims@eac.gov

cc

Subject wg

Hi Peg,

Do you want the information on the proposed working group members you requested (their backgrounds on this issue) now or should I wait until the contract situation is clear? I understand more information on that is forthcoming imminently.

Thanks. Tova

Tova Andrea Wang  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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---

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----



"Tova Wang"

11/03/2005 02:00 PM

To psims@eac.gov

cc

Subject tuesday

Hi Peg,

I will be down in DC next Tuesday for a meeting. I wonder if it would be useful for me to come by -- I think you mentioned at one point you had a big collection of articles. It would be great to be able to take a look at them. I'm available mid to late afternoon. Let me know.

Any word on the contract situation?

019761

Thanks.

**Tova Andrea Wang**  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

Visit our Web site, [www.tcf.org](http://www.tcf.org), for the latest news, analysis, opinions, and events.

---

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----

Margaret Sims /EAC/GOV

11/03/2005 05:23 PM

To "Tova Wang" [REDACTED] IAL

cc

Subject Re: Tuesday [REDACTED]

Tova:

I should be available during the mid to late afternoon, provided we are not besieged with election-related calls. Regardless, I can provide the file with the news clippings for your review.

--- Peggy

"Tova Wang" [REDACTED]



"Tova Wang"

[REDACTED]  
11/03/2005 02:00 PM

To psims@eac.gov

cc

Subject tuesday

Hi Peg,

I will be down in DC next Tuesday for a meeting. I wonder if it would be useful for me to come by -- I think you mentioned at one point you had a big collection of articles. It would be great to be able to take a look at them. I'm available mid to late afternoon. Let me know.

Any word on the contract situation?

Thanks.

**Tova Andrea Wang**  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**

019762

41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----

Margaret Sims/EAC/GOV

11/30/2005 11:00 AM

To Devon E. Romig/CONTRACTOR/EAC/GOV

cc

Subject Nexis Search Terms

Devon:


In preparation for this afternoon's teleconference, you may want to review the attached list of Nexis search terms. If you have any questions, we can discuss them before the teleconference or, if I can't provide answers, we can ask our consultants who prepared the list. --- Peggy



nexis word search 1128.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----



  
10/17/2005 11:08 AM

To psims@eac.gov

cc

Subject working group

Hi Peg,

I'd like to talk to you briefly about the development of the working group when you have a moment. I understand you are in a meeting right now -- is there a good time for me to give you a buzz today and/or tomorrow? Thanks so much. Tova

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----

Margaret Sims/EAC/GOV

10/31/2005 02:45 PM

To Job Serebrov, Tova Andrea Wang

cc

Subject Teleconference Needed

Would both of you be available for a teleconference tomorrow at 2 PM EST concerning contract issues? The teleconference would include Julie Thompson, our General Counsel, and me. We would call you.

019763

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----



"Job Serebrov"

[Redacted]

11/29/2005 05:49 PM

To psims@eac.gov, [Redacted]

cc

Subject Re: Teleconference With Legal Clerk and Intern

Only between 3:30 and 5:30

--- psims@eac.gov wrote:

- > Tova and Job:
- >
- > Are you two available for a teleconference with our
- > Law Clerk and Intern
- > tomorrow at either of the times listed below?
- >
- > Between 12 and 1 PM EST; or
- > Any time between 3:30 and 5:30 PM EST
- >
- > Peggy Sims
- > Research Specialist
- > U.S. Election Assistance Commission
- > 1225 New York Ave, NW - Ste 1100
- > Washington, DC 20005
- > Phone: 866-747-1471 (toll free) or 202-566-3120
- > (direct)
- > Fax: 202-566-3127
- > email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----



"Job Serebrov"

[Redacted]

11/21/2005 04:02 PM

To psims@eac.gov

cc

Subject Re: Word Search Terms

What do you think about moving the meeting to January  
after all of the holidays?

--- psims@eac.gov wrote:

019764

> Thanks for the update. I'll let Tamar know. ---  
> Peggy  
>  
>  
>  
> "Job Serebrov" [REDACTED]  
> 11/21/2005 12:07 PM  
>  
> To  
> psims@eac.gov  
> cc  
>  
> Subject  
> Word Search Terms  
>  
>  
>  
>  
> Peggy:  
>  
> I sent the words search terms to Tova yesterday to  
> review. Unfortunately, she will not be able to do so  
> until late today or tomorrow. Consequently, I need  
> to  
> wait to send them to you.  
>  
> As far as a trip to DC goes, I gave Tova two  
> possible  
> dates---Friday December 16 or Monday December 19.  
>  
> Regards,  
>  
> Job  
>  
>  
>

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM ---

Margaret Sims/EAC/GOV

11/21/2005 05:08 PM

To "Job Serebrov"

[REDACTED] Tova Andrea  
Wang

cc

Subject Re: In-Person Meeting

Job and Tova:

If you both agree, a meeting in early January in lieu of a December meeting would be fine with me. As it would be good for you two to pick Craig Donsanto's brain when you are here, I'll find out when he is not available so that we can avoid that time.

019765

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

"Job Serebrov" [REDACTED]



"Job Serebrov" [REDACTED]

11/21/2005 04:02 PM

To psims@eac.gov

cc

Subject Re: Word Search Terms

What do you think about moving the meeting to January after all of the holidays?

--- psims@eac.gov wrote:

> Thanks for the update. I'll let Tamar know. ---  
> Peggy  
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>  
>  
> "Job Serebrov" [REDACTED]  
> 11/21/2005 12:07 PM  
>  
> To  
> psims@eac.gov  
> cc  
>  
> Subject  
> Word Search Terms  
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> wait to send them to you.  
>  
> As far as a trip to DC goes, I gave Tova two  
> possible

019766



> dates---Friday December 16 or Monday December 19.

>

> Regards,

>

> Job

>

>

>

>

019767

Tamar Nedzar/EAC/GOV

12/21/2005 05:21 PM

To [REDACTED]

cc Margaret Sims/EAC/GOV@EAC

Subject Results for 12/21/05

Hi Tova and Job,

Hope you're still finding the results helpful. Attached is today's installment. More to come tomorrow...



12\_21.ZIP

Tamar Nedzar  
Law Clerk  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
(202) 566-2377  
<http://www.eac.gov>  
TNedzar@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----



"Tova Wang"

[REDACTED]  
10/03/2005 12:58 PM

To psims@eac.gov, [REDACTED]

cc

Subject RE: Meetings

Hi Peggy,

I hope you are feeling better!

I am free 4-6 on Wednesday, 10:30-1:00 on Thursday and all day Friday for a call. The 24th is fine for me, so just tell us what time is works.

On the contracts, I'm a little confused by the start date being 9/25 when we have not been able to start the work yet. What will the implications of this be for the work product delivery?

Thanks, and I look forward to speaking with you and seeing you soon.

Tova

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Monday, October 03, 2005 11:50 AM

**To:** [REDACTED]

**Subject:** Re: Meetings

019768

I am available for a 3-way teleconference after Noon on Wednesday this week. My schedule on Thursday and Friday is flexible, as well. When would be best for you two? I can call the telephone numbers you prefer and set up the conference call from my desk.

Both the 24th or the 28th are fine with me for the face-to-face meeting. Which do you prefer? If you have no preference, I suggest we pick the earlier of the two.

Regarding your contracts, I understand that the contract will carry the date of 9/25/05. All contracts have to be signed by the Chair, who has been out of the office on Commission business. I have been told that she will sign off on your contracts, among others, today. Our financial officer will send it to you after that. I'll try to obtain copies and fax the appropriate one to you as soon as they have been signed.

Regarding your pay, the contract will state that you should submit a monthly invoice to EAC for payment of your fee for that month. The contract is for 6 months, so our Finance Officer, Diana Scott, wants you to submit an invoice to her each month for 1/6th of the total payment, beginning 10/25/05.

I look forward to talking again with the two of you.

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

"Job Serebrov" [REDACTED]

10/03/2005 10:08 AM

To psims@eac.gov  
cc  
Subject Mettings

Peggy:

Just spoke with Tova. We would like to have a three way telephone conference with you this week if possible. The best dates for our face to face are Oct 24th or 28th. Please let me know what works for you.

Talk with you when you get answers to my questions.

019769

Regards,

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----

Margaret Sims /EAC/GOV

11/08/2005 06:25 PM

To "Job Serebrov"

cc [REDACTED]

Subject Re: Various [REDACTED]

[REDACTED] GSAEXTERNAL

Job:

I found Gavin. He said that the Chair has the letters that have to accompany the contracts for you and Tova. Once she signs them, the finance folks will fax a copy to you and send the original by mail.

After we have the signed contracts:

- Adjusted Workplan - You and Tova should look at the workplan to determine what should be revised due to the contract issues.
- Working Group - I will ask for a one or two sentences for each person you have on the list of potential working group members. The sentences should summarize why you think the person would be perfect for this particular project. What in their particular experience qualifies them to help develop recommendations for future avenues of EAC research on voting fraud and voter intimidation? (Remember, other research efforts already are underway to address items such as provisional voting, voter ID issues, and contested elections and recounts.) If you want to put an asterisk next to the names that you especially recommend, that would be fine. I have to discuss the potential working group members with our Commissioners, only one of which is in the office now. Others are in the field and I can speak with them as they return. I'll bet that this will take some time, probably through next week.
- Westlaw Search - You and Tova can provide more information about the Westlaw search. I spoke with our Executive Director and he authorized me to use a part-time legal intern to conduct the search and provide the results to you and Tova.
- Meetings - The three of us should probably decide a time for a teleconference and a tentative in-person meeting date in the not-to-distant future.

Regarding the election fraud newsclips, Tova was in town this morning for a non-EAC meeting. While here, she took the opportunity to look over the newsclips in one of my files. (I have another file that I have yet to unearth from my FEC boxes.) I mentioned to Tova that one of our EAC interns could sort the clips, put them in pdf, and drop them on a CD for each of you. Tova thinks that it would be most useful to have the clips organized by type of voting fraud (e.g.; absentee ballot, voter registration, etc.) and, within that sorting, by State. Does this work for you, or would you prefer a different organization?

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005

019770

Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

"Job Serebrov" [REDACTED]



"Job Serebrov"

[REDACTED]  
11/08/2005 03:40 PM

To psims@eac.gov

cc

Subject Various

Peggy:

Tova and I will need copies of your vote fraud literature file. Also, do you want a one liner on all of the people proposed for the working group or just the three that we are recommending for the final group?  
Any work from Gavin?

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----



"Tova Wang"

[REDACTED]  
11/21/2005 05:39 PM

To psims@eac.gov, [REDACTED]

cc

Subject RE: In-Person Meeting

As I mentioned to Job earlier, I think we need to meet as soon as possible in order to develop and pare down our lists of who we want to interview, determine how we are going to go about doing the interviews (in-person, phone, email), schedule such meetings, decide what themes we agree to discuss with them; go over existing research and how we will work on summarizing existing findings; hammer out what is within the scope of our research; meet with the intern and law clerk; discuss how we are going to do the case law research; etc. Up to now, we both agreed, we have been operating in a bit of a void. We've been trying to do this meeting for months.

Is it that you think we can combine this meeting with a meeting with Craig? I actually think they need to be separate since I think both will be very laborious and very different in nature.

019771

However, I will defer to whatever you, Peg, think best. I don't fee so strongly about it that I will be extremely upset if we wait until January.

Thanks.

Tova

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Monday, November 21, 2005 5:09 PM

**To:** [REDACTED]

**Subject:** Re: In-Person Meeting

Job and Tova:

If you both agree, a meeting in early January in lieu of a December meeting would be fine with me. As it would be good for you two to pick Craig Donsanto's brain when you are here, I'll find out when he is not available so that we can avoid that time.

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

"Job Serebrov" [REDACTED]

11/21/2005 04:02 PM

To psims@eac.gov

.cc

Subject Re: Word Search Terms

What do you think about moving the meeting to January after all of the holidays?

--- psims@eac.gov wrote:

> Thanks for the update. I'll let Tamar know. ---

> Peggy

>

>

019772

>  
>  
> "Job Serebrov" [REDACTED]  
> 11/21/2005 12:07 PM  
>  
> To  
> psims@eac.gov  
> cc  
>  
> Subject  
> Word Search Terms  
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> possible  
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> Regards,  
>  
> Job  
>  
>  
>

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM ---



"Job Serebrov"  
[REDACTED]  
10/11/2005 04:53 PM

To psims@eac.gov  
cc  
Subject Working Group

Peggy:

I will have a list of Republicans for the working group in the next few days. I am still speaking with people. However, having discussed this with a number of people who deal with election fraud, I am convinced that we need a ten member panel and not eight (five Republicans and five Democrats). My list will present six to seven people for the Commission's vetting. If all agree to serve, culling down to five will be challenging.

019773

Regards,

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----

Juliet E.  
Thompson/EAC/GOV  
11/15/2005 06:20 PM

To "Tova Wang" [REDACTED]  
cc Margaret Sims/EAC/GOV@EAC  
Subject RE: contract

I believe that is correct. What I think you might also be concerned about is the timelines for completion. If you, Job and Peggy need to work out a revised completion schedule, then I would encourage you to do that. We recognize that our delays have impacted the original schedule and that adjustments should be noted accordingly.

Juliet E. Thompson  
General Counsel  
United States Election Assistance Commission  
1225 New York Ave., NW, Ste 1100  
Washington, DC 20005  
(202) 566-3100  
"Tova Wang" <wang@tcf.org>



"Tova Wang"  
[REDACTED]  
11/15/2005 06:17 PM

To jthompson@eac.gov  
cc psims@eac.gov  
Subject RE: contract

I guess for getting paid purposes it doesn't matter, it just matters with respect to the timeline for completion of the project. If that's right, I will sign and send the letter acknowledging receipt as is. Thanks so much.

Tova

-----Original Message-----

**From:** jthompson@eac.gov [mailto:jthompson@eac.gov]  
**Sent:** Tuesday, November 15, 2005 6:14 PM  
**To:** [REDACTED]  
**Cc:** psims@eac.gov  
**Subject:** Re: contract

The invoice that you have submitted at this point is for work conducted in September, September 1 - 30.

The invoice that you will submit shortly, if you have not already is for work performed in October,

019774



1- 31.

I am not sure if we are semantically calling these by different names (i.e., you submitted the Septebmer invoice in October, and October's work in November).

Let me know if this clarifies the point or confuses it.

Juliet E. Thompson  
General Counsel  
United States Election Assistance Commission  
1225 New York Ave., NW, Ste 1100  
Washington, DC 20005  
(202) 566-3100

"Tova Wang" [REDACTED]

11/15/2005 01:33 PM

To psims@eac.gov, jthompson@eac.gov  
cc  
Subject contract

Just one question on the receipt of contract -- it says that the first invoice was for September, but it actually was for October when we really got started, right? Should this be adjusted to say October 1 to October 31?

Thanks.

Tova

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Thursday, November 10, 2005 3:28 PM

**To:** [REDACTED]

**Subject:** Letters Were Signed

Job and Tova:

The Chair signed your letters this afternoon. Diana Scott has them and plans to fax everything to you. Have a good weekend!

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100

019775

Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----



"Job Serebrov"

[Redacted]

11/29/2005 07:07 PM

To [Redacted] psims@eac.gov

cc

Subject Updated Word Search List

Peggy & Tova:

Here is the updated case law word search list.



Job Word Search Terms.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----

Tamar Nedzar/EAC/GOV

12/29/2005 05:13 PM

To [Redacted]

cc Margaret Sims/EAC/GOV@EAC, Juliet E.  
Thompson/EAC/GOV@EAC

Subject Batches of Results

Tova and Job,

Please find below what I have completed since we last spoke. I will send you another email or two next week with the rest of the results.

Happy New Year!

Tamar Nedzar  
Law Clerk  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
(202) 566-2377  
<http://www.eac.gov>  
[TNedzar@eac.gov](mailto:TNedzar@eac.gov)



12\_27.zip

019776

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----



"Tova Wang"

10/14/2005 10:59 AM

To psims@eac.gov

cc

Subject

Hi Peggy,

Just an FYI -- Job and I have developed our own draft of a definition of fraud and intimidation and are working on compiling existing research. With respect to the working group, I have sent him the names and bios of my first choices, most of whom I have not yet spoken to. My thought was that I would have you vet them before asking them if they could do it, so I wouldn't have to turn around and say no. I have plenty of "plan B" people should some of my first choices not work out. Job has gone ahead and inquired as to people's availability before putting them on his list, which he expects to send me today.

Hope you had a great weekend.

Tova

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Tuesday, October 11, 2005 4:33 PM

**To:** [REDACTED]

**Subject:** Contract Issues-Government Per Diem Rates

Good Morning Job an Tova:

I still do not have copies of your signed contracts. I understand that they may have to be revised if the project is going to use an EAC intern and EAC Westlaw access. I've scheduled a meeting with one of our attorneys this week to discuss the matter and will get back to you with further information, when I have it.

By now, you should have heard that the October 14 contractor meeting has been cancelled. Instead, EAC has scheduled a couple of staff meetings to review requirements for invoices and requests for reimbursement. I should have more information for you on this front by next Monday.

Today, I am sending by Federal Express the most recent copy of the Department of Justice's

019777

*Federal Prosecution of Election Offenses* and the Federal Election Commission's *Innovations in Election Administration 8: Election Document Retention in an Age of High Technology*. Let me know if you do not have it within a couple of days.

New per diem rates for federal travelers are effective October 1, 2005. You can find these rates at [http://www.gsa.gov/Portal/gsa/ep/contentView.do?programId=9704&channelId=-15943&oid=16365&contentId=17943&pageTypeld=8203&contentType=GSA\\_BASIC&programPage=%2Fep%2Fprogram%2FgsaBasic.jsp&P=MTT](http://www.gsa.gov/Portal/gsa/ep/contentView.do?programId=9704&channelId=-15943&oid=16365&contentId=17943&pageTypeld=8203&contentType=GSA_BASIC&programPage=%2Fep%2Fprogram%2FgsaBasic.jsp&P=MTT).

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----

Margaret Sims /EAC/GOV

11/29/2005 02:18 PM

To Tova Andrea Wang, Job Serebrov

cc

Subject Teleconference With Legal Clerk and Intern

Tova and Job:

Are you two available for a teleconference with our Law Clerk and Intern tomorrow at either of the times listed below?

Between 12 and 1 PM EST; or  
Any time between 3:30 and 5:30 PM EST

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
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email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----

Karen  
Lynn-Dyson/EAC/GOV

08/23/2005 05:44 PM

To Thomas R. Wilkey/EAC/GOV@EAC, sda@mit.edu,

cc Margaret Sims/EAC/GOV@EAC

Subject Kick off activities for the EAC Voting fraud/voter intimidation project

Greetings-

019778

Tom Wilkey and I have just completed a series of very informative and productive conversations with each of you and are anxious to move to the next step of this process.

We hope to assemble our consultant team on this project, within the next three weeks and are presently awaiting final approval of your contracts from our Commissioners. We anticipate this will take place in the next week to ten days.

We would like to assemble the team- Steve Ansolabehere of MIT, Tova Wang from The New Century Foundation and Job Serebrov, who has worked extensively on these issues for the State of Arkansas, during the week of September 11. Please get back to us with some tentative dates during that week that might work with your schedule.

We look forward to working with all of you and appreciate your efforts on behalf of the EAC.

Regards-

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----



12/19/2005 03:40 PM

To "Job Serebrov" <[redacted]>, psims@eac.gov  
cc

Subject Re: List

Let me add the assistance you were going to give me on the statewide election administrator and the discs with the work Devon did. Are we getting a replacement for her?

The money issue has become the most important matter at this point. I have already laid out money for this project, so I'm running a deficit after three and a half months.

Thanks. Tova

----- Original Message -----

From: "Job Serebrov" <[redacted]>  
To: <psims@eac.gov>  
Cc: [redacted]  
Sent: Monday, December 19, 2005 3:31 PM  
Subject: List

> Peggy:

>

> Here is a list of what we are waiting for from you:

>

> approval of the final definition of voter fraud

>

019779

> final working group list  
>  
> Also, we are waiting on the law clerk's search  
> results. We know this will take till next month.  
>  
> Finally, we are waiting on money. Any word on what is  
> going on since we spoke this morning?  
>  
> Job  
>  
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----

Margaret Sims/EAC/GOV

12/19/2005 05:45 PM

To: [REDACTED]

cc: [REDACTED]

Subject: Re: List

Tova:

You should have received Devon's disk today. We won't have a replacement for her anytime soon. I'm still working on confirming your choice for State election official. I'm also trolling for further information on possible nonpartisan local election officials that might serve. At the moment, I am seeking feedback on nonpartisan county Election Administrators in Texas, many of whom are Hispanic.

Now that Tamar has finished her exams, you should be receiving regular emails with search results. I still need to provide feedback on the definition of vote fraud.

I have asked Diana Scott to find out *exactly* where GSA is in the process of paying you and Job. Julie Thompson and I are discussing ways we might expedite things in the future.

--- Peggy



[REDACTED]  
[REDACTED]  
12/19/2005 03:40 PM

To: "Job Serebrov" [REDACTED], psims@eac.gov

cc

Subject: Re: List

Let me add the assistance you were going to give me on the statewide election administrator and the discs with the work Devon did. Are we getting a replacement for her?

019780

The money issue has become the most important matter at this point. I have already laid out money for this project, so I'm running a deficit after three and a half months.

Thanks. Tova

----- Original Message -----

From: "Job Serebrov" [REDACTED]

To: <psims@eac.gov>

Cc: [REDACTED]

Sent: Monday, December 19, 2005 3:31 PM

Subject: List

> Peggy:

>

> Here is a list of what we are waiting for from you:

>

> approval of the final definition of voter fraud

>

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> results. We know this will take till next month.

>

> Finally, we are waiting on money. Any word on what is

> going on since we spoke this morning?

>

> Job

>

>

>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----



"Job Serebrov"

[REDACTED]  
09/28/2005 09:12 AM

To psims@eac.gov

cc

Subject meeting

Peg:

Tova and I talked about the voter fraud project last evening and we believe that a face to face DC meeting is needed in the next few weeks. If you are in today, I hope to hear from you.

Regards,

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----



"Craig.Donsanto@usdoj.gov"

019781



"  
 <Craig.Donsanto@usdoj.gov  
 v>  
 11/22/2005 05:52 PM

To "Nancy.Simmons@usdoj.gov"  
 <Nancy.Simmons@usdoj.gov>, "Noel.Hillman@usdoj.gov"  
 <Noel.Hillman@usdoj.gov>, "psims@eac.gov"  
 <psims@eac.gov>

cc

Subject Re: Requesting Your Help-Preliminary Research on Voting  
 Fraud and Voter Intimidation

Hello Peg and greetings from Mexico City.

Interesting way you put that question!! When will I NOT be available!!!

Peg -- I have a speech to deliver to the Illinois Association of Election  
 Commissioners December 7-8. After that, my wife says she will arise in protest  
 if I don't stay put for the next couple months!!!

So I guess anytime after December 8 will work.

I hope I can help you and the EAC on this.

-----  
 Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>  
 To: Donsanto, Craig <Craig.Donsanto@usdoj.gov>  
 Sent: Tue Nov 22 16:50:20 2005  
 Subject: Re: Requesting Your Help-Preliminary Research on Voting Fraud and  
 Voter Intimidation

Craig:

This is just to let you know that I have drafted a letter for the Chair's  
 signature, but she may want to make some changes before she signs. Once it is  
 signed, I'll fax a copy to you and send the original by mail. For planning  
 purposes, can you tell me when you don't expect to be available during the  
 next 3 months (Dec-Feb)?

Peggy Sims  
 Phone: 202-566-3120 (direct)  
 email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----

Tamar Nedzar/EAC/GOV  
 12/22/2005 09:39 AM

To "Job Serebrov"

[REDACTED]

cc Margaret Sims/EAC/GOV@EAC

Subject Re: Results for 12/21/05

019782



Hi Job,

I anticipate sending 8-10 more emails. I can get through approximately 30 terms per day. If you would prefer that I hold on to a few days' worth of searches and send fewer emails, I am more than happy to do so.

I will not be sending another search email until the 27th as I will be working from home until then and do not have the means to send such large files when I am not at work. I can give you a better idea of how much longer it will take me at that point.

Happy Holidays!

Tamar Nedzar  
Law Clerk  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
(202) 566-2377  
<http://www.eac.gov>  
TNedzar@eac.gov  
"Job Serebrov" <serebrov@sbcglobal.net>



"Job Serebrov"

12/21/2005 05:33 PM

To tnedzar@eac.gov

cc

Subject Re: Results for 12/21/05

Tamar:

How far into the word search terms are you. I am trying to figure out how many daily file folders we will get before it is all over.

Regards,

Job

--- tnedzar@eac.gov wrote:

> Hi Tova and Job,  
>  
> Hope you're still finding the results helpful.  
> Attached is today's  
> installment. More to come tomorrow...  
>  
>  
> Tamar Nedzar  
> Law Clerk  
> U.S. Election Assistance Commission  
> 1225 New York Avenue, NW Suite 1100  
> Washington, DC 20005

019783

> (202) 566-2377  
> http://www.eac.gov  
> TNedzar@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----



wang@tcf.org  
12/29/2005 03:09 PM

To psims@eac.gov  
cc "Job Serebrov" [REDACTED], "Tova Wang"  
[REDACTED]  
Subject donsanto meeting

Attached is a list of requests for material/information for Mr. Donsanto in advance of our meeting. They are purely requests for data and hard materials, not necessarily the extent of the questions I will want to ask (and I'm sure, Job, you'll want to ask) which may well be of a more procedural nature.

I'm off for a few days without the ability to communicate with the outside world, so, if it is necessary, we can talk about this on Tuesday afternoon as well as our other topics.

Have a wonderful new year!



Tova donsanto.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----

Margaret Sims/EAC/GOV  
11/29/2005 05:04 PM

To "Tova Wang" [REDACTED]  
cc  
Subject Re: Thad [REDACTED]

Tova:

Thad's research on threat assessment is not being conducted under an EAC contract. The requirement to work through EAC only applies to contact with EAC contractors about EAC research. Thad's EAC contract is for Vote Counts/Contested Elections and Recounts. At this time, the contractor is analyzing State laws and procedures and contacting appropriate federal agencies regarding any pertinent consent agreements. Currently, there are no plans to do a survey that would be subject to the Paperwork Reduction Act requirements.

If your interest in Thad involves his non-EAC research, I would have no problem with you contacting him directly. If you think he will not respond unless I forward your request to him, I will see what I can do.

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100

019784

Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

"Tova Wang" <wang@tcf.org>



"Tova Wang"

[Redacted]

11/29/2005 04:16 PM

To psims@eac.gov

cc

Subject thad

Hi Peg,

I would like to talk to Thad Hall about the methodology of our research and about the threat assessment survey he is doing with Electionline and Caltech [http://www.vote.caltech.edu/media/threat\\_risk.pdf](http://www.vote.caltech.edu/media/threat_risk.pdf). Can you please facilitate that? Thanks.

Tova Andrea Wang  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

Visit our Web site, [www.tcf.org](http://www.tcf.org), for the latest news, analysis, opinions, and events.

[Click here](#) to receive our weekly e-mail updates.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----



"Tova Wang"

[Redacted]

11/09/2005 10:52 AM

To psims@eac.gov, [Redacted]

cc

Subject RE: Various

What do you think of this as a revised work plan? Tova

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Tuesday, November 08, 2005 6:25 PM

**To:** serebrov@sbcglobal.net

**Cc:** wang@tcf.org

**Subject:** Re: Various

019785

Job:

I found Gavin. He said that the Chair has the letters that have to accompany the contracts for you and Tova. Once she signs them, the finance folks will fax a copy to you and send the original by mail.

After we have the signed contracts:

- Adjusted Workplan - You and Tova should look at the workplan to determine what should be revised due to the contract issues.
- Working Group - I will ask for a one or two sentences for each person you have on the list of potential working group members. The sentences should summarize why you think the person would be perfect for this particular project. What in their particular experience qualifies them to help develop recommendations for future avenues of EAC research on voting fraud and voter intimidation? (Remember, other research efforts already are underway to address items such as provisional voting, voter ID issues, and contested elections and recounts.) If you want to put an asterisk next to the names that you especially recommend, that would be fine. I have to discuss the potential working group members with our Commissioners, only one of which is in the office now. Others are in the field and I can speak with them as they return. I'll bet that this will take some time, probably through next week.
- Westlaw Search - You and Tova can provide more information about the Westlaw search. I spoke with our Executive Director and he authorized me to use a part-time legal intern to conduct the search and provide the results to you and Tova.
- Meetings - The three of us should probably decide a time for a teleconference and a tentative in-person meeting date in the not-to-distant future.

Regarding the election fraud newsclips, Tova was in town this morning for a non-EAC meeting. While here, she took the opportunity to look over the newsclips in one of my files. (I have another file that I have yet to unearth from my FEC boxes.) I mentioned to Tova that one of our EAC interns could sort the clips, put them in pdf, and drop them on a CD for each of you. Tova thinks that it would be most useful to have the clips organized by type of voting fraud (e.g.; absentee ballot, voter registration, etc.) and, within that sorting, by State. Does this work for you, or would you prefer a different organization?

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

"Job Serebrov" <serebrov@sbcglobal.net>

11/08/2005 03:40 PM

To psims@eac.gov

019786

cc  
Subject Various

Peggy:

Tova and I will need copies of your vote fraud literature file. Also, do you want a one liner on all of the people proposed for the working group or just the three that we are recommending for the final group?  
Any work from Gavin?

Job



tw plan 1107.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----

Margaret Sims/EAC/GOV

12/07/2005 09:23 AM

To "Craig.Donsanto@usdoj.gov"  
<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL

cc

Subject Re: Voting Fraud-Preliminary Research

Craig;

Thanks! I've got 2 PM January 13 on our schedule and a note to myself to remind you a week in advance. I'll keep you posted on any pre-interview information requests. Really look forward to having your input on this project!

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----

Margaret Sims/EAC/GOV

12/06/2005 03:05 PM

To "Tova Wang" AL

cc

Subject Re: 2 quick questions

019787

Hi, Tova;

How much time do you want to schedule for the meeting with Donsanto ? An hour? We've just received his response to our request confirming that he is pleased to be of assistance, which means he has received the OK from his superiors. I also want to include him in any Working Group discussions, although he will not be named as a member of that group. He is a great resource because he is smart and organized, and has years of experience in this area as a career DOJ attorney. I find that he is not shy about identifying challenges and noting improvements that he thinks are needed.

I signed off on all 3 of your invoices. I understand that they are going through the rest of the process required to get your payments to you. You turned in your revised invoices for September and October work a little after Job, and there was a short hiatus while I figured out what to do for the September invoice (I multiplied the hours you claimed by the \$111 hourly rate cited in the contract). We also had to wait until our Chair was available to sign off on everything. (This has to happen before anything is submitted to GSA.) My estimate is that you should receive your payments no later than the end of next week (and maybe earlier).

I'll keep my eyes open for your receipts. I will fax the completed travel voucher form (aka request for reimbursement) to you, You will need to sign it and return it to me by mail (with the original signature). Then, I can put it in the pipeline for reimbursement.

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

"Tova Wang" [REDACTED]



"Tova Wang"  
[REDACTED]  
12/02/2005 02:22 PM

To psims@eac.gov  
cc  
Subject 2 quick questions

Hi Peg,

Can you please inquire as to why I still have not been paid? Also, will you be able to schedule a meeting with Craig Donsanto for us for January 13? I will have my travel info for you within the next couple of days. My cab fares amounted to \$31 yesterday. Keep an eye out for the receipts in the mail. Do you need anything else? (I guess that makes it three questions)

Thanks. Have a good weekend. Tova

Tova Andrea Wang  
Senior Program Officer and Democracy Fellow  
The Century Foundation

019788

Margaret Sims /EAC/GOV  
11/29/2006 01:51 PM

To Jeannie Layson/EAC/GOV@EAC  
cc  
bcc  
Subject FOIA

Attached are emails back to 5/1/06 that are related to the voter fraud report. I'll send earlier ones separately. I tried to avoid including emails re: payment vouchers, travel arrangements, and travel reimbursements. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----



"Job Serebrov"

05/11/2006 12:09 PM

To psims@eac.gov  
cc

Subject Re: Court Case Charts

All. They are not duplicates. There are some cases repeated and some not. It is a slight variant of the word search.

--- psims@eac.gov wrote:

> Job  
> In preparing the CDs, we have run across the  
> following files that appear  
> to be duplicates. Which ones should go on the CD?  
> --- Peggy  
>  
>  
>  
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----

Margaret Sims /EAC/GOV  
05/11/2006 02:36 PM

To "Job Serebrov"

cc

Subject Re: Court Case Charts

OK, I will include all on the CD. Thanks. --- Peggy

"Job Serebrov"



"Job Serebrov"

05/11/2006 12:09 PM

To psims@eac.gov  
cc

019789



Subject Re: Court Case Charts

All. They are not duplicates. There are some cases repeated and some not. It is a slight variant of the word search.

--- psims@eac.gov wrote:

- > Job
- > In preparing the CDs, we have run across the
- > following files that appear
- > to be duplicates. Which ones should go on the CD?
- > --- Peggy
- >
- >
- >
- >

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----



"Tova Wang"

05/11/2006 12:06 PM

To psims@eac.gov

cc dromig@eac.gov, [redacted] "Tova Wang"

Subject list of interviewees

**Tova Andrea Wang**  
 Democracy Fellow  
**The Century Foundation**  
 41 East 70th Street - New York, NY 10021  
 phone: 212-452-7704 fax: 212-535-7534

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List of Experts Interviewed.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----

Margaret Sims/EAC/GOV

05/11/2006 10:06 AM

To Tova Andrea Wang, Job Serebrov

cc

Subject Today's Teleconference

019790



I assume that we are still on for today's teleconference at 11 AM EST. I will call you. I have attached a draft agenda for your review and comment. --- Peggy



Agenda 5-18-06 Mtg-draft.doc

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM ---



"Job Serebroy"

05/12/2006 12:52 PM

To psims@eac.gov,

cc

Subject Re: Fraud Definition

This is ok, given the fact that the WG may have suggestions. Will you be sending us the same packets that you are sending the WG? Also, I figure with Tova's response we will need to have a teleconference on the report once I return to Little Rock. We will need to do it that following Monday or Tuesday.

--- psims@eac.gov wrote:

- > Would you please take a look at the attached? I
- > combined both of your
- > definitions, reformatted the list, removed a
- > reference to the fraud having
- > to have an actual impact on the election results
- > (because fraud can be
- > prosecuted without proving that it actually changed
- > the results of the
- > election), and taken out a couple of vague examples
- > (e.g.; reference to
- > failing to enforce state laws --- because there may
- > be legitimate reasons
- > for not doing so).
- >
- > I have made contact with Ben Ginsberg's office and
- > am waiting to hear if
- > he accepts our invitation to join the working group.
- > --- Peggy
- >
- >

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM ---



"Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov

To psims@eac.gov

cc

05/04/2006 06:08 PM

019791



Subject Re: Voting Fraud-Voter Intimidation

Peggy -- they don't have anything to do with the Leadership Conference on Civil Rights do they?

I ask only because the Justice Department is currently engaged in a very acrimoneous FOIA litigation with LCCR that focuses precisely on our efforts to combat voter "intimidationm"

-----  
Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>  
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>  
Sent: Thu May 04 17:20:39 2006  
Subject: RE: Voting Fraud-Voter Intimidation

It is just the Working Group for the Voting Fraud-Voter Intimidation Project. I am asking you to attend as Technical Advisor for the project. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/04/2006 03:26 PM

To

psims@eac.gov

cc

Subject

RE: Voting Fraud-Voter Intimidation

Peg - - what is the name of the group?

---

From: psims@eac.gov [mailto:psims@eac.gov]  
Sent: Thursday, May 04, 2006 3:13 PM  
To: Donsanto, Craig  
Subject: RE: Voting Fraud-Voter Intimidation

Craig:

This meeting is being held to obtain input from our eight-member Working Group for the project. The group is composed of election lawyers, election

019792

officials, and a representative of an advocacy group, all of whom have an interest and some expertise in the identification and/or prosecution of voting fraud and voter intimidation. The group was chosen so that we would have an equal number of folks on each side of the political spectrum, plus some nonpartisan members.

After our consultants review the results of their preliminary research (interviews, literature review, case law), we will ask the Working Group to brainstorm possible next steps for EAC. Our consultants will write a report summarizing the proposals that come out of this meeting. The report will go to the Commissioners, who will decide what they want to do, funds available, and what priority to assigned to the effort(s).

Your participation in this part of the process is extremely important, so I am very happy that you can find time for us that afternoon. I'll get an agenda and other information to you next week. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/04/2006 02:32 PM

To

psims@eac.gov

cc

Subject

RE: Voting Fraud-Voter Intimidation

Okay, Peg - - I will mark off the entire afternoon and try to be there. What is the agenda? I was not aware that this was anything beyond having your contractors spend another session with me. Also, if they will be needing stats and stuff like that I need to know as I will bring my state-people with me.

---

From: psims@eac.gov [mailto:psims@eac.gov]  
Sent: Thursday, May 04, 2006 2:28 PM  
To: Donsanto, Craig  
Subject: Re: Voting Fraud-Voter Intimidation

Right now, we are planning to meet in EAC's large conference room between 1 PM

019793

and 5 PM. If you cannot be there for the whole afternoon, we will appreciate whatever time you can spare. I'll get back to you with more information (agenda, list of Working Group members, etc.). --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 05:59 PM

To  
cc  
Subject

psims@eac.gov

Re: Voting Fraud-Voter Intimidation

Afternoon of May 18 -- 2:30 okay? How long will they need??

-----  
Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>  
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>  
Sent: Wed May 03 16:59:09 2006  
Subject: Re: Voting Fraud-Voter Intimidation

I am looking at the afternoon of 5/18 for the meeting, due to scheduling conflicts of Working Group members. There remain two members from whom we have not yet received confirmations of their schedule (with some, it is like pulling teeth), but right now 5/18 still looks like the best day. We may have to hold the meeting over here to make it easier for Commissioners to drop in.  
--- Peg

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 12:53 PM

To  
cc

psims@eac.gov

019794

Subject

Re: Voting Fraud-Voter Intimidation

Okay -- you are on for May 18th! Can we do it over here at 10?

-----  
Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>  
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>  
Sent: Wed May 03 12:40:19 2006  
Subject: Re: Voting Fraud-Voter Intimidation

My problem is that agency staff is booked most of the week of 5/21. Monday through Wednesday are taken up with meetings of the Standards Board Executive Committee, the full Standards Board, and the Board of Advisors. Thursday, we have EAC's public meeting. Also, I will lose one of my two consultants in June, so I'm trying to wrap up this project (and get the final report from the consultants) by the end of May.

Say "Hi" to Cameron for me.

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 11:56 AM

To

psims@eac.gov

cc

Subject

Re: Voting Fraud-Voter Intimidation

Hi Peg. I am sitting here with Cameron Quinn putting together this year's ballt conference for AUSAs. She send her best!

I am available on 5/18. But I am also going to the Board of Advisors Meeting the following week. I would rather do this then.

-----  
Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>

019795

To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>  
Sent: Wed May 03 11:39:50 2006  
Subject: Voting Fraud-Voter Intimidation

Craig:

We are continuing our efforts to hone in on a date for the Working Group meeting. Are you available the afternoon of Thursday, May 18?

Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----



"Tova Wang"

[REDACTED]  
05/09/2006 11:45 AM

To psims@eac.gov

cc

Subject RE: Case Summaries

yes

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Tuesday, May 09, 2006 10:38 AM

**To:** [REDACTED]

**Subject:** Fw: Case Summaries

Had you seen this? --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 05/09/2006 11:38 AM -----

"Job Serebrov" [REDACTED]

05/08/2006 09:30 AM

To psims@eac.gov

cc

Subject Case Summaries

019796

Peggy:

Please add this to the packet.

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----



"Job Serebrov"

05/12/2006 03:45 PM

To psims@eac.gov

cc

Subject Re: Good News

I'm thankful it all worked out.

--- psims@eac.gov wrote:

> Ginsberg has accepted our invitation! --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----

Margaret Sims /EAC/GOV

05/11/2006 02:35 PM

To Craig Donsanto

cc

Subject Voting Fraud-Voter Intimidation Working Group

Craig:

I think we have resolved the issue of Barbara Arnwine's absence from the upcoming meeting by having one of her staff represent her (and her organization). Please review the attached rough summary of DOJ Cases ASAP and let me know if I need to delete reference to the open investigations. Hopefully, we won't have to remove this information as it does not specify the defendants or States involved. --- Peg

**Rough Summary of Department of Justice, Public Integrity Section Activities, October 2002-January 2006**

**Prosecutions and Convictions-- Individuals**

Noncitizen voting: 20

Vote buying: 49

Double voting: 12

Registration fraud: 13

Civil Rights: 4

Voter Intimidation: 2

Unclear: 1

019797

Open Investigations (note: a few cases overlap with prosecutions and convictions)

Noncitizen voting: 3  
Vote buying: 25  
Double voting: 15  
Registration fraud: 29  
Absentee ballot fraud: 9  
Official: 8  
Ineligibles: 4  
Deceptive Practices: 1  
Civil Rights: 14  
Intimidation: 6  
Other: 2

Cases and Investigations Closed for Lack of Evidence

Civil Rights: 8  
Official: 12  
Registration Fraud: 12  
Absentee Ballot Fraud: 14  
Ineligible Voting: 3  
Intimidation: 8  
Double Voting: 5  
Ballot Box Stuffing: 1  
Vote Buying: 14  
Ballot/machine tampering: 2  
Other: 8  
Unclear: 3

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----

Margaret Sims /EAC/GOV

05/03/2006 12:40 PM

To "Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL  
cc

Subject Re: Voting Fraud-Voter Intimidation

My problem is that agency staff is booked most of the week of 5/21. Monday through Wednesday are taken up with meetings of the Standards Board Executive Committee, the full Standards Board, and the Board of Advisors. Thursday, we have EAC's public meeting. Also, I will lose one of my two consultants in June, so I'm trying to wrap up this project (and get the final report from the consultants) by the end of May.

Say "Hi" to Cameron for me.

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

019798





"Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov>  
>

05/03/2006 11:56 AM

To psims@eac.gov

cc

Subject Re: Voting Fraud-Voter Intimidation

Hi Peg. I am sitting here with Cameron Quinn putting together this year's ballt conference for AUSAs. She send her best!

I am available on 5/18. But I am also going to the Board of Advisors Meeting the following week. I would rather do this then.

-----  
Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>  
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>  
Sent: Wed May 03 11:39:50 2006  
Subject: Voting Fraud-Voter Intimidation

Craig:

We are continuing our efforts to hone in on a date for the Working Group meeting. Are you available the afternoon of Thursday, May 18?

Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----

Margaret Sims /EAC/GOV

05/11/2006 02:08 PM

To Job Serebrov

cc [REDACTED]

Subject Literature Summary

Tova just sent me the summary you prepared of The Federal Crime of Election Fraud by Craig Donsanto. There is something wrong in the fourth paragraph (odd characters and missing text). Can you please send a replacement fourth paragraph? You can send it in an email and I will place it in the document. ---  
Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----



"Tova Wang"

[REDACTED]  
05/11/2006 05:32 PM

To psims@eac.gov

cc

Subject RE: new working group representative

019799

I'm up for a short meeting afterward and a teleconference on Monday. And maybe when all of this is over, you and I can have dinner! Have I told you that I am moving down to DC this summer?

I suspect you have put up with much more than I have and I really appreciate everything you have done.

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Thursday, May 11, 2006 4:27 PM

**To:** [REDACTED]

**Subject:** RE: new working group representative

Tova:

I understood Job to say that he could only find a hotel room with the right bed in Roanoke (hours away). He will drive in Thursday morning for the meeting and return to that hotel Thursday night. He won't drive back into DC for a Friday morning meeting.

We don't have to do dinner. I recognize that you have spent a lot of time and energy to make this project work, and I don't want to put you out. (You have done a lot under difficult circumstances.) Though we will be bushed, we may want to have a short meeting right after the Working Group disperses --- or we could do a teleconference the following Monday afternoon (before I head into three more days of meetings). --- Peggy

"Tova Wang" [REDACTED]

05/11/2006 04:54 PM

To psims@eac.gov [REDACTED]

cc

Subject RE: new working group representative

It would not be my first preference to do this right after the meeting, and I sort of had tentative plans. They can be changed if necessary of course, but what happened to meeting on Friday morning?

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Thursday, May 11, 2006 3:47 PM

**To:** [REDACTED]

**Subject:** Re: new working group representative

Dinner sounds like a great idea. Do either of you have any dietary restrictions or preferences? (I

019800

seem to recall that Tova would prefer a place that has vegetarian options). I'll try to locate a nearby place that won't bust the budget. --- Peggy

019801



05/11/2006 01:30 PM

To psims@eac.gov, dromig@eac.gov  
cc  
Subject research summaries

I have the feeling we didn't include these in the original batch I sent you. Could you double check and if not, would you please include them in the existing research materials? Sorry and thanks. I'm kind of doing all of this on my own in case you couldn't tell. List is coming...

**Tova Andrea Wang**  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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Brennan Analysis Voter Fraud Report FINAL.doc Fed Crime Election Fraud (JS).doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----

**Margaret Sims /EAC/GOV**

05/11/2006 01:56 PM

To "Tova Wang" [REDACTED]

cc

Subject Re: research summaries

Something is wrong in the fourth paragraph of the Federal Election Crime summary. Do you know what it is supposed to say there?

"Tova Wang" [REDACTED]



"Tova Wang" [REDACTED]

05/11/2006 01:30 PM

To psims@eac.gov, dromig@eac.gov  
cc  
Subject research summaries

I have the feeling we didn't include these in the original batch I sent you. Could you double check and if not, would you please include them in the existing research materials? Sorry and thanks. I'm kind of doing all of this on my own in case you couldn't tell. List is coming...

**Tova Andrea Wang**  
Democracy Fellow

019802



Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM  
"Tova Wang"

[REDACTED]  
05/11/2006 01:38 PM

To psims@eac.gov

cc dromig@eac.gov, [REDACTED]

Subject existing literature list

Job, please double check to make sure I haven't missed anything

**Tova Andrea Wang**  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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---

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019803



Existing Literature Reviewed.doc

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM ---



"Tova Wang"

05/11/2006 04:54 PM

To psims@eac.gov,  
cc

Subject RE: new working group representative

It would not be my first preference to do this right after the meeting, and I sort of had tentative plans. They can be changed if necessary of course, but what happened to meeting on Friday morning?

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Thursday, May 11, 2006 3:47 PM

**To:**

**Subject:** Re: new working group representative

Dinner sounds like a great idea. Do either of you have any dietary restrictions of preferences? (I seem to recall that Tova would prefer a place that has vegetarian options). I'll try to locate a nearby place that won't bust the budget. --- Peggy

"Job Serebrov"

05/11/2006 04:39 PM

To psims@eac.gov  
cc

Subject Re: new working group representative

On another note entirely, since traffic will be bad going to Roanoke, do you want to have a dinner meeting with Tova and me after the group meeting to discuss the final report? As long as we are out by 7or so I am ok with it. Also, my wife would have to be there as she will be meeting me after the WG.

--- psims@eac.gov wrote:

> According to the Commissioners, you and Tova each

019804

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41 East 70th Street - New York, NY 10021

phone: 212-452-7704 fax: 212-535-7534

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votebuyingsummary.doc Nexis Analysis.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----



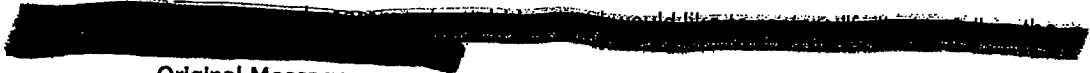
"Tova Wang"

05/12/2006 12:45 PM

To psims@eac.gov, [REDACTED]

cc [REDACTED]

Subject RE: Fraud Definition



-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Friday, May 12, 2006 9:20 AM

**To:** [REDACTED]

**Subject:** Fraud Definition

Would you please take a look at the attached? I combined both of your definitions, reformatted the list, removed a reference to the fraud having to have an actual impact on the election results (because fraud can be prosecuted without proving that it actually changed the results of the election), and taken out a couple of vague examples (e.g.; reference to failing to enforce state laws --- because there may be legitimate reasons for not doing so).

I have made contact with Ben Ginsberg's office and am waiting to hear if he accepts our invitation to join the working group. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----



"Tova Wang"

05/10/2006 11:45 AM

To psims@eac.gov

cc [REDACTED]

Subject Material I may not have included

Peg,

Correct me if I'm wrong, but I think I omitted sending you these specific summaries that are based on complex cases that could not be adequately described within the confines of the nexis article excel spreadsheets. If we can, these should be included, probably on the disc. Sorry.

019805

>  
> --- "Patrick J. Rogers" [REDACTED]  
> wrote:  
>  
> > Subject: RE: Working Group meeting  
> > Date: Tue, 9 May 2006 07:42:44 -0600  
> > From: "Patrick J. Rogers" [REDACTED]  
> > To: "Job Serebrov" [REDACTED]  
> >  
> > Job---maybe. I will call you and/or Ms. Sims  
> > tomorrow. Depositions all  
> > day today. Thanks, Pat  
> >  
> > What's the best number to call you tomorrow?  
> >  
> >  
> > Patrick J. Rogers  
> > Modrall, Sperling, Roehl, Harris & Sisk, P.A.  
> > P.O. Box 2168  
> > Albuquerque, NM 87103-2168  
> > Tel: 505-848-1849  
> > Fax: 505-848-1891  
> >  
> >  
> >  
> > -----Original Message-----  
> > From: Job Serebrov [mailto:[REDACTED]]  
>  
> > Sent: Monday, May 08, 2006 9:41 PM  
> > To: Patrick J. Rogers  
> > Subject: Working Group meeting  
> >  
> > Pat:  
> >  
> > The working group meeting for the voter fraud  
> > project is scheduled for  
> > May 18th in DC but David Norcross can't attend.  
> > Could you come? If so,  
> > we need to arrange travel and a hotel for you.  
> >  
> > Regards,  
> >  
> > Job  
> >  
> >

---

> > Modrall, Sperling, Roehl, Harris & Sisk, P.A.  
> >  
> >

---

> > THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE  
> > INDIVIDUAL OR ENTITY TO  
> > WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION  
> > THAT IS PRIVILEGED,  
> > CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER  
> > APPLICABLE LAW. If the  
> > reader of this message is not the intended  
> > recipient  
> > or agent  
> > responsible for delivering the message to the  
> > intended recipient, you

019806



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> > e-mail or by calling  
> > 505.848.1800, so that our address record can be  
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>  
>  
>  
>  
>  
>  
>  
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----



"Tova Wang"

05/02/2006 04:42 PM

To dromig@eac.gov

cc psims@eac.gov

Subject RE: Voting Fraud/Voter Intimidation Project Working Group

Barbara says that you have been working it out with her assistant Valerie, that they have spoken to you several times.

-----Original Message-----

**From:** dromig@eac.gov [mailto:dromig@eac.gov]

**Sent:** Tuesday, May 02, 2006 8:46 AM

**To:** [REDACTED]

**Cc:** psims@eac.gov

**Subject:** Voting Fraud/Voter Intimidation Project Working Group

Dear Tova,

I am working with Peggy Sims in order to set a date for the Voting Fraud/Voter Intimidation Project Working Group. I have been trying to reach Barbara Arnwine in order to find out which days in May she is potentially available to attend this meeting but all of my attempts have been unsuccessful.

I would appreciate any help that you could provide in this matter.

Sincerely,

Devon Romig  
U.S. Election Assistance Commission  
1225 New York Ave. NW - Suite #1100  
Washington, D.C. 20005

019807

Tova Andrea Wang  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM ---



"Job Serebrov"  
<serebrov@sbcglobal.net>  
05/09/2006 11:24 AM

To psims@eac.gov  
cc

Subject Re: Fwd: RE: Working Group meeting

I will hear from him tomorrow but that still does not solve all of my issues---see my longer e-mail.

--- psims@eac.gov wrote:

> I had a voice mail message from him on Monday. I  
> called him back but had  
> to leave a voice mail message (telephone tag). If  
> you hear from him and  
> he is willing and able to come, I need to know this.  
> We need to have him  
> call our travel service to make travel arrangements  
> ASAP. Thanks. ---  
> Peggy

>  
>  
>  
> "Job Serebrov" <[REDACTED]>  
> 05/09/2006 10:46 AM  
>  
> To  
> psims@eac.gov  
> cc  
>  
> Subject  
> Fwd: RE: Working Group meeting

> FYI

019808

(202)566-2377

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----

Margaret Sims /EAC/GOV

05/04/2006 02:08 PM

To "Weinberg and Utrecht"  
<weinutr@verizon.net>@GSAEXTERNAL

cc

Subject Re: Voting Fraud-Voter Intimidation 

OK, thanks. I'll get back to you with more information. --- Peggy

"Weinberg and Utrecht" <weinutr@verizon.net>



"Weinberg and Utrecht "  
<weinutr@verizon.net>

05/04/2006 01:34 PM

To psims@eac.gov

cc

Subject Re: Voting Fraud-Voter Intimidation

that would be fine

----- Original Message -----

**From:** psims@eac.gov

**To:** 

**Sent:** Thursday, May 04, 2006 1:08 PM

**Subject:** Voting Fraud-Voter Intimidation

Barry:

It appears that the afternoon of Thursday, May 18 is best for a meeting of the working group. I know you said you would not be available in the morning that day. If we started at 1 PM, would that be too soon for you?

Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----



"Job Serebrov "  


05/12/2006 02:33 PM

To psims@eac.gov

019809

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM ---



"Job Serebrov"

05/03/2006 01:46 PM

To psims@eac.gov

cc

Subject Re: Working Group Meeting

Monday afternoon I have a commission meeting.

--- psims@eac.gov wrote:

- > Job and Tova:
- >
- > As of now, the afternoon of Thursday, May 18 appears
- > to be the best
- > possible date for the meeting. Norcross is not
- > available to attend in
- > person that day (he is available only 2 days during

019810

> the first three weeks  
> of May). We won't have confirmation of the  
> availability of Secretary  
> Rokita until tomorrow --- but I am hopeful.  
>  
> I'll give you an update tomorrow. Maybe we can  
> schedule a teleconference  
> on Monday afternoon. --- Peggy

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM ---



"Tova Wang"

05/11/2006 01:33 PM

To psims@eac.gov, dromig@eac.gov

cc

Subject RE: research summaries

I did send you the Brennan piece, but not the other one.

-----Original Message-----

**From:** Tova Wang

**Sent:** Thursday, May 11, 2006 12:31 PM

**To:** psims@eac.gov; dromig@eac.gov

**Subject:** research summaries

I have the feeling we didn't include these in the original batch I sent you. Could you double check and if not, would you please include them in the existing research materials? Sorry and thanks. I'm kind of doing all of this on my own in case you couldn't tell. List is coming...

**Tova Andrea Wang**

Democracy Fellow

**The Century Foundation**

41 East 70th Street - New York, NY 10021

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--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM ---

Margaret Sims /EAC/GOV

05/02/2006 05:41 PM

To "Tova Wang" [REDACTED]

cc

Subject RE: Voting Fraud/Voter Intimidation Project Working Group



I hope to have a better idea tomorrow, if Rokita's office responds. If not, we'd better have a teleconference to discuss our options. --- Peggy

019811

"Tova Wang" [REDACTED]



"Tova Wang"

[REDACTED]  
05/02/2006 05:06 PM

To dromig@eac.gov

cc psims@eac.gov

Subject RE: Voting Fraud/Voter Intimidation Project Working Group

Can you please give me an idea where we are at with all this? I'd like to be able to figure out my schedule. Thanks -- and thanks for all your assistance on this. Tova

-----Original Message-----

**From:** dromig@eac.gov [mailto:dromig@eac.gov]

**Sent:** Tuesday, May 02, 2006 3:54 PM

**To:** [REDACTED]

**Subject:** RE: Voting Fraud/Voter Intimidation Project Working Group

Yes, I have spoken to her assistant several times but today has been the first time that I have ever spoken to her assistant. We did get the information that we needed. Thanks for your help!

Devon Romig  
U.S. Election Assistance Commission  
1225 New York Ave. NW - Suite #1100  
Washington, D.C. 20005  
(202)566-2377

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----



[REDACTED]  
05/03/2006 02:25 PM

To psims@eac.gov [REDACTED]

cc dromig@eac.gov

Subject Re: Working Group Meeting

Sounds good. I'm available any time on Monday. Tova

----- Original Message -----

**From:** psims@eac.gov

**To:** [REDACTED]

**Cc:** dromig@eac.gov

**Sent:** Wednesday, May 03, 2006 1:44 PM

**Subject:** Working Group Meeting

Job and Tova:

019812

As of now, the afternoon of Thursday, May 18 appears to be the best possible date for the meeting. Norcross is not available to attend in person that day (he is available only 2 days during the first three weeks of May). We won't have confirmation of the availability of Secretary Rokita until tomorrow --- but I am hopeful.

I'll give you an update tomorrow. Maybe we can schedule a teleconference on Monday afternoon. ---  
Peggy

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM ---



[REDACTED]  
05/13/2006 10:54 AM

To psims@eac.gov  
cc "Job Serebrov" [REDACTED]  
Subject Fw: research summary

Job found it. I'm assuming its too late to include so as I said I'll just present it if thats OK. Thanks again Job. T

----- Original Message -----

From: "Job Serebrov" <serebrov@sbcglobal.net>  
To: <wang@tcf.org>  
Sent: Saturday, May 13, 2006 10:12 AM  
Subject: Re: research summary

> T~

>

> Are you talking about this?

>

> J~

>

> --- [REDACTED] wrote:

>

>> In the middle of the night I got the feeling that  
>> you may be right, that I did do a summary of the  
>> existing literature review (that Job, you approved)  
>> . I'll have to look for it on Monday (unless I go  
>> into the office over the weekend, which is  
>> possible). I may be hallucinating, but if not, I'll  
>> just present it at the meeting rather than try to  
>> get it to them ahead of time. Tova



Existing\_research\_thoughts.doc

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM ---



"Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov>  
v>

05/11/2006 02:55 PM

To psims@eac.gov  
cc  
Subject RE: Voting Fraud-Voter Intimidation Working Group

Peggy --

019813

I have Cynthia Mitchell in here with me now.

She says that the figures you listed in your attachment are your analysis of our product, and that therefore we cannot re-evaluate them.

I do not see anything in these raw numbers that impacts adversely any privacy or privilege issues.

We can update the public list and send that to you, if you'd prefer. That would allow you to represent that the numbers are current up through now. But if you would prefer, you can use what you have as long as it is represented as complete only through January, 2006.

Let us know your desires - - -

---

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Thursday, May 11, 2006 2:35 PM  
**To:** Donsanto, Craig  
**Subject:** Voting Fraud-Voter Intimidation Working Group  
**Importance:** High

Craig:

I think we have resolved the issue of Barbara Arnwine's absence from the upcoming meeting by having one of her staff represent her (and her organization). Please review the attached rough summary of DOJ Cases ASAP and let me know if I need to delete reference to the open investigations. Hopefully, we won't have to remove this information as it does not specify the defendants or States involved. --- Peg

**Rough Summary of Department of Justice, Public Integrity Section Activities, October 2002-January 2006**

**Prosecutions and Convictions-- Individuals**

Noncitizen voting: 20  
Vote buying: 49  
Double voting: 12  
Registration fraud: 13  
Civil Rights: 4  
Voter Intimidation: 2  
Unclear: 1

**Open Investigations (note: a few cases overlap with prosecutions and convictions)**

Noncitizen voting: 3  
Vote buying: 25  
Double voting: 15  
Registration fraud: 29  
Absentee ballot fraud: 9  
Official: 8

019814



Ineligibles: 4  
Deceptive Practices: 1  
Civil Rights: 14  
Intimidation: 6  
Other: 2

Cases and Investigations Closed for Lack of Evidence

Civil Rights: 8  
Official: 12  
Registration Fraud: 12  
Absentee Ballot Fraud: 14  
Ineligible Voting: 3  
Intimidation: 8  
Double Voting: 5  
Ballot Box Stuffing: 1  
Vote Buying: 14  
Ballot/machine tampering: 2  
Other: 8  
Unclear: 3

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM ---

Margaret Sims /EAC/GOV

05/11/2006 03:33 PM

To "Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL  
cc

Subject RE: Voting Fraud-Voter Intimidation Working Group 

Craig:

I would love to have an updated list for our research files. For purposes of getting this information out to our participants, I will note that the consultants' summary is based upon information provided as of January 2006. Thanks.

Do you expect to be at your office tomorrow afternoon? I can walk over with the information packet we will have put together for the Working Group. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov>  
v>

05/11/2006 02:55 PM

To psims@eac.gov

cc

Subject RE: Voting Fraud-Voter Intimidation Working Group

019815

Peggy --

I have Cynthia Mitchell in here with me now.

She says that the figures you listed in your attachment are your analysis of our product, and that therefore we cannot re-evaluate them.

I do not see anything in these raw numbers that impacts adversely any privacy or privilege issues.

We can update the public list and send that to you, if you'd prefer. That would allow you to represent that the numbers are current up through now. But if you would prefer, you can use what you have as long as it is represented as complete only through January, 2006.

Let us know your desires - - -

---

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Thursday, May 11, 2006 2:35 PM  
**To:** Donsanto, Craig  
**Subject:** Voting Fraud-Voter Intimidation Working Group  
**Importance:** High

Craig:

I think we have resolved the issue of Barbara Arnwine's absence from the upcoming meeting by having one of her staff represent her (and her organization). Please review the attached rough summary of DOJ Cases ASAP and let me know if I need to delete reference to the open investigations. Hopefully, we won't have to remove this information as it does not specify the defendants or States involved. --- Peg

**Rough Summary of Department of Justice, Public Integrity Section Activities, October 2002-January 2006**

**Prosecutions and Convictions-- Individuals**

Noncitizen voting: 20

Vote buying: 49

Double voting: 12

Registration fraud: 13

Civil Rights: 4

Voter Intimidation: 2

Unclear: 1

**Open Investigations** (note: a few cases overlap with prosecutions and convictions)

Noncitizen voting: 3

Vote buying: 25

Double voting: 15

Registration fraud: 29

Absentee ballot fraud: 9

019816

Official: 8  
Ineligibles: 4  
Deceptive Practices: 1  
Civil Rights: 14  
Intimidation: 6  
Other: 2

Cases and Investigations Closed for Lack of Evidence

Civil Rights: 8  
Official: 12  
Registration Fraud: 12  
Absentee Ballot Fraud: 14  
Ineligible Voting: 3  
Intimidation: 8  
Double Voting: 5  
Ballot Box Stuffing: 1  
Vote Buying: 14  
Ballot/machine tampering: 2  
Other: 8  
Unclear: 3

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Tova Wang"

[REDACTED]  
05/11/2006 01:10 PM

To psims@eac.gov

cc [REDACTED]

Subject new working group representative

is Jon Greenbaum

Here's his info in full:

<http://www.lawyerscommittee.org/2005website/aboutus/staff/staffgreenbaum.html>

He is the Director of the Voting Rights Project for the Lawyers Committee for Civil Rights. He will be representing Barbara Arnwine, the Executive Director of the Lawyers Committee.

His contact and mailing info is:

[jgreenbaum@lawyerscommittee.org](mailto:jgreenbaum@lawyerscommittee.org)  
202-662-8315  
1401 New York Avenue, NW  
Suite 400  
Washington, DC 20005

019817

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Job Serebrov"

05/10/2006 10:29 AM

To psims@eac.gov

cc

Subject Update

Peggy:

Pat just e-mailed me. He has something he can't move on the 18th. So I am now down one person and still no good hotel situation. Devon's suggestion is not workable.

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>

v>

05/03/2006 12:53 PM

To psims@eac.gov

cc

Subject Re: Voting Fraud-Voter Intimidation

Okay -- you are on for May 18th! Can we do it over here at 10?

-----  
Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

01981E

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>  
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>  
Sent: Wed May 03 12:40:19 2006  
Subject: Re: Voting Fraud-Voter Intimidation

My problem is that agency staff is booked most of the week of 5/21. Monday through Wednesday are taken up with meetings of the Standards Board Executive Committee, the full Standards Board, and the Board of Advisors. Thursday, we have EAC's public meeting. Also, I will lose one of my two consultants in June, so I'm trying to wrap up this project (and get the final report from the consultants) by the end of May.

Say "Hi" to Cameron for me.

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 11:56 AM

To

psims@eac.gov

cc

Subject

Re: Voting Fraud-Voter Intimidation

Hi Peg. I am sitting here with Cameron Quinn putting together this year's ballt conference for AUSAs. She send her best!

I am available on 5/18. But I am also going to the Board of Advisors Meeting the following week. I would rather do this then.

-----  
Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>  
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>  
Sent: Wed May 03 11:39:50 2006  
Subject: Voting Fraud-Voter Intimidation

Craig:

We are continuing our efforts to hone in on a date for the Working Group meeting. Are you available the afternoon of Thursday, May 18?

Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission

019819

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV

05/03/2006 04:59 PM

To "Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL

cc

Subject Re: Voting Fraud-Voter Intimidation 

I am looking at the afternoon of 5/18 for the meeting, due to scheduling conflicts of Working Group members. There remain two members from whom we have not yet received confirmations of their schedule (with some, it is like pulling teeth), but right now 5/18 still looks like the best day. We may have to hold the meeting over here to make it easier for Commissioners to drop in. --- Peg

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov>  
v>

To psims@eac.gov

cc

05/03/2006 12:53 PM

Subject Re: Voting Fraud-Voter Intimidation

Okay -- you are on for May 18th! Can we do it over here at 10?

-----  
Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>

To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>

Sent: Wed May 03 12:40:19 2006

Subject: Re: Voting Fraud-Voter Intimidation

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Say "Hi" to Cameron for me.

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

019820

05/03/2006 11:56 AM

To

psims@eac.gov

cc

Subject

Re: Voting Fraud-Voter Intimidation

Hi Peg. I am sitting here with Cameron Quinn putting together this year's ball conference for AUSAs. She send her best!

I am available on 5/18. But I am also going to the Board of Advisors Meeting the following week. I would rather do this then.

-----  
Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>

To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>

Sent: Wed May 03 11:39:50 2006

Subject: Voting Fraud-Voter Intimidation

Craig:

We are continuing our efforts to hone in on a date for the Working Group meeting. Are you available the afternoon of Thursday, May 18?

Peggy Sims

Election Research Specialist

U.S. Election Assistance Commission

019821

From: psims@eac.gov <psims@eac.gov>  
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>  
Sent: Wed May 03 16:59:09 2006  
Subject: Re: Voting Fraud-Voter Intimidation

I am looking at the afternoon of 5/18 for the meeting, due to scheduling conflicts of Working Group members. There remain two members from whom we have not yet received confirmations of their schedule (with some, it is like pulling teeth), but right now 5/18 still looks like the best day. We may have to hold the meeting over here to make it easier for Commissioners to drop in.  
--- Peg

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 12:53 PM

To

psims@eac.gov

cc

Subject

Re: Voting Fraud-Voter Intimidation

Okay -- you are on for May 18th! Can we do it over here at 10?

-----  
Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>  
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>  
Sent: Wed May 03 12:40:19 2006  
Subject: Re: Voting Fraud-Voter Intimidation

My problem is that agency staff is booked most of the week of 5/21. Monday through Wednesday are taken up with meetings of the Standards Board Executive Committee, the full Standards Board, and the Board of Advisors. Thursday, we have EAC's public meeting. Also, I will lose one of my two consultants in June, so I'm trying to wrap up this project (and get the final report from the consultants) by the end of May.

Say "Hi" to Cameron for me.

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 11:56 AM

To

019822



psims@eac.gov

cc

Subject

Re: Voting Fraud-Voter Intimidation

Hi Peg. I am sitting here with Cameron Quinn putting together this year's ballt conference for AUSAs. She send her best!

I am available on 5/18. But I am also going to the Board of Advisors Meeting the following week. I would rather do this then.

-----  
Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>  
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>  
Sent: Wed May 03 11:39:50 2006  
Subject: Voting Fraud-Voter Intimidation

Craig:

We are continuing our efforts to hone in on a date for the Working Group meeting. Are you available the afternoon of Thursday, May 18?

Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission

019823

— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM —



"Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov  
v>  
05/03/2006 05:59 PM

To psims@eac.gov  
cc

Subject Re: Voting Fraud-Voter Intimidation

Afternoon of May 18 -- 2:30 okay? How long will they need??  
-----

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

019824

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Thursday, May 04, 2006 3:13 PM  
**To:** Donsanto, Craig  
**Subject:** RE: Voting Fraud-Voter Intimidation

Craig:

This meeting is being held to obtain input from our eight-member Working Group for the project. The group is composed of election lawyers, election officials, and a representative of an advocacy group, all of whom have an interest and some expertise in the identification and/or prosecution of voting fraud and voter intimidation. The group was chosen so that we would have an equal number of folks on each side of the political spectrum, plus some nonpartisan members.

After our consultants review the results of their preliminary research (interviews, literature review, case law), we will ask the Working Group to brainstorm possible next steps for EAC. Our consultants will write a report summarizing the proposals that come out of this meeting. The report will go to the Commissioners, who will decide what they want to do, funds available, and what priority to assigned to the effort(s).

Your participation in this part of the process is extremely important, so I am very happy that you can find time for us that afternoon. I'll get an agenda and other information to you next week. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/04/2006 02:32 PM

Topsims@eac.gov  
cc  
SubjectRE: Voting Fraud-Voter Intimidation

019825

It is just the Working Group for the Voting Fraud-Voter Intimidation Project. I am asking you to attend as Technical Advisor for the project. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov>  
v>

05/04/2006 03:26 PM

To psims@eac.gov

cc

Subject RE: Voting Fraud-Voter Intimidation

Peg -- what is the name of the group?

019826

Margaret Sims /EAC/GOV

01/11/2006 05:40 PM

To Tova Andrea Wang, Job Serebrov

cc

Subject Friday Meetings

Tova and Job:

As agreed, Tova and I can connect with Job by telephone during our Friday morning meeting. Tova would like to start the meeting at 10 AM EST. Job, we will call you from the meeting room.

Craig Donsanto says we can use a meeting room over at DOJ that has a phone, so that we can bring Job into the interview. The meeting is scheduled to begin an 2 PM EST, but it may take up to 10 minutes for us to settle in over there. We will call Job as soon as we can begin the interview. --- Peggy

019827

[REDACTED]

01/08/2006 09:24  
PM

psims@eac.gov, "Job Serebrov"

To

[REDACTED]

cc

nexis articles

Subject

Hi again,

I'm just scanning over Devon's collection and do not believe she could have possibly searched all of the terms we gave her. I am aware of tons of articles that were written on many of these topics in 2004 that do not appear in the folder. I think someone is going to have to do it over again from scratch, and I'm thinking about doing at least some of it myself. We should discuss this in detail on Thursday. Thanks.

Tova



nexis word search 1128.doc

— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM —



"Tova Wang"

[REDACTED]  
01/04/2006 11:14 AM

To psims@eac.gov

cc "Job Serebrov" [REDACTED]

Subject 1/13 meeting

Hi Peg,

Below is a list of areas we hope to cover at our long awaited convening next week. Please feel free to add

019828



02/15/2006 10:22 AM

cc ecortes@eac.gov, [REDACTED]  
Subject RE: Interview Schedule

Thanks Peg. I do plan to be in DC next Friday. Also, once again, please include Alex at [REDACTED]  
Tova

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Wednesday, February 15, 2006 10:19 AM  
**To:** wang@tcf.org; serebrov@sbcglobal.net  
**Cc:** ecortes@eac.gov  
**Subject:** Interview Schedule

Here is the latest schedule. --- Peggy

019829

Tamar Nedzar/EAC/GOV

01/06/2006 10:32 AM

To

cc

Subject 4th of 5 emails

Tamar Nedzar  
Law Clerk  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
(202) 566-2377  
<http://www.eac.gov>  
TNedzar@eac.gov



African American Vote Fraud Terms.zip

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



"Tova Wang"

To psims@eac.gov

019830



May that you would NOT be available?

Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



"Tova Wang"

[REDACTED]  
04/03/2006 03:45 PM

To psims@eac.gov [REDACTED]

cc

Subject RE: Mentioning DOJ Training Guidance

I didn't have anything specific in mind yet, especially as I have not finished going through the voluminous documentation, but I will let you know

-----Original Message-----

019831



04/04/2006 08:14 AM

to psims@eac.gov

cc

Subject Re: Voting Fraud-Voter Intimidation Project

Peggy:

May looks pretty good right now. I will not be available May 1, or in the morning (before 12:30) on May 4 or May 11, or in the afternoon on May 10.

Barry

----- Original Message -----

**From:** psims@eac.gov

**To:** [REDACTED]

**Sent:** Monday, April 03, 2006 3:15 PM

**Subject:** Voting Fraud-Voter Intimidation Project

Hi, Barry:

I'm trying to arrange a meeting of the Working Group for EAC's Voting Fraud-Voter Intimidation project. Would you please look at your schedule and let me know if there are any days during the first 2 weeks of

019832

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



"Job Serebrov"

04/12/2006 12:25 PM

To "Tova Wang" <wang@tcf.org>, psims@eac.gov

cc "Job Serebrov" <[REDACTED]> "Nicole Mortellito" <nmortellito@eac.gov>

Subject Re: working group meeting

It was my understanding that the meeting would be on the 15th or later.

Tova, Peggy is out of the office this week.

--- Tova Wang <wang@tcf.org> wrote:

> I cannot do it on May 5 now. Any update on a date?  
> I will be in DC for  
> other meetings May 4 - May 7 if that makes any  
> difference (EAC would not  
> have to pay my transportation if it was on, for  
> example, Monday May 8 or  
> possibly even the 9th) Thanks.  
>  
> Tova Andrea Wang  
> Democracy Fellow  
> The Century Foundation  
> 41 East 70th Street - New York, NY 10021  
> phone: 212-452-7704 fax: 212-535-7534  
>  
> Visit our Web site, <<http://www.tcf.org/>>  
> [www.tcf.org](http://www.tcf.org), for the latest news,  
> analysis, opinions, and events.  
>  
> \_\_\_\_\_  
>  
> <<mailto:join-tcfmain@mailhost.groundspring.org>>  
> Click here to receive our  
> weekly e-mail updates.  
>  
>  
>

019833

any issues you think we should talk about. What time would you like us to arrive?

Creating a plan for conducting the interviews

Working Group: current status, schedule, integrating the ideas of the working group into the final product  
Status of nexis research, analysis, and organization; process for charting the research; plan for going forward

Status of lexis research, analysis, and organization; process for charting the research; plan for going forward

Finalizing fraud definition

Meeting with Craig Donsanto; role of DOJ generally; integrating the materials from DOJ into the final product

Outstanding administrative issues

**Tova Andrea Wang**

Senior Program Officer and Democracy Fellow

**The Century Foundation**

41 East 70th Street - New York, NY 10021

phone: 212-452-7704 fax: 212-535-7534

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[Click here](#) to receive our weekly e-mail updates.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



"Kennedy, Kevin"

<Kevin.Kennedy@seb.state.wi.us>

04/09/2006 11:13 AM

To "psims@eac.gov" <psims@eac.gov>

cc

Subject RE: Interview

That time is fine. A half hour earlier would be better. I also have a 12 CDT meeting.

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Friday, April 07, 2006 12:27 PM

To: Kevin Kennedy

Subject: Interview

Kevin:

I'm just following up on my request for your availability to be interviewed by our consultants for our voting fraud/voter intimidation project. Are you available Tuesday, April 11 at 11 AM CST?

Peggy Sims

-----

Sent from my BlackBerry Wireless Handheld

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



019834



03/08/2006 07:13 PM

To "Job Serebrov" [REDACTED]  
cc nmortellito@eac.gov, psims@eac.gov  
Subject new interview

Can we please do Heather Dawn Thompson on Friday at 3PM? Tova  
----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



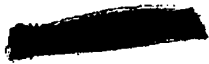
Nicole  
Mortellito/CONTRACTOR/E  
AC/GOV  
03/09/2006 08:59 AM

To wang@tcf.org@GSAEXTERNAL  
cc psims@eac.gov, "Job Serebrov" [REDACTED]  
Subject Re: new interview [REDACTED]

Tova ... let me know when this is concretized and I'll set up a conf. call. Thanks!

Regards,

Nicole K. Mortellito  
Research Assistant  
U.S. Election Assistance Commission  
1225 New York Avenue - Suite 1100  
Washington, DC  
202.566.2209 phone  
202.566.3128 fax



03/08/2006 07:13 PM

To "Job Serebrov" [REDACTED]  
cc nmortellito@eac.gov, psims@eac.gov  
Subject new interview

Can we please do Heather Dawn Thompson on Friday at 3PM? Tova  
----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----

Margaret Sims /EAC/GOV  
04/03/2006 05:11 PM

To "Job Serebrov"  
cc [REDACTED]

019835

Subject Re: Working Group Contact Info

Thanks, Job! --- Peggy

"Job Serebrov" [REDACTED]



"Job Serebrov"  
<serebrov@sbcglobal.net>  
04/03/2006 04:57 PM

To psims@eac.gov

cc

Subject Re: Working Group Contact Info

Norcross's assistant is Maria Rivers:

[REDACTED]  
Rokita's assistant is:

Amy Miller  
Executive Assistant  
Indiana Secretary of State Todd Rokita  
317-232-6536  
assistant@sos.in.gov

--- psims@eac.gov wrote:

> Please review the attached and let me know of any  
> corrections that should  
> be made. Thanks! --- Peggy  
>  
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



[REDACTED]  
02/09/2006 09:22 PM

To psims@eac.gov [REDACTED]

cc

Subject Re: Tanner Interview-Interview Schedule

Since we have Sandler and Tanner on the 24th, I'd like to come down for the day. Would that be permissible Peg? Thanks

----- Original Message -----

**From:** psims@eac.gov

**To:** wang@tcf.org ; serebrov@sbcglobal.net

019836



02/21/2006 10:22 AM

cc psims@eac.gov, ecortes@eac.gov, "Job Serebrov"

Subject change in call-in time

Hi Nicole,

We would like to change the time of the call today from 4 pm EST to 1 pm EST. The call is with Neil Bradley, myself and Job Serebrov. Please let us know if the call in number and pass code will remain the same. Thanks so much.

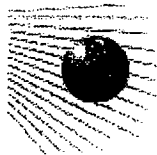
Tova

**Tova Andrea Wang**  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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[Click here](#) to receive our weekly e-mail updates.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



Nicole  
Mortellito/CONTRACTOR/E  
AC/GOV  
02/21/2006 10:37 AM

To "Tova Wang" <wang@tcf.org>@GSAEXTERNAL  
cc ecortes@eac.gov, psims@eac.gov, "Job Serebrov"  
Subject Re: change in call-in time

Tova:

The time has been changed your conference will be available as of 12:50 this afternoon for a 1pm conference.

The dial in number is still 866-222-9044 and the passcode is still [REDACTED]

Regards,

Nicole K. Mortellito  
Research Assistant  
U.S. Election Assistance Commission  
1225 New York Avenue - Suite 1100  
Washington, DC  
202.566.2209 phone

019837

202.566.3128 fax

"Tova Wang" [REDACTED]

02/21/2006 10:22 AM

To nmortellito@eac.gov

cc psims@eac.gov, ecortes@eac.gov, "Job Serebrov"

[REDACTED]  
Subject change in call-in time

Hi Nicole,

We would like to change the time of the call today from 4 pm EST to 1 pm EST. The call is with Neil Bradley, myself and Job Serebrov. Please let us know if the call in number and pass code will remain the same. Thanks so much.

Tova

Tova Andrea Wang  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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[Click here](#) to receive our weekly e-mail updates.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



[REDACTED]  
02/05/2006 01:19 PM

To psims@eac.gov

cc "Job Serebrov" [REDACTED]

Subject doj

Hi Peg,

In reviewing some of the missouri materials, I was reminded by this article that DOJ sued five jurisdictions after the 2000 election, including st. louis. We'd like to see the case materials but they're not on the DOJ website. Do you think Mr. Donsanto would provide that material for us? Should I contact him directly

019838



or should you ask him for us? Have you been able to copy and send the other materials from him yet? It would be good for us to have it prior to talking to Mr. Tanner. Thanks and see you tomorrow. Tova

>> Copyright 2002 St. Louis Post-Dispatch, Inc.  
>> St. Louis Post-Dispatch (Missouri)

>> May 24, 2002 Friday Five Star Lift Edition

>> SECTION: EDITORIAL; Pg. C18

>> LENGTH: 508 words

>> HEADLINE: VOTER RIGHTS AND VOTER FRAUD

>> BODY:  
>> ELECTION REFORMS

>> IT SEEMS that Ritzy the dog got a better deal  
>> from the city's Election Board than thousands of  
>> eligible St. Louis voters who were turned away from  
>> the polls last fall. After last November's election,  
>> a fuming Sen. Christopher S. Bond, R-Mo., showed the  
>> U.S. Senate an oversized copy of a 1994 voter  
>> registration card issued to the English springer  
>> spaniel. This political stunt called attention to  
>> the real problem of vote fraud. But it overshadowed  
>> a more disturbing election-day development that is  
>> just coming to light.

>> The Justice Department said this week it was  
>> suing the city Election Board for allegedly  
>> preventing thousands of eligible voters from casting  
>> ballots. The city is one of five jurisdictions being  
>> sued. The others are in Florida and Tennessee.  
>> Assistant Attorney General Ralph Boyd alleges that  
>> the city's board removed the names of inactive but  
>> eligible voters from the list given election judges,  
>> didn't notify the inactive voters that their names  
>> had been removed and required these voters to get  
>> authorization from Election Board headquarters  
>> before casting ballots. These developments led to  
>> turmoil on election day, with hundreds of voters  
>> jamming the Election Board headquarters after being  
>> turned away at the polls.

>> Some fraud did occur. St. Louis Circuit  
>> Attorney Jennifer Joyce has charged three people  
>> after reviewing 3,800 voter registration cards. But  
>> Rep. William Lacy Clay, D-St. Louis, had warned that  
>> the alleged fraud paled in comparison to voters  
>> whose civil rights were violated. They had been put  
>> on an inactive list of more than 50,000 voters, Mr.  
>> Boyd said.

>> The Missouri Legislature has corrected part of  
>> the problem. A bill sponsored by Sen. Anita Yeckel,  
>> R-Sunset Hills, allows provisional voting for people  
>> who insist they are eligible to cast ballots after  
>> being challenged by an election board. But that law,  
>> awaiting the governor's signature, covers only

019839

>> statewide and federal elections. Sen. Yeckel says  
 >> Missouri must look for additional answers that make  
 >> it "harder to cheat and easier to vote." One is a  
 >> state database of voters that local election  
 >> officials could tap into to determine voter  
 >> eligibility on election day.

>> The Legislature also approved two other  
 >> promising voter reforms. One would require the  
 >> secretary of state's office to review all butterfly  
 >> ballots because those crowded with too many  
 >> candidates or issues can confuse voters. The other  
 >> is to allow early voting up to 10 days before an  
 >> election.

>> As might be expected, the U.S. Justice  
 >> Department won't try to use its lawsuits to overturn  
 >> the results of last fall's presidential election.  
 >> And, just as predictably, the city Election Board  
 >> claims it has corrected all the problems. Even so,  
 >> this fiasco has made St. Louis look little better  
 >> than Selma during the '60s.

>> The best outcome of the lawsuits would be fair  
 >> elections for all, guaranteed by a technologically  
 >> sophisticated, functional elections bureaucracy that  
 >> will eliminate the problems both Mr. Bond and Mr.  
 >> Clay have highlighted.

>> GRAPHIC: PHOTO; Photo - Ritzy's voter  
 >> application.

>> LOAD-DATE: May 24, 2002  
 >> Project ID: news Document 2 of 2

--  
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 >  
 >

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



"Job Serebrov"  
 [Redacted]  
 02/01/2006 10:19 AM

To "Tova Wang" [Redacted] psims@eac.gov  
 cc [Redacted]

019840

— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM —



"Job Serebrov"

04/12/2006 12:25 PM

To "Tova Wang" <wang@tcf.org>, psims@eac.gov

cc "Job Serebrov" <[REDACTED]> "Nicole  
Mortellito" <nmortellito@eac.gov>

Subject Re: working group meeting

It was my understanding that the meeting would be on  
the 15th or later.

Tova, Peggy is out of the office this week.

--- Tova Wang <wang@tcf.org> wrote:

> I cannot do it on May 5 now. Any update on a date?  
> I will be in DC for  
> other meetings May 4 - May 7 if that makes any  
> difference (EAC would not  
> have to pay my transportation if it was on, for  
> example, Monday May 8 or  
> possibly even the 9th) Thanks.

>  
> Tova Andrea Wang  
> Democracy Fellow  
> The Century Foundation  
> 41 East 70th Street - New York, NY 10021  
> phone: 212-452-7704 fax: 212-535-7534

>  
> Visit our Web site, <<http://www.tcf.org/>>  
> [www.tcf.org](http://www.tcf.org), for the latest news,  
> analysis, opinions, and events.

>  
> \_\_\_\_\_  
>  
> <<mailto:join-tcfmain@mailhost.groundspring.org>>  
> Click here to receive our  
> weekly e-mail updates.

>  
>  
>

019841



Subject RE: Tanner Interview

Probably. We should come up with some different questions for Tanner.

Job

--- Tova Wang [REDACTED] wrote:

> I am available any time after noon on the 7th and  
> after 3 on the 8th. I  
> think in terms of data that we would like from him,  
> that one point on the  
> Donsanto memo is applicable. Job, do we want to  
> come up with a separate set  
> of questions?

>

> -----Original Message-----

> From: psims@eac.gov [mailto:psims@eac.gov]  
> Sent: Wednesday, February 01, 2006 10:10 AM  
> To: wang@tcf.org  
> Cc: serebrov@sbcglobal.net  
> Subject: Tanner Interview

>

>

019842

margaret Sims/EAC/GOV

02/16/2006 10:15 AM

To Tova Andrea Wang, Job Serebrov

cc

Subject Today's Interviews

Verizon has reserved lines for you for the 11 AM and 2 PM interviews today. All participants should dial 1-866-222-9044 and enter Pass Code [REDACTED] (Yes, they are the same numbers we had set up for tomorrow's interview of the academics.) --- Peggy

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM ----



"Tova Wang"

[REDACTED]  
03/30/2006 05:28 PM

To psims@eac.gov

cc "Nicole Mortellito" <nmortellito@eac.gov>, "Job Serebrov"

Subject working group [REDACTED]

019843

[REDACTED]

01/08/2006 09:24

To

PM

psims@... "Job Serebrov"

[REDACTED]

cc

Subject

nexis articles

Hi again,

I'm just scanning over Devon's collection and do not believe she could have possibly searched all of the terms we gave her. I am aware of tons of articles that were written on many of these topics in 2004 that do not appear in the folder. I think someone is going to have to do it over again from scratch, and I'm thinking about doing at least some of it myself. We should discuss this in detail on Thursday. Thanks.

Tova

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----



[REDACTED]  
01/08/2006 04:31 PM

To tnedzar@eac.gov; [REDACTED]  
cc psims@eac.gov  
Subject Re: 5th of 5 emails

Hi Tamar, Did you send anything after this? If so, I didn't get it.... Thanks. Tova

----- Original Message -----

**From:** [tnedzar@eac.gov](mailto:tnedzar@eac.gov)  
**To:** [wang@tcf.org](mailto:wang@tcf.org) ; [serebrov@sbcglobal.net](mailto:serebrov@sbcglobal.net)  
**Cc:** [psims@eac.gov](mailto:psims@eac.gov)  
**Sent:** Friday, January 06, 2006 4:53 PM  
**Subject:** 5th of 5 emails

More to come either tonight or tomorrow.

Tamar Nedzar  
Law Clerk  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
(202) 566-2377  
<http://www.eac.gov>  
[TNedzar@eac.gov](mailto:TNedzar@eac.gov)

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----



"Tova Wang"  
[REDACTED]  
01/30/2006 10:53 AM

To psims@eac.gov  
cc  
Subject RE: conf call of academics

019845



Five. Thanks.

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Monday, January 30, 2006 10:44 AM

**To:** [REDACTED]

**Subject:** Re: conf call of academics

Tova:

Please refresh my memory --- how many people will be on the conference call (including you and Job, but probably not me)? --- Peggy

"Tova Wang" [REDACTED]

01/30/2006 09:22 AM

To "Job Serebrov" [REDACTED], psims@eac.gov

cc

Subject conf call of academics

Three of the four can do noon on the 17th, and I think that's the best we'll do. We'll talk to Lori Minnite separately. Peg, can you please help set up the call? Thank you.

Tova

**Tova Andrea Wang**  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----

Margaret Sims/EAC/GOV

01/30/2006 11:39 AM

To "Tova Wang" [REDACTED]@GSAEXTERNAL

cc

Subject RE: conf call of academics

019346



I've put a request in for the teleconference set up. I'll get back to you as soon as it is set up. --- Peggy

"Tova Wang" [REDACTED]



"Tova Wang"

01/30/2006 10:53 AM

To psims@eac.gov

cc

Subject RE: conf call of academics

Five. Thanks.

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Monday, January 30, 2006 10:44 AM

**To:** [REDACTED]

**Subject:** Re: conf call of academics

Tova:

Please refresh my memory --- how many people will be on the conference call (including you and Job, but probably not me)? --- Peggy

"Tova Wang" [REDACTED]

01/30/2006 09:22 AM

To "Job Serebrov" [REDACTED] psims@eac.gov

cc

Subject conf call of academics

Three of the four can do noon on the 17th, and I think that's the best we'll do. We'll talk to Lori Minnite separately. Peg, can you please help set up the call? Thank you.

Tova

**Tova Andrea Wang**  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021

019847

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----

Tamar Nedzar/EAC/GOV

01/09/2006 02:06 PM

To "Tova Wang" [REDACTED]@GSAEXTERNAL

cc psims@eac.gov, serebrov@sbcglobal.net

Subject RE: 3rd of 3 emails [REDACTED]

Hi Tova,

The first two emails were on another server, which could explain the delay. All three should be released today; if you don't receive them by 5, please send me an email and I will follow up with GSA. Job, if you have any problems with receiving emails, please also let me know.

Keeping my fingers crossed!

Tamar Nedzar  
Law Clerk  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
(202) 566-2377  
<http://www.eac.gov>  
TNedzar@eac.gov

"Tova Wang" [REDACTED]

01/09/2006 01:34 PM

To tnedzar@eac.gov, [REDACTED]

cc psims@eac.gov

Subject RE: 3rd of 3 emails

I am very confused. I didn't get the first two.

019848

-----Original Message-----

**From:** tnedzar@eac.gov [mailto:tnedzar@eac.gov]  
**Sent:** Monday, January 09, 2006 9:49 AM  
**To:** wang@tcf.org; serebrov@sbcglobal.net  
**Cc:** psims@eac.gov  
**Subject:** 3rd of 3 emails

Tamar Nedzar  
Law Clerk  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
(202) 566-2377  
<http://www.eac.gov>  
TNedzar@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----



"Tova Wang"  
[REDACTED]  
02/13/2006 11:16 AM

To "Job Serebrov" [REDACTED]  
psims@eac.gov, ecortes@eac.gov  
cc baker@tcf.org  
Subject Interview with Wade Henderson tomorrow

at 11 AM. His number is [REDACTED]

Tova Andrea Wang  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----



"Job Serebrov"  
[REDACTED]  
02/14/2006 05:25 PM

To psims@eac.gov  
cc  
Subject Re: Doug Webber Call

Yes. It is Feb 16th. I gave all the information to Edgardo. I don't have the time written down. Tova probably still has it. Please ask her about the time for Robin. Neil Bradley's interview is at 4 EST on

019849

Feb 21. He is with the Georgia plaintiffs.

--- psims@eac.gov wrote:

> Do you mean Robin DeJarnette? When is this  
> interview? --- Peggy

>

>

>

>

> "Job Serebrov" [REDACTED]  
> 02/14/2006 04:53 PM

>

> To  
> psims@eac.gov  
> cc

>

> Subject  
> Re: Doug Webber Call

>

>

>

>

>

>

> By the way, can you add Robin and Neil to the chart?

>

> --- psims@eac.gov wrote:

>

> > Thanks! --- Peggy

> >

> >

> >

> >

> > "Job Serebrov" [REDACTED]  
> > 02/14/2006 04:39 PM

> >

> > To  
> > ecortes@eac.gov, [REDACTED]  
> > cc  
> > psims@eac.gov  
> > Subject  
> > Doug Webber Call

> >

> >

> >

> >

> >

> >

> >

> > Douglas Webber will be at a funeral in Southern  
> > Indiana early tomorrow so he asked if we could use  
> > his  
> > cell number for the conference call. That is

> > [REDACTED]

> >

> > Thanks,

> >

> >

> > Job

> >

> >

> >

> >

019350

>  
>  
>  
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----



"Tova Wang"

01/15/2006 12:20 PM

To "Job Serebrov"

cc psims@eac.gov, "Tova Wang" <wang@tcf.org>

Subject donsanto meeting

FYI, here are my notes

**Tova Andrea Wang**  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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CRAIG DON SANTO MEETING.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----

Tamar Nedzar/EAC/GOV

01/06/2006 04:53 PM

To

cc Margaret Sims/EAC/GOV@EAC

Subject 5th of 5 emails

More to come either tonight or tomorrow.

Tamar Nedzar  
Law Clerk  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
(202) 566-2377  
<http://www.eac.gov>  
TNedzar@eac.gov



Latino Vote Fraud.zip

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----

019851



"Job Serebrov"

02/14/2006 04:39 PM

To ecortes@eac.gov,  
cc psims@eac.gov  
Subject Doug Webber Call

Douglas Webber will be at a funeral in Southern Indiana early tomorrow so he asked if we could use his cell number for the conference call. That is

Thanks,

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----

Margaret Sims/EAC/GOV

01/11/2006 12:33 PM

To Tova Andrea Wang

cc

Subject Nexis Article Searches

Tova:

I just found the Lexis word search list used by Devon with all of the search terms crossed off. I have to assume that means she searched using each term. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----



"Tova Wang"

01/30/2006 01:14 PM

To psims@eac.gov  
cc "Job Serebrov"  
Subject donsanto materials

Hi again,

Have you had a chance to send us the new handbook, training materials, and the draft mail fraud bill that he wanted to give us? Thanks.

**Tova Andrea Wang**  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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019852

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----



"Tova Wang"

01/30/2006 09:22 AM

To "Job Serebrov" [REDACTED], psims@eac.gov

cc

Subject: conf call of academics

Three of the four can do noon on the 17th, and I think that's the best we'll do. We'll talk to Lori Minnite separately. Peg, can you please help set up the call? Thank you.

Tova

**Tova Andrea Wang**  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----



"Tova Wang"

02/01/2006 02:27 PM

To psims@eac.gov

cc

Subject RE: Lori Minnite

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Wednesday, February 01, 2006 2:12 PM

**To:** wang@tcf.org

**Subject:** Re: Lori Minnite

Got it! Would you please send me an electronic copy of your updated list of interviewees. (You gave me a hard copy when we met in DC, but it helps to have an electronic copy for our computer files.) --- Peggy

"Tova Wang" [REDACTED]

019853

02/01/2006 01:50 PM

To psims@eac.gov, "Job Serebrov" [REDACTED]  
cc  
Subject Lori Minnite

I rescheduled for noon on February 22, just after Wendy Weiser. Thanks.

Tova Andrea Wang  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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interview list 011006.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----



"Job Serebrov"

[REDACTED]  
02/22/2006 02:16 PM

To psims@eac.gov, [REDACTED]  
cc

Subject Schedule

Peggy:

With the addition of these two March interviews, can you update the schedule? Also, what will the procedure be for the Sandler interview?

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----



"Tova Wang"

[REDACTED]  
04/04/2006 01:30 PM

To psims@eac.gov

cc "Job Serebrov" [REDACTED], "Tova Wang"

Subject working group agenda

019854



Hi Peg,

Attached is a draft of an agenda for the working group. Let us know what you think. Thanks. Tova

Tova Andrea Wang  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
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TW proposed agenda.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----



"Craig.Donsanto@usdoj.gov

"  
<Craig.Donsanto@usdoj.gov  
>

01/18/2006 02:36 PM

To "psims@eac.gov" <psims@eac.gov>  
cc

Subject RE: Public Integrity Section Roster

How's this?

-----  
From: psims@eac.gov [mailto:psims@eac.gov]  
Sent: Wednesday, January 18, 2006 2:19 PM  
To: Donsanto, Craig  
Subject: Re: Public Integrity Section Roster

Craig:

I can't open the attached document because we use Microsoft Word. Our consultants also use Word. Any chance I could get a hard copy that I can put in pdf form for the consultants? --- Peggy

"Craig.Donsanto@usdoj.gov" <Craig.Donsanto@usdoj.gov>

01/18/2006 11:56 AM

019855

To

"psims@eac.gov" <psims@eac.gov>

cc

Subject

Public Integrity Section Roster

Peggy - -

Your two contractors asked for a Directory to the Public Integrity Section staff.

We just got a new one, which is attached.



2006 Phone Directory.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----



"Tova Wang"

02/01/2006 01:50 PM

To psims@eac.gov, "Job Serebrov"

cc

Subject Lori Minnite

I rescheduled for noon on February 22, just after Wendy Weiser. Thanks.

**Tova Andrea Wang**  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----



"Tova Wang"

04/11/2006 10:24 AM

To psims@eac.gov, "Job Serebrov"

cc

Subject RE: Kennedy Interview

Sorry, you mean its today. OK, thanks. Tova

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Monday, April 10, 2006 8:45 PM

To: Tova Andrea Wang; Job Serebrov

Subject: Kennedy Interview

It appears that the teleconference with Kevin Kennedy is set for tomorrow, April 11, at 10:30 AM CST/11:30 AM EST. Use the usual phone number (866-222-9044) and passcode [REDACTED]

If you have trouble connecting, contact Nicole..  
Peg

-----  
Sent from my BlackBerry Wireless Handheld

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----

Tamar Nedzar/EAC/GOV

01/06/2006 10:30 AM

To [REDACTED]

cc Margaret Sims/EAC/GOV@EAC

Subject 3rd of 5 emails

Tamar Nedzar  
Law Clerk  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
(202) 566-2377  
<http://www.eac.gov>  
[TNedzar@eac.gov](mailto:TNedzar@eac.gov)

019857

-----Original Message-----

**From:** nmortellito@eac.gov [mailto:nmortellito@eac.gov]

**Sent:** Thursday, March 02, 2006 9:50 AM

**To:** [REDACTED]

**Cc:** psims@eac.gov; 'Job Serebrov'; dscott@eac.gov

**Subject:** Re: new interview

Tova:

Your conference call is all set for 3:30pm (EST) March 14th for 1 hour.

Call in is 866-222-9044

Pass code: [REDACTED]

Let me know if you need anything else

Regards,

Nicole K. Mortellito  
Research Assistant  
U.S. Election Assistance Commission  
1225 New York Avenue - Suite 1100  
Washington, DC  
202.566.2209 phone  
202.566.3128 fax

**Tova Andrea Wang**  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
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phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----

**Tamar Nedzar/EAC/GOV**

01/06/2006 10:28 AM

To

cc Margaret Sims/EAC/GOV@EAC

Subject 2nd of 5 emails

Tamar Nedzar  
Law Clerk  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
(202) 566-2377  
<http://www.eac.gov>  
TNedzar@eac.gov



12\_28.zip

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----

**Margaret Sims/EAC/GOV**

03/28/2006 05:41 PM

To Tova Andrea Wang, Job Serebrov

cc Nicole Mortellito/CONTRACTOR/EAC/GOV@EAC, Edgardo Cortes/EAC/GOV@EAC, Devon E. Romig/CONTRACTOR/EAC/GOV@EAC

Subject DOJ Training Materials

019853

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----

Margaret Sims /EAC/GOV

02/01/2006 01:35 PM

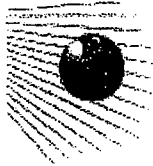
To Tova Andrea Wang, Job Serebrov

cc

Subject Fw: Teleconference Set Up Requested

See the following email regarding teleconference arrangements for the 2/17 call among consultants, 3 academics, and others. I am drafting a spreadsheet for the interviews being set up. When I reach a logical stopping point, I will send the spreadsheet to you for corrections/clarifications/additions. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 02/01/2006 01:21 PM -----



Nicole  
Mortellito/CONTRACTOR/E  
AC/GOV

02/01/2006 12:57 PM

To Margaret Sims/EAC/GOV@EAC

cc

Subject Re: Teleconference Set Up Requested

Peg:

The teleconference will be set up by Diana. I will follow up to be sure next week some time. In the meantime, the following is the info your callers will need.

Dial in number 1-866-222-9044

019366

Pass code: [REDACTED]

Regards,

Nicole K. Mortellito  
Special Projects  
U.S. Election Assistance Commission  
1225 New York Avenue - Suite 1100  
Washington, DC  
202.566.2209 phone  
202.566.3128 fax  
Margaret Sims/EAC/GOV

Margaret Sims/EAC/GOV  
01/30/2006 11:38 AM

To Nicole Mortellito/CONTRACTOR/EAC/GOV@EAC  
cc Karen Lynn-Dyson/EAC/GOV@EAC  
Subject Teleconference Set Up Requested

EAC's consultants for the Voting Fraud/Voter Intimidation project need to set up a teleconference on February 17, 2006 at Noon EST. The call will involve approximately five people, including our consultants and the academics being interviewed for the project. Please let me know if you have any questions. Otherwise, please let me know the phone number and password to be used. Thanks.

Peggy Sims  
Election Research Specialist

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----



[REDACTED]  
02/23/2006 07:38 PM

To psims@eac.gov [REDACTED]  
cc  
Subject Re: Interviews

I'm happy to do anytime next Thursday the 2nd, and the week after that is totally free except for the Nina Perales interview and before 11 am on Thursday the 9th.

----- Original Message -----

**From:** [psims@eac.gov](mailto:psims@eac.gov)  
**To:** [wang@tcf.org](mailto:wang@tcf.org) ; [serebrov@sbcglobal.net](mailto:serebrov@sbcglobal.net)  
**Sent:** Thursday, February 23, 2006 8:39 AM  
**Subject:** Interviews

Job and Tova:

019361



01/31/2006 02:55 PM

cc [redacted] Tova Wang [redacted]  
Subject Wendy Weiser

I have scheduled her for 11 AM EST on February 22

**Tova Andrea Wang**  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

Visit our Web site, [www.tcf.org](http://www.tcf.org), for the latest news, analysis, opinions, and events.

[Click here](#) to receive our weekly e-mail updates.

---

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----



"Tova Wang"  
<wang@tcf.org>  
04/11/2006 10:12 AM

To psims@eac.gov, "Job Serebrov" [redacted]  
cc  
Subject RE: Kennedy Interview

That gives us no time between interviews though, right? We've never been able to really limit it to 30 minutes.

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]  
Sent: Monday, April 10, 2006 8:45 PM  
To: Tova Andrea Wang; Job Serebrov  
Subject: Kennedy Interview

It appears that the teleconference with Kevin Kennedy is set for tomorrow, April 11, at 10:30 AM CST/11:30 AM EST. Use the usual phone number (866-222-9044) and passcode [redacted]

If you have trouble connecting, contact Nicole..  
Peg

-----  
Sent from my BlackBerry Wireless Handheld

019862





01/31/2006 04:52 PM

cc psims@eac.gov

Subject RE: lori minnite

That won't work well. I did not realize it was a federal holiday. We will need to move the call.

Job

--- Tova Wang [REDACTED] wrote:

> Job, Maybe you can just call us from your cell  
> phone?  
>  
> -----Original Message-----  
> From: psims@eac.gov [mailto:psims@eac.gov]  
> Sent: Tuesday, January 31, 2006 4:02 PM  
> To: wang@tcf.org  
> Cc: serebrov@sbcglobal.net  
> Subject: Re: lori minnite  
>  
>  
>  
> Tova:  
> When the teleconference is for an interview with  
> just one individual, an EAC  
> staff person (usually I) will set the teleconference  
> up through our office  
> telephone. Unfortunately, I just noticed that  
> Monday, February 20 is a  
> Federal holiday. Our office won't be open to  
> coordinate this  
> teleconference. I don't have access to EAC's  
> toll-free line from home. Do  
> you want to try to reschedule?--- Peggy  
>  
>  
>  
> "Tova Wang" [REDACTED]  
>  
>  
> 01/30/2006 06:26 PM  
>  
>  
> To  
> "'Job Serebrov'" [REDACTED],  
> psims@eac.gov  
>  
> cc  
> [REDACTED]  
> Subject  
> lori minnite

019863

>  
>  
>  
>  
>  
>  
>  
> I have set up the interview for 12 noon on Monday,  
> February 20. I will meet  
> her in her office (its blocks from my house) so it  
> will just be us and Job  
> and Alex calling in. Thanks.  
>  
> Tova Andrea Wang  
> Senior Program Officer and Democracy Fellow  
> The Century Foundation  
> 41 East 70th Street - New York, NY 10021  
> phone: 212-452-7704 fax: 212-535-7534  
>  
> Visit our Web site, <<http://www.tcf.org/>>  
> [www.tcf.org](http://www.tcf.org), for the latest news,  
> analysis, opinions, and events.  
>  
> \_\_\_\_\_  
>  
> <<mailto:join-tcfmain@mailhost.groundspring.org>>  
> Click here to receive our  
> weekly e-mail updates.  
>  
>  
>  
>

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM ---



"Tova Wang"

03/01/2006 05:04 PM

To "Job Serebrov" <[psims@eac.gov](mailto:psims@eac.gov), [nmortellito@eac.gov](mailto:nmortellito@eac.gov)>  
cc

Subject new interview

Secretary of State Rebecca Vigil Giron, 1:30 Mountain time (which I believe is 3:30 EST). Let me know if its the same number and pass code. thanks.

**Tova Andrea Wang**  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

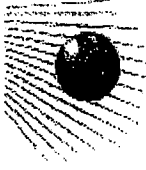
Visit our Web site, [www.tcf.org](http://www.tcf.org), for the latest news, analysis, opinions, and events.

---

[Click here](#) to receive our weekly e-mail updates.

019864

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----



Nicole  
Mortellito/CONTRACTOR/E  
AC/GOV  
03/02/2006 09:50 AM

To "Tova Wang" [REDACTED]  
cc psims@eac.gov, "Job Serebrov"  
[REDACTED] Diana Scott/EAC/GOV@EAC  
Subject Re: new interview [REDACTED]

Tova:

Your conference call is all set for 3:30pm (EST) March 14th for 1 hour.

Call in is 866-222-9044  
Pass code: [REDACTED]

Let me know if you need anything else

Regards,

Nicole K. Mortellito  
Research Assistant  
U.S. Election Assistance Commission  
1225 New York Avenue - Suite 1100  
Washington, DC  
202.566.2209 phone  
202.566.3128 fax

"Tova Wang" [REDACTED]

03/01/2006 05:04 PM

To "Job Serebrov" <[REDACTED]@eac.gov>  
nmortellito@eac.gov  
cc  
Subject new interview

Secretary of State Rebecca Vigil Giron, March 14th at 1:30 Mountain time (which I believe is 3:30 EST).  
Let me know if its the same number and pass code. thanks.

Tova Andrea Wang  
Senior Program Officer and Democracy Fellow  
The Century Foundation

019865

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----



[REDACTED]  
01/12/2006 05:31 PM

To psims@eac.gov  
cc  
Subject tmw

Hi Peg,

I don't know if you're still around, but just a silly question -- do you have a sense of when we will be done tomorrow? I'm assuming around 4, but just wanted to check. Also, I'll get there a bit before 10 so that we can actually start at 10. Look forward to seeing you.

Tova



"Tova Wang"  
[REDACTED]  
01/31/2006 04:20 PM

To psims@eac.gov  
cc [REDACTED]  
Subject RE: lori minnite

Job, Maybe you can just call us from your cell phone?

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Tuesday, January 31, 2006 4:02 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Re: lori minnite

Tova:

When the teleconference is for an interview with just one individual, an EAC staff person (usually I) will set the teleconference up through our office telephone. Unfortunately, I just noticed that Monday, February 20 is a Federal holiday. Our office won't be open to coordinate this teleconference. I don't have access to EAC's toll-free line from home. Do you want to try to reschedule?-- Peggy

019366

"Tova Wang" [REDACTED]

01/30/2006 06:26 PM

To "Job Serebrov" [REDACTED]@sims@eac.gov  
cc [REDACTED]  
Subject lori minnlte

I have set up the interview for 12 noon on Monday, February 20. I will meet her in her office (its blocks from my house) so it will just be us and Job and Alex calling in. Thanks.

Tova Andrea Wang  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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[Click here](#) to receive our weekly e-mail updates.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----

Margaret Sims /EAC/GOV

02/08/2006 04:48 PM

To John Tanner

cc

Subject Interview Request Re EAC Research on Voting Fraud and  
Voter Intimidation

Dear John:

I have been assigned to manage the U.S. Election Assistance Commission's (EAC) preliminary research project on voting fraud and voter intimidation. Obviously, obtaining information regarding the Voting Section's actions against voter intimidation and other voting rights violations is important to this effort. Would you be available for an interview by our project consultants on February 24 at 2:00 PM? The interview may take place by phone, or one of the consultants may visit your office and connect the other consultant by phone.

#### Background

Section 241 of the Help America Vote Act of 2002 requires EAC to conduct research on election administration issues. Among the issues listed in the statute are the development of:

- nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections

019867

- for Federal office [section 241(b)(6)]; and
- methods of identifying, deterring, and investigating methods of voter intimidation [section 241(b)(7)].

EAC's Board of Advisors recommended that EAC make research on these topics a high priority. Subsequently, the Commission contracted with two consultants (Tova Wang and Job Serebrov) to:

- develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections;
- perform preliminary research on these topics (including Federal and State administrative and case law review), identify related activities of key government agencies and civic and advocacy organizations, and deliver a summary of this research and all source documentation;
- convene a meeting of a project working group composed of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation, provide the results of the preliminary research to the working group, and record the working group's deliberations; and
- produce a report to EAC summarizing the findings of the preliminary research effort and working group deliberations that includes recommendations for future EAC action, if any.

### Possible Questions

Possible interview questions include the following:

1. According to a GAO report dated September 14, 2004 entitled Department of Justice's Activities to Address Past Election-Related Voting Irregularities, the "Voting Section has used several means of tracking allegations of voting irregularities and the Section's actions with regard to those allegations. First, the Voting Section used telephone logs to track telephone calls regarding allegations of voting irregularities it received related to the November 2000 and 2002 elections. Second, DOJ tracks matters and cases through its Interactive Case Management (ICM) system-its formal process for tracking and managing work activities. Third, the Voting Section tracked monitoring of elections using logs and for some election-monitoring activities they opened matters; thus, it has not routinely tracked election-monitoring activities through the ICM system."

Can you provide us with the following:

- a) The telephone logs referred to in the report
- b) The matters and cases tracked through the Interactive Case Management (ICM) system
- c) The other logs referred to in the report
- d) Any other data the division has maintained electronically during the last three federal election cycles

2. The division deployed thousands of observers to polling sites throughout the country in 2002, 2003, and 2004.

Can you provide us with the following:

- a) Any reports that were developed with respect to those efforts, before, during and after it implementation
- b) Any field notes from federal attorneys and their staff
- c) Information on any lawsuits and/or prosecutions for voter intimidation and/or suppression from the last five years

019868

3. Does it matter if the complaint does or does not comes from a member of a racial or language minority?
4. What kinds of complaints would routinely override principals of federalism?
5. Are you of the opinion that there are too few prosecutions?
6. What should be done to improve the system?

Let me know if you have any questions about this request or the research project. I look forward to hearing from you.

Regards,

Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: [psims@eac.gov](mailto:psims@eac.gov)

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

Tamar Nedzar/EAC/GOV  
01/06/2006 10:25 AM

To v [REDACTED]  
cc Margaret Sims/EAC/GOV@EAC  
Subject First of five emails

Tova and Job,

I haven't forgotten about you. The server has been returning my batches of results for you because they exceed the maximum file size, so I will be sending you 5 emails today and one or two more from my home computer either tonight or tomorrow.

Please call if you have questions.

Thank you,

Tamar Nedzar  
Law Clerk  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
(202) 566-2377  
<http://www.eac.gov>  
[TNedzar@eac.gov](mailto:TNedzar@eac.gov)

019869



12\_27.zip

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



"Job Serebrov"  
<serebrov@sbcglobal.net>  
03/13/2006 12:53 PM

To psims@eac.gov  
cc

Subject Re: I'm BAAACK

Peggy:

Good to hear from you. No, unfortunately this week is very bad for me. Today is covered, tomorrow from 1-2 your time is out, Wednesday and Friday are out. Pick a time between all, of this. I am in Nevada from March 25 to the 28.

Job

--- psims@eac.gov wrote:

> Tova and Job:

>

> I apologize for my unanticipated and lengthy  
> absence. I am back in the  
> office, though I will have to work short days  
> through Wednesday.

>

> Are you two available for a teleconference this  
> afternoon, say 3:00 PM  
> EST, so that we can re-evaluate where we are and  
> what needs to be done to  
> schedule the working group?

>

> ----- Peggy

>

>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

Tamar Nedzar/EAC/GOV

01/06/2006 12:06 PM

To "Job Serebrov"

cc Margaret Sims/EAC/GOV@EAC

Subject Re: First of five emails

Thanks for letting me know Job. As I'm sure Peg told you, we are subject to GSA's file size restrictions and they are not always timely in letting us know when they block emails. Unfortunately, until they notify me that they are holding the email hostage, I cannot send it along. However, if I don't hear from them by 5, I will force the issue.

019870



Thanks again,

Tamar Nedzar  
Law Clerk  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
(202) 566-2377  
<http://www.eac.gov>  
TNedzar@eac.gov  
"Job Serebrov" [REDACTED]



"Job Serebrov"

[REDACTED]  
01/06/2006 11:59 AM

To tnedzar@eac.gov  
cc

Subject Re: First of five emails

Tamar~

I received all but file number 5.

Regards,

Job

--- tnedzar@eac.gov wrote:

> Tova and Job,  
>  
> I haven't forgotten about you. The server has been  
> returning my batches of  
> results for you because they exceed the maximum file  
> size, so I will be  
> sending you 5 emails today and one or two more from  
> my home computer  
> either tonight or tomorrow.  
>  
> Please call if you have questions.  
>  
> Thank you,  
>  
> Tamar Nedzar  
> Law Clerk  
> U.S. Election Assistance Commission  
> 1225 New York Avenue, NW Suite 1100  
> Washington, DC 20005  
> (202) 566-2377  
> <http://www.eac.gov>  
> TNedzar@eac.gov  
>  
>

019871

— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM —



"Tova Wang"

[REDACTED]  
02/01/2006 10:13 AM

To psims@eac.gov

cc [REDACTED]

Subject RE: Tanner Interview

I am available any time after noon on the 7th and after 3 on the 8th. I think in terms of data that we would like from him, that one point on the Donsanto memo is applicable. Job, do we want to come up with a separate set of questions?

019872



01/03/2006 05:30 PM

To psims@eac.gov

cc

Subject Re: conf call & Devon's Research

I would like to be able to talk to her -- is there an email address I can reach her at? I actually think I emailed her at an address that was not the EAC. Regarding Donsanto, were you OK with the information request I sent you? Tova

----- Original Message -----

From: <psims@eac.gov>

To: [REDACTED]

Sent: Tuesday, January 03, 2006 5:24 PM

Subject: Re: conf call & Devon's Research

>

> Tova:

>

> If you an Job can work things out between you, that's good enough for me.  
> We can talk about the meeting with Donsanto when we meet on January 13,  
> unless you really need to discuss it before then.

>

> As Devon's last day was 12/9, I don't think she has access to the EAC  
> email

> address any longer. I don't think she received the email you sent her  
> after that date. I did further spot checks of the articles she included  
> on

> the CD. I see several pdf files that came from the Lexis search. She  
> would not have picked up anything that duplicated the newsclips I had  
> saved. I did see one false drop (an article about a union election) and a  
> few articles that I would have filed in a different voting fraud subject  
> folder, but I think she finished all of the work we asked her to do.

>

> --- Peggy

>

>

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM ---

"Job Serebrov"

02/09/2006 06:04 PM

To psims@eac.gov, [REDACTED]

cc

Subject number



019873

Webber's number is [REDACTED]

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



[REDACTED]  
01/03/2006 12:24 PM

To psims@eac.gov  
cc "Job Serebrov" [REDACTED]  
Subject conf call?

I will be out for the next few hours, but I'm available any time after 3:30 on my cell and all day tomorrow at my office. Let me know when you'd like to talk. Thanks. Tova

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

Margaret Sims/EAC/GOV

01/03/2006 03:14 PM

To wang@tcf.org@GSAEXTERNAL  
cc "Job Serebrov" [REDACTED]  
Subject Re: conf call? [REDACTED]

If you would like a conference call, how about some time tomorrow morning. Tomorrow afternoon is booked. Today, I am trying to get through all the emails left in my short absence. --- Peggy

wang@tcf.org



[REDACTED]  
01/03/2006 12:24 PM

To psims@eac.gov  
cc "Job Serebrov" [REDACTED]  
Subject conf call?

I will be out for the next few hours, but I'm available any time after 3:30 on my cell and all day tomorrow at my office. Let me know when you'd like to talk. Thanks. Tova

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



"John.K.Tanner@usdoj.gov"  
<John.K.Tanner@usdoj.gov>  
>

02/08/2006 05:42 PM

To "psims@eac.gov" <psims@eac.gov>  
cc  
Subject RE: Interview Request Re EAC Research on Voting Fraud and Voter Intimidation

019874

Peggy,

I will be more than happy to help in any way. I will check on what information it is possible to release. There are, as you can imagine restrictions. I will be available for the interview at 2:00 on the 24th. How long do you expect the interview to take?

John

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]  
Sent: Wednesday, February 08, 2006 4:49 PM  
To: Tanner, John K (CRT)  
Subject: Interview Request Re EAC Research on Voting Fraud and Voter Intimidation

Dear John:

I have been assigned to manage the U.S. Election Assistance Commission's (EAC) preliminary research project on voting fraud and voter intimidation. Obviously, obtaining information regarding the Voting Section's actions against voter intimidation and other voting rights violations is important to this effort. Would you be available for an interview by our project consultants on February 24 at 2:00 PM? The interview may take place by phone, or one of the consultants may visit your office and connect the other consultant by phone.

Background

Section 241 of the Help America Vote Act of 2002 requires EAC to conduct research on election administration issues. Among the issues listed in the statute are the development of:

nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office [section 241(b)(6)]; and  
methods of identifying, deterring, and investigating methods of voter intimidation [section 241(b)(7)].

EAC's Board of Advisors recommended that EAC make research on these topics a high priority. Subsequently, the Commission contracted with two consultants (Tova Wang and Job Serebrov) to:

develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections;  
perform preliminary research on these topics (including Federal and State administrative and case law review), identify related activities of key government agencies and civic and advocacy organizations, and deliver a summary of this research and all source documentation;  
convene a meeting of a project working group composed of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation, provide the results of the preliminary research to the working group, and record the working group's deliberations; and  
produce a report to EAC summarizing the findings of the preliminary research effort and working group deliberations that includes recommendations for future EAC action, if any.

019875.

Possible Questions

Possible interview questions include the following:

1. According to a GAO report dated September 14, 2004 entitled Department of Justice's Activities to Address Past Election-Related Voting Irregularities, the "Voting Section has used several means of tracking allegations of voting irregularities and the Section's actions with regard to those allegations. First, the Voting Section used telephone logs to track telephone calls regarding allegations of voting irregularities it received related to the November 2000 and 2002 elections. Second, DOJ tracks matters and cases through its Interactive Case Management (ICM) system-its formal process for tracking and managing work activities. Third, the Voting Section tracked monitoring of elections using logs and for some election-monitoring activities they opened matters; thus, it has not routinely tracked election-monitoring activities through the ICM system."

Can you provide us with the following:

- a) The telephone logs referred to in the report
- b) The matters and cases tracked through the Interactive Case Management (ICM) system
- c) The other logs referred to in the report
- d) Any other data the division has maintained electronically during the last three federal election cycles

2. The division deployed thousands of observers to polling sites throughout the country in 2002, 2003, and 2004.

Can you provide us with the following:

- a) Any reports that were developed with respect to those efforts, before, during and after it implementation
- b) Any field notes from federal attorneys and their staff
- c) Information on any lawsuits and/or prosecutions for voter intimidation and/or suppression from the last five years

3. Does it matter if the complaint does or does not comes from a member of a racial or language minority?

4. What kinds of complaints would routinely override principals of federalism?

5. Are you of the opinion that there are too few prosecutions?

6. What should be done to improve the system?

Let me know if you have any questions about this request or the research project. I look forward to hearing from you.

019876

Regards,

Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



"Tova Wang"

02/15/2006 11:43 AM

To psims@eac.gov

cc ecortes@eac.gov

Subject FW: EAC Voter Fraud Project

I'm rescheduling

-----Original Message-----

From: Mike Alvarez [mailto:rma@hss.caltech.edu]  
Sent: Wednesday, February 15, 2006 11:34 AM  
To: Tova Wang  
Subject: RE: EAC Voter Fraud Project

Tova, unfortunately I'm not going to be able to participate on Friday morning. Can I catch up on this early next week?

On Wed, 15 Feb 2006, Tova Wang wrote:

> Just a reminder about Friday. Look forward to speaking to you then.  
> Thanks again.

> -----Original Message-----

> From: Tova Wang [mailto:wang@tcf.org]  
> Sent: Wednesday, February 01, 2006 1:46 PM  
> To: 'Tova Wang'; 'Mike Alvarez'; 'Chandler Davidson'; 'Stephen  
> Ansolabehere'  
> Cc: baker@tcf.org; psims@eac.gov  
> Subject: RE: EAC Voter Fraud Project

> Hi all,

> Here is the call in information for our discussion on Feb 17 at noon.

> Dial in number 1-866-222-9044

> Pass code: [REDACTED]

> I'll try to remember to send out a reminder between now and then...

> Thanks again

019877

>  
> Tova  
>  
> Tova Andrea Wang  
> Senior Program Officer and Democracy Fellow  
> The Century Foundation  
> 41 East 70th Street - New York, NY 10021  
> phone: 212-452-7704 fax: 212-535-7534  
>  
> Visit our Web site, <<http://www.tcf.org/>> [www.tcf.org](http://www.tcf.org/), for the latest  
> news, analysis, opinions, and events.  
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>  
> <<mailto:join-tcfmain@mailhost.groundspring.org>> Click here to receive  
> our weekly e-mail updates.  
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>

--  
\*\*\*\*\*  
R. Michael Alvarez (O)  
626-395-4089  
Professor of Political Science (F)  
626-405-9841  
Caltech/MIT Voting Technology Project  
California Institute of Technology  
Pasadena, CA 91125  
[rma@hss.caltech.edu](mailto:rma@hss.caltech.edu)

Contributor to Election Updates,  
<http://electionupdates.caltech.edu/blog.html>  
\*\*\*\*\*

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM ---

Margaret Sims/EAC/GOV

01/06/2006 03:03 PM

To Craig Donsanto

cc

Subject Interview Reminder - Preview Questions

Craig:

This is just to remind you of the interview appointment we had set up for 2 PM, Friday, January 13. I'll accompany our consultants, Job Serebrov and Tova Wang, to your office. I invited both of them to submit questions in advance of the interview. The questions they have submitted so far, are attached. I realize that you may not have the answers to questions involving Voting Section activities. Perhaps you can recommend someone in that section who could answer such questions.

Look forward to seeing you!

019878





Tamar Nedzar  
Law Clerk  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
(202) 566-2377  
<http://www.eac.gov>  
TNedzar@eac.gov



12\_26.zip

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



"Job Serebrov"

[REDACTED] et>  
01/11/2006 11:57 AM

To "Tova Wang" [REDACTED]@eac.gov  
cc

Subject Re: nexis search

I agree.

Job

--- Tova Wang [REDACTED] wrote:

> My suspicion is that if she did a nexis search at  
> all, she used the terms of  
> our definition, ie the titles of the folders, not  
> the long list of search  
> terms that we gave her. It would be best to be able  
> to ask her directly if  
> thats possible. Tova  
>  
> Tova Andrea Wang  
> Senior Program Officer and Democracy Fellow  
> The Century Foundation  
> 41 East 70th Street - New York, NY 10021  
> phone: 212-452-7704 fax: 212-535-7534  
>  
> Visit our Web site, <<http://www.tcf.org/>>  
> [www.tcf.org](http://www.tcf.org), for the latest news,  
> analysis, opinions, and events.  
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> weekly e-mail updates.  
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

019380



"Job Serebrov"

02/21/2006 12:49 PM

To psims@eac.gov, [redacted]

cc

Subject Friday Interviews

Peggy:

We will need to do the Friday interviews the same way we are doing all of the others. Despite Tova being in DC, we will have to do a conference call from your office. I only have a cell phone to make long distance calls and limited minutes.

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

Margaret Sims /EAC/GOV

02/21/2006 02:44 PM

To "Job Serebrov"

cc [redacted]

Subject Re: Friday Interviews [icon]

I have asked Tanner for permission to call you from DOJ. That way we can bring you in by speaker phone, as we did with Donsanto. I'll have to check with Sandler re: what we can set up at his office. ---  
Peggy

"Job Serebrov" [redacted]



"Job Serebrov"

<serebrov@sbcglobal.net>

02/21/2006 12:49 PM

To psims@eac.gov, [redacted]

cc

Subject Friday Interviews

Peggy:

We will need to do the Friday interviews the same way we are doing all of the others. Despite Tova being in DC, we will have to do a conference call from your office. I only have a cell phone to make long distance calls and limited minutes.

Job

019881

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



"Job Serebrov"

03/13/2006 02:41 PM

To psims@eac.gov

cc

Subject Re: I'm BAAACK

11:00 am your time.

--- psims@eac.gov wrote:

> Any time on Thursday possible?

> --- Peggy

>

>

>

>

> "Job Serebrov"

> 03/13/2006 12:53 PM

>

> To

> psims@eac.gov

> cc

>

> Subject

> Re: I'm BAAACK

>

>

>

>

>

> Peggy:

>

> Good to hear from you. No, unfortunately this week  
> is

> very bad for me. Today is covered, tomorrow from 1-2  
> your time is out, Wednesday and Friday are out. Pick

> a

> time between all, of this. I am in Nevada from March  
> 25 to the 28.

>

> Job

>

> --- psims@eac.gov wrote:

>

> > Tova and Job:

> >

> > I apologize for my unanticipated and lengthy

> > absence. I am back in the

> > office, though I will have to work short days

> > through Wednesday.

> >

> > Are you two available for a teleconference this

> > afternoon, say 3:00 PM

019882

> > EST, so that we can re-evaluate where we are and  
> > what needs to be done to  
> > schedule the working group?  
> >  
> > ----- Peggy  
> >  
> >  
> >  
> >  
> >  
> >  
> >  
> >

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

Margaret Sims /EAC/GOV

01/30/2006 01:23 PM

To "Tova Wang" [REDACTED], Job  
Serebrov

cc

Subject Re: donsanto materials [REDACTED]

We have not received the draft anti-fraud bill from him, yet. Let me see if I can locate the previous version on-line. I haven't had time to photocopy the hard copy materials, or to copy the CD he gave us. I'll try to get some help with that, but most of our folks are not available because there is a long lasting virus going around. --- Peggy

"Tova Wang" [REDACTED]



"Tova Wang"

[REDACTED]  
01/30/2006 01:14 PM

To psims@eac.gov

cc "Job Serebrov" [REDACTED]

Subject donsanto materials

Hi again,

Have you had a chance to send us the new handbook, training materials, and the draft mail fraud bill that he wanted to give us? Thanks.

**Tova Andrea Wang**  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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019883

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



"Tova Wang"

01/10/2006 12:43 PM

To [REDACTED] et  
cc psims@eac.gov  
Subject interviews

I just realized I still need to provide a Secretary of State: Rebecca Vigil-Giron from New Mexico

Tova Andrea Wang  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



03/17/2006 10:57 AM

To "Job Serebrov" [REDACTED] psims@eac.gov  
cc nmortellito@eac.gov  
Subject Fw: FW: EAC Interview

Peg and Nicole, Could you please set up this call with SOS Vigil-Giron noon next Friday? Thanks.

----- Original Message -----

**From:** Anaya, Anna, SOS  
**To:** wang@tcf.org  
**Sent:** Friday, March 17, 2006 9:30 AM  
**Subject:** RE: FW: EAC interview

10:00am mst is good for her, thanks for being so considerate.

---

**From:** [REDACTED]  
**Sent:** Thursday, March 16, 2006 8:00 PM  
**To:** Anaya, Anna, SOS  
**Subject:** Re: FW: EAC Interview

Hi Anna, No problem. How is noon EST? Tova

----- Original Message -----

019884

**From:** Anaya, Anna, SOS  
**To:** Tova Wang  
**Sent:** Thursday, March 16, 2006 3:17 PM  
**Subject:** RE: FW: EAC interview

Tova, guess who? we need to change the conference call hopefully same day but earlier. Rebecca is available from 8am to noon our time. Sorry...hope she can be accomodated.

Thanks

Anna

---

**From:** Tova Wang [mailto: [REDACTED]]  
**Sent:** Tuesday, March 14, 2006 2:15 PM  
**To:** Anaya, Anna, SOS  
**Subject:** FW: FW: EAC interview

Hi Anna,

Looks like we're all set. Let me know if you have any questions and thanks again. Tova  
-----Original Message-----

**From:** nmortellito@eac.gov [mailto:nmortellito@eac.gov]  
**Sent:** Tuesday, March 14, 2006 4:09 PM  
**To:** [REDACTED]  
**Cc:** psims@eac.gov  
**Subject:** Re: FW: EAC interview

Tova I have set this up for 3:30pm (eastern time) 1:30pm new mexico time for 1 hour on March 24th.

Dial in 866-222-9044 and passcode [REDACTED]

Let me know if you need anything else

Regards,

Nicole K. Mortellito  
Research Assistant  
U.S. Election Assistance Commission  
1225 New York Avenue - Suite 1100  
Washington, DC  
202.566.2209 phone  
202.566.3128 fax

"Tova Wang" [REDACTED]

03/13/2006 01:25 PM

To psims@eac.gov, nmortellito@eac.gov  
cc

019885

Subject FW: EAC interview

Can you please set this up? Thanks.

PS -- I understand you have sent me email, but something is wrong with our server. If you need to talk to me please give me a call at [REDACTED] Thanks

Tova

-----Original Message-----

**From:** Anaya, Anna, SOS [mailto:anna.anaya@state.nm.us]

**Sent:** Monday, March 13, 2006 11:14 AM

**To:** Tova Wang

**Subject:** RE: EAC interview

How about Friday, March 24 at 1:30pm our time??

---

**From:** Tova Wang [mailto:[REDACTED]]

**Sent:** Monday, March 13, 2006 8:48 AM

**To:** Anaya, Anna, SOS

**Subject:** RE: EAC interview

Anna,

I'm so sorry to hear that. Is there some time next week that works for the Secretary? Thanks. Tova

-----Original Message-----

**From:** Anaya, Anna, SOS [mailto:anna.anaya@state.nm.us]

**Sent:** Monday, March 13, 2006 9:29 AM

**To:** Tova Wang

**Subject:** RE: EAC interview

Good morning, we will need to reschedule your call with Rebecca. There has been a death in her family and the services are Tuesday.

---

**From:** Tova Wang [mailto:[REDACTED]]

**Sent:** Friday, March 03, 2006 11:58 AM

**To:** Anaya, Anna, SOS

**Subject:** EAC interview

Anna, Thanks so much for setting up our appointment with the Secretary. The call-in information is below. Please let me know if you have any questions. Thanks again. Tova

-----Original Message-----

**From:** nmortellito@eac.gov [mailto:nmortellito@eac.gov]

019886



**Sent:** Thursday, March 02, 2006 9:50 AM  
**To:** [REDACTED]  
**Cc:** psims@eac.gov; 'Job Serebrov'; dscott@eac.gov  
**Subject:** Re: new interview

Tova:

Your conference call is all set for 3:30pm (EST) March 14th for 1 hour.

Call in is 866-222-9044  
Pass code [REDACTED]

Let me know if you need anything else

Regards,

Nicole K. Mortellito  
Research Assistant  
U.S. Election Assistance Commission  
1225 New York Avenue - Suite 1100  
Washington, DC  
202.566.2209 phone  
202.566.3128 fax

**Tova Andrea Wang**  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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019887

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



"Tova Wang"

02/22/2006 05:04 PM

To psims@eac.gov

cc

Subject FW: interviews

-----Original Message-----

From: Job Serebrov [mailto:serebrov@sbcglobal.net]

Sent: Wednesday, February 22, 2006 4:59 PM

To: Tova Wang

Subject: Re: interviews

I really don't know if we will get these two interviews scheduled but if so, go ahead and add two more.

019888

--- Tova Wang [REDACTED] wrote:

> I think we should stick with the original, agreed  
> upon list. We worked  
> hard to assemble it and keep it manageable.  
> Otherwise, there are some  
> people that I would like to add to the list as well.  
> Let me know if thats  
> how you want to proceed.  
>  
> Tova Andrea Wang  
> Senior Program Officer and Democracy Fellow  
> The Century Foundation  
> 41 East 70th Street - New York, NY 10021  
> phone: 212-452-7704 fax: 212-535-7534  
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

Margaret Sims /EAC/GOV

04/06/2006 09:35 AM

To Job Serebrov, Tova Andrea Wang

cc

Subject Upcoming Interviews-DOJ Info

Hi, Job and Tova:

Tony Sirvello (former election director for Harris County, TX and current Executive Director of the International Association of Clerks, Recorders, Election Officials and Treasurers) can make himself available for an interview next Wednesday morning (4/12). He is on CST. Is there a time that works well for the two of you? How about 10 AM CST/11 AM EST? I saw Kevin Kennedy at a meeting in our office this past Tuesday. We are trying to set up an interview with him next Tuesday (4/11).

I asked Donsanto about an updated version of his *Prosecution of Election Offenses*. He responded that it is at the printers and will not be available for a couple of months. In the interim, he referred me to the white paper he did for IFES, which I have attached. He said that the white paper includes the same information on the prosecution of election fraud that will be in the book. --- Peggy

019889



IFES\_Prosecution of Election Fraud-Donsanto.pdf  
----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



"Tova Wang"

02/21/2006 12:21 PM

To psims@eac.gov

cc

Subject friday

Hi Peg,

I should meet you at the building where John Tanner is a little before 2, right? Can you please tell me the location? Thanks. Tova

Tova Andrea Wang  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

Margaret Sims/EAC/GOV

02/16/2006 09:18 AM

To Barry Weinberg

cc

Subject Your Input Requested-Voting Fraud/Voter Intimidation Project

Barry:

Hope you have been doing well. Scott Lansell (IFES) was in the office last week and spoke well of you. He said that you had worked with IFES on a project they were doing in Africa.

I am now working for the new Election Assistance Commission (EAC), as the Help America Vote Act of 2002 (HAVA) required the transfer of the FEC's Office of Election Administration to EAC. I have been assigned to manage the U.S. Election Assistance Commission's (EAC) preliminary research project on voting fraud and voter intimidation. I wondered if you would be interested in and available to serve on a project working group for EAC's preliminary research on voting fraud and voter intimidation. I appreciated your insight when we worked on the implementation of NVRA, and hope that you will be available to provide us the benefit of your expertise.

EAC is conducting this research to meet HAVA requirements. Section 241 of the Help America Vote Act of 2002 requires EAC to conduct research on election administration issues. Among the issues listed in the statute are the development of:

019890

- nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office [section 241(b)(6)]; and
- methods of identifying, deterring, and investigating methods of voter intimidation [section 241(b)(7)].

EAC's Board of Advisors recommended that EAC make research on these topics a high priority. Subsequently, the Commission contracted with two consultants (Tova Wang and Job Serebrov) to:

- develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections;
- perform preliminary research on these topics (including Federal and State administrative and case law review), identify related activities of key government agencies and civic and advocacy organizations, and deliver a summary of this research and all source documentation;
- convene a meeting of a project working group composed of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation, provide the results of the preliminary research to the working group, and record the working group's deliberations; and
- produce a report to EAC summarizing the findings of the preliminary research effort and working group deliberations that includes recommendations for future EAC action.

The working group members would need to review the results of preliminary research done by the two consultants to EAC and brainstorm ideas for future EAC action in this area, if any. I expect that the group will meet only once this year, probably in April in DC.

Please call me or send an email if you have any questions about the project or this request. I look forward to hearing from you.

Peggy Sims  
 Election Research Specialist  
 U.S. Election Assistance Commission  
 1225 New York Ave, NW - Ste 1100  
 Washington, DC 20005  
 Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
 Fax: 202-566-3127  
 email: psims@eac.gov

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM ---



"Tova Wang"

04/12/2006 12:03 PM

To psims@eac.gov  
 cc "Job Serebrov" [redacted] "Nicole  
 Mortellito" <nmortellito@eac.gov>  
 Subject working group meeting

I cannot do it on May 5 now. Any update on a date? I will be in DC for other meetings May 4 - May 7 if that makes any difference (EAC would not have to pay my transportation if it was on, for example, Monday May 8 or possibly even the 9th) Thanks.

Tova Andrea Wang  
 Democracy Fellow  
**The Century Foundation**  
 41 East 70th Street - New York, NY 10021  
 phone: 212-452-7704 fax: 212-535-7534

019891

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— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM —



"Tova Wang"  
<wang@tcf.org>  
01/30/2006 06:26 PM

To "Job Serebrov" <serebrov@sbcglobal.net>, psims@eac.gov  
cc baker@tcf.org  
Subject lori minnite

I have set up the interview for 12 noon on Monday, February 20. I will meet her in her office (its blocks from my house) so it will just be us and Job and Alex calling in. Thanks.

Tova Andrea Wang  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM —



"Tova Wang"  
[REDACTED]  
01/10/2006 04:43 PM

To psims@eac.gov  
cc  
Subject RE: nexis articles

Does this mean that the articles you collected were already scanned and are on the CD?

019892

[REDACTED]  
01/08/2006 09:24  
PM

psims@eac.gov, "Job Serebrov"

To

[REDACTED]  
cc

Subject

nexis articles

Hi again,

I'm just scanning over Devon's collection and do not believe she could have possibly searched all of the terms we gave her. I am aware of tons of articles that were written on many of these topics in 2004 that do not appear in the folder. I think someone is going to have to do it over again from scratch, and I'm thinking about doing at least some of it myself. We should discuss this in detail on Thursday. Thanks.

Tova

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

019893

Margaret Sims /EAC/GOV  
02/15/2006 10:19 AM

To Tova Andrea Wang, Job Serebrov  
cc Edgardo Cortes/EAC/GOV@EAC  
Subject Interview Schedule

Here is the latest schedule. --- Peggy



Schedule of Interviews.xls

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

Margaret Sims /EAC/GOV

03/13/2006 12:47 PM

To Tova Andrea Wang, Job Serebrov

cc

Subject I'm BAAACK

Tova and Job:

I apologize for my unanticipated and lengthy absence. I am back in the office, though I will have to work short days through Wednesday.

Are you two available for a teleconference this afternoon, say 3:00 PM EST, so that we can re-evaluate where we are and what needs to be done to schedule the working group?

----- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



"Job Serebrov"

02/15/2006 10:24 AM

To psims@eac.gov

cc

Subject Re: Interview Schedule

Is the passcode for the 2/17 interviews 62209?

--- psims@eac.gov wrote:

> Here is the latest schedule. --- Peggy  
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



"John.K.Tanner@usdoj.gov"

<John.K.Tanner@usdoj.gov

>

To "psims@eac.gov" <psims@eac.gov>

cc

019894





02/22/2006 04:09 PM

Subject RE: Upcoming Interview

Peggy

It will be easiest to meet in office, which is at 1800 G St NW, 7th floor. (You can call as you approach or when you get to the 7th floor.) I can patch anyone in by phone.

Much of the information you have requested is, as you can imagine, internal. I'll get you as much as we can, however, and look forward to talking with you.

John

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]  
Sent: Tuesday, February 21, 2006 1:14 PM  
To: Tanner, John K (CRT)  
Subject: Upcoming Interview

Dear John:

This is just to confirm the interview I set up with you this Friday at 2 PM. I'll bring Tova Wang, one of the two consultants on the project. Would it be possible to bring the other consultant into the conference via speaker phone? (He is in Little Rock, AR, so it would be a long distance call.)

I assume that we should go to the main entrance for 950 Pennsylvania Ave, NW and that Security will let you know when we've arrived. Is that correct?

Thanks, again, for time out for us.

Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM ---



"Tova Wang"

01/09/2006 02:12 PM

To tnedzar@eac.gov  
cc psims@eac.gov  
Subject RE: 3rd of 3 emails

019895

I got the first two now. Whats the total number we should have for the day?

-----Original Message-----

**From:** tnedzar@eac.gov [mailto:tnedzar@eac.gov]  
**Sent:** Monday, January 09, 2006 2:07 PM  
**To:** wang@tcf.org  
**Cc:** psims@eac.gov; serebrov@sbcglobal.net  
**Subject:** RE: 3rd of 3 emails

Hi Tova,

The first two emails were on another server, which could explain the delay. All three should be released today; if you don't receive them by 5, please send me an email and I will follow up with GSA. Job, if you have any problems with receiving emails, please also let me know.

Keeping my fingers crossed!

Tamar Nedzar  
Law Clerk  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
(202) 566-2377  
<http://www.eac.gov>  
TNedzar@eac.gov

"Tova Wang" [REDACTED]

01/09/2006 01:34 PM

To: tnedzar@eac.gov [REDACTED]  
Cc: psims@eac.gov  
Subject RE: 3rd of 3 emails

I am very confused. I didn't get the first two.

-----Original Message-----

**From:** tnedzar@eac.gov [mailto:tnedzar@eac.gov]  
**Sent:** Monday, January 09, 2006 9:49 AM  
**To:** [REDACTED]  
**Cc:** psims@eac.gov  
**Subject:** 3rd of 3 emails

Tamar Nedzar  
Law Clerk  
U.S. Election Assistance Commission

019896

1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
(202) 566-2377  
<http://www.eac.gov>  
TNedzar@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

Tamar Nedzar /EAC/GOV  
01/09/2006 02:15 PM

To "Tova Wang" <wang@tcf.org>@GSAEXTERNAL  
cc psims@eac.gov, [REDACTED]  
Subject RE: 3rd of 3 emails

There should be three total for today. All email subject lines should say something like, "First of 3, second of 3," etc.

Please let me know if I need to resend anything.

Thanks,

Tamar Nedzar  
Law Clerk  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
(202) 566-2377  
<http://www.eac.gov>  
TNedzar@eac.gov

"Tova Wang" [REDACTED]

01/09/2006 02:12 PM

To tnedzar@eac.gov  
cc psims@eac.gov, serebrov@sbcglobal.net  
Subject RE: 3rd of 3 emails

I got the first two now. Whats the total number we should have for the day?

-----Original Message-----

**From:** tnedzar@eac.gov [mailto:tnedzar@eac.gov]  
**Sent:** Monday, January 09, 2006 2:07 PM  
**To:** wang@tcf.org

019897

**Cc:** psims@eac.gov; [REDACTED]  
**Subject:** RE: 3rd of 3 emails

Hi Tova,

The first two emails were on another server, which could explain the delay. All three should be released today; if you don't receive them by 5, please send me an email and I will follow up with GSA. Job, if you have any problems with receiving emails, please also let me know.

Keeping my fingers crossed!

Tamar Nedzar  
Law Clerk  
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1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
(202) 566-2377  
<http://www.eac.gov>  
TNedzar@eac.gov

"Tova Wang" [REDACTED]

01/09/2006 01:34 PM

To tnedzar@eac.gov, [REDACTED]  
cc psims@eac.gov  
Subject RE: 3rd of 3 emails

I am very confused. I didn't get the first two.

-----Original Message-----

**From:** tnedzar@eac.gov [mailto:tnedzar@eac.gov]  
**Sent:** Monday, January 09, 2006 9:49 AM  
**To:** wang@tcf.org; serebrov@sbcglobal.net  
**Cc:** psims@eac.gov  
**Subject:** 3rd of 3 emails

Tamar Nedzar  
Law Clerk  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
(202) 566-2377  
<http://www.eac.gov>  
TNedzar@eac.gov

019898

— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM —



[REDACTED]  
01/23/2006 10:12 AM

To psims@eac.gov  
cc  
Subject john tanner

Hi Peg,

Do you think it will be possible to get a meeting with him while I am in DC, the 7th or the 8th?

Also, just an administrative question: with travel reimbursements, will they be direct deposited or will I get something separate?

Thanks.

019899

Tova

PS -- I'm off to Little Rock later today...

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



"Tova Wang"

03/13/2006 10:22 AM

To nmortellito@eac.gov, psims@eac.gov

cc

Subject FW: EAC interview

I'll let you know what we figure out. Thanks. Tova

-----Original Message-----

**From:** Anaya, Anna, SOS [mailto:anna.anaya@state.nm.us]

**Sent:** Monday, March 13, 2006 9:29 AM

**To:** Tova Wang

**Subject:** RE: EAC interview

Good morning, we will need to reschedule your call with Rebecca. There has been a death in her family and the services are Tuesday.

---

**From:** Tova Wang [mailto:wang@tcf.org]

**Sent:** Friday, March 03, 2006 11:58 AM

**To:** Anaya, Anna, SOS

**Subject:** EAC interview

Anna, Thanks so much for setting up our appointment with the Secretary. The call-in information is below. Please let me know if you have any questions. Thanks again. Tova

-----Original Message-----

**From:** nmortellito@eac.gov [mailto:nmortellito@eac.gov]

**Sent:** Thursday, March 02, 2006 9:50 AM

**To:** [REDACTED]

**Cc:** psims@eac.gov; 'Job Serebrov'; dscott@eac.gov

**Subject:** Re: new interview

Tova:

Your conference call is all set for 3:30pm (EST) March 14th for 1 hour.

Call in is 866-222-9044

Pass code: [REDACTED]

Let me know if you need anything else

Regards,

Nicole K. Mortellito  
Research Assistant

019900

U.S. Election Assistance Commission  
1225 New York Avenue - Suite 1100  
Washington, DC  
202.566.2209 phone  
202.566.3128 fax

**Tova Andrea Wang**  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

Visit our Web site, [www.tcf.org](http://www.tcf.org), for the latest news, analysis, opinions, and events.

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[Click here](#) to receive our weekly e-mail updates.

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01/01/01

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



"Job Serebrov"

01/11/2006 05:44 PM

To psims@eac.gov

cc

Subject Re: Friday Meetings

Got it!

--- psims@eac.gov wrote:

- > Tova and Job:
- >
- > As agreed, Tova and I can connect with Job by
- > telephone during our Friday
- > morning meeting. Tova would like to start the
- > meeting at 10 AM EST. Job,
- > we will call you from the meeting room.
- >
- > Craig Donsanto says we can use a meeting room over



> at DOJ that has a  
> phone, so that we can bring Job into the interview.  
> The meeting is  
> scheduled to begin an 2 PM EST, but it may take up  
> to 10 minutes for us to  
> settle in over there. We will call Job as soon as  
> we can begin the  
> interview. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



"weinberg/utrecht"

02/17/2006 05:35 PM

To psims@eac.gov  
cc weinberg/utrecht  
Subject Re: Your Input Requested-Voting Fraud/Voter Intimidation Project

Peggy:

How nice to hear from you! I'd be happy to be a part of the working group for the research on voting fraud and intimidation. Thank you for asking me. When you know the whole make-up of the working group I'd be interested in knowing who else is on it.

The Email address you used is our farm (Garrett County) address, which we check infrequently. For future messages it will be better to use our Bethesda Email address which is [REDACTED]. We check that inbox even when we're at the farm.

From the reports I get on doings at the EAC I hear you are doing well. That's good news.  
Barry

----- Original Message -----

**From:** psims@eac.gov

**To:** [REDACTED]

**Sent:** Thursday, February 16, 2006 9:18 AM

**Subject:** Your Input Requested-Voting Fraud/Voter Intimidation Project

Barry:

Hope you have been doing well. Scott Lansell (IFES) was in the office last week and spoke well of you. He said that you had worked with IFES on a project they were doing in Africa.

I am now working for the new Election Assistance Commission (EAC), as the Help America Vote Act of 2002 (HAVA) required the transfer of the FEC's Office of Election Administration to EAC. I have been assigned to manage the U.S. Election Assistance Commission's (EAC) preliminary research project on voting fraud and voter intimidation. I wondered if you would be interested in and available to serve on a project working group for EAC's preliminary research on voting fraud and voter intimidation. I appreciated your insight when we worked on the implementation of NVRA, and hope that you will be available to provide us the benefit of your expertise.

EAC is conducting this research to meet HAVA requirements. Section 241 of the Help America Vote Act of 2002 requires EAC to conduct research on election administration issues. Among the issues listed in

019803

the statute are the development of:

- nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office [section 241(b)(6)]; and
- methods of identifying, deterring, and investigating methods of voter intimidation [section 241(b)(7)].

EAC's Board of Advisors recommended that EAC make research on these topics a high priority.

Subsequently, the Commission contracted with two consultants (Tova Wang and Job Serebrov) to:

- develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections;
- perform preliminary research on these topics (including Federal and State administrative and case law review), identify related activities of key government agencies and civic and advocacy organizations, and deliver a summary of this research and all source documentation;
- convene a meeting of a project working group composed of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation, provide the results of the preliminary research to the working group, and record the working group's deliberations; and
- produce a report to EAC summarizing the findings of the preliminary research effort and working group deliberations that includes recommendations for future EAC action.

The working group members would need to review the results of preliminary research done by the two consultants to EAC and brainstorm ideas for future EAC action in this area, if any. I expect that the group will meet only once this year, probably in April in DC.

Please call me or send an email if you have any questions about the project or this request. I look forward to hearing from you.

Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

Margaret Sims /EAC/GOV

04/05/2006 05:45 PM

To "Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL  
cc

Subject Re: Voting Fraud-Voter Intimidation Project

OK, thanks. I can access the IFES web site. That will give the consultants something to work with. ---  
Peg

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov>  
v>

To psims@eac.gov  
cc

019904



04/05/2006 05:32 PM

Subject Re: Voting Fraud-Voter Intimidation Project

The fraud chapter has been published by IFES as part of their Money and Politics Program. It's on their website. I tweaked the text a bit and presented it in Abjua. The rest of it is regretablely not public at present.

-----  
Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>  
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>  
Sent: Wed Apr 05 17:26:12 2006  
Subject: Re: Voting Fraud-Voter Intimidation Project

Is there any way to get an advance copy? Our consultants will need to review it before you receive your printed versions. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

04/05/2006 04:14 PM

To  
psims@eac.gov

cc

Subject  
Re: Voting Fraud-Voter Intimidation Project

The 7th edition is done and on its way to the printer. It is my hope to get it our in a couple months.

-----  
Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>  
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>  
Sent: Wed Apr 05 13:05:15 2006  
Subject: Voting Fraud-Voter Intimidation Project

019905

Craig:

In reviewing the great materials you gave our consultants, we have not found an updated draft of your famous Prosecution of Election Offenses. Is that available for review? If you have a pdf version, I could pass that on to our consultants (noting any restrictions you may have on use).

Also, we noticed some gaps in the 2004 DOJ training binder. It appears that we are missing the Chris Herren information from Panel 3 and something titled "July 21, 2004" from Panel 4. If these were removed because we should not see them, just let me know.

I also have to check your availability the week of May15. I'm still trying to find a date that everyone will be available for the working group meeting.

Sorry to bug you. Hope all is going well.

Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

Margaret Sims /EAC/GOV

02/15/2006 01:40 PM

To "Job Serebrov"

cc [REDACTED]

Subject Re: Interview Schedule 

Yes, for the teleconference with the group of academics. For the teleconference with Justice Stratton, I will call everyone into the conference. --- Peggy

"Job Serebrov" <[REDACTED]>



"Job Serebrov"

02/15/2006 10:24 AM

To psims@eac.gov

cc

Subject Re: Interview Schedule

Is the passcode for the 2/17 interview [REDACTED]

0219906

--- psims@eac.gov wrote:

> Here is the latest schedule. --- Peggy  
>

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM ---



"Job Serebrov"

[REDACTED]  
02/10/2006 11:14 AM

To [REDACTED], psims@eac.gov  
cc

Subject Surprising Interview

Ok, Justice Stratton of Ohio has concented to an interview on Feb 17 at 3 pm EST. Her number is

[REDACTED]

Job

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM ---



"Tova Wang"

[REDACTED]  
02/21/2006 12:52 PM

To "Job Serebrov" [REDACTED], psims@eac.gov  
cc

Subject RE: Friday Interviews

We're not going to be at the EAC. The meetings are at Sandler and Tanner's offices.

-----Original Message-----

From: Job Serebrov [mailto:[REDACTED]]  
Sent: Tuesday, February 21, 2006 12:49 PM  
To: psims@eac.gov; [REDACTED]  
Subject: Friday Interviews

Peggy:

We will need to do the Friday interviews the same way we are doing all of the others. Despite Tova being in DC, we will have to do a conference call from your office. I only have a cell phone to make long distance calls and limited minutes.

Job

019907

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



wang@tcf.org  
01/07/2006 12:45 PM

To psims@eac.gov  
cc "Job Serebrov" [REDACTED]  
Subject tamar's files

Hi Peg,

I got all of Tamar's emails from yesterday, but I guess I am still missing the 29th if she sent something on that day.

Also, will we be getting statements reflecting our payments? The number of dollars in my account isn't exactly the number I calculated, but I can't tell if there were withholdings or its because of something else. Thanks.

Hope you are enjoying the weekend.

Tova

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

Margaret Sims/EAC/GOV  
01/11/2006 04:06 PM

To wang@tcf.org@GSAEXTERNAL  
cc "Job Serebrov" [REDACTED]  
Subject Re: Tamar's files

Tova and Job:

The first three of the five emails that Tamar sent you on 1/6/05 included the three zip files that she originally tried to send together on 12/29. So, you should have everything she has produced. --- Peggy



[REDACTED]  
01/07/2006 12:45 PM

To psims@eac.gov  
cc "Job Serebrov" [REDACTED]  
Subject tamar's files

Hi Peg,

I got all of Tamar's emails from yesterday, but I guess I am still missing the 29th if she sent something on

019908

that day.

Also, will we be getting statements reflecting our payments? The number of dollars in my account isn't exactly the number I calculated, but I can't tell if there were withholdings or its because of something else. Thanks.

Hope you are enjoying the weekend.

Tova

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

Margaret Sims /EAC/GOV

04/03/2006 03:15 PM

To Barry Weinberg

cc

Subject Voting Fraud-Voter Intimidation Project

Hi, Barry:

I'm trying to arrange a meeting of the Working Group for EAC's Voting Fraud-Voter Intimidation project. Would you please look at your schedule and let me know if there are any days during the first 2 weeks of May that you would NOT be available?

Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

Margaret Sims /EAC/GOV

02/15/2006 02:33 PM

To Tova Andrea Wang, Job Serebrov

cc

Subject Telephone Interviews

Tova and Job:

I am sorry about the problems we had trying to set up the Webber interview from here. I've asked someone to help me expedite the set up of the remaining teleconferences scheduled (except the two on 2/24) using a toll-free number and pass code. I will have to keep you posted, though, because we have had some trouble with follow through at Verizon. (If it's not one thing, it's another.) -- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



"Job Serebrov"

01/18/2006 12:45 PM

To psims@eac.gov

cc

Subject Re: extension

019909



Yes. I believe we will have to cull the cases even more because we will run out of time.

Job

--- psims@eac.gov wrote:

> Tova and Job:  
>  
> Does this estimate take into account the time  
> remaining under both  
> contracts through the end of February? In other  
> words, would all of the  
> time that you listed be spent on the project after  
> February 28? --- Peggy  
>  
>  
>  
>  
> [REDACTED]  
> 01/14/2006 01:05 PM  
>  
> To  
> psims@eac.gov  
> cc  
> "Job Serebrov" [REDACTED], "Tova Wang"  
> [REDACTED]  
> Subject  
> extension  
>  
>  
>  
>  
> Hi Peg, Thanks for everything yesterday. It was  
> quite a day. Below  
> please find a breakdown of the 200 additional hours  
> we will require to  
> complete the project. Let me know if you have any  
> questions.  
>  
>  
> Expert Interviews:  
> 3 hours of scheduling  
> 17 hours conducting the interviews  
> 15 hours summarizing and analyzing the interviews  
> Total: 35 hours  
>  
> Nexis research, organization of research, summary of  
> research (Tova): 100  
> hours  
> Lexis research, organization of research, summary of  
> research (Job): 100  
> hours



- >
- > Working Group preparation and meeting time: 20 hours
- >
- > Final Report: 45 hours
- >

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



[REDACTED]  
02/13/2006 10:08 PM

To "Job Serebrov" [REDACTED] "Tova Wang"  
[REDACTED], psims@eac.gov  
cc ecortes@eac.gov [REDACTED]  
Subject Neil Bradley

4 PM on Tuesday, the 21st. He's the lawyer for the plaintiffs in the Georgia case. [REDACTED]  
[REDACTED]

Tova

PS -- No clue why this is in purple

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

Margaret Sims/EAC/GOV

03/13/2006 01:23 PM

To "Job Serebrov"  
<serebrov@sbcglobal.net>@GSAEXTERNAL, Tova Andrea Wang  
cc  
Subject Re: I'm BAAACK [REDACTED]

Any time on Thursday possible?  
--- Peggy

"Job Serebrov" [REDACTED]



"Job Serebrov"  
[REDACTED]

03/13/2006 12:53 PM

To psims@eac.gov  
cc  
Subject Re: I'm BAAACK

Peggy:

Good to hear from you. No, unfortunately this week is very bad for me. Today is covered, tomorrow from 1-2 your time is out, Wednesday and Friday are out. Pick a

019911

time between all, of this. I am in Nevada from March 25 to the 28.

Job

--- psims@eac.gov wrote:

> Tova and Job:

>

> I apologize for my unanticipated and lengthy  
> absence. I am back in the  
> office, though I will have to work short days  
> through Wednesday.

>

> Are you two available for a teleconference this  
> afternoon, say 3:00 PM  
> EST, so that we can re-evaluate where we are and  
> what needs to be done to  
> schedule the working group?

>

> ----- Peggy

>

>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

Margaret Sims/EAC/GOV

02/09/2006 05:30 PM

To "John.K.Tanner@usdoj.gov"

<John.K.Tanner@usdoj.gov>@GSAEXTERNAL

cc

Subject RE: Interview Request Re EAC Research on Voting Fraud  
and Voter Intimidation

John:

I suspect that we will need an hour (or less) for the interview. Depending on our consultants' travel schedules, we may do this in person or over the phone. I'll get back to you with the details when I have confirmed them. Thanks!

Peggy Sims

Election Research Specialist

U.S. Election Assistance Commission

1225 New York Ave, NW - Ste 1100

Washington, DC 20005

Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)

Fax: 202-566-3127

email: psims@eac.gov

"John.K.Tanner@usdoj.gov" <John.K.Tanner@usdoj.gov>



"John.K.Tanner@usdoj.gov"

<John.K.Tanner@usdoj.gov

>

To "psims@eac.gov" <psims@eac.gov>

019912



02/08/2006 05:42 PM

cc

Subject RE: Interview Request Re EAC Research on Voting Fraud and Voter Intimidation

Peggy,

I will be more than happy to help in any way. I will check on what information it is possible to release. There are, as you can imagine restrictions. I will be available for the interview at 2:00 on the 24th. How long do you expect the interview to take?

John

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]  
Sent: Wednesday, February 08, 2006 4:49 PM  
To: Tanner, John K (CRT)  
Subject: Interview Request Re EAC Research on Voting Fraud and Voter Intimidation

Dear John:

I have been assigned to manage the U.S. Election Assistance Commission's (EAC) preliminary research project on voting fraud and voter intimidation. Obviously, obtaining information regarding the Voting Section's actions against voter intimidation and other voting rights violations is important to this effort. Would you be available for an interview by our project consultants on February 24 at 2:00 PM? The interview may take place by phone, or one of the consultants may visit your office and connect the other consultant by phone.

Background

Section 241 of the Help America Vote Act of 2002 requires EAC to conduct research on election administration issues. Among the issues listed in the statute are the development of:

nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office [section 241(b)(6)]; and  
methods of identifying, deterring, and investigating methods of voter intimidation [section 241(b)(7)].

EAC's Board of Advisors recommended that EAC make research on these topics a high priority. Subsequently, the Commission contracted with two consultants (Tova Wang and Job Serebrov) to:

develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections;  
perform preliminary research on these topics (including Federal and State administrative and case law review), identify related activities of key government agencies and civic and advocacy organizations, and deliver a summary of this research and all source documentation;  
convene a meeting of a project working group composed of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation, provide the results of the

019913

preliminary research to the working group, and record the working group's deliberations; and  
produce a report to EAC summarizing the findings of the preliminary research effort and working group deliberations that includes recommendations for future EAC action, if any.

#### Possible Questions

Possible interview questions include the following:

1. According to a GAO report dated September 14, 2004 entitled Department of Justice's Activities to Address Past Election-Related Voting Irregularities, the "Voting Section has used several means of tracking allegations of voting irregularities and the Section's actions with regard to those allegations. First, the Voting Section used telephone logs to track telephone calls regarding allegations of voting irregularities it received related to the November 2000 and 2002 elections. Second, DOJ tracks matters and cases through its Interactive Case Management (ICM) system-its formal process for tracking and managing work activities. Third, the Voting Section tracked monitoring of elections using logs and for some election-monitoring activities they opened matters; thus, it has not routinely tracked election-monitoring activities through the ICM system."

Can you provide us with the following:

- a) The telephone logs referred to in the report
- b) The matters and cases tracked through the Interactive Case Management (ICM) system
- c) The other logs referred to in the report
- d) Any other data the division has maintained electronically during the last three federal election cycles

2. The division deployed thousands of observers to polling sites throughout the country in 2002, 2003, and 2004.

Can you provide us with the following:

- a) Any reports that were developed with respect to those efforts, before, during and after it implementation
- b) Any field notes from federal attorneys and their staff
- c) Information on any lawsuits and/or prosecutions for voter intimidation and/or suppression from the last five years

3. Does it matter if the complaint does or does not comes from a member of a racial or language minority?

4. What kinds of complaints would routinely override principals of federalism?

5. Are you of the opinion that there are too few prosecutions?

019914

6. What should be done to improve the system?

Let me know if you have any questions about this request or the research project. I look forward to hearing from you.

Regards,

Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



"Tova Wang"

01/09/2006 04:22 PM

To psims@eac.gov

cc s

Subject more on nexis articles

Would it be possible for someone to scan the articles you have printed out in folders and then put them in the appropriate electronic folders that Devon created? Thanks.

**Tova Andrea Wang**  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



01/14/2006 01:24 PM

To "Job Serebrov" psims@eac.gov

cc

Subject interviews

Attached is our assignment list in case you need it. Thanks.

013915

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

Margaret Sims/EAC/GOV

01/31/2006 04:01 PM

To "Tova Wang" [REDACTED]@GSAEXTERNAL  
cc [REDACTED]  
Subject Re: lori minnite

Tova:

When the teleconference is for an interview with just one individual, an EAC staff person (usually I) will set the teleconference up through our office telephone. Unfortunately, I just noticed that Monday, February 20 is a Federal holiday . Our office won't be open to coordinate this teleconference. I don't have access to EAC's toll-free line from home. Do you want to try to reschedule?--- Peggy

"Tova Wang" [REDACTED]



"Tova Wang"

[REDACTED]  
01/30/2006 06:26 PM

To "Job Serebrov" [REDACTED], psims@eac.gov  
cc [REDACTED]  
Subject lori minnite

019916

I have set up the interview for 12 noon on Monday, February 20. I will meet her in her office (its blocks from my house) so it will just be us and Job and Alex calling in. Thanks.

**Tova Andrea Wang**  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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---

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



"Craig.Donsanto@usdoj.gov"  
" <Craig.Donsanto@usdoj.gov v>  
To "psims@eac.gov" <psims@eac.gov>  
cc  
Subject Re: Upcoming Interview  
01/11/2006 10:52 PM

Friday at 2 -- right??

-----  
Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>  
To: Donsanto, Craig <Craig.Donsanto@usdoj.gov>  
Sent: Wed Jan 11 17:40:56 2006  
Subject: RE: Upcoming Interview

Thanks! --- Peg

"Craig.Donsanto@usdoj.gov" <Craig.Donsanto@usdoj.gov>

01/11/2006 03:29 PM

To  
"psims@eac.gov" <psims@eac.gov>

cc

Subject  
RE: Upcoming Interview

019917

By all means, yes Peg.

---

From: psims@eac.gov [mailto:psims@eac.gov]  
Sent: Wednesday, January 11, 2006 3:03 PM  
To: Donsanto, Craig  
Subject: Upcoming Interview

Craig:

Would it be possible to hold Friday's interview in a room that has a phone? One of the 2 consultants has had a family emergency and can only participate by phone. I hope that we can call him from the meeting room and put the phone on Speaker, so that he can participate as if he were there in person. Can that be arranged?

Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

Margaret Sims/EAC/GOV

01/12/2006 08:43 AM

To "Craig.Donsanto@usdoj.gov"

<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL

cc

Subject Re: Upcoming Interview

Yes, tomorrow (Friday) at 2 PM. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

wang@tcf.org

04/06/2006 05:05 PM

To psims@eac.gov

cc

Subject Re: Upcoming Interviews-DOJ Info



019918





That time is fine for me. Thanks.

----- Original Message -----

From: [psims@eac.gov](mailto:psims@eac.gov)

To: [REDACTED]

Sent: Thursday, April 06, 2006 9:35 AM

Subject: Upcoming Interviews-DOJ Info

Hi, Job and Tova:

Tony Sirvello (former election director for Harris County, TX and current Executive Director of the International Association of Clerks, Recorders, Election Officials and Treasurers) can make himself available for an interview next Wednesday morning (4/12). He is on CST. Is there a time that works well for the two of you? How about 10 AM CST/11 AM EST? I saw Kevin Kennedy at a meeting in our office this past Tuesday. We are trying to set up an interview with him next Tuesday (4/11).

I asked Donsanto about an updated version of his *Prosecution of Election Offenses*. He responded that it is at the printers and will not be available for a couple of months. In the interim, he referred me to the white paper he did for IFES, which I have attached. He said that the white paper includes the same information on the prosecution of election fraud that will be in the book. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

Margaret Sims /EAC/GOV

04/03/2006 03:12 PM

To: Craig Donsanto

cc

Subject: Re: Voting Fraud-Voter Intimidation Project

Craig:

I have 2 issues for you today.

First, I am trying to schedule a meeting of the project working group for EAC's Voting Fraud-Voter Intimidation research project. As a technical advisor on this project, your attendance is particularly important to me. Would you please look at your schedule and let me know if there are any days during the first 2 weeks of May that you would NOT be available?

Second, Is it OK for our consultants to refer in their report to guidance provided in the DOJ training materials? I ask this because I understood that some materials in the materials are considered confidential and we do not want to violate your confidentiality provisions. If there is a compromise position, such as having you review that portion of the consultants' report, then let me know.

Thanks!

Peggy Sims

019919

Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



"Kennedy, Kevin"  
<Kevin.Kennedy@seb.state.wi.us>  
04/10/2006 02:35 PM  
To "psims@eac.gov" <psims@eac.gov>  
cc  
Subject RE: Interview

Thank you.

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]  
Sent: Monday, April 10, 2006 11:02 AM  
To: Kevin Kennedy  
Subject: Re: Interview

I am trying to arrange the teleconference for 10:30 AM CST tomorrow, April 11. Will get back to you once confirmed.  
Peggy

-----  
Sent from my BlackBerry Wireless Handheld

----- Original Message -----  
From: "Kennedy, Kevin" [Kevin.Kennedy@seb.state.wi.us]  
Sent: 04/09/2006 11:13 AM  
To: "'psims@eac.gov'" <psims@eac.gov>  
Subject: RE: Interview

That time is fine. A half hour earlier would be better. I also have a 12 CDT meeting.

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]  
Sent: Friday, April 07, 2006 12:27 PM  
To: Kevin Kennedy  
Subject: Interview

Kevin:  
I'm just following up on my request for your availability to be interviewed by our consultants for our voting fraud/voter intimidation project. Are you available Tuesday, April 11 at 11 AM CST?  
Peggy Sims

-----  
019920

Sent from my BlackBerry Wireless Handheld

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

Margaret Sims /EAC/GOV

01/11/2006 12:34 PM

To Job Serebrov

cc

Subject Fw: Nexis Article Searches

Oops! I forgot to cc: you on this. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 01/11/2006 12:36 PM -----

Margaret Sims /EAC/GOV

01/11/2006 12:33 PM

To Tova Andrea Wang

cc

Subject Nexis Article Searches

Tova:

I just found the Lexis word search list used by Devon with all of the search terms crossed off. I have to assume that means she searched using each term. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



"Tova Wang"

[Redacted]  
02/02/2006 02:49 PM

To psims@eac.gov

cc [Redacted]

Subject RE: vansickle

No, I just meant catch him to set up a time with him in the future. However, I am having possible meetings on other business next week, so the sooner I could know if we have something with the Tanner the better for me. Thanks.

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Thursday, February 02, 2006 2:45 PM

**To:** [Redacted]

**Cc:** [Redacted]

**Subject:** Re: vansickle

Shucks! I did not see your message until now. I spoke to him several times this morning at our public meeting, which was held at the Hyatt. How are you planning to bring Job into the interviews conducted during the NASS/NASED conference? Have you already scheduled interviews during the next four days of which I should be aware (so that I won't double book you)?

--- Peg

019921

"Tova Wang" [REDACTED]

02/02/2006 11:35 AM

To psims@eac.gov  
cc "Job Serebrov" [REDACTED]  
Subject vansickle

Apparently he is at NASS. Peg, can we both try to catch him to set something up? Thanks. Tova

**Tova Andrea Wang**  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



"Tova Wang"

[REDACTED]  
02/02/2006 02:46 PM

To "Job Serebrov" [REDACTED] psims@eac.gov  
cc [REDACTED]  
Subject joe sandler

February 24 at noon. [REDACTED] Thanks.

**Tova Andrea Wang**  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



"Tova Wang"  
<wang@tcf.org>

To "Tova Wang" <wang@tcf.org>, "Mike Alvarez"

019922



02/01/2006 01:45 PM

<rma@hss.caltech.edu>, "Chandler Davidson"  
<fcd@rice.edu>, "Stephen Ansolabehere" <sda@MIT.EDU>  
cc [redacted]@sims@eac.gov  
Subject RE: EAC Voter Fraud Project

Hi all,

Here is the call in information for our discussion on Feb 17 at noon.

Dial in number 1-866-222-9044

Pass code [redacted]

I'll try to remember to send out a reminder between now and then...

Thanks again

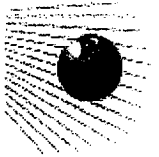
Tova

**Tova Andrea Wang**  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



**Nicole  
Mortellito/CONTRACTOR/E  
AC/GOV**

04/11/2006 11:45 AM

To "Tova Wang" [redacted]  
cc psims@eac.gov  
Subject conf call is up and running

all dial in info is the same!

Regards,

Nicole K. Mortellito  
Research Assistant  
U.S. Election Assistance Commission  
1225 New York Avenue - Suite 1100  
Washington, DC  
202.566.2209 phone

019923

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

Margaret Sims/EAC/GOV

04/03/2006 05:13 PM

To Tova Andrea Wang, Serebrov

cc

Subject Fw: DOJ Training Materials

Devon's response is attached. Guess I'll add this to the list of questions going to Donsanto. ---Peggy

019924

— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM —



"Tova Wang"

02/22/2006 12:03 PM

To psims@eac.gov

cc "Job Serebrov"

Subject status

Hi Peg,

I just wanted to check in on a few things:

Have we figured out how we are doing the Sandler interview?

Where are we at with getting the copies of the Donsanto materials?

Have you been able to touch base with Mike McCarthy, Kevin Kennedy, Connie McCormick, Sarah Ball Johnson or Tom Harrison at all?

Where do we stand with the local official for the working group?

Thank you!!! And I look forward to seeing you Friday.

Tova Andrea Wang  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM —



"Job Serebrov"

03/13/2006 03:55 PM

To "Tova Wang" psims@eac.gov

cc

Subject RE: I'm BAAACK

019925

I told Peggy I was free at 11:00 your time. I need to check my afternoon schedule.

J~

--- Tova Wang [REDACTED] wrote:

> I'm free any time after noon. Tova

>

> -----Original Message-----

> From: psims@eac.gov [mailto:psims@eac.gov]

> Sent: Monday, March 13, 2006 1:24 PM

> To: serebrov@sbcglobal.net; wang@tcf.org

> Subject: Re: I'm BAAACK

>

>

>

> Any time on Thursday possible?

> --- Peggy

>

>

>

> "Job Serebrov" [REDACTED]

>

>

> 03/13/2006 12:53 PM

>

>

> To

> psims@eac.gov

>

> cc

>

> Subject

> Re: I'm BAAACK

>

>

>

>

>

>

> Peggy:

>

> Good to hear from you. No, unfortunately this week

> is

> very bad for me. Today is covered, tomorrow from 1-2

> your time is out, Wednesday and Friday are out. Pick

> a

> time between all, of this. I am in Nevada from March

> 25 to the 28.

>

> Job

>

> --- psims@eac.gov wrote:

>

> > Tova and Job:

> >

> > I apologize for my unanticipated and lengthy

> > absence. I am back in the

019926



> > office, though I will have to work short days  
> > through Wednesday.  
> >  
> > Are you two available for a teleconference this  
> > afternoon, say 3:00 PM  
> > EST, so that we can re-evaluate where we are and  
> > what needs to be done to  
> > schedule the working group?  
> >  
> > ----- Peggy  
> >  
> >  
>  
>  
>  
>  
>  
>  
>  
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

Margaret Sims/EAC/GOV

02/24/2006 01:24 PM

To "John.K.Tanner@usdoj.gov"

<John.K.Tanner@usdoj.gov>@GSAEXTERNAL

cc

Subject RE: Upcoming Interview 

Hi, John:

I apologize that I will not be there this afternoon to introduce you to our consultants for EAC's Voting Fraud/Voter Intimidation project. Tova Wang will be at your office at 2 PM, today. She can call our other consultant, Job Serebrov, and put him on speaker phone. Please let me know if you need anything from me, or want to express any concerns about the project. Thanks.

Peggy Sims

Election Research Specialist

U.S. Election Assistance Commission

1225 New York Ave, NW - Ste 1100

Washington, DC 20005

Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)

Fax: 202-566-3127

email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

Margaret Sims/EAC/GOV

02/09/2006 05:32 PM

To Tova Andrea Wang, Job Serebrov

cc

Subject Tanner Interview-Interview Schedule

019928

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

Margaret Sims /EAC/GOV  
01/30/2006 10:44 AM

To "Tova Wang" [REDACTED]  
cc  
Subject Re: conf call of academics [PDF]

Tova:

Please refresh my memory --- how many people will be on the conference call (including you and Job, but probably not me)? --- Peggy

"Tova Wang" [REDACTED]



"Tova Wang"  
[REDACTED]  
01/30/2006 09:22 AM

To "Job Serebrov" [REDACTED], psims@eac.gov  
cc  
Subject conf call of academics

Three of the four can do noon on the 17th, and I think that's the best we'll do. We'll talk to Lori Minnite separately. Peg, can you please help set up the call? Thank you.

Tova

**Tova Andrea Wang**  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**

019929

41 East 70th Street - New York, NY 10021  
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----

Tamar Nedzar /EAC/GOV  
01/09/2006 09:48 AM

To [REDACTED] et  
cc Margaret Sims/EAC/GOV@EAC  
Subject 3rd of 3 emails

Tamar Nedzar  
Law Clerk  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
(202) 566-2377  
<http://www.eac.gov>  
TNedzar@eac.gov



Native American Vote Fraud.zip

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Tova Wang"  
[REDACTED]  
02/01/2006 10:14 AM

To psims@eac.gov [REDACTED]  
cc "Tova Wang" [REDACTED]  
Subject john ravitz [REDACTED]

We have an appointment with him for 11 AM February 16

Tova Andrea Wang  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----

Margaret Sims /EAC/GOV

019930

02/23/2006 08:39 AM

To Tova Andrea Wang, Job Serebrov  
cc  
Subject Interviews

Job and Tova:

I'd like to suggest a moratorium on adding interviewees to the list until we complete interviews on the last list prepared. Frankly, in terms of the enforcement mechanics, I think you will get more out of your interviews with Donsanto, Tanner, and Joe Rich than you will get from an interview with Hans. Hans worked at DOJ for a relatively short time, compared to those folks. You also will have input from Barry Weinberg (former Deputy Chief, Voting Section, Civil Rights Division, DOJ) who has confirmed that he is available for the Working Group.

Regarding upcoming interviews that I schedule for you two, are there any times that you are NOT available next week or the week thereafter?

--- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----

Margaret Sims/EAC/GOV

03/14/2006 05:13 PM

To "Tova Wang" [REDACTED]  
cc [REDACTED]  
Subject RE: Teleconference Needed

OK. I'll call you and Job at 11 AM EST on Thursday, March 16 (unless something comes up for either of you that requires us to change the time or date). --- Peggy

"Tova Wang" [REDACTED]



"Tova Wang"

03/14/2006 05:09 PM

To psims@eac.gov  
cc [REDACTED]  
Subject RE: Teleconference Needed

Yes

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Tuesday, March 14, 2006 5:06 PM

To: [REDACTED]

Cc: [REDACTED]

Subject: Teleconference Needed

Do you mean 11 AM EST on Thursday, March 16? Does that work for Job, too? --- Peggy

019931

"Tova Wang" [REDACTED]

03/14/2006 01:00 PM

To psims@eac.gov, [REDACTED]  
cc  
Subject RE: I'm BAAACK

Peg, does 11 am work for you? If so, I'll try to reschedule my meeting that was that time. Tova  
-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Monday, March 13, 2006 1:24 PM  
**To:** [REDACTED]  
**Subject:** Re: I'm BAAACK

Any time on Thursday possible?  
--- Peggy

"Job Serebrov" [REDACTED]

03/13/2006 12:53 PM

To psims@eac.gov  
cc  
Subject Re: I'm BAAACK

Peggy:

Good to hear from you. No, unfortunately this week is very bad for me. Today is covered, tomorrow from 1-2 your time is out, Wednesday and Friday are out. Pick a time between all, of this. I am in Nevada from March 25 to the 28.

019932

Job

--- psims@eac.gov wrote:

> Tova and Job:  
>  
> I apologize for my unanticipated and lengthy  
> absence. I am back in the  
> office, though I will have to work short days  
> through Wednesday.  
>  
> Are you two available for a teleconference this  
> afternoon, say 3:00 PM  
> EST, so that we can re-evaluate where we are and  
> what needs to be done to  
> schedule the working group?  
>  
> ----- Peggy  
>  
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----

Tamar Nedzar/EAC/GOV

01/06/2006 05:01 PM

To

cc Margaret Sims/EAC/GOV@EAC

Subject Fraud Search Wrap-Up

Tova and Job,

After I send the emails from home tonight or tomorrow, that should be all of the search terms you requested. Given the problems with sending emails, if you have any questions, think you are missing anything, or would like to review what I have sent, please feel free to call me. I will only be in the office on Mondays and Fridays, but I check email regularly.

Have a great weekend!

Tamar Nedzar  
Law Clerk  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
(202) 566-2377  
<http://www.eac.gov>  
TNedzar@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----

Margaret Sims/EAC/GOV

02/24/2006 02:27 PM

To Job Serebrov, Tova Andrea Wang

cc

Subject Updated Interview Schedule

019933



Schedule of Interviews 2-24-06.xls

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Tova Wang"

01/15/2006 11:00 AM

To psims@eac.gov

cc "Job Serebrov"

Subject another deliverable

I forgot to include that I will provide a summary, as best I can, of the methodological suggestions I have gotten from political scientists

**Tova Andrea Wang**  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----

Margaret Sims/EAC/GOV

03/16/2006 10:24 AM

To Tova Andrea Wang, Job Serebrov

cc

Subject Rescheduled Teleconference

This is to confirm that we have rescheduled our teleconference (originally on for 11 AM today). It is now scheduled for 10 AM EST on Monday 3/20. As usual, I will call you both. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Tova Wang"

03/13/2006 03:43 PM

To psims@eac.gov

cc

Subject RE: I'm BAAACK

I'm free any time after noon. Tova

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

019934



Sent: Monday, March 13, 2006 1:24 PM  
To: [REDACTED]  
Subject: Re: I'm BAAACK

Any time on Thursday possible?  
--- Peggy

"Job Serebrov" [REDACTED]

03/13/2006 12:53 PM

To psims@eac.gov  
cc  
Subject Re: I'm BAAACK

Peggy:

Good to hear from you. No, unfortunately this week is very bad for me. Today is covered, tomorrow from 1-2 your time is out, Wednesday and Friday are out. Pick a time between all, of this. I am in Nevada from March 25 to the 28.

Job

--- psims@eac.gov wrote:

> Tova and Job:  
>  
> I apologize for my unanticipated and lengthy  
> absence. I am back in the  
> office, though I will have to work short days  
> through Wednesday.  
>  
> Are you two available for a teleconference this  
> afternoon, say 3:00 PM  
> EST, so that we can re-evaluate where we are and  
> what needs to be done to  
> schedule the working group?  
>  
> ---- Peggy  
>  
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----

"Tova Wang"

019935



[REDACTED]  
03/01/2006 12:20 PM

To "Job Serebrov" [REDACTED]  
cc psims@eac.gov  
Subject schedule

FYI, I'll be unavailable 3/28-29 and 4/6-7

**Tova Andrea Wang**  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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019936

— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM —

Margaret Sims /EAC/GOV

03/22/2006 11:47 AM

To "Tova Wang" [REDACTED] ERNAL, Job  
Serebrov

cc

Subject RE: Rescheduling 4-3-06 Teleconference

4 PM EST on Monday 4-3-06 works for me if it works for both of you. What do you say, Job? — Peggy

"Tova Wang" [REDACTED]



"Tova Wang"

03/22/2006 11:44 AM

To psims@eac.gov [REDACTED]

cc

Subject RE: Rescheduling 4-3-06 Teleconference

Around 4 would work better for me if that is possible

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Wednesday, March 22, 2006 10:21 AM

**To:** wang@tcf.org; serebrov@sbcglobal.net

**Subject:** Rescheduling 4-3-06 Teleconference

I need to reschedule our 4-3-06 teleconference, currently scheduled for 10 AM. Are you two available in the afternoon, say 2 PM EST? — Peggy

— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM —

Margaret Sims /EAC/GOV

02/22/2006 04:28 PM

To Tova Andrea Wang

cc

Subject Fw: Upcoming Interview-Tanner

019937

Tanner would like to meet at a different address than the one I gave you. Please see attached message.  
--- Peg

----- Forwarded by Margaret Sims/EAC/GOV on 02/22/2006 04:27 PM -----



"John.K.Tanner@usdoj.gov"  
<John.K.Tanner@usdoj.gov

To "psims@eac.gov" <psims@eac.gov>

>  
02/22/2006 04:09 PM

cc

Subject RE: Upcoming Interview

Peggy

It will be easiest to meet in office, which is at 1800 G St NW, 7th floor.  
(You can call as you approach or when you get to the 7th floor.) I can patch anyone in by phone.

Much of the information you have requested is, as you can imagine, internal. I'll get you as much as we can, however, and look forward to talking with you.

John

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Tuesday, February 21, 2006 1:14 PM

To: Tanner, John K (CRT)

Subject: Upcoming Interview

Dear John:

This is just to confirm the interview I set up with you this Friday at 2 PM. I'll bring Tova Wang, one of the two consultants on the project. Would it be possible to bring the other consultant into the conference via speaker phone? (He is in Little Rock, AR, so it would be a long distance call.)

I assume that we should go to the main entrance for 950 Pennsylvania Ave, NW and that Security will let you know when we've arrived. Is that correct?

Thanks, again, for time out for us.

Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----

Margaret Sims/EAC/GOV

02/01/2006 02:11 PM

To "Tova Wang" [REDACTED] AEXTERNAL

019938

cc  
Subject Re: Lori Minnite

Got it! Would you please send me an electronic copy of your updated list of interviewees. (You gave me a hard copy when we met in DC, but it helps to have an electronic copy for our computer files.) --- Peggy

"Tova Wang" [REDACTED]



"Tova Wang"  
[REDACTED]  
02/01/2006 01:50 PM

To psims@eac.gov, "Job Serebrov" [REDACTED]  
cc  
Subject Lori Minnite

I rescheduled for noon on February 22, just after Wendy Weiser. Thanks.

**Tova Andrea Wang**  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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---

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM ---



"Job Serebrov"  
[REDACTED]  
02/09/2006 06:00 PM

To psims@eac.gov [REDACTED]  
cc  
Subject Interview

Peggy & Tova:

We have an telephone interview with Douglas Webber from the Indiana Attorney General's Office on Feb 15 at 2 pm EST.

Job

019939


----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----

Margaret Sims /EAC/GOV

01/10/2006 05:21 PM

To "Tova Wang" <wang@tcf.org>@GSAEXTERNAL

cc

Subject RE: nexis articles 

Tova:

The articles I collected from 2000 to the time Devon completed the CD should be on the CD. I've found a few additional articles that I will add to a new CD, which I will either give you when you come to DC or FedEx to you. I have two bulging file folders of articles published prior to 2000 that are not on the CD. ---  
Peggy

019940

[REDACTED]  
01/08/2006 09:24  
PM

To psims@eac.gov, "Job Serebrov"  
[REDACTED]

To

cc

Subject

nexis articles

Hi again,

I'm just scanning over Devon's collection and do not believe she could have possibly searched all of the terms we gave her. I am aware of tons of articles that were written on many of these topics in 2004 that do not appear in the folder. I think someone is going to have to do it over again from scratch, and I'm thinking about doing at least some of it myself. We should discuss this in detail on Thursday. Thanks.

Tova

— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM —



[REDACTED]  
04/16/2006 11:39 AM

To psims@eac.gov

cc "Tova Wang" [REDACTED]

Subject donsanto again

Hi Peg,

01/08/2006

Happy Easter!

Would it be possible to talk to Mr. Donsanto about this latest initiative, or somehow get more information?  
Thanks. Tova

<http://www.fbi.gov/page2/april06/electioncrime041406.htm>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----

Margaret Sims /EAC/GOV

04/17/2006 09:04 AM

To [REDACTED]@GSAEXTERNAL, Job Serebrov  
cc

Subject Re: Follow up Donsanto and KY Interviews 

Tova and Job:

I've passed Tova's request on to Craig.

Also, Sarah Ball Johnson, KY, finally called back to say she would be available Wednesday through Friday this week and next week for the interview. Which day and time is best for you and Job?

--- Peggy

[REDACTED]



[REDACTED]  
04/16/2006 11:39 AM

To psims@eac.gov  
cc "Tova Wang" [REDACTED]  
Subject donsanto again

Hi Peg,

Happy Easter!

Would it be possible to talk to Mr. Donsanto about this latest initiative, or somehow get more information?  
Thanks. Tova

<http://www.fbi.gov/page2/april06/electioncrime041406.htm>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Tova Wang"  
[REDACTED]

04/17/2006 01:34 PM

To psims@eac.gov  
cc  
Subject RE: Interviews

019942



Actually, 11 EST would be better. Thanks.

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Monday, April 17, 2006 10:49 AM

**To:** wang@tcf.org

**Subject:** Interviews

I know you preferred Friday, but Job is not available then. He also said he is not available next week. Do you have any time available this Wednesday? --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 04/17/2006 11:45 AM -----

"Job Serebrov" [REDACTED]

04/17/2006 11:06 AM

To psims@eac.gov

cc

Subject Re: Follow up Donsanto and KY Interviews

I can't do it Friday but Wednesday is ok.

--- psims@eac.gov wrote:

> Tova and Job:

>

> I've passed Tova's request on to Craig.

>

> Also, Sarah Ball Johnson, KY, finally called back

> to say she would be

> available Wednesday through Friday this week and

> next week for the

> interview. Which day and time is best for you and

> Job?

>

> --- Peggy

>

>

>

>

> wang@tcf.org

> 04/16/2006 11:39 AM

>

> To

> psims@eac.gov

> cc

> "Tova Wang" <wang@tcf.org>

> Subject

> donsanto again

>

019943

>  
>  
>  
>  
>  
> Hi Peg,  
>  
> Happy Easter!  
>  
> Would it be possible to talk to Mr. Donsanto about  
> this latest initiative,  
> or somehow get more information? Thanks. Tova  
>  
>  
http://www.fbi.gov/page2/april06/electioncrime041406.htm  
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Tova Wang"

04/20/2006 10:58 AM

To psims@eac.gov

cc DRomig@eac.gov

Subject wg meeting

Hi Peg,

I think I might have told you only that I am unavailable on the 5th. I'm actually unavailable on the 4th as well. Any news on this front? We should also arrange a conference call next week about preparing for the meeting, don't you think? Thanks Tova

**Tova Andrea Wang**  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Tova Wang"

04/21/2006 12:18 PM

To psims@eac.gov

cc

Subject existing research summaries 3 (final)

Peg, I hope we will be able to review the binders you put together before they get sent out. Thanks. Just

019944

one more research summary to come Monday. Tova

Tova Andrea Wang  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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The Long Shadow of Jim Crow.doc The New Poll Tax (JS).doc Wisconsin Audit Report.doc Wisconsin Vote Fraud TF.doc  
--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM ---



"Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov  
>

To psims@eac.gov  
cc

04/17/2006 09:56 AM

Subject RE: Announcement of FBI Election Crimes Initiative

Peg --

This is essentially FBI's equivalent of the Department's Ballot Access and Integrity Initiative. The news conference on Thursday announced that FBI was enhancing its prioritization of campaign financing offenses. The main feature of this initiative, aside from enhancing the priority these cases will get in the Bureau, is that each of the Bureau's 57 Field Divisions will have at least one "Election Coordinator Agent" who will be the equivalent of the District Election Officer AUSAs. We have been training these new FBI-types: the week before last we had roughly 75 of them in Denver in a very well received two-day session in election law enforcement at which several FEC people spoke. On Wednesday, I head out to Portland, Oregon for more of the same.

---

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Monday, April 17, 2006 9:00 AM  
**To:** Donsanto, Craig  
**Subject:** Fw: Announcement of FBI Election Crimes Initiative

Hi, Craig:

Tova noticed an article about an FBI initiative against election crimes (see attached email). Is this something new, or is it more of the same initiative that you addressed in your interview? If it is new, would you have time for a teleconference with Job and Tova to answer any questions they may have on the initiative?

Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005

019945

Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 04/17/2006 08:56 AM -----

[REDACTED]

04/16/2006 11:39 AM

Topsims@eac.gov  
cc:"Tova Wang" [REDACTED]  
Subject:donsanto again

Hi Peg,

Happy Easter!

Would it be possible to talk to Mr. Donsanto about this latest initiative, or somehow get more information?  
Thanks. Tova

<http://www.fbi.gov/page2/april06/electioncrime041406.htm>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----

Margaret Sims/EAC/GOV

04/17/2006 11:48 AM

To Tova Andrea Wang

cc

Subject Interviews

I know you preferred Friday, but Job is not available then. He also said he is not available next week. Do you have any time available this Wednesday? --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 04/17/2006 11:45 AM -----



"Job Serebrov"

[REDACTED]  
04/17/2006 11:06 AM

To psims@eac.gov

cc

Subject Re: Follow up Donsanto and KY Interviews

019946

I can't do it Friday but Wednesday is ok.

--- psims@eac.gov wrote:

> Tova and Job:

>

> I've passed Tova's request on to Craig.

>

> Also, Sarah Ball Johnson, KY, finally called back  
> to say she would be  
> available Wednesday through Friday this week and  
> next week for the  
> interview. Which day and time is best for you and  
> Job?

>

> --- Peggy

>

>

>

>

>

> [REDACTED]  
> 04/16/2006 11:39 AM

>

> To

> psims@eac.gov

> cc

> "Tova Wang" [REDACTED]

> Subject

> donsanto again

>

>

>

>

>

>

> Hi Peg,

>

> Happy Easter!

>

> Would it be possible to talk to Mr. Donsanto about  
> this latest initiative,  
> or somehow get more information? Thanks. Tova

>

>

> <http://www.fbi.gov/page2/april06/electioncrime041406.htm>

>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Tova Wang"

[REDACTED]  
04/21/2006 11:03 AM

To psims@eac.gov, "Job Serebrov" [REDACTED]

cc

Subject wg materials

019947

I will now begin sending several emails with material for the working group meeting. Peg, we still have not heard back from you on whether you like the agenda. I have attached it again. With respect to the interview and research summaries, would you both please review them to make sure there are no glaring mistakes?

Are we going on a hiatus next week? I'm a little confused about what happens from here. Tova

**Tova Andrea Wang**  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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TW proposed agenda.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Tova Wang"

[REDACTED]  
04/21/2006 11:10 AM

To psims@eac.gov, "Job Serebrov" [REDACTED]

cc

Subject interview summaries 4 (final)

Please also double check that I have not left any out. Thanks.

**Tova Andrea Wang**  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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Interview with Wade Henderson.doc Interview with Wendy Weiser.doc Interview with William Groth.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Job Serebrov"

[REDACTED]  
04/17/2006 10:45 AM

To psims@eac.gov

cc

Subject Re: Interviews

019948

That's what I am concerned about. I think we need to end all interviews with Sarah Ball Johnson. With the literature reviews I am finishing, the case write up and the Tova's Nexis research that I need to read, I will have about 45 hours left for the Working Group meeting and final write up.

--- psims@eac.gov wrote:

> I have to check with Conny McCormack to see if  
> things have settled down  
> for her enough so that she would be available. I  
> have had no response to  
> my overtures to Colleen McAndrews' office. I can  
> try again, but I have to  
> be out of town again, from Wednesday through Friday  
> this week, on another  
> research contract and for EAC's public meeting in  
> Seattle. Were you able  
> to get through to Mike McCarthy?  
>  
> Please remember to watch your time. We'll need to  
> reserve some of your  
> time for the working group meeting and the  
> subsequent reports. --- Peggy

>

>

>

> "Job Serebrov" <[REDACTED]>  
> 04/17/2006 10:17 AM

>

> To  
> psims@eac.gov, wang@tcf.org  
> cc

>

> Subject  
> Re: Follow up Donsanto and KY Interviews

>

>

>

>

>

>

> Next week is out for me. I need to check my schedule  
> this week. Is this the last interview that you were  
> able to arrange?

>

>

> --- psims@eac.gov wrote:

>

> > Tova and Job:

> >

> > I've passed Tova's request on to Craig.

> >

> > Also, Sarah Ball Johnson, KY, finally called back  
> > to say she would be

> > available Wednesday through Friday this week and

> > next week for the

> > interview. Which day and time is best for you and

> > Job?

019949

> >  
> > --- Peggy  
> >  
> >  
> >  
> >  
> > [REDACTED]  
> > 04/16/2006 11:39 AM  
> >  
> > To  
> > psims@eac.gov  
> > cc  
> > "Tova Wang" [REDACTED]  
> > Subject  
> > donsanto again  
> >  
> >  
> >  
> >  
> >  
> >  
> > Hi Peg,  
> >  
> > Happy Easter!  
> >  
> > Would it be possible to talk to Mr. Donsanto about  
> > this latest initiative,  
> > or somehow get more information? Thanks. Tova  
> >  
> >  
>  
<http://www.fbi.gov/page2/april06/electioncrime041406.htm>  
> >  
>  
>  
>  
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Tova Wang"

[REDACTED]  
04/21/2006 11:19 AM

To psims@eac.gov, "Job Serebrov" [REDACTED]  
cc  
Subject

**Tova Andrea Wang**  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

019950



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Summary of DOJ activities 0405.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Tova Wang"

04/17/2006 10:12 AM

To psims@eac.gov

cc

Subject RE: Announcement of FBI Election Crimes Initiative

Is it possible to get the materials they are using for the trainings? Thanks Peg.

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Monday, April 17, 2006 9:08 AM

**To:** wang@tcf.org; serebrov@sbcglobal.net

**Subject:** Fw: Announcement of FBI Election Crimes Initiative

See Donsanto response below.--- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 04/17/2006 10:07 AM -----

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

04/17/2006 09:56 AM

To psims@eac.gov

cc

Subject RE: Announcement of FBI Election Crimes Initiative

Peg - -

This is essentially FBI's equivalent of the Department's Ballot Access and Integrity Initiative. The news conference on Thursday announced that FBI was enhancing its prioritization of campaign financing offenses. The main feature of this initiative, aside from enhancing the priority these cases will get in the Bureau, is that each of the Bureau's 57 Field Divisions will have at least one "Election Coordinator Agent" who will be the equivalent of the District Election Officer AUSAs. We have been training these new FBI-types: the week before last we had roughly 75 of them in Denver in a very well received two-day session in election law enforcement at which several FEC people spoke. On Wednesday, I head out to Portland, Oregon for more of the same.

019951

---

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Monday, April 17, 2006 9:00 AM  
**To:** Donsanto, Craig  
**Subject:** Fw: Announcement of FBI Election Crimes Initiative

Hi, Craig:

Tova noticed an article about an FBI initiative against election crimes (see attached email). Is this something new, or is it more of the same initiative that you addressed in your interview? If it is new, would you have time for a teleconference with Job and Tova to answer any questions they may have on the initiative?

Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 04/17/2006 08:56 AM -----

[REDACTED]  
04/16/2006 11:39 AM

To psims@eac.gov  
cc "Tova Wang" [REDACTED]  
Subject donsanto again

Hi Peg,

Happy Easter!

Would it be possible to talk to Mr. Donsanto about this latest initiative, or somehow get more information? Thanks. Tova

019952

<http://www.fbi.gov/page2/april06/electioncrime041406.htm>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Tova Wang"

04/17/2006 10:21 AM

To "Job Serebrov" [redacted], psims@eac.gov

cc

Subject RE: Announcement of FBI Election Crimes Initiative

We could skim it

-----Original Message-----

From: Job Serebrov [mailto:[redacted]]  
Sent: Monday, April 17, 2006 9:13 AM  
To: Tova Wang; psims@eac.gov  
Subject: RE: Announcement of FBI Election Crimes Initiative

Tova-Do we have time to review this?

--- Tova Wang [redacted] wrote:

> Is it possible to get the materials they are using  
> for the trainings?  
> Thanks Peg.

> -----Original Message-----

> From: psims@eac.gov [mailto:psims@eac.gov]  
> Sent: Monday, April 17, 2006 9:08 AM  
> To: [redacted]  
> Subject: Fw: Announcement of FBI Election Crimes  
> Initiative

> See Donsanto response below.--- Peggy

> ----- Forwarded by Margaret Sims/EAC/GOV on  
> 04/17/2006 10:07 AM -----

> "Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

> 04/17/2006 09:56 AM

> To  
> psims@eac.gov

> cc

> Subject  
> RE: Announcement of FBI Election Crimes Initiative

019953

>  
>  
>  
> Peg - -  
>  
> This is essentially FBI's equivalent of the  
> Department's Ballot Access and  
> Integrity Initiative. The news conference on  
> Thursday announced that FBI  
> was enhancing its prioritization of campaign  
> financing offenses. The main  
> feature of this initiative, aside from enhancing the  
> priority these cases  
> will get in the Bureau, is that each of the Bureau's  
> 57 Field Divisions will  
> have at least one "Election Coordinator Agent" who  
> will be the equivalent of  
> the District Election Officer AUSAs. We have been  
> training these new  
> FBI-types: the week before last we had roughly 75 of  
> them in Denver in a  
> very well received two-day session in election law enforcement at  
> which several FEC people spoke. On Wednesday, I head out  
> to Portland, Oregon for  
> more of the same.

>

>

>

>

>

> From: psims@eac.gov [mailto:psims@eac.gov]  
> Sent: Monday, April 17, 2006 9:00 AM  
> To: Donsanto, Craig  
> Subject: Fw: Announcement of FBI Election Crimes  
> Initiative

>

>

> Hi, Craig:

>

> Tova noticed an article about an FBI initiative  
> against election crimes (see  
> attached email). Is this something new, or is it  
> more of the same  
> initiative that you addressed in your interview? If  
> it is new, would you  
> have time for a teleconference with Job and Tova to  
> answer any questions  
> they may have on the initiative?

>

> Peggy Sims  
> Election Research Specialist  
> U.S. Election Assistance Commission  
> 1225 New York Ave, NW - Ste 1100  
> Washington, DC 20005  
> Phone: 866-747-1471 (toll free) or 202-566-3120  
> (direct)  
> Fax: 202-566-3127  
> email: psims@eac.gov

>

> ----- Forwarded by Margaret Sims/EAC/GOV on  
> 04/17/2006 08:56 AM -----

019954



Sarah:

Thank you. I have not reviewed this myself, so I really appreciate the link. Professor Campbell was among the people interviewed by our consultants.

Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

"Johnson, Sarah Ball (SBE)" <SarahBall.Johnson@ky.gov>



"Johnson, Sarah Ball  
(SBE)"  
<SarahBall.Johnson@ky.gov>  
>

To psims@eac.gov  
cc

04/18/2006 04:02 PM

Subject RE: Voting Fraud-Voter Intimidation Teleconference 4-19-06

Peggy,

I am attaching a link to a recent book published by a Kentucky History Professor, Tracy Campbell, which details voter fraud on state and national level. It is very interesting reading.

[http://www.amazon.com/gp/product/078671591X/sr=8-1/qid=1145390029/ref=pd\\_bbs\\_1/103-8923253-6647806?%5Fencoding=UTF8](http://www.amazon.com/gp/product/078671591X/sr=8-1/qid=1145390029/ref=pd_bbs_1/103-8923253-6647806?%5Fencoding=UTF8)

Sarah Ball Johnson  
Executive Director  
State Board of Elections  
140 Walnut Street  
Frankfort, KY 40601  
(502) 573-7100  
(502) 330-2734-cell  
(502) 573-4369-fax

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019956

---

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Monday, April 17, 2006 4:34 PM  
**To:** Johnson, Sarah Ball (SBE)  
[REDACTED] ecortes@eac.gov  
**Subject:** Voting Fraud-Voter Intimidation Teleconference 4-19-06

Hi, Sarah:

Thank you for agreeing to be interviewed on Wednesday, April 19, by the consultants for EAC's initial research on voting fraud and voter intimidation, Job Serebrov and Tova Wang . Our consultants are conducting interviews as part of preliminary research to determine how EAC may best meet the requirements of Section 241(b)6 and 7 of the Help America Vote Act of 2002. As you may recall, Section 241 requires EAC to conduct research on election administration issues, including the development of:

- nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office; and
- methods of identifying, deterring, and investigating methods of voter intimidation.

This is what I need you (and the Secretary, if he is available) to do:

- At approximately 11 AM EST on April 19, call 1-866-222-9044.
- At the prompt for the pass code, enter [REDACTED]

Tova and Job will join you on the line. We have arranged for the line to be open for an hour, with 10 minutes extra on the front end (for folks who have not synchronized their watches).

You mentioned that Secretary Grayson may be using a cell phone. Our teleconference provider has given us the following information regarding the use of cell phones during the teleconference:

- Signals are often in and out and the audio bridging equipment cannot compensate fast enough by adjusting the signal. This affects all participants connected. If participants must use a cell phone – they should be stationary in a location where they can pick up the other participants, moving while using a cell phone causes the signal to go in and out and often will pick up extraneous electrical signals that will cause heavy static on the call.
- The cell phone should be well charged and muted, if possible, until the individual is ready to speak.
- If there is a problem, anybody who dials into a conference can contact the operator/technicians by simply pressing \*0 (star zero). This information is part of the recording when individuals are dialing in.

If you have any problems accessing the teleconference, please call Edgardo Cortés. You can reach him at 1-866-747-1471 (toll-free) or 202-566-3126. He can contact our service provider to correct any problems. (I will be on my way to Seattle and unable to help.)

Thanks, again!

Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127

019957

email: psims@eac.gov

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM ---



"Tova Wang"

04/21/2006 11:09 AM

To psims@eac.gov, "Job Serebrov"

cc

Subject interview summaries 3

Tova Andrea Wang  
Democracy Fellow  
The Century Foundation  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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Interview with Lori Minnite.doc



Interview\_with\_Neil\_Bradley final.doc



Interview with Nina Perales final.doc



Interview with Pat Rogers.doc



Interview with Rebecca Vigil-Giron.doc



Interview with Sarah Ball Johnson.doc



Interview with Steve Ansolobhere and Chandler Davidson.doc



Interview with Tracy Campbell.doc

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM ---



"Job Serebrov"

04/17/2006 11:06 AM

To psims@eac.gov

cc

Subject Re: Follow up Donsanto and KY Interviews

I can't do it Friday but Wednesday is ok.

--- psims@eac.gov wrote:

> Tova and Job:  
>  
> I've passed Tova's request on to Craig.  
>  
> Also, Sarah Ball Johnson, KY, finally called back  
> to say she would be  
> available Wednesday through Friday this week and  
> next week for the

019956



> interview. Which day and time is best for you and  
> Job?

>  
> --- Peggy

>  
>  
>  
>  
>  
> [REDACTED]  
> 04/16/2006 11:39 AM

> To  
> psims@eac.gov  
> cc  
> "Tova Wang" [REDACTED]  
> Subject  
> donsanto again

>  
>  
>  
>  
>  
>  
>  
>  
> Hi Peg,

> Happy Easter!

>  
> Would it be possible to talk to Mr. Donsanto about  
> this latest initiative,  
> or somehow get more information? Thanks. Tova

>  
>  
> <http://www.fbi.gov/page2/april06/electioncrime041406.htm>  
>

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM ---

Margaret Sims/EAC/GOV

04/17/2006 10:08 AM

To Tova Andrea Wang, Job Serebrov

cc

Subject Fw: Announcement of FBI Election Crimes Initiative

See Donsanto response below.--- Peggy

--- Forwarded by Margaret Sims/EAC/GOV on 04/17/2006 10:07 AM ---



"Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov>  
>

04/17/2006 09:56 AM

To psims@eac.gov

cc

Subject RE: Announcement of FBI Election Crimes Initiative

019959

Peg - -

This is essentially FBI's equivalent of the Department's Ballot Access and Integrity Initiative. The news conference on Thursday announced that FBI was enhancing its prioritization of campaign financing offenses. The main feature of this initiative, aside from enhancing the priority these cases will get in the Bureau, is that each of the Bureau's 57 Field Divisions will have at least one "Election Coordinator Agent" who will be the equivalent of the District Election Officer AUSAs. We have been training these new FBI-types: the week before last we had roughly 75 of them in Denver in a very well received two-day session in election law enforcement at which several FEC people spoke. On Wednesday, I head out to Portland, Oregon for more of the same.

---


**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Monday, April 17, 2006 9:00 AM  
**To:** Donsanto, Craig  
**Subject:** Fw: Announcement of FBI Election Crimes Initiative


Hi, Craig:

Tova noticed an article about an FBI initiative against election crimes (see attached email). Is this something new, or is it more of the same initiative that you addressed in your interview? If it is new, would you have time for a teleconference with Job and Tova to answer any questions they may have on the initiative?

Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 04/17/2006 08:56 AM -----

  
04/16/2006 11:39 AM

Topsims@eac.gov  
cc:"Tova Wang"   
Subject:donsanto again

Hi Peg,

019960

Happy Easter!

Would it be possible to talk to Mr. Donsanto about this latest initiative, or somehow get more information?  
Thanks. Tova

<http://www.fbi.gov/page2/april06/electioncrime041406.htm>

— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM —



"Tova Wang"

04/21/2006 12:16 PM

To psims@eac.gov, "Job Serebrov"

cc

Subject existing research summaries 2

Tova Andrea Wang  
Democracy Fellow  
The Century Foundation  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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GA litigation summary2.doc



GAO Report (JS).doc



indiana litigation - official.doc



Section 5 Recommendation Memorandum summary.doc



Securing the Vote.doc



Shattering the Myth.doc



Steal this Vote Review final.doc



stealing elections review.doc

— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM —



"Tova Wang"

04/21/2006 11:05 AM

To psims@eac.gov, "Job Serebrov"

cc

Subject summaries of interviews

Part 1. I'm going to try not to overload

Tova Andrea Wang  
Democracy Fellow  
The Century Foundation

019961

41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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Interview with Commissioner Harry Van Sickle and Deputy Chief Counsel to the Secretary of State Larry Boyle.doc



Interview with Craig Donsanto FINAL.doc Interview with Doug Webber.doc Interview with former Secretary of State Sharon Priest.doc  
--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM ---



"Job Serebrov"  
[Redacted]

04/17/2006 12:44 PM

To psims@eac.gov

cc

Subject Re: Conference Call This Afternoon

Yes but it needs to go no longer than 30 mins

--- psims@eac.gov wrote:

> Are you two still available for the conference call  
> we had scheduled for  
> this afternoon at 4 PM EST/3 PM CST? --- Peg

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM ---



"Tova Wang"  
[Redacted]

04/17/2006 09:20 AM

To psims@eac.gov, [Redacted]

cc

Subject RE: Follow up Donsanto and KY Interviews

Any time Friday is fine for me. Thanks

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]  
Sent: Monday, April 17, 2006 8:05 AM  
To: wang@tcf.org; serebrov@sbcglobal.net  
Subject: Re: Follow up Donsanto and KY Interviews

Tova and Job:

019962

I've passed Tova's request on to Craig.

Also, Sarah Ball Johnson, KY, finally called back to say she would be available Wednesday through Friday this week and next week for the interview. Which day and time is best for you and Job?

--- Peggy

[REDACTED]  
04/16/2006 11:39  
AM

psims@eac.gov

To

"Tova Wang" [REDACTED]

cc

donsanto again

Subject

Hi Peg,

Happy Easter!

Would it be possible to talk to Mr. Donsanto about this latest initiative, or somehow get more information? Thanks. Tova

<http://www.fbi.gov/page2/april06/electioncrime041406.htm>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Tova Wang"

[REDACTED]  
04/17/2006 12:55 PM

To psims@eac.gov, [REDACTED]

cc

Subject RE: Conference Call This Afternoon

yes

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Monday, April 17, 2006 11:38 AM

**To:** [REDACTED]

**Subject:** Conference Call This Afternoon

019963

Are you two still available for the conference call we had scheduled for this afternoon at 4 PM EST/3 PM CST? --- Peg

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM ---



"Tova Wang"

04/21/2006 11:18 AM

To psims@eac.gov, "Job Serebrov"

cc

Subject case charts 2

Tova Andrea Wang  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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Chart Voter Eligibility.doc



ChartDeniaVoterRegistrat.doc



ChartDeniaVoterRegistrat.doc



ChartElectionCountingViolat.doc



ChartOverseasBallot.doc



ChartProvisionalBallotDen.doc



ChartProvisionalBallotDen.doc



ChartTouchScreenVoteVoting.doc



ChartVoteVoterAfricanAmer.doc

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM ---



"Tova Wang"

04/21/2006 11:14 AM

To psims@eac.gov

cc "Job Serebrov"












Subject nexis article charts and overview/analysis

Tova Andrea Wang  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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019964

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absentee nexis chart 2.xls 'dead' voters and multiple voting nexis chart.xls deceptive practices nexis chart.xls  
     
Election official & addition-subtraction.xls intentional felon voting nexis chart.xls intimidation and suppression.xls noncitizen voting.xls  
     
vote buying nexis chart.xls voter registration fraud nexis chart.xls Wrongful Removal from Registration Lists.xls Nexis Analysis.doc  
----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Tova Wang"

04/21/2006 11:22 AM

To psims@eac.gov, "Job Serebrov" <[REDACTED]>

cc

Subject methodology review

Tova Andrea Wang  
Democracy Fellow  
The Century Foundation  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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methodology -- official.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Job Serebrov"

04/17/2006 10:13 AM

To "Tova Wang" <[REDACTED]> psims@eac.gov

cc

Subject RE: Announcement of FBI Election Crimes Initiative

Tova-Do we have time to review this?

--- Tova Wang <[REDACTED]> wrote:

> Is it possible to get the materials they are using  
> for the trainings?  
> Thanks Peg.  
>  
> -----Original Message-----  
> From: psims@eac.gov [mailto:psims@eac.gov]

019965

> Sent: Monday, April 17, 2006 9:08 AM  
> To: [REDACTED]  
> Subject: FW: Announcement of FBI Election Crimes  
> Initiative  
>  
>  
>  
> See Donsanto response below.--- Peggy  
>  
> ----- Forwarded by Margaret Sims/EAC/GOV on  
> 04/17/2006 10:07 AM -----  
>  
> "Donsanto, Craig" <Craig.Donsanto@usdoj.gov>  
>  
>  
> 04/17/2006 09:56 AM  
>  
>  
> To  
> psims@eac.gov  
>  
> cc  
>  
> Subject  
> RE: Announcement of FBI Election Crimes Initiative  
>  
>  
>  
>  
> Peg - -  
>  
> This is essentially FBI's equivalent of the  
> Department's Ballot Access and  
> Integrity Initiative. The news conference on  
> Thursday announced that FBI  
> was enhancing its prioritization of campaign  
> financing offenses. The main  
> feature of this initiative, aside from enhancing the  
> priority these cases  
> will get in the Bureau, is that each of the Bureau's  
> 57 Field Divisions will  
> have at least one "Election Coordinator Agent" who  
> will be the equivalent of  
> the District Election Officer AUSAs. We have been  
> training these new  
> FBI-types: the week before last we had roughly 75 of  
> them in Denver in a  
> very well received two-day session in election law  
> enforcement at which  
> several FEC people spoke. On Wednesday, I head out  
> to Portland, Oregon for  
> more of the same.  
>  
>  
>  
>  
>  
>  
>  
> From: psims@eac.gov [mailto:psims@eac.gov]  
> Sent: Monday, April 17, 2006 9:00 AM

019966



> To: Donsanto, Craig  
> Subject: Fw: Announcement of FBI Election Crimes Initiative  
>  
>  
> Hi, Craig:  
>  
> Tova noticed an article about an FBI initiative  
> against election crimes (see  
> attached email). Is this something new, or is it  
> more of the same  
> initiative that you addressed in your interview? If  
> it is new, would you  
> have time for a teleconference with Job and Tova to  
> answer any questions  
> they may have on the initiative?  
>  
> Peggy Sims  
> Election Research Specialist  
> U.S. Election Assistance Commission  
> 1225 New York Ave, NW - Ste 1100  
> Washington, DC 20005  
> Phone: 866-747-1471 (toll free) or 202-566-3120  
> (direct)  
> Fax: 202-566-3127  
> email: psims@eac.gov

> ----- Forwarded by Margaret Sims/EAC/GOV on  
> 04/17/2006 08:56 AM -----

> [REDACTED]

> 04/16/2006 11:39 AM

> To  
> psims@eac.gov

> CC  
> "Tova Wang" <[REDACTED]>

> Subject  
> donsanto again

019967

> Hi Peg,  
>  
> Happy Easter!  
>  
> Would it be possible to talk to Mr. Donsanto about  
> this latest initiative,  
> or somehow get more information? Thanks. Tova  
>  
>  
>  
<<http://www.fbi.gov/page2/april06/electioncrime041406.htm>>  
>  
<http://www.fbi.gov/page2/april06/electioncrime041406.htm>  
>  
>  
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Job Serebrov"

04/17/2006 10:17 AM

To psims@eac.gov, [REDACTED]

cc

Subject Re: Follow up Donsanto and KY Interviews

Next week is out for me. I need to check my schedule this week. Is this the last interview that you were able to arrange?

--- psims@eac.gov wrote:

> Tova and Job:  
>  
> I've passed Tova's request on to Craig.  
>  
> Also, Sarah Ball Johnson, KY, finally called back  
> to say she would be  
> available Wednesday through Friday this week and  
> next week for the  
> interview. Which day and time is best for you and  
> Job?

> --- Peggy

>

>

>

>

>

> 04/16/2006 11:39 AM

>

> To

> psims@eac.gov

> cc

> "Tova Wang" [REDACTED]

019968

> Subject  
> donsanto again  
>  
>  
>  
>  
>  
>  
> Hi Peg,  
>  
> Happy Easter!  
>  
> Would it be possible to talk to Mr. Donsanto about  
> this latest initiative,  
> or somehow get more information? Thanks. Tova  
>  
>  
> <http://www.fbi.gov/page2/april06/electioncrime041406.htm>  
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----

Margaret Sims/EAC/GOV

04/17/2006 10:33 AM

To "Job Serebrov"

Wang

GSAEXTERNAL, Tova Andrea

cc

Subject Re: Interviews

I have to check with Conny McCormack to see if things have settled down for her enough so that she would be available. I have had no response to my overtures to Colleen McAndrews' office. I can try again, but I have to be out of town again, from Wednesday through Friday this week, on another research contract and for EAC's public meeting in Seattle. Were you able to get through to Mike McCarthy?

Please remember to watch your time. We'll need to reserve some of your time for the working group meeting and the subsequent reports. --- Peggy

"Job Serebrov"



"Job Serebrov"

04/17/2006 10:17 AM

To psims@eac.gov

cc

Subject Re: Follow up Donsanto and KY Interviews

Next week is out for me. I need to check my schedule this week. Is this the last interview that you were able to arrange?

019969

--- psims@eac.gov wrote:

> Tova and Job:  
>  
> I've passed Tova's request on to Craig.  
>  
> Also, Sarah Ball Johnson, KY, finally called back  
> to say she would be  
> available Wednesday through Friday this week and  
> next week for the  
> interview. Which day and time is best for you and  
> Job?  
>  
> --- Peggy  
>  
>  
>  
> [REDACTED]  
> 04/16/2006 11:39 AM  
>  
> To  
> psims@eac.gov  
> cc  
> "Tova Wang" [REDACTED]  
> Subject  
> donsanto again  
>  
>  
>  
>  
> Hi Peg,  
>  
> Happy Easter!  
>  
> Would it be possible to talk to Mr. Donsanto about  
> this latest initiative,  
> or somehow get more information? Thanks. Tova  
>  
>  
> <http://www.fbi.gov/page2/april06/electioncrime041406.htm>  
>

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM ---



"Tova Wang"

[REDACTED]  
04/21/2006 11:07 AM

To psims@eac.gov, "Job Serebrov" [REDACTED]

cc

Subject interview with Doug Webber -- correct version

I sent the wrong version! Please use this one.

019970

Tova Andrea Wang  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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InterviewDougWebber final.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Tova Wang"

04/21/2006 12:13 PM

To psims@eac.gov, "Job Serebrov"

cc

Subject existing literature summaries 1

And there will be one more forthcoming next week.

Tova Andrea Wang  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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American Center Report FINAL.doc



Americas Modern Poll Tax (JS).doc



Brennan Analysis Voter Fraud Report FINAL.doc



cb summary.doc



Chandler Davidson summary -- official.doc



Crazy Quilt.doc



Deliver the Vote Review.doc



dnc ohio.doc



DOJ Public Integrity Reports (JS).doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Tova Wang"

04/21/2006 11:17 AM

To psims@eac.gov, "Job Serebrov"

cc












Subject job's case charts 1

019971

Tova Andrea Wang  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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Chart Absentee Ballot.doc Chart Disenfranchisement.doc Chart Donsanto Cases.doc Chart Election Accessible.doc  
      
Chart Election Irregularity.doc Chart Vote Buying.doc Chart Vote Felon.doc Chart Vote Fraud.doc Chart Vote Identification.doc  
   
Chart Vote Inaccessible.doc Chart Vote Registration.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Tony J. Sirvello III"

04/07/2006 08:52 AM

To psims@eac.gov

cc

Subject Re: Fw: Nonpartisan Local Election Official Needed for Voting Fraud/Voter Intimidation Working Group

Good Morning Peg,

That works for me....I will stay off the phone and wait on the call.

Have A Great Weekend,

*Tony*

----- Original Message -----

**From:** psims@eac.gov

**To:** [REDACTED]

**Sent:** Thursday, April 06, 2006 2:27 PM

**Subject:** Re: Fw: Nonpartisan Local Election Official Needed for Voting Fraud/Voter Intimidation Working Group

Tony:

How about scheduling the teleconference with our consultants for 10 AM CST/11 AM EST on Wednesday, April 12? --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----

019972



"Tova Wang"  
[Redacted]  
04/21/2006 11:07 AM

To psims@eac.gov, "Job Serebrov"  
cc [Redacted]  
Subject summaries of Interviews 2

Tova Andrea Wang  
Democracy Fellow  
The Century Foundation  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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Interview with Heather Dawn Thompson.doc



Interview with Jason Torchinsky final.doc



Interview with Joe Rich.doc



Interview with Joe SandlerFINAL.doc



Interview with John Ravitz.doc



Interview with John Tanner.doc



Interview with Kevin Kennedy.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Tova Wang"  
<wang@tcf.org>  
04/17/2006 12:28 PM

To psims@eac.gov  
cc  
Subject RE: Interviews

Noon EST

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Monday, April 17, 2006 10:49 AM  
**To:** wang@tcf.org  
**Subject:** Interviews

I know you preferred Friday, but Job is not available then. He also said he is not available next week. Do you have any time available this Wednesday? --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 04/17/2006 11:45 AM -----

"Job Serebrov" [Redacted]

019973

04/17/2006 11:06 AM

To psims@eac.gov  
cc  
Subject Re: Follow up Donsanto and KY Interviews

I can't do it Friday but Wednesday is ok.

--- psims@eac.gov wrote:

> Tova and Job:  
>  
> I've passed Tova's request on to Craig.  
>  
> Also, Sarah Ball Johnson, KY, finally called back  
> to say she would be  
> available Wednesday through Friday this week and  
> next week for the  
> interview. Which day and time is best for you and  
> Job?

> --- Peggy

> [REDACTED]  
> 04/16/2006 11:39 AM

> To  
> psims@eac.gov  
> cc  
> "Tova Wang" [REDACTED]  
> Subject  
> donsanto again

> Hi Peg,

> Happy Easter!

> Would it be possible to talk to Mr. Donsanto about  
> this latest initiative,  
> or somehow get more information? Thanks. Tova

> <http://www.fbi.gov/page2/april06/electioncrime041406.htm>

019974



----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Tova Wang"  
[REDACTED]  
04/17/2006 04:53 PM

To psims@eac.gov, [REDACTED]  
cc  
Subject interview analysis

Tova Andrea Wang  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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Interview conclusions.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----

Margaret Sims /EAC/GOV  
04/17/2006 08:59 AM

To Craig Donsanto  
cc  
Subject Fw: Announcement of FBI Election Crimes Initiative

Hi, Craig:

Tova noticed an article about an FBI initiative against election crimes (see attached email). Is this something new, or is it more of the same initiative that you addressed in your interview? If it is new, would you have time for a teleconference with Job and Tova to answer any questions they may have on the initiative?

Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 04/17/2006 08:56 AM -----



[REDACTED]  
04/16/2006 11:39 AM

To psims@eac.gov

019975



cc "Tova Wang" [REDACTED]  
Subject donsanto again

Hi Peg,

Happy Easter!

Would it be possible to talk to Mr. Donsanto about this latest initiative, or somehow get more information?  
Thanks. Tova

<http://www.fbi.gov/page2/april06/electioncrime041406.htm>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----

Margaret Sims/EAC/GOV

04/26/2006 08:04 PM

To "Tova Andrea Wang" <[REDACTED]>

cc

Subject Re: wg

Let me check with Devon early tomorrow. If she did not hear from him this afternoon, I'll have her contact you. Perhaps you will have more success than we have.  
Peggy

-----  
Sent from my BlackBerry Wireless Handheld

----- Original Message -----

**From:** "Tova Wang" [wang@tcf.org]

**Sent:** 04/26/2006 05:46 PM

**To:** Margaret Sims

**Subject:** wg

Do you want me to call both Bob too?

Tova Andrea Wang  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----

019976

Margaret Sims /EAC/GOV

04/27/2006 09:23 AM

To Tova Andrea Wang

cc

Subject Bob Bauer

We have heard from Bob Bauer regarding his availability, so we don't need to have you pursue the matter. Thanks for the offer, though. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----

Margaret Sims /EAC/GOV

04/27/2006 09:13 AM

To "Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL

cc

Subject Re: Voting Fraud-Voter Intimidation Project

Unfortunately, I have to get the Working Group together before then, so that my consultants can prepare the final report before June. (In June, I lose one of them to State employment.) In understand about the crammed schedule. This month and next are chock full.

Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>

04/26/2006 09:19 PM

To psims@eac.gov

cc

Subject Re: Voting Fraud-Voter Intimidation Project

How about we meld this wit the EAC Board of Advisors meeting? I just got tagged to be parliamentarian --

We could attend to your folks whike I arbitrate a food fight!!!!

-----  
Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>

To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>

Sent: Wed Apr 26 20:30:24 2006

Subject: Re: Voting Fraud-Voter Intimidation Project

Craig:

Are yu available any days in the third week of May?

Peggy

019977

-----  
Sent from my BlackBerry Wireless Handheld

---

----- Original Message -----  
From: "Donsanto, Craig" [Craig.Donsanto@usdoj.gov]  
Sent: 04/03/2006 03:16 PM  
To: Margaret Sims  
Subject: RE: Voting Fraud-Voter Intimidation Project

Hello Peg!

God willing, I will be here the first two weeks of May.

As for your second question, it is not possible for me to assess the level of public attribution that would be appropriate without seeing the substantive stuff in context. I do not foresee a problem. So, I recommend that you get me a draft text and I will review it to ensure we are not disclosing things we shouldn't disclose.

---

From: psims@eac.gov [mailto:psims@eac.gov]  
Sent: Monday, April 03, 2006 3:13 PM  
To: Donsanto, Craig  
Subject: Re: Voting Fraud-Voter Intimidation Project

Craig:

I have 2 issues for you today.

First, I am trying to schedule a meeting of the project working group for EAC's Voting Fraud-Voter Intimidation research project. As a technical advisor on this project, your attendance is particularly important to me. Would you please look at your schedule and let me know if there are any days during the first 2 weeks of May that you would NOT be available?

Second, is it OK for our consultants to refer in their report to guidance provided in the DOJ training materials? I ask this because I understood that some materials in the materials are considered confidential and we do not want to violate your confidentiality provisions. If there is a compromise position, such as having you review that portion of the consultants' report, then let me know.

Thanks!

019978

Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Donsanto, Craig"  
<Craig.Donsanto@usdoj.gov  
>

To psims@eac.gov

cc

04/26/2006 09:07 PM

Subject Re: Voting Fraud-Voter Intimidation Project

Peg -- I'll have check. I am pretty well clogged next month.

What do you need Peg?

-----  
Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>  
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>  
Sent: Wed Apr 26 20:30:24 2006  
Subject: Re: Voting Fraud-Voter Intimidation Project

Craig:  
Are yu available any days in the third week of May?  
Peggy

-----  
Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: "Donsanto, Craig" [Craig.Donsanto@usdoj.gov]  
Sent: 04/03/2006 03:16 PM  
To: Margaret Sims  
Subject: RE: Voting Fraud-Voter Intimidation Project

Hello Peg!

019979

God willing, I will be here the first two weeks of May.

As for your second question, it is not possible for me to assess the level of public attribution that would be appropriate without seeing the substantive stuff in context. I do not foresee a problem. So, I recommend that you get me a draft text and I will review it to ensure we are not disclosing things we shouldn't disclose.

---

From: psims@eac.gov [mailto:psims@eac.gov]  
Sent: Monday, April 03, 2006 3:13 PM  
To: Donsanto, Craig  
Subject: Re: Voting Fraud-Voter Intimidation Project

Craig:

I have 2 issues for you today.

First, I am trying to schedule a meeting of the project working group for EAC's Voting Fraud-Voter Intimidation research project. As a technical advisor on this project, your attendance is particularly important to me. Would you please look at your schedule and let me know if there are any days during the first 2 weeks of May that you would NOT be available?

Second, is it OK for our consultants to refer in their report to guidance provided in the DOJ training materials? I ask this because I understood that some materials in the materials are considered confidential and we do not want to violate your confidentiality provisions. If there is a compromise position, such as having you review that portion of the consultants' report, then let me know.

Thanks!

Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Tony J. Sirvello III"

04/11/2006 03:40 PM

To psims@eac.gov

cc

Subject Re: Fw: Nonpartisan Local Election Official Needed for  
Voting Fraud/Voter Intimidation Working Group

019986



Good Afternoon Peg,

I will make the call as scheduled. I am still in shock about Ray.

*Tony*

----- Original Message -----

**From:** [psims@eac.gov](mailto:psims@eac.gov)

**To:** [Tony Sirvello](#)

**Sent:** Monday, April 10, 2006 6:04 PM

**Subject:** Re: Fw: Nonpartisan Local Election Official Needed for Voting Fraud/Voter Intimidation Working Group

Tony:

We have set up your telephone interview with our 2 consultants (Job Serebrov and Tova Wang) as a teleconference. Please call 1-866-222-9044 (toll free) at around 10 AM CST on Wed 4/12. At the prompt for the passcode, enter [REDACTED] Tova and Job will join you on the line. This works best if you use a land line, rather than a cell phone.

If you have trouble connecting, please call Nicole Mortellito at our office (866-747-7421. Thanks!

Peggy

-----  
Sent from my BlackBerry Wireless Handheld

---

----- Original Message -----

**From:** "Tony J. Sirvello III" [REDACTED]

**Sent:** 04/07/2006 08:52 AM

**To:** Margaret Sims

**Subject:** Re: Fw: Nonpartisan Local Election Official Needed for Voting Fraud/Voter Intimidation Working Group

Good Morning Peg,

That works for me....I will stay off the phone and wait on the call.

Have A Great Weekend,

*Tony*

----- Original Message -----

**From:** [psims@eac.gov](mailto:psims@eac.gov)

**To:** [REDACTED]

**Sent:** Thursday, April 06, 2006 2:27 PM

019981

**Subject: Re: Fw: Nonpartisan Local Election Official Needed for Voting Fraud/Voter Intimidation Working Group**

Tony:

How about scheduling the teleconference with our consultants for 10 AM CST/11 AM EST on Wednesday, April 12? --- Peggy

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM ---



"Tova Wang"

04/26/2006 04:39 PM

To psims@eac.gov

cc

Subject RE: interview analysis

I think I can help you at least with respect to Barbara. I'll be speaking to her today!

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Wednesday, April 26, 2006 3:38 PM

**To:**

**Subject:** Re: interview analysis

Thanks. We are still trying to get through to Bauer and Arnwine. They have not responded, so their availability is not yet reflected on our spreadsheet. --- Peggy

"Tova Wang"

04/26/2006 11:22 AM

To psims@eac.gov

cc "Job Serebrov"

Subject interview analysis

Hi Peg,

Attached, to add to the collection, is a summary overview of the interviews. Do you have that spreadsheet you were telling me about reflecting the times WG participants are available? If so, maybe we can talk soon? Thanks. Tova

Tova Andrea Wang

019982



Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Tova Wang"  
[REDACTED]  
04/24/2006 01:49 PM

To psims@eac.gov  
cc "Job Serebrov" [REDACTED]  
Subject last of the literature

Hi Peg,

Here is the last summary of existing research. Please let us know how to proceed from here. Thanks.

Tova Andrea Wang  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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Response to the CB Report FINAL.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----

Margaret Sims/EAC/GOV  
04/27/2006 09:24 AM

To "Weinberg and Utrecht"  
cc [REDACTED]  
Subject Re: Voting Fraud-Voter Intimidation Project

Thanks! I'll get back to you. --- Peggy

"Weinberg and Utrecht" <weinutr@verizon.net>



"Weinberg and Utrecht"  
[REDACTED]  
04/27/2006 07:56 AM

To psims@eac.gov  
cc

019983



Subject Re: Voting Fraud-Voter Intimidation Project

Peggy:

You've hit the jackpot! I'm available, with 2 exceptions, every hour of every day from May 15 through May 19. I am not available Thursday morning, May 18, or Friday afternoon, May 19.

Barry

----- Original Message -----

**From:** [psims@eac.gov](mailto:psims@eac.gov)

**To:** [Barry Weinberg](#)

**Sent:** Wednesday, April 26, 2006 8:28 PM

**Subject:** Re: Voting Fraud-Voter Intimidation Project

Barry:

Are you available any days in the third week of May?

Peggy

-----  
Sent from my BlackBerry Wireless Handheld

----- Original Message -----

**From:** "Weinberg and Utrecht" [REDACTED]

**Sent:** 04/04/2006 08:14 AM

**To:** Margaret Sims

**Subject:** Re: Voting Fraud-Voter Intimidation Project

Peggy:

May looks pretty good right now. I will not be available May 1, or in the morning (before 12:30) on May 4 or May 11, or in the afternoon on May 10.

Barry

----- Original Message -----

**From:** [psims@eac.gov](mailto:psims@eac.gov)

**To:** [REDACTED]

**Sent:** Monday, April 03, 2006 3:15 PM

**Subject:** Voting Fraud-Voter Intimidation Project

Hi, Barry:

I'm trying to arrange a meeting of the Working Group for EAC's Voting Fraud-Voter Intimidation project. Would you please look at your schedule and let me know if there are any days during the first 2 weeks of May that you would NOT be available?

Peggy Sims

Election Research Specialist

U.S. Election Assistance Commission

1225 New York Ave, NW - Ste 1100

019984



**U.S. ELECTION ASSISTANCE COMMISSION**  
**1225 New York Ave. NW - Suite 1100**  
**Washington, DC 20005**

May 9, 2007

Mr. Greg Gordon  
National Correspondent  
McClatchy Newspapers  
Washington, DC

Dear Mr. Gordon:

This letter is in response to your Freedom of Information Act (FOIA) request received by the U.S. Election Assistance Commission (EAC) on April 11, 2007. The request sought "all emails between Job Serebrov and Elections Assistance Commission staff or members and all emails between Tova Wang and commission staff or members pertaining to a voter fraud study the two were contracted to perform for the EAC."

**Responsive records.** In regard to your request, copies of the responsive documents are attached (approximately 1,000 pages). Upon review of the records, you will find a few places where small portions of information have been redacted (in black). As required by FOIA exemption 6, the EAC has redacted personal information, including home addresses, telephone numbers, personal e-mail addresses, personal financial information, social security numbers, and tax identification numbers.

**Withheld records.** In reference to your request, an estimated 300 pages of e-mails have been withheld because the information in these e-mails is pre-decisional and protected by the Deliberative Process Privilege. As you may know, the Deliberative Process Privilege protects intra-agency documents that are (1) pre-decisional in nature and (2) part of the deliberative process. In other words, the documents must be part of a process that recommends or presents opinions on a policy matter or governmental decision before that matter is finally decided. It is a well settled matter of law that the work of contract employees and contractors ("consultants") constitute intra-agency documents.<sup>1</sup> This is true even where the consultants are deemed to be independent contractors and are not subject to the degree of control that agency employment entails.<sup>2</sup> The courts have made this determination after recognizing that agencies have a special need for the opinions and recommendations of temporary consultants.<sup>3</sup> Ultimately, deliberative

<sup>1</sup> Department of the Interior v. Klamath Water Users Protective Association, 532 U.S. 1, 9-11 (2001) (Citing Harry E. Hoover v. Dept. of the Interior, 611 F.2d 1132, at 1138 (1980); Lead Industries Assn. v. OSHA, 610 F.2d 70, 83 (C.A.5 1980) (applying exemption 5 to draft reports prepared by contractors); and Government Land Bank v. GSA, 671 F.2d 663, 665 (CA1 1982)); See also Hertzberg v. Veneman, 273 F. Supp. 2d 67, 76 n.2 (D.D.C. 2003).

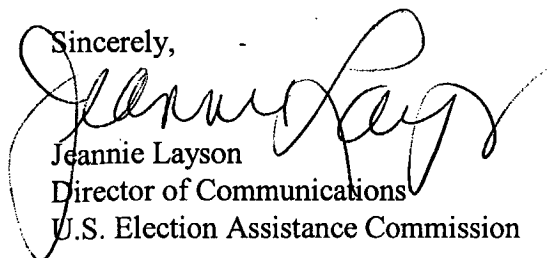
<sup>2</sup> Klamath, at 10.

<sup>3</sup> Hoover, 611 F.2d at 1138.

documents are exempt from release (1) to encourage open and frank discussions on policy matters between agency subordinates and superiors, (2) to protect against premature disclosure of proposed policies and (3) to protect against public confusion that might result from disclosure of rationales that were not in fact the ultimate basis for agency action.<sup>4</sup>

The EAC has decided to waive the processing fees for your request. If you interpret any portion of this response as an adverse action, you will have an opportunity to appeal it to the Election Assistance Commission. However, as this letter is only partially responsive to your request, please hold any appeal until your request has been fully addressed. At that time, your appeal must be in writing and sent to the address noted on the above letterhead. Any appeal submitted, must be postmarked no later than 60 calendar days from the date of EAC's final response letter. Please include your reasons for reconsideration and attach a copy of this and subsequent EAC responses.

Sincerely,



Jeannie Layson  
Director of Communications  
U.S. Election Assistance Commission

Attachments:

1. Your Request (dated April 11, 2007)
2. Responsive Documents

---

<sup>4</sup> NLRB v. Sears, Roebuck & Co., 41 U.S. at 151.

#07-002



"Gordon, Greg"  
<ggordon@mcclatchydc.com>

To jlayson@eac.gov

cc

04/11/2007 10:32 AM

bcc

Subject new foia

April 11, 2007

Ms. Jeannie Layson  
Director of Communications  
Suite 110  
1225 New York Avenue NW  
Washington, D.C. 20005  
Fax: 202-566-3127  
Phone: 202-566-3100  
HAVAINfo@eac.gov

Dear Ms. Layson:

This is an official request under the Freedom of Information Act, 5 U.S.C., 552 as amended.

I am writing on behalf of McClatchy Newspapers to request copies of all emails between Job Serebrov and Elections Assistance Commission staff or members and all emails between Tova Wang and commission staff or members pertaining to a voter fraud study the two were contracted to perform for the EAC.

In the event that this request results in research or copying, McClatchy Newspapers requests a public interest fee waiver because the material being sought is likely to be used in a newspaper story. We would argue strongly that there is a significant public interest in our reviewing the material being sought. As the nation's second largest newspaper group with 32 daily newspapers and a new service serving 400 newspapers, McClatchy easily qualifies as acting in the public interest.

If possible, I would appreciate your expediting this request, especially any emails transmitted after the draft report was submitted, because of the obvious topical import of these documents.

Should this letter prompt questions, please feel free to phone me at 202-383-0005. Thanks for your assistance.

Sincerely,

019987

Gregory Gordon  
McClatchy Newspapers  
Washington correspondent

Greg Gordon  
National Correspondent  
McClatchy Newspapers Washington Bureau  
202-383-0005  
[ggordon@mcclatchydc.com](mailto:ggordon@mcclatchydc.com)

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019988

Sheila A. Banks/EAC/GOV  
12/07/2006 02:48 PM

To [REDACTED]  
cc  
bcc

Subject Statement by Commissioner Gracia Hillman

Ms. Wang,

Commissioner Gracia Hillman has asked that I send you a copy of her statement regarding the 'EAC Report On Voting Fraud and Voter Intimidation.' It is attached for your perusal.



Statement.doc

Regards,

Sheila A. Banks  
Special Assistant to Commissioner Gracia Hillman  
U.S. Election Assistance Commission  
1225 New York Avenue, NW, Suite 1100  
Washington, D.C. 20005  
Telephone: 202.566.3111  
Fax: 202.566-1392  
[www.eac.gov](http://www.eac.gov)

019989

Sheila A. Banks/EAC/GOV  
12/07/2006 02:16 PM

To [REDACTED]  
cc  
bcc

Subject Statement By Commissioner Gracia Hillman

Mr. Serebrov,

Commissioner Gracia Hillman has asked that I send you a copy of her statement regarding the 'EAC Report On Voting Fraud and Voter Intimidation.' It is attached for your perusal.



Statement.doc  
Regards,

Sheila A. Banks  
Special Assistant to Commissioner Gracia Hillman  
U.S. Election Assistance Commission  
1225 New York Avenue, NW, Suite 1100  
Washington, D.C. 20005  
Telephone: 202.566.3111  
Fax: 202.566-1392  
[www.eac.gov](http://www.eac.gov)

019996





"Job Serebrov"

12/07/2006 02:22 PM

To sbanks@eac.gov

cc

bcc

Subject Re: Statement By Commissioner Gracia Hillman

History:

This message has been replied to and forwarded.

Sheila:

Please convey my sincere gratitude to Commissioner Hillman. Her remarks will be very helpful both for public perception of our study and for any future work in this area. I am very appreciative that she took the time and effort to draft this statement.

Regards,

Job

--- sbanks@eac.gov wrote:

> Mr. Serebrov,  
>  
> Commissioner Gracia Hillman has asked that I send  
> you a copy of her  
> statement regarding the 'EAC Report On Voting Fraud  
> and Voter  
> Intimidation." It is attached for your perusal.  
>  
>  
> Regards,  
>  
> Sheila A. Banks  
> Special Assistant to Commissioner Gracia Hillman  
> U.S. Election Assistance Commission  
> 1225 New York Avenue, NW, Suite 1100  
> Washington, D.C. 20005  
> Telephone: 202.566.3111  
> Fax: 202.566-1392  
> www.eac.gov

019991

Thomas R. Wilkey/EAC/GOV  
03/13/2006 04:37 PM

To Bert A. Benavides/EAC/GOV@EAC  
cc  
bcc  
Subject Fw: fraud and intimidation project

FYI

Thomas R. Wilkey  
Executive Director  
US Election Assistance Commission  
1225 New York Ave, NW - Suite 1100  
Washington, DC 20005  
(202) 566-3109 phone  
TWilkey@eac.gov

----- Forwarded by Thomas R. Wilkey/EAC/GOV on 03/13/2006 03:38 PM -----

Thomas R. Wilkey/EAC/GOV  
03/13/2006 03:36 PM

To "Tova Wang" [REDACTED]@GSAEXTERNAL  
cc  
Subject Re: fraud and intimidation project

Howq about after 3 tomorrow until 5 9-10 on Wednesday or 3-5 on Wednesday.  
If you call my assistant Bert she will find you a good time frame.  
Sorry that"s my life these days.  
Tom

Thomas R. Wilkey  
Executive Director  
US Election Assistance Commission  
1225 New York Ave, NW - Suite 1100  
Washington, DC 20005  
(202) 566-3109 phone  
TWilkey@eac.gov  
"Tova Wang" [REDACTED]



"Tova Wang"  
[REDACTED]  
03/13/2006 12:13 PM

To twilkey@eac.gov  
cc  
Subject fraud and intimidation project

019992

Hey Tom,

How are you? I hope you're doing well.

I'd like to talk to you about some issues we are having with respect to the project when you have a free moment. Is there a good time to call? Thanks. Tova

**Tova Andrea Wang**  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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---

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019993



"Tova Wang"  
[REDACTED]  
11/09/2006 04:54 PM

To bbenavides@eac.gov, [REDACTED]  
cc twilkey@eac.gov, jhodgkins@eac.gov  
bcc  
Subject RE: Conference call

History: This message has been replied to.

Sounds good. I will come by the EAC since its literally a few feet from my office. I look forward to seeing you. Tova

Tova Andrea Wang, Democracy Fellow  
The Century Foundation  
1333 H Street, NW, Washington, D.C. 20005

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**From:** bbenavides@eac.gov [mailto:bbenavides@eac.gov]  
**Sent:** Thursday, November 09, 2006 4:21 PM  
**To:** [REDACTED]  
**Cc:** twilkey@eac.gov; jhodgkins@eac.gov; bbenavides@eac.gov  
**Subject:** Conference call

Tova, Job -- I have scheduled 6:00 PM EST on Wednesday, November 15 for a conference call with Tom Wilkey and Julie Thompson-Hodgkins.

Conference call in # is 866-222-9044, Passcode [REDACTED]

Bert A. Benavides  
Special Assistant to the Executive Director  
U. S. Elections Assistance Commission  
1225 New York Avenue, NW  
Suite 1100  
Washington, DC 20005  
202-566-3114

019994



"Tova Wang"  
[REDACTED]  
11/15/2006 03:28 PM

To bbenavides@eac.gov  
cc  
bcc  
Subject RE: Conference call

What is the call in number then? Thanks. Tova

Tova Andrea Wang, Democracy Fellow  
**The Century Foundation**  
1333 H Street, NW, Washington, D.C. 20005  
(202) 741-6263  
Visit our Web site, [www.tcf.org](http://www.tcf.org), for the latest news, analysis, opinions, and events.

**From:** bbenavides@eac.gov [mailto:bbenavides@eac.gov]  
**Sent:** Wednesday, November 15, 2006 2:20 PM  
**To:** [REDACTED]  
**Cc:** bbenavides@eac.gov  
**Subject:** RE: Conference call  
**Importance:** High

Tova, due to the change in time, both Julie and Tom will be calling into the conference call from their respective residences. Thanks. Take care.

Bert A. Benavides  
Special Assistant to the Executive Director  
U. S. Elections Assistance Commission  
1225 New York Avenue, NW  
Suite 1100  
Washington, DC 20005  
202-566-3114

"Tova Wang" <[REDACTED]>  
11/09/2006 04:54 PM

To bbenavides@eac.gov, [REDACTED]  
cc twilkey@eac.gov, jhodgkins@eac.gov  
Subject RE: Conference call

Sounds good. I will come by the EAC since its literally a few feet from my office. I look forward to seeing

019995

you. Tova

Tova Andrea Wang, Democracy Fellow  
**The Century Foundation**  
1333 H Street, NW, Washington, D.C. 20005

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**From:** bbenavides@eac.gov [mailto:bbenavides@eac.gov]  
**Sent:** Thursday, November 09, 2006 4:21 PM  
**To:** [REDACTED]  
**Cc:** twilkey@eac.gov; jthodgkins@eac.gov; bbenavides@eac.gov  
**Subject:** Conference call

Tova, Job -- I have scheduled 6:00 PM EST on Wednesday, November 15 for a conference call with Tom Wilkey and Julie Thompson-Hodgkins.

Conference call In # is 866-222-9044, Passcode [REDACTED]

Bert A. Benavides  
Special Assistant to the Executive Director  
U. S. Elections Assistance Commission  
1225 New York Avenue, NW  
Suite 1100  
Washington, DC 20005  
202-566-3114

019996

Bryan Whitener /EAC/GOV  
12/06/2006 06:55 PM

To "Tova Wang" [REDACTED]  
cc  
bcc  
Subject RE: EAC to Assess 2006 Election; Decide on Voting System  
Certification Program & Election Crimes Report [REDACTED]

12/07/06 - Agenda (revised): Public Meeting

"Tova Wang" [REDACTED]



"Tova Wang"  
[REDACTED]  
12/06/2006 06:06 PM

To bwhitener@eac.gov  
cc  
Subject RE: EAC to Assess 2006 Election; Decide on Voting System  
Certification Program & Election Crimes Report

What is the proposal?

Tova Andrea Wang, Democracy Fellow  
The Century Foundation  
1333 H Street, NW, Washington, D.C. 20005  
(202) 741-6263

Visit our Web site, [www.tcf.org](http://www.tcf.org), for the latest news, analysis, opinions, and events.

**From:** bwhitener@eac.gov [mailto:bwhitener@eac.gov]

**Sent:** Wednesday, December 06, 2006 6:06 PM

**To:** [REDACTED]

**Subject:** RE: EAC to Assess 2006 Election; Decide on Voting System Certification Program & Election Crimes Report

Only that they will consider and vote tomorrow.

019997



"Tova Wang"  
[REDACTED]  
12/06/2006 06:06 PM

To bwhitener@eac.gov  
cc  
bcc  
Subject RE: EAC to Assess 2006 Election; Decide on Voting System  
Certification Program & Election Crimes Report

History: ← This message has been replied to.

What is the proposal?

Tova Andrea Wang, Democracy Fellow  
The Century Foundation  
1333 H Street, NW, Washington, D.C. 20005  
(202) 741-6263  
Visit our Web site, [www.tcf.org](http://www.tcf.org), for the latest news, analysis, opinions, and events.

**From:** bwhitener@eac.gov [mailto:bwhitener@eac.gov]  
**Sent:** Wednesday, December 06, 2006 6:06 PM  
**To:** [REDACTED]  
**Subject:** RE: EAC to Assess 2006 Election; Decide on Voting System Certification Program & Election Crimes Report

Only that they will consider and vote tomorrow.

019998





"Tova Wang"  
[Redacted]  
12/06/2006 04:53 PM

To "Bryan Whitener" <bwhitener@eac.gov>  
cc  
bcc

Subject RE: EAC to Assess 2006 Election; Decide on Voting System Certification Program & Election Crimes Report

History: This message has been replied to.

Hi Bryan, Are you able to tell me anything more about the proposed comprehensive election crimes study? Thanks. Tova

Tova Andrea Wang, Democracy Fellow  
The Century Foundation  
1333 H Street, NW, Washington, D.C. 20005  
(202) 741-6263

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---

**From:** Bryan Whitener [mailto:bwhitener@eac.gov]  
**Sent:** Wednesday, December 06, 2006 3:22 PM  
**To:** [Redacted]  
**Subject:** EAC to Assess 2006 Election; Decide on Voting System Certification Program & Election Crimes Report



U.S. ELECTION ASSISTANCE COMMISSION  
1225 New York Ave. NW – Suite 1100  
Washington, DC 20005

**MEDIA ADVISORY - *Reminder***

December 6, 2006

Contact: Bryan Whitener  
(202) 566-3100

**EAC to Hold Public Meeting on December 7**

***Agenda to Include Assessment of 2006 Election, Voting System Testing and Certification Program and Recommendations for a Comprehensive Elections Crimes Study***

019999

**WHAT: Public Meeting** - Commissioners will hear an assessment of the 2006 election and will vote to approve the adoption of a voting system testing and certification program manual and recommendations for conducting a comprehensive elections crimes study. Commissioners will also hear a report by the chair of EAC's Technical Guidelines Development Committee (TGDC).

**WHO: EAC commissioners**, the director of the National Institute of Standards and Technology (NIST), election officials, community interest groups, academicians and technology experts.

**WHERE:** EAC Offices, 1225 New York Ave., Suite 150, Washington, DC

**WHEN:** Thursday, December 7, 10:00 a.m. - 3:30 p.m. (EST)

To view the agenda, click [here](#).

*A webcast of the meeting will be available Friday at the link [12/07/06 - Public Meeting](#) .*

###

*To learn more about the EAC, please visit [www.eac.gov](http://www.eac.gov) .*

020000



"Tova Wang" [REDACTED]  
09/27/2006 03:51 PM

To twilkey@eac.gov

cc [REDACTED]

bcc [REDACTED]

Subject Board status report

History:  This message has been replied to.

Hi Tom,

Got your message. Thanks. Job and I actually did not do the presentation, Peg did. Attached is what she sent to us at the time as what she was presenting, but I was not actually in attendance <<...>> .

Tova

Tova Andrea Wang, Democracy Fellow  
**The Century Foundation**  
1333 H Street, NW, Washington, D.C. 20005

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PS EAC Board Status Report.doc

020001



bbenavides@eac.gov  
04/26/2007 09:57 AM

To  
cc  
bcc Thomas R. Wilkey/EAC/GOV  
Subject Fw: fraud and intimidation project

This is one of the two e-mails I have.

----- Forwarded by Bert A. Benavides/EAC/GOV on 04/26/2007 09:56 AM -----

Thomas R.  
Wilkey/EAC/GOV

03/13/2006 04:37  
PM

Bert A. Benavides/EAC/GOV@EAC  
To  
cc  
Subject  
Fw: fraud and intimidation project

FYI

Thomas R. Wilkey  
Executive Director  
US Election Assistance Commission  
1225 New York Ave, NW - Suite 1100  
Washington, DC 20005  
(202) 566-3109 phone  
TWilkey@eac.gov

----- Forwarded by Thomas R. Wilkey/EAC/GOV on 03/13/2006 03:38 PM -----

Thomas R.  
Wilkey/EAC/GOV


03/13/2006 03:36  
PM

"Tova Wang"  
[REDACTED] GSAEXTERNAL  
To  
cc  
Subject  
Re: fraud and intimidation project  
(Document link: Thomas R. Wilkey)

020002

Howq about after 3 tomorrow until 5 9-10 on Wednesday or 3-5 on Wednesday.  
If you call my assistant Bert she will find you a good time frame.  
Sorry that"s my life these days.  
Tom

Thomas R. Wilkey  
Executive Director  
US Election Assistance Commission  
1225 New York Ave, NW - Suite 1100  
Washington, DC 20005  
(202) 566-3109 phone  
TWilkey@eac.gov

"Tova Wang"  


03/13/2006 12:13  
PM

twilkey@eac.gov

To

cc

Subject  
fraud and intimidation project

Hey Tom,

How are you? I hope you're doing well.

I'd like to talk to you about some issues we are having with respect to the project when you have a free moment. Is there a good time to call?  
Thanks. Tova

Tova Andrea Wang  
Senior Program Officer and Democracy Fellow  
The Century Foundation  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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020003

Juliet E. Hodgkins/EAC/GOV  
11/27/2006 10:57 AM

To "Job Serebrov"  
[REDACTED] GSAEXTERNAL  
cc  
bcc  
Subject Re: Update [icon]

So, Vegas it is. I will forward the report once finalized. The Commissioners comments are supposed to be in by Wednesday (we shall see).

Juliet Thompson Hodgkins  
General Counsel  
United States Election Assistance Commission  
1225 New York Ave., NW, Ste 1100  
Washington, DC 20005  
(202) 566-3100  
"Job Serebrov" <serebrov@sbcglobal.net>



"Job Serebrov"  
[REDACTED]  
11/27/2006 10:41 AM

To "Julie Thompson-Hodgkins" <jhodgkins@eac.gov>  
cc  
Subject Update

Julie:

Hope your trip to Jordan went well. The decision is finally in---we are going to Las Vegas. I will give you my contact information as soon as I get it. From the last week of December on you can get me on my cell [REDACTED] Let me know how the new Congress treats the EAC.

When you release the final report from our project, please send me a copy. I may retain this e-mail.

Job

020004

Juliet E. Hodgkins/EAC/GOV  
02/09/2007 05:46 PM

To "Tova Wang" [REDACTED]  
cc  
bcc  
Subject RE: Taxes [REDACTED]

It is being reissued to your current address.

Juliet Thompson Hodgkins  
General Counsel  
United States Election Assistance Commission  
1225 New York Ave., NW, Ste 1100  
Washington, DC 20005  
(202) 566-3100  
"Tova Wang" <wang@tcf.org>



"Tova Wang"  
[REDACTED]  
02/06/2007 05:25 PM

To jhodgkins@eac.gov  
cc  
Subject RE: Taxes

I'm betting its the NY address. Who can I call?

Tova Andrea Wang, Democracy Fellow  
**The Century Foundation**  
1333 H Street, NW, Washington, D.C. 20005  
(202) 741-6263

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---

**From:** jhodgkins@eac.gov [mailto:jhodgkins@eac.gov]  
**Sent:** Tuesday, February 06, 2007 5:17 PM  
**To:** Tova Wang  
**Subject:** Re: Taxes

It was sent to the address that we had on file for invoices.

-----  
Sent from my BlackBerry Wireless Handheld

---

----- Original Message -----  
**From:** "Tova Wang" [REDACTED]  
**Sent:** 02/06/2007 05:20 PM

020005

**To:** Juliet Hodgkins  
**Subject:** RE: Taxes

I wonder if they know to send it to my DC address. It just occurs to me that they could have sent it to my old NY address. Is there someone I should check that with? Thanks again.

Tova Andrea Wang, Democracy Fellow  
The Century Foundation  
1333 H Street, NW, Washington, D.C. 20005  
(202) 741-6263

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**From:** jhodgkins@eac.gov [mailto:jhodgkins@eac.gov]  
**Sent:** Tuesday, February 06, 2007 3:43 PM  
**To:** [REDACTED]  
**Subject:** RE: Taxes

Tova,

I found out that your 1099 was issued on January 31, 2007. So, if you have not received it already, it should be arriving shortly.

Juliet Thompson Hodgkins  
General Counsel  
United States Election Assistance Commission  
1225 New York Ave., NW, Ste 1100  
Washington, DC 20005  
(202) 566-3100

"Tova Wang" [REDACTED]

02/01/2007 09:33 AM

To jhodgkins@eac.gov  
cc  
Subject RE: Taxes

Hi again Julie,

020006



I still have not received anything. Is there someone I should contact? Thanks.

Tova Andrea Wang, Democracy Fellow  
The Century Foundation  
1333 H Street, NW, Washington, D.C. 20005  
(202) 741-6263

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**From:** jhodgkins@eac.gov [mailto:jhodgkins@eac.gov]  
**Sent:** Thursday, January 18, 2007 5:55 PM  
**To:** [REDACTED]  
**Subject:** Re: Taxes

Tova,

Since you were hired on a contract, you will be issued a 1099. GSA does our financial work for us, so it will come from them, but should include the EAC information.

Juliet Thompson Hodgkins  
General Counsel  
United States Election Assistance Commission  
1225 New York Ave., NW, Ste 1100  
Washington, DC 20005  
(202) 566-3100

"Tova Wang" [REDACTED]

01/17/2007 10:34 AM

To jhodgkins@eac.gov  
cc  
Subject Taxes

Hi Julie, I didn't know who to ask about this -- should I be getting a 1099 form from the EAC? Thanks so much. Tova

Tova Andrea Wang, Democracy Fellow  
The Century Foundation  
1333 H Street, NW, Washington, D.C. 20005


020007

(202) 741-6263

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and events.

020008

Juliet E. Hodgkins/EAC/GOV  
02/01/2007 10:01 AM

To "Tova Wang" <[REDACTED]>  
cc  
bcc  
Subject RE: Taxes 

I am checking on this. I think that the deadline for issuing 1099s is later than the deadline for issuing W-2s. I will let you know what I find out.

Juliet Thompson Hodgkins  
General Counsel  
United States Election Assistance Commission  
1225 New York Ave., NW, Ste 1100  
Washington, DC 20005  
(202) 566-3100

020009

Juliet E. Hodgkins/EAC/GOV  
01/17/2007 10:56 AM

To "Tova Wang" [REDACTED]  
cc  
bcc  
Subject Re: Taxes [REDACTED]

I have passed your question along to Finance. I will let you know the answer as soon as I have it.

Juliet Thompson Hodgkins  
General Counsel  
United States Election Assistance Commission  
1225 New York Ave., NW, Ste 1100  
Washington, DC 20005  
(202) 566-3100  
"Tova Wang" <wang@tcf.org>



"Tova Wang"  
[REDACTED]  
01/17/2007 10:34 AM

To jhodgkins@eac.gov  
cc  
Subject Taxes

Hi Julie, I didn't know who to ask about this -- should I be getting a 1099 form from the EAC? Thanks so much. Tova

Tova Andrea Wang, Democracy Fellow  
The Century Foundation  
1333 H Street, NW, Washington, D.C. 20005  
(202) 741-6263  
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020010

Juliet E. Hodgkins/EAC/GOV  
01/10/2007 12:03 PM

To "Tova Wang" [REDACTED]  
cc  
bcc  
Subject RE: [REDACTED]

Based on your answer, I assume then that you are not asking us for any documents. Please confirm that this is correct.

Juliet Thompson Hodgkins  
General Counsel  
United States Election Assistance Commission  
1225 New York Ave., NW, Ste 1100  
Washington, DC 20005  
(202) 566-3100  
"Tova Wang" [REDACTED]



"Tova Wang"  
[REDACTED]  
01/10/2007 12:00 PM

To jhodgkins@eac.gov  
cc twilkey@eac.gov, "Tova Wang" [REDACTED]  
Subject RE:

Thanks Julie. Actually, I ended up doing all of the Nexis research myself on The Century Foundation's account. Using one of your interns to do it never worked out, as Job can also tell you. I assume that takes care of that issue. Thanks again. Tova

Tova Andrea Wang, Democracy Fellow  
**The Century Foundation**  
1333 H Street, NW, Washington, D.C. 20005  
(202) 741-6263

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---

**From:** jhodgkins@eac.gov [mailto:jhodgkins@eac.gov]  
**Sent:** Wednesday, January 10, 2007 11:50 AM  
**To:** [REDACTED]  
**Cc:** twilkey@eac.gov; 'Tova Wang'  
**Subject:** Re:

Tova,

I see no reason why we cannot allow you to have the research for your use. The one caveat to that is that this research was obtained on our Westlaw/Nexis accounts. Therefore, we would have to have an

020011

agreement from you that you would not reproduce or distribute those copyrighted materials. I will have one of my law clerks work on getting the information burned to a CD and drafting an agreement concerning the use of these documents.

I will be in touch with you next week to let you know when we will have these documents and agreement available.

Juliet Thompson Hodgkins  
General Counsel  
United States Election Assistance Commission  
1225 New York Ave., NW, Ste 1100  
Washington, DC 20005  
(202) 566-3100

"Tova Wang" [REDACTED]

01/08/2007 09:24 AM

To twilkey@eac.gov, jhodgkins@eac.gov  
cc "Tova Wang" [REDACTED]  
Subject

Dear Tom and Julie,

Happy New Year. I hope you both enjoyed the holidays.

As you know, I am well aware that the research Job and I produced belongs to the EAC. Nonetheless, I was wondering whether there might be some way I can use just the Nexis material solely for my own further research purposes. Anything I might publish using that underlying data as enhanced by my further research would be in my name and my name only, not that of the EAC. I put a tremendous amount of work into collecting and organizing that data and I would like the opportunity to continue this research on an ongoing basis. It would be a shame if it was not put to some further use.

Is there something we might arrange in this regard? Thanks so much.

Tova Andrea Wang, Democracy Fellow  
The Century Foundation  
1333 H Street, NW, Washington, D.C. 20005  
(202) 741-6263  
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020012

Juliet E. Hodgkins/EAC/GOV  
12/05/2006 03:12 PM

To "Tova Wang" [REDACTED]  
cc serebrov@sbcglobal.net  
bcc  
Subject RE: fraud and intimidation report [REDACTED]

Unfortunately, the issue is not whether either of you would/could release the document, but the fact that releasing it at all to non-EAC employees could be viewed as a waiver of our privilege.

Juliet Thompson Hodgkins  
General Counsel  
United States Election Assistance Commission  
1225 New York Ave., NW, Ste 1100  
Washington, DC 20005  
(202) 566-3100  
"Tova Wang" [REDACTED]



"Tova Wang"  
[REDACTED]  
12/05/2006 09:09 AM

To jhodgkins@eac.gov  
cc [REDACTED]  
Subject RE: fraud and intimidation report

Thanks Julie. What if we both agreed to sign a confidentiality agreement, embargoing any discussion of the report until after it is released? Tova

Tova Andrea Wang, Democracy Fellow  
The Century Foundation  
1333 H Street, NW, Washington, D.C. 20005  
(202) 741-6263  
Visit our Web site, [www.tcf.org](http://www.tcf.org), for the latest news, analysis, opinions, and events.

-----Original Message-----

From: jhodgkins@eac.gov [mailto:jhodgkins@eac.gov]  
Sent: Monday, December 04, 2006 4:57 PM  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: Re: fraud and intimidation report

Tova & Job,

As you know, because the two of you are no longer under contract with the EAC, EAC is not afforded the same protections as if you were still functioning as EAC employees. As such, releasing the document to you would be the same as releasing it to any other member of the public.

Thus, EAC will not be able to release a copy of the proposed final report to you prior to its consideration and adoption by the Commission. The Commission will take up this report at its meeting on Thursday, Dec. 7. I


020013

will have a copy available for you immediately following their consideration - assuming that they do not change the report during their deliberations and voting on Dec. 7. If changes are made, I will have a copy available to you as soon as possible following that meeting.

In the final report, you will see that EAC took the information and work provided by the two of you and developed a report that summarizes that work, provides a definition for use in future study, and adopts parts or all of many of the recommendations made by you and the working group. In addition, you will note that EAC will make the entirety of your interview summaries, case summaries, and book/report summaries available to the public as appendixes to the report.

I know that you are anxious to read the report and that you may have questions that you would like to discuss following the release of the report. Please feel free to contact me with those questions or issues.

Juliet Thompson Hodgkins  
General Counsel  
United States Election Assistance Commission  
1225 New York Ave., NW, Ste 1100  
Washington, DC 20005  
(202) 566-3100

  
12/01/2006 02:07  
PM

jthompson@eac.gov

To

cc

"Job Serebrov"  


Subject

fraud and intimidation report

Julie,

I understand from Tom Wilkey that you are planning on releasing our report at the public meeting next Thursday, December 7. As we discussed, I respectfully request that Job and I be permitted to review what you are releasing before it is released. I would like us both to be provided with an embargoed copy as soon as possible so we have time to properly review it before Thursday. I can be contacted by email, cell phone at 917-656-7905, or office phone 202-741-6263. I hope to hear from you soon. Thanks.

Tova

020014





"Job Serebrov"

02/09/2007 05:57 PM

To "Julie Thompson-Hodgkins" <jhodgkins@eac.gov>

cc

bcc

Subject 1099 Incorrect

History:

☞ This message has been forwarded.

Julie:

I just added my invoices and I get only around \$39,700 including the travel expense reimbursement. The 1099 needs to be corrected.

Job

020015



"Job Serebrov"

02/09/2007 05:33 PM

To "Julie Thompson-Hodgkins" <jhodgkins@eac.gov>

cc

bcc

Subject 1099

History:

↩ This message has been forwarded.

Julie:

I received my 1099 and the figure looks too high. It is listed at \$58,065.35. Can you check on this?

Job

020016



"Job Serebroy"

01/02/2007 11:13 PM

To "Julie Thompson-Hodgkins" <jhodgkins@eac.gov>

cc

bcc

Subject DC

Julie:

It looks like the most likely place Mari & I will go is DC. I have a number of job applications out there with different fed agencies. I will keep you posted. On another subject, what ever happened with Tova's protest?

Happy New Year!

Job

020017



"Job Serebrov"

12/09/2006 10:19 AM

To jhodgkins@eac.gov

cc

bcc

Subject Fwd: Conclusions

Julie:

I sent this to Tova on Saturday to make it clear about my feelings and what my actions will be if she proceeds with her protest any further. I think it makes it clear that she would be fighting both of us. I know I am going to hear from her on this but the issue needs to be put to bed.

Job

--- Job Serebrov [REDACTED] wrote:

> Date: Sat, 9 Dec 2006 07:17:24 -0800 (PST)  
> From: Job Serebrov [REDACTED]  
> Subject: Conclusions  
> To: Tova Wang [REDACTED]  
>  
> Tova:  
>  
> I spoke to Julie late yesterday and she told me that  
> you sent a letter, as you said you would. I must ask  
> you to drop this if your request is denied. We were  
> never guaranteed that our report, paid for by the  
> EAC,  
> would be published in the form that we sent it or  
> with  
> the conclusions that we arrived at.  
>  
> As I told you, I am satisfied with the published  
> report from the EAC. I can live with the removal of  
> the Donsanto comment and the other alterations. What  
> I  
> am very concerned about is that further action on  
> your  
> part would cause the EAC, in defending its final  
> report, to criticize the report we submitted or to  
> attack our report out right as some how unusable,  
> even  
> if this is not the case. Should this occur, I will  
> defend both the final EAC report and our submission  
> which will leave you alone fighting a two front war.  
> I  
> think it is more important to preserve the integrity  
> of the over all project submission than to press the  
> issue over how it was used. I hope this will not be  
> necessary.  
>  
> Job  
>

020018



"Job Serebrov"  
[REDACTED]

12/07/2006 01:18 PM

To jhodgkins@eac.gov

cc

bcc

Subject Report

Julie:

Well I see you left out the controversial Donsanto remark. I really think the report is well done. It should have served to satisfy both sides---but wait---there is the Tova on the war path factor. Tova is totally disgusted with the report. She especially hates the omission of the summaries of the various sections (interviews, case law, reports, literature, and interviews). She is really upset with the Donsanto omission. I can see her going to some of the members of Congress she knows and trying to get a hearing. I know she will be sending you a letter, asking or demanding that you retract this report and publish the original one we submitted.

I told her that I am satisfied with the report and that I will have nothing to do with her future actions---which I expect will be plentiful like Santa's Christmas gifts or like the bubonic plague. In any case, this is a Tova production.

Now for the I told you so---this would have been far better had we been able to stick to the original plan to have me do this project alone. I told you so!!!

Keep a stiff upper lip,

Job

020019



"Job Serebrov" [redacted]

12/05/2006 03:14 PM

To jhodgkins@eac.gov

cc

bcc

Subject RE: fraud and intimidation report

History:

☞ This message has been replied to.

Julie:

I was hoping that my e-mail reply to Tova would end all of this. On another note, Las Veas fell apart mostly due to timing issues. Unfortunately that leaves me, for now, looking for a job. Any ideas?

Job

--- jhodgkins@eac.gov wrote:

> Unfortunately, the issue is not whether either of  
> you would/could release  
> the document, but the fact that releasing it at all  
> to non-EAC employees  
> could be viewed as a waiver of our privilege.

>  
>  
> Juliet Thompson Hodgkins  
> General Counsel  
> United States Election Assistance Commission  
> 1225 New York Ave., NW, Ste 1100  
> Washington, DC 20005  
> (202) 566-3100

>  
>  
> "Tova Wang" [redacted]  
> 12/05/2006 09:09 AM

> To  
> jhodgkins@eac.gov  
> cc  
> [redacted]  
> Subject  
> RE: fraud and intimidation report

>  
>  
>  
>  
> Thanks Julie. What if we both agreed to sign a  
> confidentiality agreement,  
> embargoing any discussion of the report until after  
> it is released? Tova

020020

> Tova Andrea Wang, Democracy Fellow  
> The Century Foundation  
> 1333 H Street, NW, Washington, D.C. 20005  
> (202) 741-6263  
> Visit our Web site, www.tcf.org, for the latest  
> news, analysis, opinions,  
> and events.

> -----Original Message-----

> From: jhodgkins@eac.gov [mailto:jhodgkins@eac.gov]  
> Sent: Monday, December 04, 2006 4:57 PM  
> To: [REDACTED]  
> Cc: [REDACTED]  
> Subject: Re: fraud and intimidation report

> Tova & Job,

> As you know, because the two of you are no longer  
> under contract with the  
> EAC, EAC is not afforded the same protections as if  
> you were still  
> functioning as EAC employees. As such, releasing  
> the document to you  
> would  
> be the same as releasing it to any other member of  
> the public.

> Thus, EAC will not be able to release a copy of the  
> proposed final report  
> to  
> you prior to its consideration and adoption by the  
> Commission. The  
> Commission will take up this report at its meeting  
> on Thursday, Dec. 7. I  
> will have a copy available for you immediately  
> following their  
> consideration  
> - assuming that they do not change the report during  
> their deliberations  
> and  
> voting on Dec. 7. If changes are made, I will have  
> a copy available to  
> you  
> as soon as possible following that meeting.

> In the final report, you will see that EAC took the  
> information and work  
> provided by the two of you and developed a report  
> that summarizes that  
> work  
> , provides a definition for use in future study, and  
> adopts parts or all  
> of  
> many of the recommendations made by you and the  
> working group. In  
> addition,  
> you will note that EAC will make the entirety of  
> your interview summaries,  
> case summaries, and book/report summaries available

020021

> to the public as  
> appendixes to the report.  
>  
> I know that you are anxious to read the report and  
> that you may have  
> questions that you would like to discuss following  
> the release of the  
> report. Please feel free to contact me with those  
> questions or issues.

>  
> Juliet Thompson Hodgkins  
> General Counsel  
> United States Election Assistance Commission  
> 1225 New York Ave., NW, Ste 1100  
> Washington, DC 20005  
> (202) 566-3100  
>  
>  
>  
>

> [REDACTED]  
>  
> 12/01/2006 02:07

> To

> PM

> jthompson@eac.gov

> cc

> Serebrov"

"Job

> [REDACTED]  
>  
> Subject

> intimidation report

fraud and

> Julie,  
>

> I understand from Tom Wilkey that you are planning  
> on releasing our report  
> at the public meeting next Thursday, December 7. As  
> we discussed, I  
> respectfully request that Job and I be permitted to  
> review what you are  
> releasing before it is released. I would like us  
> both to be provided with  
> an embargoed copy as soon as possible so we have  
> time to properly review  
> it

020022



> before Thursday. I can be contacted by email, cell  
> phone at [REDACTED]  
> or  
> office phone 202-741-6263. I hope to hear from you  
> soon. Thanks.  
>  
> Tova  
>  
>  
>  
>  
>

020023



"Job Serebrov"  
[REDACTED]  
12/05/2006 09:43 AM

To "Tova Wang" [REDACTED] jhodgkins@eac.gov  
cc  
bcc

Subject RE: fraud and intimidation report

Tova:

I don't want to go that far. I am fine with a Thursday release given the circumstances that we are under.

Job

*Tova Wang* <wang@tcf.org> wrote:

Thanks Julie. What if we both agreed to sign a confidentiality agreement, embargoing any discussion of the report until after it is released? Tova

Tova Andrea Wang, Democracy Fellow  
The Century Foundation  
1333 H Street, NW, Washington, D.C. 20005  
(202) 741-6263

Visit our Web site, [www.tcf.org](http://www.tcf.org), for the latest news, analysis, opinions, and events.

-----Original Message-----

From: jhodgkins@eac.gov [mailto:jhodgkins@eac.gov]  
Sent: Monday, December 04, 2006 4:57 PM  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: Re: fraud and intimidation report

Tova & Job,

As you know, because the two of you are no longer under contract with the EAC, EAC is not afforded the same protections as if you were still functioning as EAC employees. As such, releasing the document to you would be the same as releasing it to any other member of the public.

Thus, EAC will not be able to release a copy of the proposed final report to you prior to its consideration and adoption by the Commission. The Commission will take up this report at its meeting on Thursday, Dec. 7. I will have a copy available for you immediately following their consideration


020024

- assuming that they do not change the report during their deliberations and voting on Dec. 7. If changes are made, I will have a copy available to you as soon as possible following that meeting.

In the final report, you will see that EAC took the information and work provided by the two of you and developed a report that summarizes that work, provides a definition for use in future study, and adopts parts or all of many of the recommendations made by you and the working group. In addition, you will note that EAC will make the entirety of your interview summaries, case summaries, and book/report summaries available to the public as appendixes to the report.

I know that you are anxious to read the report and that you may have questions that you would like to discuss following the release of the report. Please feel free to contact me with those questions or issues.

Juliet Thompson Hodgkins  
General Counsel  
United States Election Assistance Commission  
1225 New York Ave., NW, Ste 1100  
Washington, DC 20005  
(202) 566-3100

  
12/01/2006 02:07 To  
PM jthompson@eac.gov  
cc  
"Job Serebrov"

Subject  
fraud and intimidation report

Julie,

020025

I understand from Tom Wilkey that you are planning on releasing our report at the public meeting next Thursday, December 7. As we discussed, I respectfully request that Job and I be permitted to review what you are releasing before it is released. I would like us both to be provided with an embargoed copy as soon as possible so we have time to properly review it before Thursday. I can be contacted by email, cell phone at 917-656-7905, or office phone 202-741-6263. I hope to hear from you soon. Thanks.

Tova

020026



"Job Serebrov"



11/03/2006 07:08 PM

To jhodgkins@eac.gov

cc














bcc

Subject Re: Please send me the summary

More

--- jhodgkins@eac.gov wrote:

- > Juliet Thompson Hodgkins
- > General Counsel
- > United States Election Assistance Commission
- > 1225 New York Ave., NW, Ste 1100
- > Washington, DC 20005

- >   (202) 566-3100 GAO\_Report\_JS\_.doc indiana\_litigation\_official.doc
- Section\_5\_Recommendation\_Memorandum\_summary.doc  Securing\_the\_Vote.doc  Shattering\_the\_Myth.doc 
- South\_Dakota\_FINAL.doc  Steal\_this\_Vote\_Review\_final.doc  The\_Long\_Shadow\_of\_Jim\_Crow.doc  The\_New\_Poll\_Tax\_JS\_.doc 
- Washington\_FINAL.doc  Wisconsin\_Audit\_Report.doc  Wisconsin\_FINAL.doc  Wisconsin\_Vote\_Fraud\_TF.doc 

020027



"Job Serebrov"

11/03/2006 07:04 PM

To jhodgkins@eac.gov

cc

bcc

Subject Re: Please send me the summary

History:

This message has been replied to and forwarded.




Julie:





You should have these as existing literature summaries.

Job

--- jhodgkins@eac.gov wrote:

- > Juliet Thompson Hodgkins
- > General Counsel
- > United States Election Assistance Commission
- > 1225 New York Ave., NW, Ste 1100
- > Washington, DC 20005

> (202) 566-3100  A\_Funny\_ThingReview.doc  American\_Center\_Report\_FINAL.doc  Americas\_Modern\_Poll\_Tax\_JS.doc

 Brennan\_Analysis\_Voter\_Fraud\_Report\_FINAL.doc  cb\_summary.doc  Chandler\_Davidson\_summary.official.doc  Crazy\_Quilt.doc

 Deliver\_the\_Vote\_Review.doc  dnc\_ohio.doc  DOJ\_Public\_Integrity\_Reports\_JS.doc  Donsanto\_IFES\_FINAL.doc

 Election\_Protection\_stories.doc  Existing\_Literature\_Reviewed.doc  fooled\_again\_review.doc  GA\_litigation\_summary2.doc

020028



"Tova Wang" [REDACTED]

01/10/2007 12:06 PM

To jhodgkins@eac.gov

cc

bcc

Subject RE:

I believe I have everything I need already, but will let you know if I discover that's not the case. Thank you!

Tova Andrea Wang, Democracy Fellow

**The Century Foundation**

1333 H Street, NW, Washington, D.C. 20005

(202) 741-6263

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**From:** jhodgkins@eac.gov [mailto:jhodgkins@eac.gov]

**Sent:** Wednesday, January 10, 2007 12:03 PM

**To:** [REDACTED]

**Subject:** RE:

Based on your answer, I assume then that you are not asking us for any documents. Please confirm that this is correct.

Juliet Thompson Hodgkins

General Counsel

United States Election Assistance Commission

1225 New York Ave., NW, Ste 1100

Washington, DC 20005

(202) 566-3100

"Tova Wang" [REDACTED]

01/10/2007 12:00 PM

To jhodgkins@eac.gov

cc twilkey@eac.gov, "Tova Wang" [REDACTED]

Subject RE:

020029

Thanks Julie. Actually, I ended up doing all of the Nexis research myself on The Century Foundation's account. Using one of your interns to do it never worked out, as Job can also tell you. I assume that takes care of that issue. Thanks again. Tova

Tova Andrea Wang, Democracy Fellow  
**The Century Foundation**  
1333 H Street, NW, Washington, D.C. 20005  
(202) 741-6263  
Visit our Web site, [www.tcf.org](http://www.tcf.org), for the latest news, analysis, opinions, and events.

---

**From:** jhodgkins@eac.gov [mailto:jhodgkins@eac.gov]  
**Sent:** Wednesday, January 10, 2007 11:50 AM  
**To:** [REDACTED]  
**Cc:** twilkey@eac.gov; 'Tova Wang'  
**Subject:** Re:

Tova,

I see no reason why we cannot allow you to have the research for your use. The one caveat to that is that this research was obtained on our Westlaw/Nexis accounts. Therefore, we would have to have an agreement from you that you would not reproduce or distribute those copyrighted materials. I will have one of my law clerks work on getting the information burned to a CD and drafting an agreement concerning the use of these documents.

I will be in touch with you next week to let you know when we will have these documents and agreement available.

Juliet Thompson Hodgkins  
General Counsel  
United States Election Assistance Commission  
1225 New York Ave., NW, Ste 1100  
Washington, DC 20005  
(202) 566-3100

"Tova Wang" [REDACTED]

01/08/2007 09:24 AM

To twilkey@eac.gov, jhodgkins@eac.gov  
cc "Tova Wang" [REDACTED]  
Subject

020030



Dear Tom and Julie,

Happy New Year. I hope you both enjoyed the holidays.

As you know, I am well aware that the research Job and I produced belongs to the EAC. Nonetheless, I was wondering whether there might be some way I can use just the Nexis material solely for my own further research purposes. Anything I might publish using that underlying data as enhanced by my further research would be in my name and my name only, not that of the EAC. I put a tremendous amount of work into collecting and organizing that data and I would like the opportunity to continue this research on an ongoing basis. It would be a shame if it was not put to some further use.

Is there something we might arrange in this regard? Thanks so much.

Tova Andrea Wang, Democracy Fellow  
The Century Foundation  
1333 H Street, NW, Washington, D.C. 20005  
(202) 741-6263  
Visit our Web site, [www.tcf.org](http://www.tcf.org), for the latest news, analysis, opinions,  
and events.

020031

Juliet E. Hodgkins/EAC/GOV  
12/01/2006 12:14 PM

To jlayson@eac.gov  
cc  
bcc  
Subject Emails from Job/Tova

Juliet Thompson Hodgkins  
General Counsel  
United States Election Assistance Commission  
1225 New York Ave., NW, Ste 1100  
Washington, DC 20005  
(202) 566-3100

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:13 PM -----  
"Job Serebrov" [REDACTED]

11/03/2006 06:04 PM

To jhodgkins@eac.gov  
cc  
Subject Re: Please send me the summary

Julie:

You should have these as existing literature summaries.

Job

--- jhodgkins@eac.gov wrote:

> Juliet Thompson Hodgkins  
> General Counsel  
> United States Election Assistance Commission  
> 1225 New York Ave., NW, Ste 1100  
> Washington, DC 20005  
> (202) 566-3100

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:13 PM -----  
"Job Serebrov" [REDACTED]

11/03/2006 06:08 PM

To jhodgkins@eac.gov  
cc  
Subject Re: Please send me the summary

More

020032

--- jhodgkins@eac.gov wrote:

> Juliet Thompson Hodgkins  
> General Counsel  
> United States Election Assistance Commission  
> 1225 New York Ave., NW, Ste 1100  
> Washington, DC 20005  
> (202) 566-3100

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:13 PM -----

"Tova Wang [REDACTED]"

11/09/2006 04:54 PM

To bbenavides@eac.gov, [REDACTED]

cc twilkey@eac.gov, jhodgkins@eac.gov

Subject RE: Conference call

Sounds good. I will come by the EAC since its literally a few feet from my office. I look forward to seeing you. Tova

Tova Andrea Wang, Democracy Fellow  
**The Century Foundation**  
1333 H Street, NW, Washington, D.C. 20005

Visit our Web site, [www.tcf.org](http://www.tcf.org), for the latest news, analysis, opinions, and events.

---

**From:** bbenavides@eac.gov [mailto:bbenavides@eac.gov]  
**Sent:** Thursday, November 09, 2006 4:21 PM  
**To:** [REDACTED]  
**Cc:** twilkey@eac.gov; jhodgkins@eac.gov; bbenavides@eac.gov  
**Subject:** Conference call




Tova, Job -- I have scheduled 6:00 PM EST on Wednesday, November 15 for a conference call with Tom Wilkey and Julie Thompson-Hodgkins.





Conference call in # is 866-222-9044, Passcode [REDACTED]





Bert A. Benavides  
Special Assistant to the Executive Director  
U. S. Elections Assistance Commission  
1225 New York Avenue, NW  
Suite 1100





020033




Washington, DC 20005





    
202-566-3114 GAO\_Report\_JS\_.doc indiana\_litigation\_\_official.doc Section\_5\_Recommendation\_Memorandum\_summary.doc




     
Securing\_the\_Vote.doc Shattering\_the\_Myth.doc South\_Dakota\_FINAL.doc Steal\_this\_Vote\_Review\_final.doc




     
The\_Long\_Shadow\_of\_Jim\_Crow.doc The\_New\_Poll\_Tax\_JS\_.doc Washington\_FINAL.doc Wisconsin\_Audit\_Report.doc

     
Wisconsin\_FINAL.doc Wisconsin\_Vote\_Fraud\_TF.doc A\_Funny\_ThingReview.doc American\_Center\_Report\_FINAL.doc

    
Americas\_Modern\_Poll\_Tax\_JS\_.doc Brennan\_Analysis\_Voter\_Fraud\_Report\_FINAL.doc cb\_summary.doc

     
Chandler\_Davidson\_summary\_\_official.doc Crazy\_Quilt.doc Deliver\_the\_Vote\_Review.doc dnc\_ohio.doc

    
DOJ\_Public\_Integrity\_Reports\_JS\_.doc Donsanto\_IFES\_FINAL.doc Election\_Protection\_stories.doc

    
Existing\_Literature\_Reviewed.doc fooled\_again\_review.doc GA\_litigation\_summary2.doc

020034

Juliet E. Hodgkins/EAC/GOV  
12/01/2006 12:15 PM

To jlayson@eac.gov  
cc  
bcc  
Subject Email to Job

Juliet Thompson Hodgkins  
General Counsel  
United States Election Assistance Commission  
1225 New York Ave., NW, Ste 1100  
Washington, DC 20005  
(202) 566-3100

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:14 PM -----

Juliet E. Hodgkins/EAC/GOV

11/03/2006 06:06 PM

To "Job Serebrov" <[REDACTED]>  
cc  
Subject Re: Please send me the summary [Link](#)

Thanks!

-----  
Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: "Job Serebrov" [REDACTED]  
Sent: 11/03/2006 06:04 PM  
To: Juliet Hodgkins  
Subject: Re: Please send me the summary

Julie:

You should have these as existing literature summaries.

Job

--- jhodgkins@eac.gov wrote:

> Juliet Thompson Hodgkins  
> General Counsel  
> United States Election Assistance Commission  
> 1225 New York Ave., NW, Ste 1100  
> Washington, DC 20005

020035

Juliet E. Hodgkins/EAC/GOV  
12/01/2006 12:22 PM

To jlayson@eac.gov  
cc  
bcc  
Subject More emails from Job

Juliet Thompson Hodgkins  
General Counsel  
United States Election Assistance Commission  
1225 New York Ave., NW, Ste 1100  
Washington, DC 20005  
(202) 566-3100

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:18 PM -----  
"Job Serebrov" <[REDACTED]>

08/26/2005 03:35 PM

To klynndyson@eac.gov, sda@mit.edu, [REDACTED]  
cc twilkey@eac.gov, nmortellito@eac.gov, jthompson@eac.gov  
Subject Re: Kick off activities for the EAC Voting fraud/voter intimidation project

Karen:

Either day is fine for me.

Job

--- klynndyson@eac.gov wrote:

> All-  
>  
> Although Tom Wilkey and I are still working to  
> process each of your  
> contracts on this project, we would like to  
> tentatively schedule an  
> in-person meeting on September 12, here in  
> Washington.  
>  
> In the meantime, I'd like to propose that we all  
> have a short  
> teleconference call next Wednesday or Thursday at  
> 1:00 PM to begin to talk  
> through the scope of this project and the respective  
> roles and  
> responsibilities each of you might take on.  
>  
> Could you let me know your availability for a 45  
> minute call on August 31  
> or September 1 at 1:00?  
>  
> Thanks

020036

Just a reminder that we have a telephone conference for the vote fraud group at 4:00 today. You were going to see if you could talk to Commissioner Davidson before that time so I could know what the possibilities are for serving as her executive assistant. If this is even possible and if the Commission is willing to raise the salaries of the executive assistants, her time table could affect the vote fraud project time table.

Regards,

Job

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:18 PM -----

"Job Serebrov" [REDACTED]

09/06/2005 11:42 AM

To twilkey@eac.gov, klynndyson@eac.gov, sda@mit.edu, [REDACTED]  
jthompson@eac.gov

cc

Subje Draft Schedule Proposal for Vote Fraud Group  
ct

I have attached a draft proposed schedule of events for our discussion today. Please keep in mind that this is only a proposal but I thought that we needed somewhere to start from.

Regards,

Job

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:18 PM -----

"Job Serebrov" [REDACTED]

09/06/2005 11:46 AM

To twilkey@eac.gov, klynndyson@eac.gov, sda@mit.edu, [REDACTED]  
jthompson@eac.gov

cc

Subje Once again  
ct

I neglected to send the last attachment as a .doc. Please ignore it.

Job

020037

> newsletters from  
> electionline.org, please click here  
>  
<<http://www.electionline.org/SignUp/tabid/88/Default.aspx>>  
>  
>  
>

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:18 PM -----

"Job Serebrov" [REDACTED]

09/30/2005 10:45 AM

To [jthompson@eac.gov](mailto:jthompson@eac.gov)

cc

Subject Contracts

Julie:

Any luck finding the whereabouts of our contracts?  
Also, I assume that we will not hear from Peg until  
Monday.

Job

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:18 PM -----

"Job Serebrov" [REDACTED]

10/21/2005 04:04 PM

To [jthompson@eac.gov](mailto:jthompson@eac.gov)

cc

Subject No Contract Yet

Julie:

I see that I will have to drive folks up there crazy  
Monday to make the Tuesday deadline for the signing  
of our contracts so we get paid on time.

At this point, on Tuesday I just plan to e-mail a  
standard invoice for this month.

Job

020038



----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:18 PM -----

"Job Serebrov" [REDACTED]

10/18/2005 04:50 PM

To jthompson@eac.gov

cc

Subject lists

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:18 PM -----

"Job Serebrov" [REDACTED]

10/18/2005 05:12 PM

To jthompson@eac.gov

cc

Subject Meeting

Julie:

As we just discussed, at this time and in light of the recent inquiry, I think it prudent to postpone our meeting in DC until the first or second week of November in order to:

1. Finalize the Working Group list (I am still waiting to hear from Kay James and Governor Barbour);
2. Finalize the Interview list;
3. Finish the search on existing voter fraud research;
4. Assure participation from the Department of Justice; and,
5. Get everyone on the same page and assure all outside parties that this will not be a radical venture

What do you think and can we get agreement on this with Peggy?

Regards,

Job

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:18 PM -----

"Job Serebrov" [REDACTED]

To jthompson@eac.gov

020039

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:18 PM -----

"Job Serebrov" [REDACTED]

11/18/2005 09:27 AM

To jthompson@eac.gov  
cc  
Subject Question

Julie:

I need clarification on something in the project before the conference call at 2:00 today between Peggy, Tova, and me. How much of what we are investigating should involve DOJ's jurisdictional matters under such things as the Voting Rights Act?

Also, did you have a chance to talk to Karen about a second project? I need to know because if there will not be one I will have to get a job with a local law firm until the 2006 elections.

Job

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:18 PM -----

"Job Serebrov" [REDACTED]

11/18/2005 10:10 AM

To jthompson@eac.gov  
cc  
Subject Re: Question

020040

Both criminal and civil

--- jthompson@eac.gov wrote:

> As to paragraph 1, are you referring to criminal  
> division actions or civil  
> division actions?  
>  
> As to paragraph 2, I have talked to Karen. At this  
> time, the anticipation  
> is that the future project on this will be  
> competitively let, and you and  
> others will, of course, be able to respond to the  
> solicitation. We are  
> not sure what our needs will be for  
> consultants/experts on this issue or  
> other issues at this time.  
>  
> Juliet E. Thompson  
> General Counsel  
> United States Election Assistance Commission  
> 1225 New York Ave., NW, Ste 1100  
> Washington, DC 20005  
> (202) 566-3100  
>  
>  
>  
> "Job Serebrov" [REDACTED]  
> 11/18/2005 09:27 AM  
>  
> To  
> jthompson@eac.gov  
> cc  
>  
> Subject  
> Question  
>  
>  
>  
>  
> Julie:  
>  
> I need clarification on something in the project  
> before the conference call at 2:00 today between  
> Peggy, Tova, and me. How much of what we are  
> investigating should involve DOJ's jurisdictional  
> matters under such things as the Voting Rights Act?  
>  
> Also, did you have a chance to talk to Karen about a  
> second project? I need to know because if there will  
> not be one I will have to get a job with a local law  
> firm until the 2006 elections.

020041

>  
> Job  
>  
>  
>

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:18 PM -----

"Job Serebrov" [REDACTED]

11/18/2005 01:34 PM

To jthompson@eac.gov  
cc  
Subject Answer

Julie:

Do you have an answer for me on the DOJ issue? We have a conference call in half an hour.

Job

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:18 PM -----

"Job Serebrov" [REDACTED]

12/05/2005 12:38 PM

To jthompson@eac.gov  
cc  
Subject Tova

Julie:

Tova has not been paid yet for the first invoice. I left a message with Peggy but this has me concerned on several levels. First, I was paid and Tova is way over due. Second, Tova and I now have two more invoices out with you and that are due to be paid before the end of December. Can you check on all of this?

Thanks,

Job

020042

Juliet E. Hodgkins/EAC/GOV  
12/01/2006 12:24 PM

To jlayson@eac.gov  
cc  
bcc  
Subject More emails from Tova

Juliet Thompson Hodgkins  
General Counsel  
United States Election Assistance Commission  
1225 New York Ave., NW, Ste 1100  
Washington, DC 20005  
(202) 566-3100

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:23 PM -----

"Tova Wang"

09/07/2005 05:14 PM

To klynndyson@eac.gov, twilkey@eac.gov  
cc jthompson@eac.gov, nmortellito@eac.gov, sda@mit.edu, "Job Serebrov"  
>, wang@tcf.org  
Subje work plan  
ct

Hi Karen and Tom,

As we discussed yesterday, attached is a preliminary work plan/division of labor for your review. Please let us know if this is sufficient for the present and if you have any comments or questions.

In terms of hours dedicated to the project, Job and Tova are able to commit to 15-20 hours per week assuming that includes reimbursed periodic travel. Steve can do approximately 2 hours per week. We have tentatively scheduled to meet at your offices in DC, if that is convenient for you, on September 20. We will be able to confirm that within the next day or so.

All of us are very eager to get started on this important work as soon as possible. However, because we also have other work related responsibilities, we are a bit reluctant to do so before having an opportunity to review our contracts. We look forward to receiving them so we can get going right away.

Thanks so much. Speak to you soon.

Tova, Job and Steve

-----Original Message-----

**From:** klynndyson@eac.gov [mailto:klynndyson@eac.gov]

**Sent:** Friday, September 02, 2005 3:19 PM

**To:** klynndyson@eac.gov; nmortellito@eac.gov

**Cc:** jthompson@eac.gov; nmortellito@eac.gov; sda@mit.edu; Job Serebrov; twilkey@eac.gov;

020046

**Subject:** Re: Kick off activities for the EAC Voting fraud/voter intimidation project

All-

In anticipation of our 45-minute conference call scheduled for Tuesday, September 6 at 4:00 PM, I would ask the three consultants ( Steve, Job and Tova) to come prepared to talk about the following:

The major topics and issues which you see as needing immediate attention, definition,delineation,etc.  
Rough timelines and timeframes for addressing these major issues and topics  
Your major roles and responsibilities and the timelines you envision for meeting your major deliverables

We all realize that this conversation is just a start; I look forward to this beginning and to framing the tasks that lie ahead of us between now and September 30.

Have a wonderful holiday!!

K  
Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:23 PM -----

\*Tova Wang

11/15/2005 01:33 PM

To psims@eac.gov, jthompson@eac.gov  
cc  
Subject contract

Just one question on the receipt of contract -- it says that the first invoice was for September, but it actually was for October when we really got started, right? Should this be adjusted to say October 1 to October 31?

Thanks.

Tova

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Thursday, November 10, 2005 3:28 PM  
**To:** [REDACTED]  
**Subject:** Letters Were Signed

020044

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:25 PM -----

Juliet E. Thompson/EAC/GOV

To "Job Serebrov" [REDACTED]

cc

11/18/2005 09:47 AM

Subject Re: Question Link

As to paragraph 1, are you referring to criminal division actions or civil division actions ?

As to paragraph 2, I have talked to Karen. At this time, the anticipation is that the future project on this will be competitively let, and you and others will, of course, be able to respond to the solicitation. We are not sure what our needs will be for consultants/experts on this issue or other issues at this time.

Juliet E. Thompson  
General Counsel  
United States Election Assistance Commission  
1225 New York Ave., NW, Ste 1100

020045

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:25 PM -----

Juliet E. Thompson/EAC/GOV

To "Job Serebrov" [REDACTED]

cc

11/18/2005 09:47 AM

Subject Re: Question [Link](#)

As to paragraph 1, are you referring to criminal division actions or civil division actions ?

As to paragraph 2, I have talked to Karen. At this time, the anticipation is that the future project on this will be competitively let, and you and others will, of course, be able to respond to the solicitation. We are not sure what our needs will be for consultants/experts on this issue or other issues at this time.

Juliet E. Thompson  
General Counsel  
United States Election Assistance Commission  
1225 New York Ave., NW, Ste 1100

020048



Washington, DC 20005  
(202) 566-3100

"Job Serebrov" <

11/18/2005 09:27 AM

To jthompson@eac.gov  
cc  
Subject Question

Julie:

I need clarification on something in the project before the conference call at 2:00 today between Peggy, Tova, and me. How much of what we are investigating should involve DOJ's jurisdictional matters under such things as the Voting Rights Act?

Also, did you have a chance to talk to Karen about a second project? I need to know because if there will not be one I will have to get a job with a local law firm until the 2006 elections.

Job



ele admin report vol35,#10, 5-16-05.pdf

020047



"Tova Wang" [REDACTED]  
11/09/2006 04:54 PM

To bbenavides@eac.gov, s [REDACTED]  
cc twilkey@eac.gov, jhodgkins@eac.gov  
bcc  
Subject RE: Conference call

Sounds good. I will come by the EAC since its literally a few feet from my office. I look forward to seeing you. Tova

Tova Andrea Wang, Democracy Fellow  
The Century Foundation  
1333 H Street, NW, Washington, D.C. 20005

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---

**From:** bbenavides@eac.gov [mailto:bbenavides@eac.gov]  
**Sent:** Thursday, November 09, 2006 4:21 PM  
**To:** [REDACTED]  
**Cc:** twilkey@eac.gov; jhodgkins@eac.gov; bbenavides@eac.gov  
**Subject:** Conference call

Tova, Job -- I have scheduled 6:00 PM EST on Wednesday, November 15 for a conference call with Tom Wilkey and Julie Thompson-Hodgkins.

Conference call in # is 866-222-9044, Passcod [REDACTED]

Bert A. Benavides  
Special Assistant to the Executive Director  
U. S. Elections Assistance Commission  
1225 New York Avenue, NW  
Suite 1100  
Washington, DC 20005  
202-566-3114

020048

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV  
06/27/2006 04:13 PM

To "Tova Wang" [REDACTED]  
cc "Job Serebrov" [REDACTED]  
Subject Re: outline of final report [REDACTED]

I'll need to get back to you on this and the definition tomorrow (too many things going on today). In the meantime, I have attached the written status report that was presented to the EAC Standards Board and Board of Advisors, because I can't remember if I ever provided the final version to the two of you. The status report is primarily made up of your preliminary reports, with some Intro information provided and a brief summary of recommendations discussed at the Working Group meeting. This may or may not help the two of you in preparing the final. You can use any of it, or none of it. I am sure that your product will be much better than this quickly pulled together thing. --- Peggy



EAC Boards VF-VI Status Report.doc

"Tova Wang" [REDACTED]



"Tova Wang"  
[REDACTED]  
06/27/2006 12:26 PM

To psims@eac.gov, "Job Serebrov" [REDACTED]  
cc [REDACTED]  
Subject outline of final report

Does this work for you?

020049

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV  
06/26/2006 04:38 PM

To "Tova Wang" [REDACTED]  
cc dromig@eac.gov, [REDACTED]  
Subject RE: May 18, 2006 Meeting

I wasn't planning on circulating the transcript to the Commissioners. Most of them probably don't have the time to go through the whole thing. I will let them know it is available, if they are interested in reviewing it.  
--- Peggy

"Tova Wang" [REDACTED]



"Tova Wang"  
[REDACTED]  
06/23/2006 01:04 PM

To dromig@eac.gov, psims@eac.gov  
cc [REDACTED]  
Subject RE: May 18, 2006 Meeting

Wow, there are a lot of errors in this. But at least it gets at the substance. Will this be circulated to the commissioners?

-----Original Message-----

**From:** dromig@eac.gov [mailto:dromig@eac.gov]  
**Sent:** Thursday, June 22, 2006 2:45 PM  
**To:** psims@eac.gov  
**Cc:** [REDACTED]  
**Subject:** Fw: May 18, 2006 Meeting

Good news!!! The transcript is finally here.

Devon Romig  
United States Election Assistance Commission  
1225 New York Ave. NW, Suite 1100  
Washington, DC 20005  
202.566.2377 phone  
202.566.3128 fax  
www.eac.gov

----- Forwarded by Devon E. Romig/EAC/GOV on 06/22/2006 03:44 PM -----

"Carol J. Thomas Reporting" [REDACTED]

06/22/2006 03:24 PM

To dromig@eac.gov  
cc jwilson@eac.gov  
Subject May 18, 2006 Meeting

020050

Dear EAC,

Attached please note the ASCII file for the Voting Fraud-Voter Intimidation Meeting taken on Wednesday, May 18, 2006. Your transcript has been shipped to you.

ASCII file name: 051806.txt

Please let us know if you have any questions.

Timothy Brischler, Office Manager, 703.273.9221

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"

06/27/2006 10:07 PM

To [REDACTED] psims@eac.gov

cc

Subject Re: definition

I am ok with it.

--- Tova Wang [REDACTED] wrote:

> Is this OK now?  
>  
> Tova Andrea Wang  
> Democracy Fellow  
> The Century Foundation  
> 41 East 70th Street - New York, NY 10021  
> phone: 212-452-7704 fax: 212-535-7534  
>  
> Visit our Web site, <<http://www.tcf.org/>>  
> [www.tcf.org](http://www.tcf.org), for the latest news,  
> analysis, opinions, and events.  
>  
> \_\_\_\_\_  
>  
> <<mailto:join-tcfmain@mailhost.groundspring.org>>  
> Click here to receive our  
> weekly e-mail updates.  
>  
>  
>

020051

Tova Andrea Wang  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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[Click here](#) to receive our weekly e-mail updates.

---

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

07/03/2006 09:10 AM

To psims@eac.gov

cc [REDACTED]

Subject final report

Peg, We don't need to re-send you all of the material that we gave you to provide to the working group for the final report, eg the individual interviews, research summaries, nexis and case charts, right? Thanks.  
Happy 4th. Tova

Tova Andrea Wang  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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[Click here](#) to receive our weekly e-mail updates.

---

020052


----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV

07/03/2006 11:14 AM

To wang@tcf.org@GSAEXTERNAL

cc [REDACTED]

Subject Re: FW: methodology 

Do you just need to have the excess returns removed, or do you think it needs other clean up as well? ---  
Peggy

[REDACTED]



[REDACTED]  
07/01/2006 05:30 PM

To psims@eac.gov

cc [REDACTED]

Subject Re: FW: methodology

020053

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"

06/26/2006 06:52 PM

To: [REDACTED]@psims@eac.gov

cc

Subject: Methodology for Cases



Methodology for Case Review.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

06/27/2006 01:31 PM

To: "Job Serebrov" [REDACTED], psims@eac.gov

cc

Subject: definition

Is this OK now?

Tova Andrea Wang  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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[Click here](#) to receive our weekly e-mail updates.

020054



----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV

07/03/2006 11:04 AM

To "Tova Wang" [REDACTED]

cc [REDACTED]

Subject Re: final report [REDACTED]

Once is enough. You don't need to resend. --- Peggy

"Tova Wang" [REDACTED]



"Tova Wang" [REDACTED]

07/03/2006 09:10 AM

To psims@eac.gov

cc serebrov@sbcglobal.net

Subject final report

Peg, We don't need to re-send you all of the material that we gave you to provide to the working group for the final report, eg the individual interviews, research summaries, nexis and case charts, right? Thanks. Happy 4th. Tova

**Tova Andrea Wang**  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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[Click here](#) to receive our weekly e-mail updates.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV

07/03/2006 11:35 AM

To "Tova Wang" [REDACTED]

cc

Subject RE: FW: methodology [REDACTED]

I've asked Devon to do it. She can get it to you faster than I. --- Peggy

"Tova Wang" [REDACTED]

020055



"Tova Wang"

07/03/2006 11:18 AM

To psims@eac.gov

cc [redacted]

Subject RE: FW: methodology

The excess returns would be a great start, and then I can do the rest. Thanks a lot.

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Monday, July 03, 2006 10:14 AM

To: [redacted]

Cc: [redacted]

Subject: Re: FW: methodology

Do you just need to have the excess returns removed, or do you think it needs other clean up as well? --- Peggy

[redacted]

07/01/2006 05:30 PM

psims@eac.gov

To

cc

[redacted]

Subject

Re: FW: methodology

It would be great if someone there could work on cleaning it up. Let us know. Thanks.

----- Original Message -----

From: psims@eac.gov

To: [redacted]

Cc: [redacted]

Sent: Friday, June 30, 2006 5:25 PM

Subject: Re: FW: methodology

The attached is the text extracted from pages 8-19 and the Attachment C referenced within the text. The formatting is still a little weird. Can you work with this, or do I need to play with it some more? --- Peggy

020056

>  
> <<mailto:join-tcfmain@mailhost.groundspring.org>>  
> Click here to receive our  
> weekly e-mail updates.  
>  
>  
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

07/20/2006 12:15 PM

To "Job Serebrov" <[REDACTED]>, psims@eac.gov

cc

Subject final report

En route to DC, I did a thorough review of the whole package. There are just a few typographical and grammatical errors I would like to fix. Is that OK? Peg, have you had a chance to look at it yet? Thanks.

**Tova Andrea Wang**  
Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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[Click here](#) to receive our weekly e-mail updates.

---

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

07/17/2006 10:29 AM

To psims@eac.gov

cc "Job Serebrov" <[REDACTED]>

Subject RE: final report

appendices attached, except Peg I think you put together the list of the working group members? In any case, I can't find one at the moment, but it would be easy enough to put together. Perhaps even Devon or someone could do that, especially since I don't think I have any hours left, and probably shouldn't even be writing this email. I don't remember the conversation about adding to the list of interviewees, but we can talk about that later.

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Monday, July 17, 2006 9:13 AM

**To:** [REDACTED]

020057

**Cc:** 'Job Serebrov'; [REDACTED]  
**Subject:** Re: final report

Thanks. I probably won't be able to start getting into this until tomorrow AM. I noticed that the appendices weren't attached. I think we discussed earlier that the list of interviewees needed to have more information for the final report, and the list of books and documents should be presented in the same manner as a bibliography for the final report. We can talk more about this tonight during our teleconference at 7 PM EST. --- Peggy

020058



[REDACTED]  
07/17/2006 12:34 PM

to psims@eac.gov

cc

Subject RE: final report

Can you send it over? As I recall, it includes bios, right? I'm assuming on the interviewees you think we should have very short biographical information? Also, Peg, I'm not sure if I'll still be at work at 7 or home. Is it ok if I email you late in the day as to where I am? My home phone (for only two more weeks!) is

[REDACTED] Thanks.

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Monday, July 17, 2006 11:26 AM

**To:** [REDACTED]

**Cc:** 'Job Serebrov'; [REDACTED]

**Subject:** RE: final report

020059

07/17/2006 12:25 PM

To "Tova Wang" <wang@tcf.org>@GSAEXTERNAL  
cc "Job Serebrov" [REDACTED]  
Subject RE: final report

Yes, I have the list of Working Group members. --- Peggy

"Tova Wang" [REDACTED]

07/17/2006 10:29 AM

To psims@eac.gov  
cc "Job Serebrov" [REDACTED]  
Subject RE: final report

appendices attached, except Peg I think you put together the list of the working group members? In any case, I can't find one at the moment, but it would be easy enough to put together. Perhaps even Devon or someone could do that, especially since I don't think I have any hours left, and probably shouldn't even be writing this email. I don't remember the conversation about adding to the list of interviewees, but we can talk about that later.

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Monday, July 17, 2006 9:13 AM  
**To:** [REDACTED]  
**Cc:** 'Job Serebrov'; [REDACTED]  
**Subject:** Re: final report

Thanks. I probably won't be able to start getting into this until tomorrow AM. I noticed that the appendices weren't attached. I think we discussed earlier that the list of interviewees needed to have more information for the final report, and the list of books and documents should be presented in the same manner as a bibliography for the final report. We can talk more about this tonight during our teleconference at 7 PM EST. --- Peggy

"Tova Wang" [REDACTED]

07/17/2006 09:33 AM

To psims@eac.gov  
cc "Job Serebrov" [REDACTED]

020060

Yes, I have the list of Working Group members. --- Peggy

"Tova Wang" [REDACTED]

07/17/2006 10:29 AM

To psims@eac.gov  
CC "Job Serebrov" [REDACTED]  
Subject RE: final report

appendices attached, except Peg I think you put together the list of the working group members? In any case, I can't find one at the moment, but it would be easy enough to put together. Perhaps even Devon or someone could do that, especially since I don't think I have any hours left, and probably shouldn't even be writing this email. I don't remember the conversation about adding to the list of interviewees, but we can talk about that later.

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Monday, July 17, 2006 9:13 AM

**To:** [REDACTED]

**Cc:** 'Job Serebrov'; [REDACTED]

**Subject:** Re: final report

Thanks. I probably won't be able to start getting into this until tomorrow AM. I noticed that the appendices weren't attached. I think we discussed earlier that the list of interviewees needed to have more information for the final report, and the list of books and documents should be presented in the same manner as a bibliography for the final report. We can talk more about this tonight during our teleconference at 7 PM EST. --- Peggy

"Tova Wang" [REDACTED]

07/17/2006 09:33 AM

To psims@eac.gov  
CC "Job Serebrov" [REDACTED]  
Subject final report

020061

Margaret Sims/EAC/GOV  
11/29/2006 04:05 PM

To Jeannie Layson/EAC/GOV@EAC  
cc  
bcc  
Subject FOIA

Here are the emails sent from 1/1/06 - 4/30/06 related to the voting fraud report. More to follow. --- Peggy

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM ---



"Tova W..."  
[REDACTED]  
04/03/2006 05:15 PM

To psims@eac.gov, serebrov@sbcglobal.net  
cc  
Subject RE: DOJ Training Materials

Please do ask him. Thanks

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Monday, April 03, 2006 4:14 PM  
**To:** [REDACTED]  
**Subject:** Fw: DOJ Training Materials

Devon's response is attached. Guess I'll add this to the list of questions going to Donsanto.  
---Peggy



"Tony J. Sirvello III"  
[REDACTED]  
04/05/2006 05:01 PM

To psims@eac.gov  
cc  
Subject Re: Fw: Nonpartisan Local Election Official Needed for  
Voting Fraud/Voter Intimidation Working Group

Hi Peg,

I will call J.R. on Thursday to run it by him and let you know what he says. As for my availability on Wednesday, April 12, the answer is "yes". Morning is best for me, although I could be available in the afternoon. You choose a time and I will be here.

Thanks,

020062



----- Original Message -----

**From:** [psims@eac.gov](mailto:psims@eac.gov)

**To:** [REDACTED]

**Sent:** Thursday, March 16, 2006 10:29 AM

**Subject:** Nonpartisan Local Election Official Needed for Voting Fraud/Voter Intimidation Working Group

020063

Tony:

Thanks for being willing to help me identify a qualified, nonpartisan local election official to serve on our Project Working Group for the preliminary research being conducted on voting fraud and voter intimidation.

### Background

Section 241 of the Help America Vote Act of 2002 requires EAC to conduct research on election administration issues. Among the issues listed in the statute are the development of:

1. nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office [section 241(b)(6)]; and
2. methods of identifying, deterring, and investigating methods of voter intimidation [section 241(b)(7)].

EAC's Board of Advisors recommended that EAC make research on these topics a high priority.

### Preliminary EAC Research

Subsequently, the Commission contracted with two consultants (Tova Wang and Job Serebrov) to:

1. develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections;
2. perform preliminary research on these topics (including Federal and State administrative and case law review), identify related activities of key government agencies and civic and advocacy organizations, and deliver a summary of this research and all source documentation;
3. convene a meeting of a project working group composed of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation, provide the results of the preliminary research to the working group, and record the working group's deliberations; and
4. produce a report to EAC summarizing the findings of the preliminary research effort and working group deliberations that includes recommendations for future EAC action, if any.

The Project Working Group will probably meet only once during this preliminary research effort (probably in late April) to review the consultants research and provide input. Other members of the Working Group are lawyers from advocacy groups and major political parties, two State election officials, and Barry Weinberg, former Deputy Chief of DOJ's Voting Section, Civil Rights Division. Craig Donsanto, Director of DOJ's Election Crimes Branch will serve as a technical advisor to the group.

I really appreciate any help you can offer in identifying a qualified individual to fill the slot on the Working Group that has been reserved for an experienced, nonpartisan local election official.

Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

020064

"Tony J. Sirvello III"

04/04/2006 02:17 PM

To "Peggy Sims" <psims@eac.gov>

cc

Subject: Fw: Nonpartisan Local Election Official Needed for Voting Fraud/Voter Intimidation Working Group

Good Afternoon Peg,

How about J. R. Perez, Elections Administrator, Guadalupe County or Patricia Benavides, Voting Registration Supervisor, Tarrant County, Texas?

Tony

----- Original Message -----

**From:** Helen Jamison

**To:** Tony J. Sirvello III

**Sent:** Tuesday, April 04, 2006 11:46 AM

**Subject:** RE: Nonpartisan Local Election Official Needed for Voting Fraud/Voter Intimidation Working Group

Dear Tony,

Unfortunately both Javier and myself have to decline in being members of the woking group from Texas. It is a bad time of the year where we have so many elections and would not be able to contribute enough time to doing research of any kind. Please keep us in mind for future meetings.

Helen Jamison

-----Original Message-----

**From:** Tony J. Sirvello III [mailto:tjsthree@msn.com]

**Sent:** Monday, April 03, 2006 1:19 PM

**To:** Helen Jamison; Javier Chacon

**Subject:** Fw: Nonpartisan Local Election Official Needed for Voting Fraud/Voter Intimidation Working Group

Helen, Javier,

Attached is the information from the EAC requesting your services as a member of the working group from Texas. Please let me know in a couple of days if one of you will be able to participate. If you need more information, call me and I will conference in with Peggy Sims, who can give you more details.

020065

I really appreciate any help you can offer in identifying a qualified individual to fill the slot on the Working Group that has been reserved for an experienced, nonpartisan local election official.

Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----

Margaret Sims /EAC/GOV

04/06/2006 03:27 PM

To "Tony J. Sirvello III" [REDACTED]

cc

Subject Re: Fw: Nonpartisan Local Election Official Needed for Voting Fraud/Voter Intimidation Working Group [REDACTED]

Tony:

How about scheduling the teleconference with our consultants for 10 AM CST/11 AM EST on Wednesday, April 12? --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



"Tova Wang"

[REDACTED]  
02/02/2006 11:35 AM

To psims@eac.gov

cc "Job Serebrov" <serebrov@sbcglobal.net>

Subject vansickle

Apparently he is at NASS. Peg, can we both try to catch him to set something up? Thanks. Tova

**Tova Andrea Wang**  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



"Job Serebrov"

[REDACTED]  
02/14/2006 04:53 PM

To psims@eac.gov

cc

Subject Re: Doug Webber Call

020066

Tamar Nedzar/EAC/GOV  
01/09/2006 02:23 PM

To "Tova Wang" [REDACTED]  
cc Margaret Sims/EAC/GOV@EAC  
Subject RE: 3rd of 3 emails [REDACTED]

No problem.

Tamar Nedzar  
Law Clerk  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
(202) 566-2377  
<http://www.eac.gov>  
TNedzar@eac.gov



12\_26.zip

"Tova Wang" <wang@tcf.org>



"Tova Wang"  
<wang@tcf.org>  
01/09/2006 02:20 PM

To tnedzar@eac.gov  
cc  
Subject RE: 3rd of 3 emails

I need the first one

-----Original Message-----

**From:** tnedzar@eac.gov [mailto:tnedzar@eac.gov]  
**Sent:** Monday, January 09, 2006 2:15 PM  
**To:** [REDACTED]  
**Cc:** psims@eac.gov [mailto:psims@eac.gov]  
**Subject:** RE: 3rd of 3 emails

There should be three total for today. All email subject lines should say something like, "First of 3, second of 3," etc.

Please let me know if I need to resend anything.

Thanks,

Tamar Nedzar  
Law Clerk  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100

020067

Washington, DC 20005  
(202) 566-2377  
<http://www.eac.gov>  
TNedzar@eac.gov

"Tova Wang" [REDACTED]

01/09/2006 02:12 PM

To tnedzar@eac.gov  
cc psims@eac.gov [REDACTED]  
Subject RE: 3rd of 3 emails

I got the first two now. Whats the total number we should have for the day?

-----Original Message-----

**From:** tnedzar@eac.gov [mailto:tnedzar@eac.gov]

**Sent:** Monday, January 09, 2006 2:07 PM

**To:** wang@tcf.org

**Cc:** psims@eac.gov; serebrov@sbcglobal.net

**Subject:** RE: 3rd of 3 emails

Hi Tova,

The first two emails were on another server, which could explain the delay. All three should be released today; if you don't receive them by 5, please send me an email and I will follow up with GSA. Job, if you have any problems with receiving emails, please also let me know.

Keeping my fingers crossed!

Tamar Nedzar  
Law Clerk  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
(202) 566-2377  
<http://www.eac.gov>  
TNedzar@eac.gov

"Tova Wang" [REDACTED]

01/09/2006 01:34 PM

To tnedzar@eac.gov [REDACTED]  
cc psims@eac.gov  
Subject RE: 3rd of 3 emails

020068

I am very confused. I didn't get the first two.

-----Original Message-----

**From:** tnedzar@eac.gov [mailto:tnedzar@eac.gov]

**Sent:** Monday, January 09, 2006 9:49 AM

**To:** [REDACTED]

**Cc:** psims@eac.gov

**Subject:** 3rd of 3 emails

Tamar Nedzar  
Law Clerk  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
(202) 566-2377  
<http://www.eac.gov>  
TNedzar@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



"Tova Wang"

[REDACTED]  
01/11/2006 11:51 AM

To psims@eac.gov, "Job Serebrov" [REDACTED]  
cc

Subject nexis search

My suspicion is that if she did a nexis search at all, she used the terms of our definition, ie the titles of the folders, not the long list of search terms that we gave her. It would be best to be able to ask her directly if thats possible. Tova

Tova Andrea Wang  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



"Craig.Donsanto@usdoj.gov"

020069



"  
 <Craig.Donsanto@usdoj.gov>  
 v>

01/11/2006 03:29 PM

To "psims@eac.gov" <psims@eac.gov>  
 cc

Subject RE: Upcoming Interview

By all means, yes Peg.

From: psims@eac.gov [mailto:psims@eac.gov]  
 Sent: Wednesday, January 11, 2006 3:03 PM  
 To: Donsanto, Craig  
 Subject: Upcoming Interview

Craig:

Would it be possible to hold Friday's interview in a room that has a phone? One of the 2 consultants has had a family emergency and can only participate by phone. I hope that we can call him from the meeting room and put the phone on Speaker, so that he can participate as if he were there in person. Can that be arranged?

Peggy Sims  
 Election Research Specialist  
 U.S. Election Assistance Commission  
 1225 New York Ave, NW - Ste 1100  
 Washington, DC 20005  
 Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
 Fax: 202-566-3127  
 email: psims@eac.gov

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM ---



"Job Serebroy"

04/03/2006 04:57 PM

To psims@eac.gov  
 cc

Subject Re: Working Group Contact Info

Norcross's assistant is Maria Rivers:

Rokita's assistant is:

Amy Miller  
 Executive Assistant

020070



Indiana Secretary of State Todd Rokita  
317-232-6536  
assistant@sos.in.gov

--- psims@eac.gov wrote:

> Please review the attached and let me know of any  
> corrections that should  
> be made. Thanks! --- Peggy  
>  
>

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM ---



[REDACTED]  
01/12/2006 01:34 PM

To psims@eac.gov  
cc  
Subject Re: Friday Meetings

Yes, although we probably won't need 2 hours. I look forward to seeing you tomorrow.

----- Original Message -----

**From:** [psims@eac.gov](mailto:psims@eac.gov)

**To:** [wang@tcf.org](mailto:wang@tcf.org)

**Sent:** Thursday, January 12, 2006 8:42 AM

**Subject:** RE: Friday Meetings

I think we will need the break, don't you? --- Peggy

"Tova Wang" [REDACTED]

01/11/2006 05:49 PM

To [psims@eac.gov](mailto:psims@eac.gov)  
cc  
Subject RE: Friday Meetings

Do I still get the lunch? :)

-----Original Message-----

**From:** [psims@eac.gov](mailto:psims@eac.gov) [mailto:psims@eac.gov]

**Sent:** Wednesday, January 11, 2006 5:41 PM

020071

**To:** [REDACTED]  
**Subject:** Friday Meetings

Tova and Job:

As agreed, Tova and I can connect with Job by telephone during our Friday morning meeting. Tova would like to start the meeting at 10 AM EST. Job, we will call you from the meeting room.

Craig Donsanto says we can use a meeting room over at DOJ that has a phone, so that we can bring Job into the interview. The meeting is scheduled to begin an 2 PM EST, but it may take up to 10 minutes for us to settle in over there. We will call Job as soon as we can begin the interview. --- Peggy

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM ---



"Tova Wang"

[REDACTED]  
01/09/2006 01:34 PM

To tnedzar@eac.gov [REDACTED]

cc psims@eac.gov [REDACTED]

Subject RE: 3rd of 3 emails

I am very confused. I didn't get the first two.

-----Original Message-----

**From:** tnedzar@eac.gov [mailto:tnedzar@eac.gov]

**Sent:** Monday, January 09, 2006 9:49 AM

**To:** [REDACTED]

**Cc:** psims@eac.gov

**Subject:** 3rd of 3 emails

Tamar Nedzar  
Law Clerk  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
(202) 566-2377  
<http://www.eac.gov>  
TNedzar@eac.gov

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM ---



"Tova Wang"

[REDACTED]  
03/14/2006 11:55 AM

To psims@eac.gov [REDACTED]

cc

Subject RE: I'm BAAACK

Have we figured this out yet? I have someone else now asking to have a meeting at 2 and I'd like to get back to them. Thanks. Tova

-----Original Message-----

020072

>> The Century Foundation  
>> 41 East 70th Street - New York, NY 10021  
>> phone: 212-452-7704 fax: 212-535-7534  
>>  
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>> [www.tcf.org](http://www.tcf.org), for the latest news,  
>> analysis, opinions, and events.  
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>>  
>> <<mailto:join-tcfmain@mailhost.groundspring.org>>  
>> Click here to receive our  
>> weekly e-mail updates.  
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



"Tova Wang"

[REDACTED]  
02/21/2006 01:51 PM

To psims@eac.gov

cc

Subject RE: FW: Tanner Interview

Great. I'll see you there. We have each others cell numbers in case we have trouble finding one another. Can you please deal with Job on the Sandler interview? He's being a bit difficult about it. Thanks. Tova

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Tuesday, February 21, 2006 1:09 PM

**To:** [REDACTED]

**Subject:** Re: FW: Tanner Interview

Tova:

Yes, I copied the questions into an email I sent to him to give him an idea of questions he might expect. His office is in the main Justice Dept building at 950 Pennsylvania Ave, NW. If the entry procedures remain the same, he will have to send someone down to fetch us and we will have to go through the "beam me up, Scotty" security chambers --- so we should probably arrive 10 minutes early for those shenanigans. --- Peggy

020073



02/22/2006 04:56 PM

To "Job Serebrov" [redacted] psims@eac.gov

cc

Subject interviews

I think we should stick with the original, agreed upon list. We worked hard to assemble it and keep it manageable. Otherwise, there are some people that I would like to add to the list as well. Let me know if thats how you want to proceed.

**Tova Andrea Wang**  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



"Tova Wang"

[redacted]  
01/31/2006 04:20 PM

To psims@eac.gov

cc

Subject RE: Wendy Weiser

020074

Wendy's number is [REDACTED]

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Tuesday, January 31, 2006 4:17 PM

**To:** [REDACTED]

**Cc:** [REDACTED]

**Subject:** Re: Wendy Weiser

I've put this on my schedule. Please provide Wendy's phone number so that I can set the teleconference up from my office phone. Thanks. --- Peggy

"Tova Wang" [REDACTED]

01/31/2006 02:55 PM

To psims@eac.gov, "Job Serebrov" [REDACTED]

cc [REDACTED] "Tova Wang" [REDACTED]

Subject Wendy Weiser

I have scheduled her for 11 AM EST on February 22

**Tova Andrea Wang**  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



"Job Serebrov"

[REDACTED]  
02/23/2006 01:56 PM

To psims@eac.gov

cc

Subject Re: Interviews

What about the Sandler interview tomorrow? What has been arranged for telephones?

020075

--- psims@eac.gov wrote:

> If you do not mind giving up some of the travel  
> funds allocated to you, I  
> will check with our Executive Director and Finance  
> Officer to see if we  
> can reallocate on this next contract the amounts  
> remaining for travel .  
> Both of the folks I need to see are in other  
> meetings this morning, so I  
> cannot get to them until this afternoon. --- Peggy

>  
>  
>  
>  
> "Job Serebrov" [REDACTED]  
> 02/23/2006 08:55 AM

> To  
> psims@eac.gov [REDACTED]  
> cc

> Subject  
> Re: Interviews

>  
>  
>  
>  
> I would rather not spread them out over a lot of  
> time.  
> I still have three to schedule outside of what you  
> are  
> doing. As far as Baker is concerned, you never  
> answered my question. Can Tova use any unused travel  
> funds that I have? A trip to DC and Houston for me  
> should not exceed \$3000-\$3500. That will leave  
> \$1500-\$2000.

> --- psims@eac.gov wrote:

> > Job and Tova:

> >  
> > I'd like to suggest a moratorium on adding  
> > interinterviewees to the list until  
> > we complete interviews on the last list prepared.  
> > Frankly, in terms of  
> > the enforcement mechanics, I think you will get  
> > more  
> > out of your  
> > interviews with Donsanto, Tanner, and Joe Rich  
> > than  
> > you will get from an  
> > interview with Hans. Hans worked at DOJ for a  
> > relatively short time,  
> > compared to those folks. You also will have input  
> > from Barry Weinberg  
> > (former Deputy Chief, Voting Section, Civil Rights  
> > Division, DOJ) who has  
> > confirmed that he is available for the Working

020076

> > Group.  
> >  
> > Regarding upcoming interviews that I schedule for  
> > you two, are there any  
> > times that you are NOT available next week or the  
> > week thereafter?  
> >  
> > --- Peggy  
>  
>  
>  
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----

Margaret Sims/EAC/GOV

02/23/2006 02:36 PM

To "Job Serebrov"

<serebrov@sbcglobal.net>@GSAEXTERNAL

cc

Subject Re: Interviews

Call me a little before Noon EST on our toll-free line (1-866-747-1471). I will either transfer you to Sandler's number or conference you into his number. Either way, EAC will pay the bill. --- Peggy

"Job Serebrov" [REDACTED]



"Job Serebrov"

[REDACTED]  
02/23/2006 01:56 PM

To psims@eac.gov

cc

Subject Re: Interviews

What about the Sandler interview tomorrow? What has been arranged for telephones?

--- psims@eac.gov wrote:

> If you do not mind giving up some of the travel  
> funds allocated to you, I  
> will check with our Executive Director and Finance  
> Officer to see if we  
> can reallocate on this next contract the amounts  
> remaining for travel .  
> Both of the folks I need to see are in other  
> meetings this morning, so I  
> cannot get to them until this afternoon. --- Peggy  
>  
>  
>  
> "Job Serebrov" [REDACTED]

020077

> 02/23/2006 08:55 AM

>

> To

> psims@eac.gov, [REDACTED]

> cc

>

> Subject

> Re: Interviews

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> time.  
> I still have three to schedule outside of what you  
> are  
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> answered my question. Can Tova use any unused travel  
> funds that I have? A trip to DC and Houston for me  
> should not exceed \$3000-\$3500. That will leave  
> \$1500-\$2000.



----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



"Tova Wang"

02/21/2006 05:19 PM

To psims@eac.gov, "Job Serebrov"

cc ecortes@eac.gov

Subject new interview scheduled

Harry VanSickle, Director of Elections for PA, Wednesday, March 1 at 11 AM EST.

Should I just tell him the usual call in number and pass code?

Thanks

**Tova Andrea Wang**  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----

020079

> From: psims@eac.gov [mailto:psims@eac.gov]  
> Sent: Wednesday, February 01, 2006 10:10 AM  
> To: [REDACTED]  
> Cc: [REDACTED]  
> Subject: Tanner Interview

> Tova:

> I've been trying to connect with Tanner, but I  
> realized that I had not asked  
> you some important questions:

> \* If you meet with him on Monday, February 6, how  
> were you planning on  
> bringing Job into the interview? I'll be at the  
> meeting all day Monday, so I  
> won't be in the office to set up a conference call.

> \* Are you still free to meet with Tanner on Tuesday  
> or Wednesday, if  
> Monday does not work out, in which case we can have  
> you meet in his office  
> and conference Job in by speaker phone.

> \* Are there any times that are better for you and  
> Job than others on  
> these three days?

> \* Do you have an advance list of questions that is  
> different from the  
> Donsanto list (shown below), or should I just sent  
> the Donsanto list to  
> Tanner?

> --- Peggy

020086

-----Original Message-----

From: Job Serebrov [mailto: [REDACTED]]  
Sent: Wednesday, February 01, 2006 10:19 AM  
To: Tova Wang; psims@eac.gov  
Cc: [REDACTED]  
Subject: RE: Tanner Interview

Probably. We should come up with some different questions for Tanner.

Job

--- Tova Wang [REDACTED] wrote:

> I am available any time after noon on the 7th and  
> after 3 on the 8th. I  
> think in terms of data that we would like from him,  
> that one point on the  
> Donsanto memo is applicable. Job, do we want to  
> come up with a separate set  
> of questions?  
>  
> -----Original Message-----

020081



03/14/2006 01:00 PM

To psims@eac.gov, serebrov@sbcglobal.net  
cc  
Subject RE: I'm BAAACK

Peg, does 11 am work for you? If so, I'll try to reschedule my meeting that was that time. Tova

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Monday, March 13, 2006 1:24 PM

**To:** [REDACTED]

**Subject:** Re: I'm BAAACK

Any time on Thursday possible?

--- Peggy

"Job Serebrov" [REDACTED]

03/13/2006 12:53 PM

To psims@eac.gov  
cc  
Subject Re: I'm BAAACK

Peggy:

Good to hear from you. No, unfortunately this week is very bad for me. Today is covered, tomorrow from 1-2 your time is out, Wednesday and Friday are out. Pick a time between all, of this. I am in Nevada from March 25 to the 28.

Job

--- psims@eac.gov wrote:

> Tova and Job:

>

> I apologize for my unanticipated and lengthy  
> absence. I am back in the  
> office, though I will have to work short days  
> through Wednesday.

>

> Are you two available for a teleconference this  
> afternoon, say 3:00 PM

020082

> EST, so that we can re-evaluate where we are and  
> what needs to be done to  
> schedule the working group?  
>  
> ----- Peggy  
>  
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



"Tova Wang"

04/12/2006 12:30 PM

To "Job Serebrov" [redacted] psims@eac.gov

cc "Nicole Mortellito" <nmortellito@eac.gov>

Subject RE: working group meeting

That's fine, just asking

-----Original Message-----

From: Job Serebrov [mailto:[redacted]]  
Sent: Wednesday, April 12, 2006 11:26 AM  
To: Tova Wang; psims@eac.gov  
Cc: 'Job Serebrov'; 'Nicole Mortellito'  
Subject: Re: working group meeting

It was my understanding that the meeting would be on the 15th or later.

Tova, Peggy is out of the office this week.

--- Tova Wang [redacted] wrote:

> I cannot do it on May 5 now. Any update on a date?  
> I will be in DC for  
> other meetings May 4 - May 7 if that makes any  
> difference (EAC would not  
> have to pay my transportation if it was on, for  
> example, Monday May 8 or  
> possibly even the 9th) Thanks.  
>  
> Tova Andrea Wang  
> Democracy Fellow  
> The Century Foundation  
> 41 East 70th Street - New York, NY 10021  
> phone: 212-452-7704 fax: 212-535-7534  
>  
> Visit our Web site, <<http://www.tcf.org/>>  
> [www.tcf.org](http://www.tcf.org/), for the latest news,  
> analysis, opinions, and events.  
>  
> \_\_\_\_\_  
>  
> <<mailto:join-tcfmain@mailhost.groundspring.org>>  
> Click here to receive our

020083

> weekly e-mail updates.  
>  
>  
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



"John.K.Tanner@usdoj.gov"  
<John.K.Tanner@usdoj.gov  
>  
02/24/2006 01:26 PM

To "psims@eac.gov" <psims@eac.gov>  
cc  
Subject Re: Upcoming Interview

No problem

-----  
Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov  
To: Tanner, John K (CRT)  
Sent: Fri Feb 24 13:24:33 2006  
Subject: RE: Upcoming Interview

Hi, John:

I apologize that I will not be there this afternoon to introduce you to our consultants for EAC's Voting Fraud/Voter Intimidation project. Tova Wang will be at your office at 2 PM, today. She can call our other consultant, Job Serebrov, and put him on speaker phone. Please let me know if you need anything from me, or want to express any concerns about the project. Thanks.

Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



"Craig.Donsanto@usdoj.gov"  
<Craig.Donsanto@usdoj.gov  
>  
01/18/2006 11:56 AM

To "psims@eac.gov" <psims@eac.gov>  
cc  
Subject Public Integrity Section Roster

020084

Peggy - -

Your two contractors asked for a Directory to the Public Integrity Section staff.

We just got a new one, which is attached.



2006 Phone Directory.wpd

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



[REDACTED]  
01/03/2006 04:14 PM

To psims@eac.gov

cc

Subject Re: conf call?

Also, should I expect to hear back from Devon about my queries? They're pretty important. And any word on whether we can grab Tamar? Thanks. Tova

----- Original Message -----

From: <psims@eac.gov>

To: <wang@tcf.org>

Cc: "Job Serebrov" <serebrov@sbcglobal.net>

Sent: Tuesday, January 03, 2006 3:14 PM

Subject: Re: conf call?

>

> If you would like a conference call, how about some time tomorrow morning.  
> Tomorrow afternoon is booked. Today, I am trying to get through all the  
> emails left in my short absence. --- Peggy

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[REDACTED]  
01/03/2006 12:24 PM

psims@eac.gov

To

cc

"Job Serebrov"  
[REDACTED]

conf call?

Subject

020085

>  
>  
>  
>  
> I will be out for the next few hours, but I'm available any time after  
> 3:30  
> on my cell and all day tomorrow at my office. Let me know when you'd like  
> to talk. Thanks. Tova  
>  
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----

Margaret Sims/EAC/GOV

01/03/2006 05:24 PM

To [REDACTED]

cc

Subject Re: conf call & Devon's Research [REDACTED]

Tova:

If you an Job can work things out between you, that's good enough for me. We can talk about the meeting with Donsanto when we meet on January 13, unless you really need to discuss it before then.

As Devon's last day was 12/9, I don't think she has access to the EAC email address any longer. I don't think she received the email you sent her after that date. I did further spot checks of the articles she included on the CD. I see several pdf files that came from the Lexis search. She would not have picked up anything that duplicated the newsclips I had saved. I did see one false drop (an article about a union election) and a few articles that I would have filed in a different voting fraud subject folder, but I think she finished all of the work we asked her to do.

--- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



"Job Serebroy"

[REDACTED]  
02/22/2006 02:15 PM

To psims@eac.gov, wang@tcf.org

cc

Subject Pat Rogers Interview

We have an interview with Pat Rogers on Friday March 3rd at 10:00 Mountain Time---that is 12:00 Eastern and 11:00 Correct Time.

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----

Tamar Nedzar/EAC/GOV

01/09/2006 09:45 AM

To [REDACTED]

020086



cc Margaret Sims/EAC/GOV@EAC  
Subject 2nd of 3 emails

Tamar Nedzar  
Law Clerk  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
(202) 566-2377  
<http://www.eac.gov>  
TNedzar@eac.gov



Asian Vote Fraud.zip

— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM —



"Tova Wang"

04/11/2006 11:42 AM

To psims@eac.gov, "Job Serebrov"  
cc "Nicole Mortellito" <nmortellito@eac.gov>

Subject RE: Kennedy Interview

As I have alerted Nicole, the call is not working. Someone ought to get in touch with Kevin -- I do not have his contact information.

-----Original Message-----

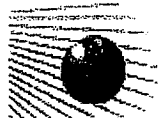
From: psims@eac.gov [mailto:psims@eac.gov]  
Sent: Monday, April 10, 2006 8:45 PM  
To: Tova Andrea Wang; Job Serebrov  
Subject: Kennedy Interview

It appears that the teleconference with Kevin Kennedy is set for tomorrow, April 11, at 10:30 AM CST/11:30 AM EST. Use the usual phone number

If you have trouble connecting, contact Nicole..  
Peg

-----  
Sent from my BlackBerry Wireless Handheld

— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM —



Nicole  
Mortellito/CONTRACTOR/E  
AC/GOV

To "Tova Wang"  
cc psims@eac.gov, "Job Serebrov"

020087



04/11/2006 11:45 AM

Subject RE: Kennedy Interview

the call is up and running!! you may dial in

Regards,

Nicole K. Mortellito  
Research Assistant  
U.S. Election Assistance Commission  
1225 New York Avenue - Suite 1100  
Washington, DC  
202.566.2209 phone  
202.566.3128 fax

"Tova Wang" [REDACTED]

04/11/2006 11:42 AM

To psims@eac.gov, "Job Serebrov" [REDACTED]  
CC "Nicole Mortellito" <nmortellito@eac.gov>  
Subject RE: Kennedy Interview

As I have alerted Nicole, the call is not working. Someone ought to get in touch with Kevin -- I do not have his contact information.

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]  
Sent: Monday, April 10, 2006 8:45 PM  
To: Tova Andrea Wang; Job Serebrov  
Subject: Kennedy Interview

It appears that the teleconference with Kevin Kennedy is set for tomorrow, April 11, at 10:30 AM CST/11:30 AM EST. Use the usual phone number (866-222-9044) and passcode [REDACTED]

If you have trouble connecting, contact Nicole..  
Peg

-----  
Sent from my BlackBerry Wireless Handheld

020088

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----

Margaret Sims /EAC/GOV  
02/02/2006 02:44 PM

To "Tova Wang" [REDACTED]  
cc [REDACTED]  
Subject Re: vansickle [REDACTED]

Shucks! I did not see your message until now. I spoke to him several times this morning at our public meeting, which was held at the Hyatt. How are you planning to bring Job into the interviews conducted during the NASS/NASED conference? Have you already scheduled interviews during the next four days of which I should be aware (so that I won't double book you)? --- Peg

"Tova Wang" [REDACTED]



"Tova Wang"  
[REDACTED]  
02/02/2006 11:35 AM

To psims@eac.gov  
cc "Job Serebrov" [REDACTED]  
Subject vansickle

Apparently he is at NASS. Peg, can we both try to catch him to set something up? Thanks. Tova

**Tova Andrea Wang**  
Senior Program Officer and Democracy Fellow  
**The Century Foundation**  
41 East 70th Street - New York, NY 10021  
phone: 212-452-7704 fax: 212-535-7534

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[Click here](#) to receive our weekly e-mail updates.

020089

# **FOIA File**



U.S. ELECTION ASSISTANCE COMMISSION  
1225 NEW YORK AVENUE, N.W., SUITE 1100  
WASHINGTON, D.C. 20005

August 30, 2005

Ms. Bobbie Ann Brinegar  
Washington, D.C. Director  
Miami-Dade Election Reform Coalition  
1725 19<sup>th</sup> Street, NW #B  
Washington, DC 20009

Dear Ms. Brinegar:

This letter is in response to the Miami-Dade Election Reform Coalition's (MDERC) Freedom of Information Act (FOIA) request received by the U. S. Election Assistance Commission (EAC) on August 3, 2005. The August 3<sup>rd</sup> FOIA request served as a revision to a previous request received by the EAC on July 22, 2005. The revision was made in response to a request for clarification sent by the EAC on July 29, 2005.

The revised request (August 3, 2005) sought "all documents relating to meetings that were not publicly noticed, including all telephonic meetings or conferences, [in] which..." Chair Gracia M. Hillman, Vice Chairman Paul S. DeGregorio, Commissioner Ray Martinez or interim Executive Director Carol Pacquette were in attendance. The request notes that this includes "all lists of such meetings, and all notes made at such meetings or telephone calls." The letter also request copies of all FOIA requests made to the EAC.

With regard to your request for all prior FOIA requests, you will find copies of all responsive documents, attached. You will not be charged for processing and copying costs.

With regard to your request for "all documents relating to meetings that were not publicly noticed," the EAC must provide a bifurcated response. First, the EAC has not been able to search the personally held files of the Commissioners or previous interim Executive Director. Unfortunately, each of these individuals has been traveling for all but a few days over the last month and a half. As such, they have not had the opportunity to review their files. While the Commissioners will continue to travel in September, it is hoped the travel will be less extensive. In an effort to take all reasonable steps to provide you the documents you seek, the EAC will review the files maintained by the Commissioners and respond to you within 10 working days.

It is important to understand that, generally, the EAC does not maintain or track documents based upon their association with a given meeting (and attendance at that meeting). However, it is possible that individual Commissioners or the Interim Executive Director (or their assistants) may have personally maintained a few document files in a "meeting associated" manner. Because this possibility exists, the EAC will coordinate with the Commissioners in

order to determine if we can reasonably accommodate your request. However, this effort is a result of the EAC's desire to take every reasonable step to provide the documents you seek. Generally, without clarification, your FOIA request does not meet the definition of proper request under FIOA.

A proper FOIA request must reasonably describe the records sought (5 U.S.C. §552(a)(3)(A)). Such a request would enable a professional agency employee familiar with the subject area to locate the record with a "reasonable amount of effort."<sup>1</sup> FOIA does not allow requesters to "conduct fishing expeditions" through agency files<sup>2</sup> or require agency staff to have "clairvoyant capabilities."<sup>3</sup> Finally, Federal Agencies are not required to conduct "unreasonably burdensome" searches for records.<sup>4</sup> Your request requires the EAC to identify any document that was created as a result of any type of discussion (including telephonic) between a Commissioner or interim Executive Director and any other person (including EAC staff). Given that such conversations represent the majority of our Commissioner's time and that the EAC staff generally does not maintain records based upon "meeting connectivity," your request requires both an "unreasonably burdensome" search and fails to "reasonably describe" the records sought. As was noted in the EAC letter requesting clarification (July 29, 2005):

[T]he vast majority of documents created or obtained by the EAC were likely created or obtained as a result of or in preparation for a meeting with a Commissioner. Notwithstanding this fact, in many cases it will be almost impossible to determine, with any certainty, which specific documents were "meeting associated," as such information is not ordinarily maintained on a document. Like most organizations, our documents are identified by subject matter and the individual or organization that created it. In short, your request, as stated, would require EAC personnel to search every document in possession of the Commission and speculate as to whether it was created as a result of or in preparation for a meeting with one of our four Commissioners.

Absent questioning every staff member on every document in the EAC's possession there is no reasonable way to determine if a particular document was used in a non-publicly noticed meeting. Even if the EAC took this burdensome course of action, the results would be purely speculative. Requester's should frame requests with sufficient particularity to ensure that searches are not unreasonably burdensome.<sup>5</sup> The rationale is that FOIA was not intended to reduce

---

<sup>1</sup> H.Rep.No.93-876 93rd Cong., 2d Sess. 6 (1974); S.Rep.No.813 89th Cong., 1st Sess. 8 (1965); Marks v. United States, 578 F.2d 261, 263 (9th Cir. 1978) (FOIA provision that request reasonably describe records sought relates not only to subject matter but also to place of search).

<sup>2</sup> Freeman v. United States Dep't of Justice, No. 90-2754, slip op. at 3 (D.D.C. Oct. 16, 1991) ("The FOIA does not require that the government go fishing in the ocean for fresh water fish.")

<sup>3</sup> Hudgins v. IRS, 620 F.Supp. 19, 21 (D.D.C.1985) (Hogan, J.) ("[A]n agency is not required to have 'clairvoyant capabilities' to discover the requester's need.")

<sup>4</sup> Van Strum v. EPA, 1992 WL 197660, (9th Cir. Aug. 17, 1992) (accepting agency justification in denying a request or seeking clarification that a request was burdensome because it would put an inordinate search burden on Agency resources and sought vast amount of materials).

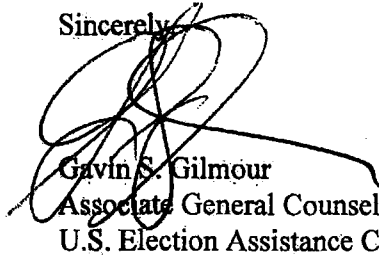
<sup>5</sup> Judicial Watch, Inc. v. Export-Import Bank, 108 F.Supp.2d 19, 28 (D.D.C.,2000)

020091

government agencies to full-time investigators on behalf of requesters.<sup>6</sup> Therefore, agencies are not required to perform searches incompatible with their own document retrieval systems.<sup>7</sup>

This letter is not a final response to your FOIA request. You will hear from us within the next 10 working days. I continue to encourage you to further clarify your FOIA request consistent with the conclusions, above. I offer you my assistance in this endeavor. You may reach me at (202) 566-3100 or [ggilmour@eac.gov](mailto:ggilmour@eac.gov).

Sincerely,



Gavin S. Gilmour  
Associate General Counsel  
U.S. Election Assistance Commission

Attachments:

1. EAC FOIA;
2. Your revised FOIA request (August 3, 2005).

---

<sup>6</sup> Id. at 28

<sup>7</sup> Id. citing Assassination Archives and Research Ctr. v. CIA, 720 F.Supp. 217, 219 (D.D.C.1989) (internal citations omitted).

020092



U.S. ELECTION ASSISTANCE COMMISSION  
1225 NEW YORK AVENUE, N.W., SUITE 1100  
WASHINGTON, D.C. 20005

September 15, 2005

Ms. Bobbie Ann Brinegar  
Miami-Dade Election Reform Coalition  
1725 19<sup>th</sup> Street, NW #B  
Washington, DC 20009

Dear Ms. Brinegar:

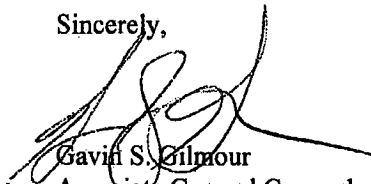
This letter is in response to the Miami-Dade Election Reform Coalition's (MDERC) Freedom of Information Act (FOIA) request received by the U. S. Election Assistance Commission (EAC) on August 3, 2005. The August 3<sup>rd</sup> FOIA request served as a revision to a previous request received by the EAC on July 22, 2005. The revision was made in response to a request for clarification sent by the EAC on July 29, 2005. This letter supplements our previous communication of August 30, 2005.

In our previous letter (August 30th), the EAC (1) provided all documents responsive to your request for the agency's prior FOIA requests; (2) informed you of our determination that the remainder of your request was not a proper FOIA request, as it failed to reasonably describe the records sought and required an unreasonably burdensome search for records; and (3) informed you that we would, nonetheless, perform a reasonable search for records that involved meetings with third parties. Attached please find a copy of our August 30th letter.

Each of the individuals noted in your request letter (and/or their assistant) searched their files for meeting associated records. As they could not reasonably search all records held by the EAC and speculate as to their potential association with a meeting, they looked for documents filed (including e-mails) as "meetings." Moreover, because you did not define the broad term "meeting" (which could include any time two individuals communicate) we defined the term consistent with your correspondence. We provided documents, filed as noted above, in which one of the individuals you identified met with a non-federal employee or organization. The result of our records search is enclosed. A few of the documents have had small portions redacted, such as personal phone numbers, as release of this information would constitute an unwarranted invasion of personal privacy (5 U.S.C. §522(b)(6)).

At this time, Commissioner DeGregorio has not completed the search of his records. His efforts were cut short by an official trip to Hungary. He will return from his overseas trip on the 21st of September. This letter is not a final response to your FOIA request. The EAC will provide our final response by September 26, 2005. In the interim, if you have any questions, you may reach me at (202) 566-3100 or [ggilmour@eac.gov](mailto:ggilmour@eac.gov).

Sincerely,



Gavin S. Gilmour  
Associate General Counsel

Attachments:

1. EAC August 30, 2005 letter to MDERC
2. Responsive documents



Gaylin Vogel/EAC/GOV  
09/01/2005 11:01 AM

To dcbobbie@verizon.net  
cc  
bcc  
Subject FOIA Response

Bobbie:

Here are the documents I tried to Fax to you yesterday.



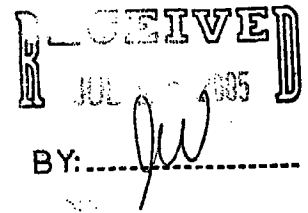
MDERC FOIA to BB.pdf

Gaylin Vogel  
Law Clerk  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
tel:202-566-3116  
<http://www.eac.gov>  
[GVogel@eac.gov](mailto:GVogel@eac.gov)

020094



miami-dade election reform coalition



Bobbie Ann Brinegar  
Washington, D.C. Director  
1725 19<sup>th</sup> St NW #B  
Washington, D.C. 20009  
Tel: 202-441-8068

FOIA Officer  
U.S. Election Assistance Commission  
Record Information/Dissemination Section  
1225 New York Ave. NW -Suite 1100  
Washington, D.C. 20005

July 21, 2005

Re: Freedom of Information Act Request

This letter constitutes a request under the Freedom of Information Act, 5 U.S.C. § 552, on behalf of the Miami - Dade Election Reform Coalition, 1725 19<sup>th</sup> St. NW #B Washington, DC 20009 (MDERC).

On behalf of MDERC, I request that you provide the following:

1. All documents relating to publicly noticed and/or private meetings (including telephonic meetings or conferences), at which Gracia M. Hillman was in attendance after being confirmed to serve on the U.S. Election Assistance Commission (EAC) by the U.S. Senate on December 9, 2003 through the present. This includes all documents that were prepared, received, transmitted, collected and/or maintained by the EAC relating to such meetings; all recordings of any portion of such meetings; all notes taken at such meetings or made in connection to such meetings, all correspondence relating to such meetings; and all agendas for or minutes of such meetings.
2. All documents relating to publicly noticed and/or private meetings (including telephonic meetings or conferences), at which Commissioner Paul S. DeGregorio was in attendance from the time of his confirmation to serve on the EAC until the present. This includes all documents that were prepared, received, transmitted, collected and/or maintained by the EAC relating to such meetings; all recordings of any portion of such meetings; all notes taken at such meeting or made in connection to such meetings, all correspondence relating to such meetings; and all agendas for or minutes of such meetings.
3. All documents relating to publicly noticed and/or private meetings (including telephonic meetings or conferences), at which Commissioner Ray Martinez was in attendance from the time of his confirmation to serve on the EAC until the present. This includes all documents that were prepared, received, transmitted, collected and/or maintained by the EAC relating to such meetings; all recordings of any portion of such meetings; all notes taken at such meetings or

[www.reformcoalition.org](http://www.reformcoalition.org)

1722 05 1128

020095



miami-dade election reform coalition

made in connection to such meetings, all correspondence relating to such meetings; and all agendas for or minutes of such meetings.

Please advise us of the cost prior to copying.

If this request is denied in whole or in part, I request that you justify all deletions by reference to specific exemptions of the FOIA. Please provide all segregable portions of otherwise exempt material.

Please send all records, as they become available, to this address:

Bobbie Ann Brinegar  
1725 19<sup>th</sup> St NW #B  
Washington, DC 20009

Sincerely,

Bobbie Ann Brinegar



miami-dade election reform coalition

Bobbie Ann Brinegar  
Washington, D.C. Director  
1725 19<sup>th</sup> St NW #B  
Washington, D.C. 20009  
Tel: 202-441-8068  
[www.reformcoalition.org](http://www.reformcoalition.org)

FOIA Officer  
U.S. Election Assistance Commission  
Record Information/Dissemination Section  
1225 New York Ave. NW -Suite 1100  
Washington, D.C. 20005

August 3, 2005

Re: Freedom of Information Act Request

This letter constitutes a request under the Freedom of Information Act, 5 U.S.C. § 552, on behalf of the Miami - Dade Election Reform Coalition, 1725 19<sup>th</sup> St. NW #B Washington, DC 20009 (MDERC).

On behalf of MDERC, I request that you provide the following:

1. All documents relating to meetings that were not publicly noticed, including all telephone conversations and conferences, which Gracia M. Hillman participated in or attended after being confirmed to serve on the U.S. Election Assistance Commission (EAC) by the U.S. Senate on December 9, 2003 through the present. This includes lists of all such meetings, and all notes made at such meetings or telephone calls or in connection with such meetings or telephone calls.
2. All documents relating to meetings that were not publicly noticed, including all telephone conversations and conferences, which Paul S. DeGregorio participated in or attended after being confirmed to serve on the U.S. Election Assistance Commission (EAC) by the U.S. Senate on December 9, 2003 through the present. This includes lists of all such meetings, and all notes made at such meetings or telephone calls or in connection with such meetings or telephone calls.
3. All documents relating to meetings that were not publicly noticed, including all telephone conversations and conferences, which Ray Martinez participated in or attended after being confirmed to serve on the U.S. Election Assistance Commission (EAC) by the U.S. Senate on December 9, 2003 through the present. This includes lists of all such meetings, and all notes made at such meetings or telephone calls or in connection with such meetings or telephone calls.



miami-dade election reform coalition

4. All documents relating to meetings that were not publicly noticed, including all telephone conversations and conferences, which Carol Pacquette participated in or attended during the period she served as Acting Executive Director of the U.S. Election Assistance Commission (EAC). This includes lists of all such meetings, and all notes made at such meetings or telephone calls or in connection with such meetings or telephone calls.

5. All requests that have been made to the U.S. Election Assistance Commission (EAC) under the Freedom of Information Act (FOIA).

Please advise us of the cost prior to copying.

If this request is denied in whole or in part, I request that you justify all deletions by reference to specific exemptions of the FOIA. Please provide all segregable portions of otherwise exempt material.

Please send all records, as they become available, to this address:

Bobbie Ann Brinegar  
1725 19<sup>th</sup> St NW #B  
Washington, DC 20009

Sincerely,

Bobbie Ann Brinegar

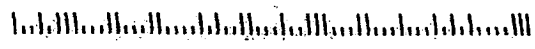
Ms. Bobbie Brinegar  
Apt. B  
1725 19th St. NW  
Washington, DC 20009

RECEIVED  
AUG 05 2005



U.S. ELECTION ASSISTANCE COMMISSION  
FOIA OFFICER  
1225 New York Ave. NW-Suite 1100  
WASHINGTON, D.C. 20005

20005-6400



020095



miami-dade election reform coalition

September 19, 2005

Via E-Mail and Facsimile

Gavin S. Gilmour  
Associate General Counsel  
United States Election Assistance Commission  
1225 New York Ave., NW, Suite 1100  
Washington, DC 20005

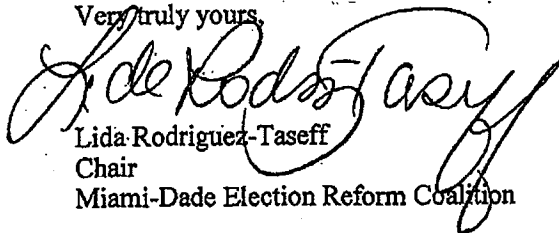
Dear Mr. Gilmour:

We are in receipt of your letters dated August 30, 2005 and September 15, 2005 and respond as follows.

First, in your August 30, 2005 letter, you correctly point that in your July 29, 2005 letter requesting clarification, you informed us that the EAC's documents "*are identified by subject matter and the individual or organization that created it.*" Based upon that statement, we clarified our request to ask for "all documents relating to meetings that were not publicly noticed." Our clarification was based upon two assumptions: (i) that EAC members were required to maintain logs of who they met with and who they had telephone conversations with and (ii) that one of the EAC's subject matter categories for document indexing would be "meetings not publicly noticed.." In your August 30, 2005 letter, you have now further clarified that "generally, the EAC does not maintain or track documents based upon their association with a given meeting (and attendance at that meeting." However, you do not clarify whether the EAC members are in the practice of maintaining logs.

Under cover of letter dated September 15, 2005, you provided in excess of 150 pages of documents which we are in the process of reviewing. It is also our understanding that you might be providing additional documents from Commissioner DeGregorio upon his return from an official trip. We will be providing you with further comments as soon as we complete our review of the documents you have provided thus far.

Very truly yours,

  
Lida Rodriguez-Taseff  
Chair  
Miami-Dade Election Reform Coalition

Page 1

020100

## FLORIDA ITINERARY

August 29 – September 1, 2005

### Monday, August 29, 2005

**Destination:** Orlando, FL

**Departure:** National Airport  
7:15 p.m.  
US Airways Flight# 1189

**Arrival:** Orlando, FL  
9:23 p.m.

**Ground Transportation:** Winstar Limo, 407-832-3427 (\$45)  
The driver will meet you in the Baggage Claim Area

**Hotel:** **Rosen Centre Hotel**  
9840 International Drive  
Orlando, Florida 32819  
**Confirmation# RR61173B7**

**Conference Contact:** Julie Shaw, Executive Director, ADAWG  
Cell phone: [REDACTED]

### Tuesday, August 30, 2005

10:00 – 11:00 a.m. **Orlando Sentinel**  
633 N. Orange Avenue  
Orlando, FL  
(407) 420-5418

(Please allow 30 minutes for travel)

**Editorial Board Members:** Paul Owens and Marianne Arneberg

**Contact:** Nancy Kunzman, [REDACTED]

12:00 noon – 1:30 p.m. **Rosen Centre Hotel**  
Your Presentation  
Junior Ballroom G

020101



**After presentation:** Orange TV, "Elections and You The Voter"  
Taped interview with Bill Cowles (5 – 10 minutes)  
(To be shown in February)  
Bill Cowles will drive you over to the studio  
Bill's Cell phone: [REDACTED]

**Contact:** Sultana F. Ali, OrangeTV Producer  
Cell phone: [REDACTED]

**Wednesday, August 31, 2005**

**Departure:** Orlando International Airport  
10:15 a.m.  
Southwest Airline Flight# 2558

**Arrival:** Fort Lauderdale/Hollywood International Airport  
11:10 a.m.

**Car:** Alamo Rent A Car  
Confirmation#: HY0051298690

**Directions:** Start out towards E. Las Olas Blvd. Turn left onto Las Olas Blvd. Drive 1.3 miles. Turn right onto Seabreeze Blvd. Drive 1.4 miles. Go straight on SE 17<sup>th</sup> Street. Drive for 0.1 miles. Turn right onto SE 23<sup>rd</sup> Avenue. Drive a short distance. Turn right onto SE 17<sup>th</sup> Street. Drive a short distance. Keep slight left to stay on SE 17<sup>th</sup> Street.

**Hotel:** Hyatt Regency Pier 66 Resort  
2301 SE 17th Street Causeway  
Fort Lauderdale FL 33316  
(954) 525-6666

**Thursday, September 1, 2005**

**10:00 a.m.** Brenda C. Snipes, Supervisor of Elections  
Broward County Elections Office  
115 South Andrews Avenue, Room 102  
Fort Lauderdale, FL 33301

**Contact:** Clarise, [REDACTED]

**Directions/Parking:** See enclosed map. Take parking ticket for validation.

020102

**2:30 p.m.**

**Miami Dade Election Board**  
Lester Sola, Supervisor of Elections  
2700 Northwest 87 Avenue  
Miami, FL

**Contact:**

Rosey Pastrana, (305) 499-8548  
(Office has its own parking lot)

**Car Drop Off:**

**Alamo Car Rental**  
3355 NW 22<sup>nd</sup> Street  
Miami

**Directions:**

See enclosed map.

**Departure:**

**Miami International Airport**  
5:55 p.m.  
American Airlines Flight# 428

**Arrival:**

**National Airport**  
8:21 p.m.

020103

**HONOLULU, HAWAII  
NACRC**

**July 14 – July 20, 2005**

**Thursday, July 14, 2005**

**Destination: Honolulu, Hawaii**

**6:00 a.m. Departure to airport**

**Departure: National Airport  
7:45 a.m.  
United Airlines – Flight # 605  
(Check waiting list for first- class seating)**

**Arrival: Chicago O'Hare International Airport  
8:39 a.m.**

**Departure: 9:55 a.m.  
United Airlines – Flight# 1**

**Arrival: Honolulu Airport  
1:50 p.m.**

**Ground  
Transportation: Taxi - \$25.00 - \$35.00**

**Hotel: Hilton Hawaiian Village Beach Resort & Spa  
20005 Kalia Road  
Honolulu, HI 96815  
(808) 949-4321**

**Friday, July 15, 2005**

**8:30 – 10:00 a.m. Your Presentation  
EAC Update/HAVA Deadline for Compliance**

020104

**Saturday, July 16, 2005**

**Free Day**

**Sunday, July 17, 2005**

**12:00 p.m. Lunch (You guys will discuss)**  
ACCESS BOARD of Hawaii  
Joan Bird, HAVA Coordinator  
(She will meet you in the Lobby of the hotel. She has your Bio).  
Home: [REDACTED]

**Monday, July 18, 2005**

**11:00 a.m. Editorial Board**  
The Honolulu Advertiser  
605 Kapiolani Blvd.  
Honolulu, HI

**Contact:** Sara Montgomery  
Editorial Page Assistant  
(808) 535-2414

**1:00 p.m. League of Women Voters**  
Jean Aoki  
49 South Hotel Street, Room 314  
Honolulu Hawaii 96813  
(808) 531-7448  
(808) 537-6267

**Tuesday, July 19, 2005**

**12:30 p.m. Pick-up for meeting at Hawaii Office of Elections**  
(Either Michael or Wayne will pick you in front of the hotel. Look for a white 15 passenger van with the State of Hawaii logo on the doors. They also will drop you off at the airport.)

**Contact#:** (808) 453-8683

020105

**1:00 p.m.**

**Hawaii Office of Elections**  
802 Lehua Avenue  
Honolulu, HI 96782  
808.453.8683

**Dwayne Yoshina, Chief Election Official**

**Standards Board Members**

**Scott Nago, Section Head, Counting Center Operations**  
**Glen Takahashi, Honolulu Election Administrator**

**Departure:**

**Honolulu Airport**  
4:20 p.m.  
United Airlines – Flight# 2

**Wednesday, July 20**

**Arrival:**

**Chicago O'Hare Airport**  
5:18 a.m.

**Departure:**

6:00 a.m,  
United Airlines – Flight# 636

**Arrival:**

**National Airport**  
8:45 a.m.

020106

## Summary Schedule

### Tuesday, April 5, 2005

- 1902 Depart Miami International Airport, American Airlines 2169  
Flight Time: 3 hours 28 minutes  
Time Change: - 1 hour
- 2130 Arrive El Dorado Airport, Colombia - Met by Control Officer Colleen Hoey
- 2150 Depart Airport for Casa Dann Carlton Hotel, Calle 94 No. 19-71, Bogota  
571 633-8777 Hotel Reservation Confirmation Number: 9441705

Remain Overnight (RON) Casa Dann Carlton Hotel, **Confirmation# 9441705**

### Wednesday, April 6, 2005

Ms. Hillman attends Organization of American States 3<sup>rd</sup> Inter American Meeting on Electoral Technology  
Casa Dann Carlton Hotel

RON Casa Dann Carlton Hotel

### Thursday, April 7, 2005

Ms. Hillman attends Organization of American States 3<sup>rd</sup> Inter American Meeting on Electoral Technology  
Casa Dann Carlton Hotel

RON Casa Dann Carlton Hotel

### Friday, April 8, 2005

- 0815 Depart Hotel for Consejo Nacional Electoral (Drive Time: 40 minutes)  
Political Officer Brian Walch will brief you enroute to CNE.
- 0900 Meeting with President of Consejo Nacional Electoral, Dra. Nidia Restrepo de Acosta  
Magistrado Guillermo Reyes, National Registry.  
(Both speak English)  
Avda El Dorado, #46 20 Piso 6  
POC Yuceire Moreno 220-0805, 2880
- 1000 Depart CNE enroute Universidad Externado, Calle 12 No. 1-17 Este (Drive Time: 20  
minutes). Directions: We will meet at the parking lot off of the Circunvar, closest to the  
auditorium. Take the Circunvar heading south, get to Egipto church and make a U turn  
heading north again. Entrance to University on your left.
- (T)1030 Off the Record Meeting with International Relations Students at Universidad Externado,  
Largest International Relations Program in Colombia (simultaneous translation provided)  
students studying the United States. You would give a brief background on your career  
and your work on elections, including EAC and League of Women Voters, and then take  
questions from the students. This would be an off the record event and very informal.  
Embassy Public Affairs Section would arrange and staff. PAS POC Pilar Cabrera 310  
806-0456.
- 1140 Depart Universidad Externado with Public Affairs Section enroute restaurant for lunch.
- (T)1200 Lunch with Colombian political science professors on U.S. elections (Public Affairs  
Section will arrange and host).
- 1330 Depart Lunch enroute Embassy with Public Affairs Section (Drive Time: 20 minutes).

SCHEDULE as of APRIL 4, 2005 1600h

1400           Courtesy Call on Ambassador Wood  
1430           Meeting with Consul General Ray McGrath on U.S. Voting Overseas  
1515           Depart Embassy enroute Museum TBC

**Saturday, April 9, 2005**

                  (\$50 exit fee for official passports – can be paid in U.S. dollars)  
0550           Depart Hotel for El Dorado Airport (Drive Time 30 minutes)  
0808           Depart El Dorado Airport, American Airlines 2170  
                  Flight Time: 3 hours 35 minutes  
                  Time Change: + 1 hour  
1243           Arrive Miami International Airport  
1624           Depart Miami International Airport American Airlines 1332

**PORTLAND/SALEM, OREGON**  
**April 1 – April 4, 2005**

**Friday, April 1**

**Arrival:** 7:42 p.m.

**Ground  
Transportation:** Taxi

**Hotel:** The Benson  
309 SW Broadway  
Portland, OR 97205  
(503) 228-2000  
Confirmation#: WX072932

**Saturday, April 2**

**8:30 a.m.** Pick-up for Voter Advocacy Breakfast

**Contact:** Frank Garcia

**9:00 a.m.** Voter Advocacy Breakfast Meeting, MAC Club

**1:00 p.m.** Multnomah County Elections/Vote By Mail Tour

**3:00 p.m.** Back to the Benson (Free Time)

**7:00 p.m.** Dinner – “Welcome Committee”

**Sunday, April 3**

**1:00 p.m.** Lunch/Sight Seeing - “Welcome Committee”

**6:00 p.m.** Dinner w/Paddy McGuire & John Lindback



**Monday, April 4**

**7:00 a.m.**            **Transport from Benson Hotel to Salem**

**Contact:**            **Paddy McGuire**

**8:00 a.m.**            **Arrival to State Capitol**

**9:15 a.m.**            **Transport to Statesman Journal, Salem**

**9:30 a.m.**            **Statesman Journal Editorial Board**

**10:30 a.m.**           **Transport to State Capitol**

**10:45 a.m.**           **Vendor Fair**

**12:00 a.m.**           **Lunch Meeting w/Bill Bradbury & HAVA Steering Committee**

**1:45 p.m.**            **Transport to Oregonian, Portland, OR**

**3:00 p.m.**            **Oregonian Editorial Board**

**4:00 p.m.**            **Transport to Portland Airport**

**Contact:**            **Paddy McGuire**

**Departure**            **Portland Airport**  
                             **United Airlines Flight# 6396**  
                             **7:10 p.m.**

**Arrival:**             **San Francisco International Airport**  
                             **8:52 p.m.**

**Departure:**         **USAir Flight# 159**  
                             **9:50 p.m.**

**Arrival:**             **Philadelphia Airport**  
                             **5:59 a.m.**

# Maryland State Board of Elections Meeting

Monday, March 14, 2005

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**PLACE:** 151 West Street, Suite 200  
Annapolis, Maryland 21401

**TIME:** 10:30 a.m.

**CONTACT:** Mary Cramer Wagner  
Director, Voter Registration Division  
(410) 269-2850

## Directions

- Take Route 50 East towards Annapolis.
- Take Exit #24 Rowe Blvd. (Stay right off of exit). Proceed approximately 1 1/2 miles on Rowe Blvd. (There is bridge construction taking place on both Weems Creek Bridge and College Creek Bridge) Continue on Rowe Blvd through 2 traffic lights.
- Rowe Blvd will fork. Bear right at light onto Calvert Street. Proceed to the traffic light where Calvert Street meets West Street.
- Turn right onto West Street and continue to 151 West Street on left hand side.

Parking space, SBE 4, has been reserved for you.

020111

**NEW YORK ITINERARY**  
**December 14 – December 16, 2004**

**Tuesday, December 14, 2004**

**Destination:** New York City

**Confirmation#:** 4G5XJ2

**Departure:** National Airport  
3:30 p.m.  
Delta – Flight # DL 1958


**Arrival:** New York LaGuardia International Airport  
4:36 p.m.

**Ground  
Transportation:** Taxi - \$45.00 (flat rate)

**Hotel:** Metropolitan Hotel  
569 Lexington Avenue  
New York, NY 10022  
(212) 752-7000

**Wednesday, December 15, 2004**

**8:30 a.m.**            **The State of Our Elections: What Went Right and Wrong in the  
Administration of the 2004 Elections**  
**(your portion of the meeting is from 9:00-11:00 a.m.)**  
Carnegie Corporation of New York  
437 Madison Avenue, 26<sup>th</sup> Floor  
(Between 49<sup>th</sup> & 50<sup>th</sup> Streets)  
New York, NY

**Contact:**            Ronnie Garwood  


**Fellow  
Presenters:**        Miles Rapoport, Demos  
Norm Ornstein, American Enterprise Institute  
Adam Cohen, New York Times, Editorial Board  
Thomas Mann, The Brookings Institution

020112

**2:30 p.m.**            **Demos Meeting**  
220 5<sup>th</sup> Avenue, 5<sup>th</sup> Floor  
New York, NY

**Agenda:**            First hour – NVRA  
Second hour – Election Day

**Attendees:**       Miles Rapoport, Demos  
Lucy Mayo, Demos  
Steve Carbo, Demos  
Joanne Chasnow, Project Vote  
Doug Hess, Project Vote

**Contact:**           Lucy Mayo  
(212) 633-1405, ext. 772

**7:00 p.m.**            **Jezabel's**  
630 9th Ave, Manhattan  
(212) 582-1045

**Thursday, December 16**

**12:30 p.m.**            **Sandy Cloud**  
**Office: (212) 545-1300, ext. 224**  
Union League Club  
38 East 37<sup>th</sup> Street (off Park Avenue)

**Contact:**           Kathleen Harley-King  
(202) 682-2322, ext. 21

**Destination:**       **Washington, D.C.**

**Departure:**        **New York LaGuardia International Airport**  
Delta Airlines, Flight# DL 1967  
7:30 p.m.

**Arrival:**            **National Airport**  
8:44 p.m.

**Contact Information**

Cheryl

Cell:



Home:



020113

**CALIFORNIA ITINERARY**  
**October 27 – November 3, 2004**

**Wednesday, October 27, 2004**

**Destination:** Norwalk, CA

**Departure:** Dulles Airport  
4:20 p.m.  
United Airlines – Flight # 195  
**Confirmation #: 826895020**

**Arrival:** Los Angeles Airport  
6:43 p.m.

**Ground Transportation:** Conny McCormack will be at the luggage carousel for that United flight. Call her when you get off the plane.  
**Cell:** [REDACTED]

**Hotel:** Marriott  
13111 Sycamore Drive  
Norwalk, California 90650  
Phone: 1-562-863-5555  
Fax: 1-562-868-4486

**Confirmation#: 84819217**

020114

**Thursday, October 28**

***Robert Huff from LA County Elections will drive you to Cal State Long Beach.***

***Cell: [REDACTED] He will call you at the Marriott Hotel or on your cell phone to coordinate pick-up times.***

**12:00 p.m. California State University, Long Beach**

1250 Bellflower Blvd.

University Student Union, Room 307

Long Beach, CA

**Contact:** Brigette Young

Office: (562) 985-2402

Cell: [REDACTED]

Room 307: (562) 985-4994

**Attendees:** Charles Noble, Chair and Professor, Dept. of Political Science, Director, International Studies Program

Liesl Hass, Professor, Dept. of Political Science

Cora Goldstein, Professor, Dept. of Political Science

Richard Haesly, Professor, Dept. of Political Science

Pam Fiber, Professor, Dept. of Political Science

Katie Mac, Student Poll Worker Coordinator, County of Los Angeles Registrar-Recorder/County Clerk

Kim Hinckson, Student Govt. Advisor (Project Manager)  
Associated Students, CSULB

Brigette Young, Development Associate, Associated Students, CSULB Students, CSULB

Michele Deane, Program Director for Girls Today Women Tomorrow

**1:00 p.m. Lunch with Brigette, Michele and CSULB staff**

020115

**4:00 p.m.**            **Los Angeles Conservation Corps (LACC)**  
2130 East 1<sup>st</sup> Street  
Los Angeles, CA  
**Contact:**            **Michele Deane**  
Cell: [REDACTED]

**5:30 p.m.**            **The Bev Smith Show**  
**[LACC Office, (323) 526-3039]**  
**Studio:**            (412) 325-4197  
**Producer:**        Lawrence Gaines, [REDACTED]

**Friday, October 29**

**\*Last minute media requests may alter schedule**

**10:00 a.m.**        **Commissioner Hillman to address Los Angeles**  
**County Grand Jury**  
13-303 Criminal Courts Bldg. 210 W. Temple St.  
Los Angeles, Ca 90012  
**Contact:**        Bob Dobson [REDACTED]

**11:30 a.m.**        **Reception (informal lunch/meeting)**  
**League of Women Voters Office**  
3250 Wilshire Blvd. Suite 1005  
Los Angeles, CA  
(20 League leaders from all over LA County will attend).  
**Contact:**        Thea Brodtkin, [REDACTED]

**1:30 p.m.**        **Braille Institute (early voting site)**  
741 N. Vermont Ave.  
Los Angeles, CA  
**Contact:**        Eleanor Wright, [REDACTED]

**2:00 p.m.**        **NAACP**  
3910 MLK Blvd.  
Los Angeles, CA  
**Contact:**        Geraldine Washington [REDACTED]

**4:00 p.m.** Edison International (telephone call)  
**Contact:** Fred Grigsby, [REDACTED]

**Saturday, October 30**

**9:45 a.m.** Registrar-Recorder/County Clerk simulation (within walking distance from hotel)  
Kris Heffron, Chief Deputy  
Office: (562) 462-2716  
Cell phone: [REDACTED]  
12400 Imperial Hwy.  
Norwalk, CA

**11:30 a.m.** Tiny Lopes  
Home: [REDACTED], Cell: [REDACTED]  
Lunch  
Marriott Hotel

**Sunday, October 31, 2004**

**11:00 a.m.** Brunch reception at Conny's home.

**Monday, November 1**

**10:00 a.m.** National Association of Latino Elected Officials (NALEO) to observe their voter hotline.  
1122 W. Washington Blvd., 3<sup>rd</sup> Floor, LA 90015.  
**Contact:** Maria de la Cruz Garcia, [REDACTED]

**12:00 Noon** Lunch

**1:30 p.m.** Orange County Board of Elections  
1300 South Grand Avenue, Building C  
Santa Ana, CA 92705  
**Contact:** Steve Rodermund, [REDACTED]



**Riverside County Board of Elections**

2724 Gateway Drive  
Riverside, CA 92507-0918

**Contact:**

Barbara Dunmore, [REDACTED]

**Tuesday, November 2 – Election Day**

**9:00 a.m.**

Visit polling places with other VIP visitors (Dushyant Bala will be driving)

**Wednesday, November 3, 2004**

**9:30 a.m.**

Attend Board of Supervisors Meeting at Hall of Admin.  
Receive scroll – Robert Huff will probably drive her there.

**12:30 p.m.**

**John Mack (lunch)**  
Los Angeles Airport Marriott  
5855 West Century Blvd.  
[REDACTED]

**Destination:**

**Washington, D.C.**

**Departure:**

**L.A. International Airport**  
4:10 p.m.  
United Airlines – Flight # 202

**Arrival:**

**Dulles Airport**  
11:47 p.m.

## OHIO ITINERARY

October 18 – 22, 2004

Monday, October 18, 2004

**Destination:** Columbus, OH

**Scheduled  
Pick-up:** 5:45 p.m.

**Departure:** **National Airport**  
7:50 p.m.  
US Airways – Flight # 3215  
**Confirmation #: 826895020**

**Arrival:** **Columbus, OH**  
9:14 p.m.

**Ground  
Transportation:** Taxi OR  
Urban Express Transportation – a van service  
that runs every hour; located outside of the  
baggage claim area to the left of a digital  
clock. Van is there 20 minutes before the  
hour (\$10.00).

**Hotel:** The Columbus, Renaissance Hotel  
50 North 3<sup>rd</sup> Street  
Columbus, OH  
(614) 228-5050  
**Confirmation#: 82785618**

020119

**Tuesday, October 19**

- 9:30 a.m.**            **Northern Kentucky University**  
The Columbus, Renaissance Hotel – Lobby
- Contact:**            Missy Gish, Outreach & Community Engagement  
Specialist  
Cell: [REDACTED]  
Dr. Joan Ferrante, Interim Director of the Scripps  
Howard Center for Civic Engagement
- 11:00 a.m.**            **Depart for Elections Officials luncheon (closed  
event)**
- Contact:**            Matt Damschroder, Director of Franklin County  
Election Board, (Rep)  
Office: (614) 462-6686  
Cell: [REDACTED]
- 11:30 a.m.**            **Luncheon with local Election Officials (closed  
event)**
- 2:00 p.m.**            **Poll Worker Training Class**  
Mt. Vernon Avenue AME Church
- 3:45 p.m.**            **Columbus Dispatch Editorial Board Meeting or  
Square Press Corps press conference**
- 4:20 p.m.**            **Return to Hotel**
- 6:30 p.m.**            **Private Dinner with Franklin County Board of  
Elections Key Staff**  
Matt Damschroder will pick you up
- Other**
- Attendees:**            Mike Hackett, Deputy Director; Libbie Worley, Chris  
Wilson, Renee Kelco, Karen Cotton, Jeff            Graessle)
- 8:30 p.m.**            **Return to Hotel**

020120

**Wednesday, October 20**

**8:00 a.m.**            **Matt Damschroder, Cell: [REDACTED] and  
Mike Hackett, Cell: [REDACTED] will pick you up  
from the hotel.**

**8:10 a.m.**            **Tour of the Franklin County Board of Elections  
Office  
280 East Broad Street, 1<sup>st</sup> Floor  
Office: (614) 462-3100**

**9:00 a.m.**            **Depart for Ashland**  
**Contact:**           **Ray Butler, Community Liaison Officer  
Mahoning County Board of Elections  
Cell: [REDACTED]  
Work:            (330) 783-2474  
Home:            [REDACTED]**

**10:30 a.m.**           **Tour of Ashland County Board of Elections  
Kathy Howman, Director (Rep)**

[REDACTED]

**12:00 p.m.**           **Lunch with Summit County Election Officials  
Bryan Williams, Director (Rep)**

[REDACTED]

**1:00 p.m.**            **Tour of Summit County Election Office**

**2:00 p.m.**            **Depart for Youngstown**

**3:30 p.m.**            **Arrive at hotel  
Holiday Inn, Youngstown South  
7410 South Avenue  
Boardman, OH  
(330) 726-1611  
Confirmation# 61177128**

**5:00 p.m.**            **Dinner with Mahoning County Election Officials** 020121

**Thursday, October 21**

- 9:00 a.m. Mahoning County Board of Elections Meeting**  
(Community leaders have been invited)  
Michael Sciortino, Director (Dem), Standards Board  
Member and President of the Association of Ohio  
Election Officials  
Office: (330) 783-2474
- 12:00 p.m. Lunch with Cuyahoga and Mahoning Directors**
- 2:00 p.m. Depart for Cleveland**  
Michael Vu, Director (Dem)  
2925 Euclid Ave.  
Cleveland, CA  
Cell: [REDACTED]  
Office: (216) 443-6455
- 4:00 p.m. Meet with Congresswoman Stephanie Tubbs  
Jones at the Cuyahoga County Board of Elections**  
**Contact:** Beverly Charles, Scheduler for Congresswoman  
Tubbs Jones  
Office: (216) 522-4900  
Cell Phone: [REDACTED]
- 5:00 p.m. Childer's Car Service will pick up for trip to  
Toledo**  
Driver's Cell:
- 7:00 p.m. Arrive in Toledo**  
Wyndham Hotel  
Two SeaGate/Summit Street  
Toledo, OH  
(419) 241-1411 (Checkout - 12:00 p.m., noon)
- Presenters**  
**Dinner:** Real Seafood Company  
22 Main Street  
Toledo, OH

**Friday, October 22**

- 8:00 a.m. University of Toledo College of Law Conference  
Faculty member will pick up all presenters**
- 9:45 a.m. Presentation**
- 12:00 p.m. Lunch with Professor Friedman and other presenters**
- 1:30 p.m. Conference Call with Senator Fedor  
Cell: [REDACTED]**
- 4:05 p.m. Depart Toledo Airport (30 minute layover in  
Cincinnati)**
- 8:00 p.m. Arrive at National Airport**



# KANSAS CITY BOARD OF ELECTION COMMISSIONERS

LINDA S. TARPLEY, Chairman  
 ROSA JAMES, Member  
 SHARON TURNER BUIE, Director  
 F. RUSSELL MILLIN, Attorney

CHERYL LYNN BISBEE, Secretary  
 BRUCE B. WAUGH, Member  
 RAY S. JAMES, Director  
 DAVID RAYMOND, Attorney

**February 3, 2004**

**Gracia Hillman  
 EAC Commissioner  
*Itinerary***

Tour KCEB	9:00 A.M.*
Visit Johnson County Election Office	10:30 A.M.
Lunch	Noon
Visit Jackson County Election Office	1:30 P.M.
Poll Visits: 8/7 Country Club Congregational Church of Christ 205 W. 65 <sup>th</sup> St.	3:00 P.M.
14/9 Lucile Bluford Library 31 <sup>st</sup> & Prospect	4:00 P.M.
Dinner	5:00 P.M.
Chat with League of Women Voters of Greater Kansas City	6:00 P.M.
Observe Absentee Ballot Count	7:00 P.M.
Observe ballot preparation and tabulation process	8:00 P.M.

\*KCEB driver will be waiting for you at 9:00 A.M. at main entrance of Hyatt

Contact: Sharon Turner Buie  
 Residence: [REDACTED]  
 Cell: [REDACTED]

020124



Gracia  
Hillman/EAC/GOV  
12/13/2004 04:20 PM

To sbanks@eac.gov  
cc  
bcc  
Subject Fw: NCBCP Follow-up Meeting Requested

Please call Melanie to set up a date in January for the meeting she requested.

----- Forwarded by Gracia Hillman/EAC/GOV on 12/13/2004 04:20 PM -----

"Melanie Campbell" <melaniec@ncbc.org>

12/13/2004 02:44 PM

To ghillman@eac.gov  
cc execasst@ncbc.org  
Subject RE: NCBCP Follow-up Meeting Requested

**Thanks Gracia for meeting with me today. I will send out the EAC Announcement for the executive director position today to our e-mail lists.**

**I look forward to another opportunity to follow-up with you as we all continue to assess what worked and what didn't work in the 2004 Election as far as the implementation of HAVA and other election systems issues.**

**I would like to schedule another time in January to share with you the results of our Election Day Poll, what we learned from our hotlines (1-866-OUR-VOTE and our Tom Joyner registration hotline 1-866-316-VOTE) and information on the poll locator website we utilized during the 2004 Election. I would like to bring our hotline vendor, Ken Smukler and NCBCP Board member, Rene Redwood, to join us for that follow-up meeting.**

**Please let me know when your schedule will allow a follow-up meeting hopefully in January.**

020125



**Thanks.**

**Melanie**

Melanie L. Campbell  
Executive Director & CEO  
National Coalition on Black Civic Participation, Inc.  
1900 L Street, NW  
Suite #700  
Washington, DC 20036  
(202) 659-4929  
melaniec@ncbcp.org  
bigvote.org  
voicesoftheelectorate.org  
unity04.net

The information contained in this message is confidential and is intended only for the named recipient(s). If you have received this message in error, you are prohibited from copying, distributing or using the information. Please contact the sender immediately by return e-mail and delete the original message.

**From:** ghillman@eac.gov [mailto:ghillman@eac.gov]  
**Sent:** Monday, December 13, 2004 12:07 PM  
**To:** melaniec@ncbcp.org  
**Subject:** EAC Executive Director

**Happy Holidays!!**

Gracia M. Hillman  
Vice Chair  
U.S. Election Assistance Commission  
1225 New York Avenue, NW, Suite 1100  
Washington, DC 20005  
Tel: 202-566-3100  
Fax: 202-566-1392  
www.eac.gov

020126



Gracia  
Hillman/EAC/GOV  
01/10/2005 05:58 PM

To Paul DeGregorio/EAC/GOV@EAC, Raymundo  
Martinez/EAC/GOV@EAC, DeForest Soaries  
Jr./EAC/GOV@EAC, Juliet E.  
Carol A. Paquette/EAC/GOV@EAC, sbanks@eac.gov,  
cc dmurphy@eac.gov, aambrogi@eac.gov, Spring A.  
Taylor/EAC/GOV@EAC

bcc

Subject Meeting With Nonprofits

Attached is the draft letter that will be sent to the executive leadership of various nonprofit organizations inviting them to meet with us on Monday, January 24.

Please feel free to email back to me any comments and edits to the letter. My plan is to begin sending out the letters tomorrow (Tuesday).

**Via this email, I am asking Julie to make certain I have extended the appropriate invitation for this closed door meeting.**

It is also my plan to have a copy of the invitation list for you at tomorrow (Tuesday) morning's Discussion Session.



Mtg with Nonprofits, Jan 11 Invite Ltr.doc

020127

January 11, 2005

**\*\*DRAFT\*\***

Line 1 Name  
Line 2 Organization  
Line 3 Street Address  
Line 4 City, State, Zip

Dear

The U.S. Election Assistance (EAC) Commissioners request your presence at a meeting to be held on Monday, January 24, 2005. The meeting will begin at 1:30 p.m., is expected to last about 90 minutes, and will be held at our offices at 1225 New York Avenue, NW, Suite 1100, Washington, DC 20005.

As you know, the Help America Vote Act of 2002 (HAVA) established EAC to make certain that the law is fully and effectively implemented. The work of your organization brings value to this process. We also feel it is extremely important to have a direct relationship with the executive leadership of the nonprofit organizations that are committed to ensuring that American voters have confidence in the integrity and fairness of our elections. We did not have the opportunity to have such a meeting in 2004 and want to make certain that we do so early in 2005, before we begin our aggressive schedule of public meetings and hearings.

While we want an opportunity to personally share with you the broad based components of our 2005 work plan, it is our desire to have a broader discussion of how America is fairing under HAVA. You have been invited as the head of your organization because it is important that we hear directly from you. Your perspectives inform and bring value to our work as EAC Commissioners. Recognizing that we all rely heavily on expertise within our organizations, you are welcome to bring a member of your staff with you but we also want to emphasize that it is your input that we seek.

I hope you will join us on January 24 and look forward to seeing you then. Please confirm your attendance with my office at 202-566-3111. We will also need to know the name of any one who will accompany you to the meeting. My assistant, Sheila Banks, will provide any additional information you might need.

Best wishes for a wonderful, peaceful and successful New Year.

Sincerely,

Gracia Hillman  
Chair

020126

**Karen  
Lynn-Dyson/EAC/GOV**  
02/28/2005 05:13 PM

To Gracia Hillman/EAC/GOV@EAC, Paul  
DeGregorio/EAC/GOV@EAC, Raymundo  
Martinez/EAC/GOV@EAC, DeForest Soaries  
Carol A. Paquette/EAC/GOV@EAC, Sheila A.  
cc Banks/EAC/GOV@EAC, Holland M.  
Patterson/EAC/GOV@EAC, Spring A.  
bcc.  
Subject Working group meeting on State-wide VR databases  
set for March 23-24 in D.C.

Commissioners-

At a session today, in which we discussed the upcoming public hearing on state-wide VR databases, set for Boston, on April 26, 2005, it was agreed that we will hold our working group meeting on state-wide VR databases on March 23 and 24, here in Washington..

Karen Lynn-Dyson  
Director, Help America Vote College Program  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

020129



**Gracia Hillman/EAC/GOV**

02/26/2005 02:28 PM

To "Sheila Banks" <sbanks@eac.gov>

cc

bcc

Subject Fw: Meeting with Ted Selker, MIT/Calech Voting Project

Please handle. I am interested in meeting with him.

-----  
Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: "Sarah Dionne" [dionne@media.mit.edu]

Sent: 02/25/2005 05:47 PM

To: ghillman@eac.gov

Subject: Meeting with Ted Selker, MIT/Calech Voting Project

Hello Ms. Hillman,

Ted Selker will be in DC next week and he was hoping to be able to meet with you.

He will be arriving Wednesday, March 2 and would have time after 4:00 that day or Thursday morning before 10:00.

Please let me know what could work with your schedule.

Thank you.

sarah

.....

Sarah Dionne  
Administrative Assistant  
Context-Aware Computing Group  
Ambient Intelligence Group  
20 Ames Street, E15-322  
Cambridge, MA 02139  
phone: 617.253.0291  
fax: 617.258.0910

p.s. I will be out of the office Monday so I will be able to confirm any suggested meeting time on Tuesday.

020130



**"Clark, Brad, ROV"**  
**<brad.clark@acgov.org>**

04/20/2005 07:16 PM

To sbanks@eac.gov  
cc  
bcc  
Subject Re: Meeting with EAC

Thanks. I don't think that it will go beyond an hour. Of course Conny McCormack will be there which is bound add a few minutes. Lol.

Brad

-----  
Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

-----Original Message-----

From: sbanks@eac.gov <sbanks@eac.gov>  
To: Clark, Brad, ROV <brad.clark@acgov.org>  
Sent: Wed Apr 20 14:46:32 2005  
Subject: Re: Meeting with EAC

Brad,

Just a note to let you know that I have confirmed your meeting with the Chair and the Vice Chair on Thursday, May 5 at 10:00 a.m. Do you think this meeting will last 2 hours?

Sheila

020131



"David Capozzi"  
<capozzi@ACCESS-BOA  
RD.GOV>

05/02/2005 05:01 PM

To "Sbanks@eac.gov" <Sbanks@eac.gov>  
"James R. Harding (hardinj@vr.doe.state.fl.us)"  
cc <hardinj@vr.doe.state.fl.us>, "Ed. D. James R.  
Harding (JRFSU@comcast.net)"

bcc

Subject Access Board meeting;

Sheila:

Thanks for calling today. We are glad that the Chairman can attend the Board meeting. We are looking for about 30 minutes including questions and answers focusing on what the EAC has accomplished so far -- especially the voting systems guidelines and the work that Jim and JR have contributed. It would be interesting for people to learn more about what comes next as well. Here is a link that describes more about the Board and its members:

<http://www.access-board.gov/indexes/aboutindex.htm>

#### BOARD MEETING

Day and Date: Wednesday, May 11, 2005

Location: The Westin Embassy Row  
2100 Massachusetts Avenue, NW  
Washington, DC

Time: 1:30 - 3:00 p.m.

- I. Introductory Remarks - Jan Tuck, Chair
- II. Roll Call
- III. Approval of the March 9, 2005 Draft Meeting Minutes
- IV. Committee Reports
  - A. Ad Hoc Committee on Board Election Process
  - B. Planning and Budget Committee
  - C. Technical Programs Committee
  - D. Executive Committee
  - § Editorial Corrections to Revised ADA and ABA Accessibility Guidelines (Voting)
- E. Public Rights-of-Way
- VI. New Business
  - A. Presentation from the Election Assistance Commission
- VII. Adjourn

020132

David M. Capozzi  
Director, Technical and Information Services  
U.S. Access Board  
1331 F Street, NW  
Suite 1000  
Washington, DC 20004-1111

202-272-0010 (Voice; direct dial)  
[REDACTED] (cell)

capozzi@access-board.gov (e-mail)  
<http://www.access-board.gov> (web site)

020133





**"Leslie Reynolds"**  
**<reynolds@sso.org>**

03/03/2005 01:40 PM

"Anna Anaya (E-mail)" <secstate@state.nm.us>,  
To "Bill Bradbury" <oregon.sos@state.or.us>, "Cathy  
Cox" <ccox@sos.state.ga.us>, "Chet Culver"  
cc "Meredith B. Imwalle" <mimwalle@sso.org>, "Sheila  
Banks" <sbanks@eac.gov>

bcc

Subject NASS Executive Board Meeting with the EAC  
Commissioners on Tuesday, March 22, 2005

Good Afternoon:

For the most part, the details and arrangements for the NASS Executive Board meeting with the EAC Commissioners are complete and I wanted to get this out to you for your information.

The meeting will take place on Tuesday, March 22, 2005 from 2:00pm – 4:00pm. The meeting will be held in the EAC Conference Room. The EAC is located at 1225 New York Avenue, N.W. Suite 1100.

The Executive Board members attending in person will be:  
Hon. Rebecca Vigil-Giron, NM, NASS President  
Hon. Donetta Davidson, CO, NASS President-elect  
Hon. Deb Markowitz, VT, NASS Treasurer  
Hon. Mary Kiffmeyer, MN, NASS Immediate Past President  
Hon. Pedro Cortes, PA, NASS Eastern Region VP  
Hon. Ron Thornburgh, KS, NASS Midwestern Region VP  
Hon. Joe Meyer, WY, NASS Western Region VP  
Hon. John Gale, NE, NASS Executive Board Member at Large

Meredith Imwalle, NASS Communications Director will be attending the meeting in person

Paddy McGuire, OR Deputy Secretary of State will participate via phone on behalf of the Hon. Bill Bradbury, OR, NASS Executive Board Member at Large  
Charlie Krogmeier, IA First Deputy Secretary of State will participate via phone on behalf of the Hon. Chet Culver, IA, NASS Secretary  
Leslie Reynolds, NASS Executive Director will participate via phone.

This is a busy time in Washington and hotel rooms were difficult to come by. Government rates were impossible to come by. For those who requested we find them a room, we have made reservations at the Four Points by Sheraton. I have confirmed these rooms with my personal Amex. It would be greatly appreciated if you could transfer the charges to your card when you check in! This hotel is about a block and a half from the EAC. The address is:

1201 K Street, N.W. Washington, DC  
202-289-7600  
202-349-2215 Fax

Rebecca Vigil-Giron, arrive 3-21-05 and depart 3-23-05, confirmation #107353401  
Donetta Davidson, arrive 3-21-05 and depart 3-23-05, confirmation # 707354376  
John Gale, arrive 3-21-05 and depart 3-22-05, confirmation # 867353401  
Mary Kiffmeyer, arrive 3-21-05 and depart 3-22-05, confirmation # 187353402  
Joe Meyer, arrive 3-21-05 and depart 3-23-05, confirmation # 527353401

Secretaries Markowitz, Cortes and Thornburgh will be arriving and departing on March 22, 2005 and therefore did not request a room.

The EAC will hold their monthly public meeting that morning from 10am – 12:00pm. Obviously you are

020134

welcome to attend. I do not know what the public meeting agenda is yet.

Finally, Chair Hillman sent an email to Sec. Vigil-Giron in the middle of February saying that she planned to send her a list of topics that the EAC would like to discuss prior to the meeting. She requested that we do the same. Therefore, if you have any topics you would like addressed, please feel free to send them to me and I will make sure that they are included on the list Sec. Vigil-Giron sends back.

Thanks so much. Sorry I will miss you all when you are in town, but it is spring break for the kids' school and we are off to Florida.

**Leslie D. Reynolds**  
National Association of Secretaries of State  
Executive Director  
444 N. Capitol Street, N.W. #401  
Washington, DC 20001  
[www.nass.org](http://www.nass.org)  
202-624-3525  
202-624-3527 Fax

020135



**"Wendy Weiser"**  
<[wendy.weiser@nyu.edu](mailto:wendy.weiser@nyu.edu)  
u>

05/13/2005 06:52 PM

To [aambrogi@eac.gov](mailto:aambrogi@eac.gov)

cc

Subject Re: Monday 5/16 database meeting

Adam,

I successfully changed my train to one that is supposed to arrive at Union Station at 11:00 am on Monday. I therefore plan to come meet the Commissioner at 11:30 am. If the train is delayed, I will leave you a message.

As for the meeting attendees, they are:

Wendy Weiser, Brennan Center for Justice at NYU School of Law  
Justin Levitt, Brennan Center for Justice at NYU School of Law  
Lloyd Leonard, League of Women Voters  
James Dickson, American Association of People with Disabilities  
Steven Carbo, Demos  
Jonah Goldman, Lawyers Committee for Civil Rights Under Law  
Laleh Ipsahani, American Civil Liberties Union  
Tanya Clay, People for the American Way  
Larry Gonzalez, NALEO (arriving late)

Possible additional attendees include:

Jo-Anne Chasnow, Project Vote  
Heather Thompson, Appleseed Foundation  
Jeanette Senecal, League of Women Voters

Thank you. I look forward to meeting you in person.

Best,

Wendy

Wendy R. Weiser  
Associate Counsel, Democracy Program  
Brennan Center for Justice at NYU School of Law  
161 Avenue of the Americas, 12th Floor  
New York, NY 10013  
(212) 998-6130 (direct)  
(212) 995-4550 (fax)  
[wendy.weiser@nyu.edu](mailto:wendy.weiser@nyu.edu)

020136

>>> <aambrogi@eac.gov> 05/13/05 12:07PM >>>

Wendy:

Just making sure you received my phone message from yesterday. Depending on when you get into DC, the Commissioner would like to have a discussion with you over lunch prior to the meeting. Would 11:30 be OK?

Let me know. Best,  
Adam

-----  
Adam D. Ambrogi  
Special Assistant to Commissioner Ray Martinez III  
U.S. Election Assistance Commission  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005  
202-566-3105

"Wendy Weiser" <wendy.weiser@nyu.edu>

05/12/2005 04:30 PM

To aambrogi@eac.gov  
cc  
Subject Monday 5/16 database meeting

Adam,

I wanted to touch base to finalize the arrangements for our meeting on Monday, May 16 regarding the database guidance. Specifically, we need to clarify the time and location of the meeting. (I believe that you said that you preferred 12:30 pm.) I would also like to confirm that I am responsible for the meeting agenda. Finally, I have consulted with other advocates and have a near-final list of those who would like to attend. Please let me know if you would like a copy of that list in advance. Thanks, and I look forward to meeting you in person.

Best,

Wendy

020137

Wendy R. Weiser  
Associate Counsel, Democracy Program  
Brennan Center for Justice at NYU School of Law  
161 Avenue of the Americas, 12th Floor  
New York, NY 10013  
(212) 998-6130 (direct)  
(212) 995-4550 (fax)  
[wendy.weiser@nyu.edu](mailto:wendy.weiser@nyu.edu)

020138



**Raymundo  
Martinez/EAC/GOV**  
05/16/2005 10:17 AM

To Gracia Hillman/EAC/GOV@EAC, Paul  
DeGregorio/EAC/GOV@EAC  
cc Sheila A. Banks/EAC/GOV@EAC  
bcc

Subject Fw: Monday 5/16 database meeting

Gracia/Paul:

Attached is the list of participants for today's meeting with the advocacy community regarding the proposed guidance on statewide voter registration lists.

Thanks.

RAY MARTINEZ III  
Commissioner  
U.S. Election Assistance Commission  
1225 New York Avenue, N.W., Suite 1100  
Washington, D.C. 20005

(202) 566-3100 (W)  
(202) 566-3127 (FAX)  
www.eac.gov

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----- Forwarded by Raymundo Martinez/EAC/GOV on 05/16/2005 10:14 AM -----



**Adam  
Ambrogi/EAC/GOV**  
05/16/2005 10:07 AM

To Raymundo Martinez/EAC/GOV@EAC, Juliet E.  
Thompson/EAC/GOV  
cc

Subject Fw: Monday 5/16 database meeting

Attached is email from Wendy noting the attendees at this meeting (start time: 1 PM).

-----  
Adam D. Ambrogi  
Special Assistant to Commissioner Ray Martinez III  
U.S. Election Assistance Commission  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005  
202-566-3105

----- Forwarded by Adam Ambrogi/EAC/GOV on 05/16/2005 10:03 AM -----

020139

**Carol A.  
Paquette/EAC/GOV**  
05/17/2005 06:34 PM

To Gracia Hillman/EAC/GOV@EAC, Paul  
DeGregorio/EAC/GOV@EAC, Raymundo  
Martinez/EAC/GOV@EAC  
Karen Lynn-Dyson/EAC/GOV@EAC, Jeannie  
cc Layson/EAC/GOV@EAC, Juliet E.  
Thompson/EAC/GOV@EAC, Sheila A.

bcc

Subject project kickoff meeting with EAgleton Institute

Commissioners -

We have tentatively scheduled May 26 at 2:30 for a kickoff meeting here with Eagleton Institute. What will happen at this meeting is Eagleton will introduce their key people and make a brief presentation on their approach to performing the provisional voting and voter ID studies. It will be an opportunity to ask questions, raise any concerns, and/or provide guidance as they begin this work. Please advise if you wish to attend this meeting. I expect it will last about an hour.

Carol A. Paquette  
Interim Executive Director  
U.S. Election Assistance Commission  
(202)566-3125 cpaquette@eac.gov

020140



**"Bobbie Brinegar"**  
**<dcbobbie@verizon.net**

>

05/18/2005 11:51 AM

To sbanks@eac.gov

cc

bcc

Subject June Meeting with Gracia Hillman

Hello,

As per our conversation, I would like to set up a meeting with the chairwoman in mid June or as soon as her schedule allows.

I represent two organizations here in D.C., VerifiedVoting.org and the Miami-Dade Election Reform Coalition. At the March EAC meeting one of the panelists mentioned the Miami-Dade Election Reform Coalition as a non-partisan election reform community group that might serve as a model for community involvement on election related matters. I would like to share a little about the Coalition and talk about the possibility of having some leaders from Miami-Dade County present to the EAC.

Thanks very much for your consideration,

Bobbie

Bobbie Ann Brinegar

[www.VerifiedVoting.org](http://www.VerifiedVoting.org)

[www.reformcoalition.org](http://www.reformcoalition.org)



Phone: 

Fax: 202-588-7087

020141





**"Bobbie Brinegar"**  
<dcbobbie@verizon.net  
>

05/26/2005 09:48 AM

To sbanks@eac.gov  
cc  
bcc  
Subject RE: June Meeting with Gracia Hillman

Thank you, Sheila.

Bobbie Ann Brinegar



Phone: [redacted]  
Fax: 202-588-7087

**From:** sbanks@eac.gov [mailto:sbanks@eac.gov]  
**Sent:** Thursday, May 26, 2005 9:46 AM  
**To:** dcbobbie@verizon.net  
**Subject:** Re: June Meeting with Gracia Hillman

Ms. Brinegar,

Sorry for the delay in getting back to you.

Chair Hillman suggested that you meet with our Research Director, Karen Lynn-Dyson, and I understand that you met her at our May 24 public meeting. She has your information and will be in contact very soon.

Regards,

Sheila A. Banks  
Special Assistant to Chair Gracia Hillman  
U.S. Election Assistance Commission  
1225 New York Avenue, NW, Suite 1100  
Washington, D.C. 20005  
Telephone: 202.566.3111  
Fax: 202.566-1392  
www.eac.gov

020142

**Karen  
Lynn-Dyson/EAC/GOV**  
07/22/2005 04:30 PM

To Amie J. Sherrill/EAC/GOV@EAC  
Joseph D. Hardy/EAC/GOV@EAC, Sheila A.  
cc Banks/EAC/GOV@EAC, Adam  
Ambrogi/EAC/GOV@EAC

bcc

Subject Re: Council for Excellence in Gov't meeting

This will be a 20-30 minute free exchange with the Council's CEO and Vice President for Programs. The Vice Chair should read the proposal that is in the updated notebook which Joe Hardy has prepared for all of the Commissioners.

I'm hoping we can have a video , but will have to see if we can find a VCR around here!!

Also, there will be a follow-on 20 minute presentation by the law clerks, that will focus on an idea they have for an EAC voter information/education outreach project. They will be making a powerpoint presentation.

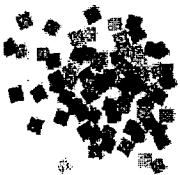
Let me know if you need other material.

Thanks

K

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

Amie J. Sherrill/EAC/GOV



**Amie J.  
Sherrill/EAC/GOV**  
07/22/2005 04:12 PM

To Karen Lynn-Dyson/EAC/GOV@EAC  
cc

Subject Council for Excellence in Gov't meeting

Karen,

Is there an agenda, list of attendees, etc. that I can give to the VC to better prepare him for the meeting Tuesday?

Amie J. Sherrill  
Special Assistant to Vice Chairman Paul S. DeGregorio  
U.S. Election Assistance Commission  
1225 New York NW - Suite 1100  
Washington, DC 20005  
(202) 566 3106

020143

**Jeannie  
Layson/EAC/GOV**  
06/15/2005 12:18 PM

To pdegregorio@eac.gov, ghillman@eac.gov,  
rmartinez@eac.gov  
aambrogi@eac.gov, cpaquette@eac.gov,  
cc sbanks@eac.gov, jthompson@eac.gov,  
twilkey@nycap.rr.com, asherrill@eac.gov  
bcc  
Subject New York Times ed. bd. meeting

Commissioners,  
I've arranged an ed. bd. meeting (Adam Cohen and others) with the New York Times for Friday, July 1. They are going to get back to me with available times, but I wanted you to know it's in the works. After I get the particulars, I'll give you a memo with all of the details.

Jeannie Layson  
U.S. Election Assistance Commission  
1225 New York Ave., NW  
Suite 1100  
Washington, DC 20005  
Phone: 202-566-3100  
[www.eac.gov](http://www.eac.gov)

020144



**Kbrace@aol.com**  
06/17/2005 12:41 PM

To sbanks@eac.gov  
cc Kbrace@aol.com  
bcc  
Subject Re: Meeting with Chair

Hey there --

Thanks for getting back to me. 10am on Monday is fine. See you then.

Kim

In a message dated 6/17/2005 10:09:27 A.M. Eastern Daylight Time, sbanks@eac.gov writes:

How about 10:00 a.m. on Monday, June 20?

020145



**"Payton, Maria"**  
<mpayton@ciinternational.com>

06/24/2005 02:43 PM

To sbanks@eac.gov

cc

bcc

Subject Schedule Meetings with EAC Commissioners

Hi Sheila,

I just wanted to confirm the times and also say thank you very much for your help.

**Monday, June 27, 2005**

Gracia Hillman (Chair) - From 09:00 - 10:00 - 202-566-3111 - Jeff will initiate the call

Tom Wilkey (Executive Director) - From 10:00 - 11:00 - 202-566-3114 - Jeff will initiate the call

**Tuesday, June 28, 2005**

Paul DeGregorio (Vice - Chair) - From 14:30 - 15:30 - 202-566-3106 - Jeff will initiate the call

Ray Martinez - waiting for response.

Please call with any questions.

Maria Payton

**Maria da Luz Payton**

Operations Coordinator

**CI International**

Creating Solutions...Igniting Success

Office: 303.679.6335

Cell: [REDACTED]

Fax: 303.679.3586

[www.CIInternational.com](http://www.CIInternational.com)

9150 W Jewell Avenue, Suite 106  
Lakewood, CO 80232

020146



**Gracia Hillman/EAC/GOV**  
07/14/2005 08:15 PM

To Sheila A. Banks/EAC/GOV@EAC  
cc  
bcc  
Subject Re: Joe Leonard Meeting

Certainly. Joe should plan to sit in. We can meet in my office.

-----  
Sent from my BlackBerry Wireless Handheld  
Sheila A. Banks

**From:** Sheila A. Banks  
**Sent:** 07/14/2005 04:22 PM  
**To:** Gracia Hillman  
**Subject:** Joe Leonard Meeting

Madame Chair,

Joe Leonard has asked if he could bring Alaina Beverly, Director of Reauthorization, with him to the meeting on July 22, at 11:00 a.m.

Thanks,  
Sheila

020147

020148

File Folder for Martinez  
entitled 'Pew/Martinez  
Meeting 1/12/04'

# THE PEW CHARITABLE TRUSTS

*One Commerce Square  
2005 Market Street, Suite 1700  
Philadelphia, PA 19103-7077*

*Telephone: 215.575.9050  
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**DATE: DECEMBER 15, 2004**

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**TO: THE HONORABLE RAY MARTINEZ III  
U.S. ELECTION ASSISTANCE COMMISSION  
FAX: 202-566-1389**

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**FROM: REBECCA W. RIMEL  
PHONE: 215-575-4700**

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**NUMBER OF PAGES INCLUDING COVER SHEET: THREE**

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# THE PEW CHARITABLE TRUSTS

One Commerce Square  
2005 Market Street, Suite 1700  
Philadelphia, Pennsylvania 19103-7077

Rebecca W. Rimel  
President

Direct Telephone: 215.575.4700  
Facsimile: 215.575.4833  
[www.pewtrusts.org](http://www.pewtrusts.org)

December 15, 2004

The Honorable Ray Martinez III  
U.S. Election Assistance Commission  
1225 New York Avenue, NW, Suite 1100  
Washington, DC 20005

Dear Mr. Martinez:

I am writing to invite you to join the board of The Pew Charitable Trusts for a discussion on election reform while we are visiting Miami, January 10-14, 2005. Given your leadership on states' implementation of the federal Help America Vote Act of 2002, we would welcome the chance to hear your insights about the process. Our five-day educational trip to Florida is being planned to provide our board with opportunities to learn about a range of critical issues facing the country and to talk with policy makers, experts and a number of the Trusts' grantees. We would be most honored to have the opportunity to meet with you during our stay.

The Pew Charitable Trusts supports initiatives that inform the public on key topics and trends, promote engagement in civic life, and advance policy solutions on important challenges facing the American people. For more than a decade, the Trusts has sought to facilitate the federal policy debate on such issues as environmental protection, public health, and genetics and technology. Recognizing the growing influence of states, the Trusts several years ago began to develop a number of programs directed at state policy change. Most recently, our board approved a plan to launch a "center on the states," which will allow us to work on a broader range of policy issues and improve the effectiveness of our efforts by becoming more active participants in the process.

During the last decade, the Trusts has supported three nonpartisan initiatives aimed at improving the nation's elections. As you know, in the aftermath of the 2000 election, the Trusts established Electionline.org, a project to help monitor, assess and facilitate effective election reform and restore the public's confidence in the right to vote. I was delighted to learn that you use Electionline.org regularly and consider it a comprehensive and credible resource. The Trusts also has played a significant role in reforming the nation's campaign finance system and in encouraging young people between the ages of 18 and 25 to vote.

Given your legal expertise in election issues and your service on the U.S. Election Assistance Commission, our board would benefit greatly from hearing your observations about election reform in Florida and nationally, both in terms of progress that has been made and work that remains to be done. Doug Chapin, director of Electionline.org, also will be joining us for this off-the-record conversation, which will be moderated by Sue Urahn, director of Policy Initiatives and the Education program at the Trusts. This session is scheduled for Wednesday, January 12, from 9 a.m. to 10:30 a.m. in the Marbella Room on the lobby level of the Biltmore Hotel in Coral Gables. We would appreciate it if you would speak to the board for 15 to 20 minutes, leaving ample time for questions and an open dialogue.

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Letter to The Honorable Ray Martinez III

December 15, 2004

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By way of background, our board consists of members of the Pew family as well as other business, health and academic professionals. Included among its membership are several physicians, a lawyer, an investment advisor, a rancher, a former banker, a recently retired Fortune 500 CEO and a former university executive. In addition, our board members serve on other corporate, university and charitable boards.

We would be very grateful if you would agree to take part in what promises to be a lively and informative discussion. If you are able to join us, we would, of course, be happy to cover any expenses you might incur, including hotel and travel.

Should you accept our invitation, my colleague Laura Shell will be in touch with your office closer to the event to confirm final logistical arrangements, while Sue will coordinate with you and Mr. Chapin on the content of the session. In the interim, please do not hesitate to contact Laura at 215-575-4701 with any questions.

Thank you for your thoughtful consideration of our invitation, and I hope to see you in January. In the meantime, you have my warm regards and best wishes for continued success in your important work on the U.S. Election Assistance Commission.

Sincerely,



Rebecca W. Rimel

RWR:scm

cc: Sue Urahn  
Laura Shell

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# THE PEW CHARITABLE TRUSTS

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Date: December 22, 2004

To: RAY MARTINEZ c/o ADAM AMBROGI

Organization: US EAC  
Fax: 202-566-1389  
Telephone: 202-566-3105

From: CLARE COTUGNO  
Phone: 215-575-4839

Number of pages including cover sheet: 17 PCT Board Bios + Session Prep for Board

Additional comments:

Per my voice mail.  
Don't hesitate to phone if there's a  
transmission problem or  
other questions.  
Thanks.

## BOARD DIRECTOR BIOGRAPHIES

### ROBERT H. CAMPBELL (Bob)

Bob Campbell enjoyed a lengthy career at Sun Co., Inc., beginning in 1960 as an engineer. He rose through the company to become president and CEO in 1991, and retired as chairman and CEO in 2000. Currently, he serves on the boards of CIGNA Corporation, Hershey Foods Corp., Hypercar, Inc., Rocky Mountain Institute and Vical, Inc. In addition, Mr. Campbell has been a director on the boards of the Philadelphia National Bank, National Industrial Advisory Council of the Opportunities Industrialization Centers of America and Elwyn Institute. He received his bachelor's degree in chemical engineering from Princeton University, a master's degree in chemical engineering from Carnegie Mellon University and a second master's in management from the Massachusetts Institute of Technology. Mr. Campbell joined the board in 2001.

### SUSAN W. CATHERWOOD

Susan Catherwood serves on the University of Pennsylvania board of trustees and is board vice chair of the Christopher Ludwick Foundation and the Executive Service Corps of the Delaware Valley. Ms. Catherwood is also a director on the board of The Glenmedc Trust Company and is a board member of the United Way of Southeastern Pennsylvania, the World Affairs Council, the Monell Chemical Senses Center and the Thomas Harrison Skelton Foundation, among others. A graduate of Stanford University with a bachelor's degree in history and political science, she has a particular interest in culture, public policy, health and education. Ms. Catherwood has been a member of the Trusts' board since 1988.

### GLORIA TWINE CHISUM

Dr. Chisum earned her bachelor's and master's degrees from Howard University and a PhD from the University of Pennsylvania. At the University, she served in a variety of capacities including trustee, vice chair of the trustees and chair of the Commission on Strengthening the Community. Ms. Chisum is a retired research psychologist who headed the vision laboratories of the U.S. Naval Air Development Station in Warminster, PA. She is a member of the Philadelphia Compact Leadership Group and has previously served on the boards of the Free Library of Philadelphia, the Annenberg Research Institute, the William Penn Foundation, Fischer & Porter Company and the former Meritor Savings Bank. Dr. Chisum joined the board in January 2004.

### ALAN J. DAVIS

Alan Davis is a partner at the law firm of Ballard Spahr Andrews & Ingersoll. His practice areas include commercial litigation, securities, criminal and municipal law. Mr. Davis has served as city solicitor of Philadelphia, chief assistant district attorney of Philadelphia, chief labor negotiator for the Southeastern Pennsylvania Transportation Authority (SEPTA), the School District of Philadelphia, and the City of Philadelphia. He is a past chairman and present member of the Executive Committee of the University of Pennsylvania Law School Inn of Court and a fellow of the American College of Trial Lawyers and International Academy of Trial Lawyers. He has been a lecturer at the University of Pennsylvania Law School and is active in various civic and charitable organizations. Mr. Davis is a graduate of the University of Pennsylvania (AB, with honors, 1957), and Harvard University (LLB, *magna cum laude*, 1960), and was editor of the Harvard Law Review. Mr. Davis joined the board in January 2004.

**THOMAS W. LANGFITT, MD (Tom)**

Tom Langfitt served as the president of the Trusts until 1994 and as chairman and chief executive officer of The Glenmede Corporation until May 1997. Prior to joining the Trusts, he was the Charles Harrison Frazier Professor and director of the division of neurosurgery at the University of Pennsylvania. During his 25-year tenure at Penn, Dr. Langfitt also served as vice president for health affairs, responsible for the university's hospital and health profession schools. His research interests include head injury, intracranial pressure, cerebral blood flow and metabolism. He is a graduate of Princeton University and the Johns Hopkins University School of Medicine and is the author of more than 200 publications. Dr. Langfitt is a fellow of the College of Physicians and a member of the American Philosophical Society and the Institute of Medicine. He is a director on the board of The Glenmede Trust Company, the University of Pennsylvania Medical Center, the National Museum of American History and the Greater Philadelphia Urban Affairs Coalition. He also has affiliations with Harvard Medical School and Princeton University. Dr. Langfitt has been a member of the Trusts' board since 1980.

**PAUL F. MILLER, JR.**

Paul Miller formerly served on the Trusts' investment committee and is a retired investment company executive. A founding partner of Miller, Anderson & Sherrerd, he has served as a trustee of the University of Pennsylvania, and on the boards of the Ford Foundation, Colonial Williamsburg, the Science Center of New Hampshire and on the board of overseers of the Wharton School. Mr. Miller is a member of the Financial Analysts of Philadelphia, the World Wildlife Fund, where he also serves as a director, and various other organizations. He earned his bachelor's degree from the University of Pennsylvania and has received honorary degrees from both Penn and Washington and Lee University. Mr. Miller joined the board in February 2004.

**ARTHUR E. PEW III (Art)**

Art Pew received a bachelor's degree in mechanical engineering from Princeton University. He has worked with the Burlington Northern Railroad, Pennsylvania Railroad and Chicago & Northwestern Railway in a number of professional capacities. His fondness for trains has continued through retirement. Mr. Pew is a director on the board of The Glenmede Trust Company and also currently serves on the boards of the Minnesota Transportation Museum, Museum of Transportation and Development, Osceola & St. Croix Valley Railway, Manitou Island Association and the Corporation of the Bermuda Biological Station for Research. His other interests include culture and health issues. He is the brother of Andy Pew and half brother of Sandy Pew. Mr. Pew has been a member of the Trusts' board since 1994.

**MARY CATHARINE PEW, MD (Cathy)**

Cathy Pew is a staff pediatrician with the Community Health Centers of King County in Washington State. She earned her medical degree at the University of Pennsylvania and holds a bachelor's degree in molecular biology from Yale University. Throughout her career, she has maintained a strong interest in issues related to child development and behavioral problems as well as children in crisis. Dr. Pew is fluent in Spanish and is a member of the American Academy of Pediatrics and Ambulatory Pediatric Association. She is the daughter of J. N. Pew, 3rd and the sister of Joe Pew IV and Howdy Pew. Dr. Pew joined the Trusts' board in 2000.

**J. HOWARD PEW II (Howdy)**

Howdy Pew attended the University of Vermont, holds a bachelor's degree in liberal arts from The Pennsylvania State University and earned a master's degree in wildlife biology from the

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University of Montana. Howdy is a director on the board of The Glenmede Trust Company. He is an avid outdoorsman and a strong advocate for the environment, and has a particular interest in natural resource issues and public policy. Howdy is the son of J. N. Pew, 3rd and the brother of Joe Pew IV and Cathy Pew. Mr. Pew has been a member of the Trusts' board since 1972.

#### **J.N. PEW IV, MD (Joe)**

Joe Pew IV, a graduate of the University of Pennsylvania School of Medicine, is a physician at the Reading (PA) Hospital and Medical Center, and Community General Hospital. Dr. Pew is a director on the board of The Glenmede Trust Company and includes among his memberships the American Medical Association, the American College of Physicians, American Red Cross, French & Pickering Creek Conservation Trust and the Pennsylvania Medical Association. His special interests are in the areas of health, public policy and the environment. He is the son of J. N. Pew, 3rd and brother of Howdy Pew and Cathy Pew. Dr. Pew has been a member of the Trusts' board since 1988.

#### **R. ANDERSON PEW (Andy)**

A director of Sun Company, Inc., Andy Pew served as president of the Helios Capital Corporation (a Sun subsidiary) and corporate secretary for Sun Company. He received his bachelor's degree from Temple University and a master of science degree in management from the Massachusetts Institute of Technology. Mr. Pew is currently director and chairman of the board of The Glenmede Corporation and is involved with many local civic organizations including the Children's Hospital of Philadelphia, Bryn Mawr College, the Curtis Institute of Music, the Academy of Music and Jackson Laboratory. He is an active pilot and chairman of the board for the Aircraft Owners and Pilots Association. Mr. Pew is the brother of Art Pew and half brother of Sandy Pew. He has been a member of the Trusts' board since 1967.

#### **SANDY PEW**

In addition to owning and operating the North Ridge Ranch in Montana, Sandy Pew leads study trips for individuals and groups in the Northern Rockies. These guided journeys focus on the wildlife in Grand Teton, Yellowstone and Glacier National Parks as well as the national forests of the area. Mr. Pew received a bachelor of science degree in range and animal science from Arizona State University. Sandy is a director on the board of The Glenmede Trust Company and, with interests in religion, the environment and education, he has served on the boards of many conservation and educational organizations, including the Yellowstone Center for Mountain Environments, the Mountain Research Center at Montana State University, the Glacier Fund, the Fountain Valley School in Colorado Springs and Teton Science School in Wyoming. He is the half brother of Andy Pew and Art Pew. Mr. Pew has been a member of the Trusts' board since 1994.

#### **REBECCA W. RIMEL**

##### **President & Chief Executive Officer**

Rebecca joined the Trusts' staff in 1983 and became executive director in 1989 and president and chief executive officer in 1994. She came to the Trusts from the University of Virginia Medical Center, where she was head nurse in the emergency department and assistant professor of neurosurgery, the first nurse to hold a faculty position in the university's medical school. She has authored or coauthored numerous scientific articles relating to head injury and is active on many boards. Rebecca serves on several boards including Deutsche Banc Scudder Funds and is emeritus trustee of Monticello-The Thomas Jefferson Foundation. She has been appointed to President Bush's Council on Service and Civic Participation and is a member of the Greater

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Philadelphia Chamber of Commerce Executive Committee and the American Philosophical Society, as well as a fellow of the College of Physicians of Philadelphia. Rebecca received a BS degree, with distinction, from the University of Virginia and an MBA from James Madison University. Ms. Rimel has been a member of the Trusts' board since 1994.

**ROBERT G. WILLIAMS (Bob)**

Bob Williams retired in 1993 from the Markel Corporation, where he was owner and chair. Previously, he had served 24 years at The Girard Bank in a variety of positions ranging from security analyst to vice chairman and director. Currently, Mr. Williams serves as chairman of the board of The Glenmede Trust Company and is a member of several other boards, including the Coriell Institute for Medical Research, Estaugh Corporation, Upland Corporation and the Elizabeth Haddon Housing Corporation. He is a graduate of Babson College and Harvard Business School and has interests in health, the arts and the environment. Mr. Williams has been a member of the Trusts' board since 1996.

**ETHEL BENSON WISTER (Peppi)**

Peppi Wister is a director of The Glenmede Corporation and Glenmede Trust Company. Ms. Wister has been involved with many cultural organizations and currently serves on the board of Philadelphia Television Network, Inc. and is a committee member of the Academy of Music. She is also the recipient of numerous awards, including the 1997 Arts Award from the Concerto Soloists Orchestra and the 1998 Guest of Honor Award from Scheie Eye Institute. Ms. Wister has been a member of the Trusts' board since 2003.

020156

**ELECTION REFORM: MAKING EVERY VOTE COUNT  
WEDNESDAY MORNING, JANUARY 12**

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*Moderator:*  
Susan Urahn

*Guests:*  
Doug Chapin  
Ray Martinez III

**Overview**

Since the 2000 election, Florida has been the poster child for election reform. George W. Bush's narrow 537-vote victory over Al Gore that year catapulted the state into the international spotlight and subjected its electoral process to withering scrutiny. As the national drama over the outcome of the presidential election continued, Florida and its election officials were the subject of nearly daily reports about the conduct of the vote. And the halting effort to conduct a recount triggered widespread frustration, both with the highly decentralized nature of the American electoral system and the lack of formal or informal national voting standards.

The events in Florida became the catalyst for nationwide changes in election reform. In 2002, Congress enacted the Help America Vote Act (HAVA), which promised \$3.86 billion to help states address their election problems and established a new federal agency, the Election Assistance Commission (EAC), to dole out the funds and provide states with information and guidance on election administration. In exchange for the federal grants, states were required to meet certain national mandates, including provisional voting, statewide computerized voter databases and voting technology upgrades. But while states immediately received about \$650 million to begin updating voting equipment, Congress and the White House took more than a year to appoint the EAC, which in turn delayed the distribution of additional HAVA funds to the states.

As both states and the EAC fought to catch up, predictions about the nation's electoral readiness in 2004 became dire. Some states, including Florida, rushed to purchase touch-screen voting machines, only to find themselves mired in lawsuits over voter-verifiable paper trails. States adopted different interpretations of HAVA's voter identification and provisional ballot provisions. Democrats and Republicans exchanged heated accusations about fraud among absentee ballots, and each party deployed thousands of lawyers and activists to monitor the polls.

Much to the country's surprise and relief, no major glitches occurred on November 2. For Florida, the margin of victory in the presidential race, combined with a relatively smooth Election Day and more widely publicized problems in Ohio and elsewhere, took the state off election reform's center stage. But as many experts noted, there were a number of places in the country where, if the vote had been closer, scrutiny of the

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election process would have produced the same sort of consternation as did the events of four years ago. And states are far from meeting all of the HAVA mandates—or receiving the full appropriation promised by Congress. More than 40 states, for example, received waivers until 2006 on the requirement that they establish statewide voter registration databases, which will help guarantee that voter lists are accurate.

This session's speakers—Doug Chapin, director of the Trusts-supported Electionline.org initiative, and Ray Martinez III, a member of the federal EAC—will offer a retrospective look at the states' progress on election reform since 2000, as well as an analysis of what challenges lie ahead as the nation turns its attention to the 2006 and 2008 elections.

## **SPEAKERS' BIOGRAPHIES**

### **Doug Chapin**

Doug Chapin is director of Electionline.org, created by the Trusts in March 2001 to monitor, assess and help advance states' election reform efforts in the aftermath of the 2000 elections. Mr. Chapin has worked on the legal and policy aspects of election issues for more than 15 years. Prior to joining Electionline.org, Mr. Chapin worked at the law firm of Skadden, Arps, Slate, Mcagier & Flom, counseling clients on compliance with federal, state and local laws regulating campaign finance, lobbying, gifts to public officials and conflicts of interest. At Dickstein, Shapiro, Morin & Oshinsky, he established the firm's disclosure program under the Lobbying Disclosure Act and litigated redistricting cases in state and federal court.

Mr. Chapin served for three years as elections counsel to the Democrats on the U.S. Senate Rules Committee, where he worked on campaign finance reform, election administration, disabled voting and other issues. He also spent five years as director of research and statistics at Election Data Services, a political consulting firm, and was a statistician for the Federal Election Commission. Mr. Chapin received a law degree from Georgetown University Law Center, a Master's degree in public administration from Harvard's Kennedy School of Government and a Bachelor's degree in politics from Princeton University.

### **Ray Martinez III**

Ray Martinez is one of four members of the U.S. Election Assistance Commission (EAC). Mr. Martinez was nominated by President Bush and confirmed by unanimous consent of the U.S. Senate in December 2003. Previously, he was an attorney in Austin, Texas, focusing primarily on government affairs and administrative law matters for county governments and other public entities. He also served as executive director and legal counsel of the Every Texan Foundation, a nonpartisan voter registration and education effort aimed at increasing voter participation in Texas.

Before beginning his law practice, Mr. Martinez served as deputy assistant to the President for Intergovernmental Affairs, assisting former President Clinton with policy

issues involving the nation's governors and other state elected officials. He also helped develop long-term strategies to stimulate economic growth along the U.S./Mexico border region and helped established the U.S./Mexico Border Health Commission, now headquartered in El Paso, Texas. He served as regional director for the U.S. Department of Health and Human Services (HHS) in Dallas, where he focused agency resources on public health issues such as full implementation of the Children's Health Insurance Program. He also served as White House liaison to HHS and as special assistant to the President in the White House Office of Political Affairs. Prior to his service in the federal government, Mr. Martincz worked as a legislative liaison for the Texas Attorney General's office, and on staff at the Texas legislature. A native of Texas, he received his law degree from the University of Houston Law Center and his Bachelor's degree from Southwestern University.

DRAFT

020159

## Article 1



## THE AMERICAS

**Voting confusion raises fears of more polling day glitches.**

By HOLLY YEAGER

525 words

20 October 2004

Financial Times

London Ed3

Page 8

English

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The electoral reforms launched after the contested 2000 US election have only been partially implemented, and some voting procedures across the US remain confused, a report on possible election glitches said yesterday.

The study by electionline.org, a non-partisan research group, comes amid growing concern that "overtime" will be required to determine the outcome of this year's presidential contest. High voter turnout, close contests in battleground states and legal challenges could potentially delay results. Democrats, Republicans and activist groups have lined up thousands of lawyers to monitor polling stations on election day. The campaigns have also been raising money for any recounts.

"What happened in (the) 2000 (election) might never be repeated again, but some of the ingredients that produced chaos four years ago still exist," said Doug Chapin, director of electionline.org.

Many states moved to install touch-screen voting machines. But uncertainty about the ability to provide a paper receipt to voters, and to conduct a recount if a contest is close, has stalled adoption of that technology.

A separate area of concern is so-called provisional ballots. The Help America Vote Act, passed after the 2000 debacle, gave voters who show up at a polling stations and believe they are registered - but do not find their names on the voter rolls - the right to cast a ballot. This would be counted only if the voter's eligibility was subsequently confirmed.

But states have set up different procedures for determining voter eligibility, with some 28 mandating that ballots cast in the wrong precinct should not be counted.

"Many people are afraid provisional ballots will become the hanging chads (of Florida) of 2004," Mr Chapin said.

The US Justice department stepped in to a dispute surrounding this issue on Monday, asking a federal judge in Michigan to dismiss a lawsuit brought by Democrats attempting to require the state to count ballots cast in the wrong precinct.

About a dozen other lawsuits are pending across the country that could effect the conduct of the vote.

Mr Chapin also identified three areas in which reform did not keep pace with expectations after 2000: the Pentagon reversed course and did not institute an internet voting system for military personnel overseas; only 15 states have statewide databases required by the voting law; and the federal government has dispensed only a portion of the money pledged to help states with these reforms.

In Florida, where early voting began Monday, civil rights groups complained that an area with a high concentration of black voters was inadequately served by a single early-voting site. The Republican secretary of state said additional sites would be added.

Cornell Belcher, a Democratic pollster who studies African-American and young voters, said the hot-button issue for black women this year was not the war in Iraq or the economy.

"What's at stake is their belief in our Democratic democratic system," he said.

The single comment he hears most often is: "Is my vote going to be counted?" [www.ft.com/uselections](http://www.ft.com/uselections) IT Review, Separate Section

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Dow Jones &amp; Reuters

## The Beacon Journal

Found on Ohio.com

A

**Problems at polling places; No major meltdowns reported, but minor troubles snarl voting process**

By Deborah Hastings

Associated Press

442 words

3 November 2004

Akron Beacon Journal (OH)

4X

9

English

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Machines malfunctioned, tempers flared and edgy voters often waited in lines for hours Tuesday to pick a president in a contentious race watched by thousands of monitors who expected the worst.

By midday, several local snarls had been reported but no widespread allegations of voting problems.

"So far, it's no big, but lots of littles," said Doug Chapin, director of the Election Reform Information Project, a nonpartisan research group. "We know of no major meltdowns anywhere along the lines some people were worried about."

Hyper-vigilance appeared to be the order of the day, which in some states prompted poll closures and unfounded complaints.

In the battleground state of New Jersey, for example, a suspicious substance later determined to be spilled salt prompted the two-hour closure of a Mount Laurel precinct. In Pennsylvania, zealous GOP election monitors complained that some Philadelphia voting machines already had thousands of recorded votes when the polls opened at 7 a.m.

Local election officials quickly explained that voting machines registered every vote ever cast on them -- like mileage on a car odometer -- and that did not constitute evidence of fraud.

"It's absolutely ridiculous," said Deputy City Commissioner Ed Schulgen.

In other states too close to call -- including Iowa and Michigan -- the liberal group MoveOn.org was accused of disrupting local precincts. In Ohio, a woman filed a lawsuit on behalf of voters who didn't receive absentee ballots on time, asking they be allowed to cast provisional ballots. Later in the day, a Toledo federal judge granted her request.

New touch-screen voting machines, which have been criticized by computer scientists and various states as susceptible to hacking and malfunction, were used Tuesday in 29 states and the District of Columbia. Only in Nevada, for this election, did the machines produce the paper records that make recounts reliable.

In Florida, which gave the 2000 election to President Bush on the basis of 537 votes, nearly half the state's voters were using the ATM-like machines.

Chellie Pingree, president of Common Cause and a former international election monitor, said a toll-free voting hot line established by her citizens' lobbying group had logged 20,000 calls by 10 a.m.

Provisional ballots, new this election, also prompted disaster fears because they could delay any recount efforts. Any voter whose name does not appear on precinct rolls is entitled to cast a provisional -- or paper -- ballot. But elections officials must individually certify them as being cast by registered voters before they can be counted.

Document AKBJ000020041103e0b300031

020161



Dow Jones &amp; Reuters

## The Atlanta Journal-Constitution

ajc.com

Metro News

**Voting machines get an A+**

CARLOS CAMPOS

Staff

700 words

5 November 2004

The Atlanta Journal - Constitution

Home

E1

English

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Georgia's touch-screen voting machines passed a major test Tuesday.

A record 3.2 million voters cast ballots across the state, and no widespread equipment problems were reported. Just 24 minutes after the polls closed, unofficial results began flowing in to state election workers headquartered in Atlanta. In an exit poll of 1,618 Georgians conducted for The Atlanta Journal-Constitution and other media, 90 percent said they believed their votes would be counted accurately.

And on Election Day, Secretary of State Cathy Cox's worries were about long lines and provisional ballots. She wasn't having to defend the performance of the touch-screen machines she purchased in 2002 to replace the state's former patchwork of lever, optical scan and punch-card voting systems.

"They liked the machines," Cox said of Georgia voters. "They're frustrated with how long it takes to go through the check-in process. That's part of what we'd like to attack next."

Only a few minor problems with voting equipment were reported. Election officials had trouble programming voter access cards used to cast ballots, delaying the opening of some polls in Rockdale, Twiggs and Hancock counties.

Touch-screen voting also is used in parts of Florida, California, Nevada and other states. Officials in Maryland, the only other state that votes exclusively on touch-screen machines, also were crowing about their Tuesday success.

Like Cox, Maryland's chief election official hopes that problem-free elections eventually will snuff out criticism from some computer scientists, political activists and others who believe that electronic voting can be manipulated to produce fraudulent results.

"The fact that elections went so well across the country . . . It's got to start quieting down a bit," predicted Linda Lamone, Maryland's administrator of elections.

But that's not likely to happen, countered Doug Chapin, director of electionline.org, an election reform project financed by the Pew Charitable Trusts.

"Anyone who had an opinion on electronic voting before Nov. 2 saw nothing on Nov. 2 to change their opinion," Chapin said. "The people who make the machines, bought the machines or like the machines saw nothing that would dissuade them from making, buying or liking them in the future. People who have concerns about the machines saw nothing that would dissuade them from having continued concerns."

Forsyth County computer programmer Roxanne Jekot of countthevote.org said it's "foolish" for anyone to immediately declare electronic voting a rousing success. She said she is withholding judgment for now.

"I really don't have any comment until I can get some numbers and do some evaluation and take a look at what the end result was," Jekot said.

Georgia Tech researchers have devised a survey that seeks voters' opinions on their experiences in casting ballots. The

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survey can be accessed at [www.ittatc.org/voting.php](http://www.ittatc.org/voting.php), or a paper copy can be obtained by calling 1-866-948-8282.

Cox's office will begin meeting soon with an advisory panel of local elected officials to talk about how to streamline the voter check-in process in hopes of ending long waits at the polls. Among the ideas --- one already used in Forsyth County --- is the automation of a statewide voter registration database so that voters' names can be looked up on laptop computers at the polling place rather than manually.

Electionline.org's Chapin said that "on first blush . . . it's a positive sign" that there were no major national problems reported with electronic voting. But he was cautious about drawing any broad conclusions just two days after the election.

"We don't know yet if the absence of reported problems so far means that there weren't any problems," Chapin said. "Or if it's like the old joke about the guy who fell off the tall building --- they knew he was an optimist because halfway down they heard him say, 'So far, so good.'" Photo Touch-screen machine instructions helped voters cast ballots Tuesday at City Hall in Morrow. / JOHNNY CRAWFORD / Staff

For Reprints in the Original Format: <http://www.ajc.com/info/content/services/info/reprint2.html>

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Dow Jones &amp; Reuters

National/Foreign

**VOTING ERRORS TALLIED NATIONWIDE**

Brian C. Mooney GLOBE STAFF

2,133 words

1 December 2004

The Boston Globe

THIRD

A1

English

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More than 4,000 votes vanished without a trace into a computer's overloaded memory in one North Carolina county, and about a hundred paper ballots were thrown out by mistake in another. In Texas, a county needed help from a laboratory in Canada to unlock the memory of a touch-screen machine and unearth five dozen votes.

In other places, machine undercounting or overcounting of votes was a problem. Several thousand votes were mistakenly double-counted in North Carolina, Ohio, Nebraska, and Washington state. Some votes in other areas were at first credited to the wrong candidates, with one Indiana county, by some quirk, misallocating several hundred votes for Democrats to Libertarians. In Florida, some machines temporarily indicated votes intended for challenger John F. Kerry were for President Bush, and vice versa.

In the month since the election, serious instances of voting machine problems or human errors in ballot counts have been documented in at least a dozen states, each involving from scores of ballots to as many as 12,000 votes, as in a North Carolina county. On Election Day, or in later reconciling tallies of ballots and voters, local officials discovered problems and corrected final counts. In some cases, the changes altered the outcomes of local races. But in North Carolina, the problems were so serious that the state may hold a rare second vote, redoing a contest for state agriculture commissioner decided by fewer votes than the number of ballots lost.

After the disputed vote in Florida four years ago, Congress passed the Help America Vote Act of 2002 and authorized \$4 billion so states could create central computerized voter lists and replace outdated voting systems such as punchcards by 2006. But many states have not completed the overhaul, and this year's election unearthed enough problems both with older technologies and newer electronic touch-screens that two federal agencies plan unprecedented nationwide inquiries. The investigations by the Government Accountability Office and US Election Assistance Commission will begin early next year and be completed by mid-2005, at the earliest.

In addition, minor presidential candidates requested recounts in four states a partial one completed yesterday in New Hampshire, and statewide in Ohio, New Mexico, and Nevada.

None of the recounts or inquiries is expected to affect the results of the presidential election, which Bush won by more than 3.3 million votes.

Those who believe that either or both of the past two presidential elections were manipulated by a vague conspiracy to elect Bush have done statistical analyses of voting patterns in Florida and argued that the voting discrepancies were much larger and systemic, but their studies have not stood up to scrutiny from academics and other analysts.

Most of the concerns, which have rocketed through the Internet, center on computerized voting or tabulating machines, including some that do not keep a paper record for audits and recounts. Some computer scientists acknowledge that these systems could be vulnerable to tampering.

"I would hesitate to take seriously the conspiracy theories, but there are certainly gaps and vulnerabilities that have got to be addressed," said DeForest B. Soaries, chairman of the US Election Assistance Commission, which was created by the 2002 law and plans to conduct hearings around the country on the voting.

"We are convinced that while the election went relatively smoothly compared to what many had expected, that does not eliminate the need to study the results and collect data to document machine malfunctions and other administrative matters," Soaries said.

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Since 2000, watchdog groups have intensified their monitoring and cataloging of complaints and errors. The nonpartisan Verified Voting Foundation and other groups built a database of more than 30,000 "election incidents" reported across the country this year. Most were routine, but nearly 900 involved significant e-voting problems, including malfunctions that shut down machines, lengthening waits at the polls. There were 42 reports of total breakdowns of machines in New Orleans and 28 in Philadelphia and "15 reports of catastrophic machine failure" in Mercer County, Pa.

The most serious problems occurred in North Carolina, where 4,438 e-votes disappeared in Carteret County. In at least five other counties, major double-counting or undercounting was discovered and corrected by North Carolina officials during their tabulations.

Johnnie McLean, deputy director of the State Board of Elections, attributed many mistakes to "the human element, brought on by fatigue." In Carteret, for example, election workers apparently did not notice the "Voter Log Full" message on the black box as the UniLect touch-screen failed to record the electronic votes, she said.

"If we had problems in the past, they were not magnified like this," McLean said, referring not only to the closeness of the statewide race, but also the extraordinary scrutiny of voting since 2000.

Examples of other major problems that were reported on and after Nov. 2, then later corrected, include:

Thousands of ballots were mistakenly double-counted in Sandusky County, Ohio; Sarpy County, Neb.; and Grays Harbor County, Wash. Democrats in Washington must decide by Friday whether to seek a second recount in the closest governor's race in state history. One recount has been held, reducing Republican Dino Rossi's 261-vote lead to 42 votes over Democrat Christine Gregoire.

In Gahanna, Ohio, a suburb of Columbus, Bush was temporarily credited with 3,893 more votes than he actually received in a precinct where only 638 voters cast ballots on a Danaher electronic voting machine.

In Franklin County, Ind., a tabulator credited about 600 straight-ticket Democratic votes to Libertarian Party candidates.

In Collin County, Texas, the memory card of a Diebold Election Systems touch-screen machine had to be sent to a laboratory in Canada a week after the election to extract information about 63 votes cast before the machine froze and was taken out of service.

In South Florida's Broward County, "multiple misrecordings" occurred when votes for Kerry on touch-screens made by Election Systems & Software Inc. appeared as Bush votes, and there was at least one account of a Bush vote going to Kerry, the Verified Voting group reported. Broward voters discovered the problem on screens that allowed them to check their selections before entering them electronically.

The long list of documented problems has fueled the suspicions of conspiracy theorists, activists, and the minor presidential candidates who requested the New Hampshire and Ohio recounts.

Ohio decided the 2004 contest, but since the 2000 election, Florida remains the focus of the doubters and the devotees of various scenarios that suggest skulduggery, in part because early exit polls overstated Kerry's strength.

No group has been more aggressive than Seattle-based Black Box Voting, which bills itself as "consumer protection for elections." Led by founder Bev Harris, the organization is seeking election records from around the country for audits of the results. The primary focus is Florida, where internal computer records have been requested in all 67 counties, and the results in glitch-plagued Volusia County, in the east-central part of the state, are being contested.

Four years ago, during vote-counting on election night, a faulty memory card initially deducted 16,022 votes from Democrat Al Gore's vote total in Volusia. Despite spending about \$300,000 to upgrade equipment and avert a repeat, there were memory card problems this year in tabulators for six Volusia precincts. The optically-scanned paper ballots were re-fed into other counting machines to reach an accurate tally, a county election official said.

"All day long, I get desperate calls from people who are in so much pain," said Harris, the Black Box founder, who said she is convinced fraud occurred in some places Nov. 2. "They say: Can you fix it? Can you solve it? Can you turn around the presidential election? We're not trying to turn the election around. We're trying to get elections to be more transparent, because with the new machines, it's not transparent."

Deanie Lowe, Volusia's supervisor of elections, said she has complied with Harris's record requests and offered to recount, free of charge, any three of Volusia's 179 precincts selected by Harris.



Harris, however, said records for all precincts were not turned over, and Black Box will seek a 50-precinct recount in the county, which Kerry won but by a smaller margin than Gore did in 2000.

Much of the postelection focus on Florida resulted from a pair of analyses that claimed Bush's vote totals in the state were inflated by two vote-counting technologies.

The first analysis originated on the Web and cited results in rural, overwhelmingly Democratic counties in Florida's panhandle, where Bush crushed Kerry. All use optical scanners. What the analysis failed to note is that Bush routed Gore by nearly equal margins four years ago in the same conservative counties that have been tilting Republican for years in national elections. A team of Miami Herald reporters reviewed 17,000 ballots in three of the counties, basically confirming the election results.

Then, a broadly reported second study by a team at the University of California at Berkeley, using an academic statistical method, asserted that "Irregularities associated with electronic voting machines may have awarded 130,000 excess votes to President George W. Bush in Florida." In Broward County alone, the study said, Bush "appears to have received approximately 72,000 excess votes." Palm Beach and Miami-Dade counties, which also use touch-screens, were also cited as anomalies.

But if Bush had actually received 72,000 fewer votes in heavily Democratic Broward, his total this year would have been less than it was in 2000 even though nearly 132,000 more ballots were cast. Kerry won all three key counties, Broward by more than 209,000 votes.

Bush carried the state by 380,978 votes, or about 5 percent of 7.6 million cast.

If recounts are the skeptics' best hope to uncover systemic irregularities, they got off to a rocky start in New Hampshire. Completed yesterday at the request of Independent candidate Ralph Nader, the Granite State re-tally of 50,600 votes in 11 towns and city wards that use optical scanners increased Kerry's total by 87 votes and Bush's by 62.

Secretary of State William M. Gardner said scanned ballots have worked well in New Hampshire. "Indeed, the largest discrepancies found this year were in a legislative race involving hand-counted ballots," he said.

On deck is Ohio, which tipped the Electoral College to Bush. At the earliest, the recount of 88 counties won't begin until Dec. 13, according to the secretary of state's office, the same day the Electoral College is scheduled to formalize Bush's reelection. The recount could take anywhere from a few days to a few weeks. Minor presidential candidates Michael Badnarik and David Cobb of the Libertarian and Green parties, respectively, have said they would formally seek the recount once the state certifies the official results Monday. They will incorporate the review of 155,000 provisional ballots, which were not included in preliminary tallies that showed Bush winning Ohio by 136,483 votes, or about 2.5 percent.

How long the recount takes will depend on whether Badnarik and Cobb ask for a manual inspection of any or all of the 5.5 million ballots, said Carlo LoParo, spokesman for Ohio's secretary of state, J. Kenneth Blackwell.

Of complaints about long lines that discouraged some from voting and allegations that there was a shortage of machines in some urban Democratic areas, LoParo said such decisions in Ohio are made by county boards of elections with two Republicans and two Democrats.

Long waits in Ohio and elsewhere resulted from the system being overwhelmed by a high turnout, said Doug Chapin, director of the nonpartisan electionline.org, which monitors reform efforts.

More attention should be paid to providing an adequate number of machines in polling places, he said, as well as "finishing the job" mandated by the Help America Vote Act. Forty states, for example, have yet to comply with a mandate to establish a central, statewide database of registered voters. That will reduce questions about voter eligibility at election time, Chapin said.

Whatever the outcome of the recounts and the official inquiries by federal agencies, the impetus for improve voting systems will not fade, he said.

"This is not a fringe issue, because a sizable group is interested in pursuing this as a policy issue going forward," Chapin said. "There's now a critical mass of people involved who want to address the problems that occurred in 2004. This issue is not going to go away."

SIDEBAR: ELECTION DAY PROBLEMS PLEASE REFER TO MICROFILM FOR CHART DATA.



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**Lawmakers, Election Officials Push for Change After Vote**  
By Dan Shuey  
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State lawmakers and election officials have for the most part put the election behind them, but not the problems that occurred in a number of states and localities.

With a few months to go before most state legislatures open sessions early, top election officials and politicians are beginning to lay out their plans for changing the way elections are administered based on the lessons they learned on November 2.

The plans being floated for deliberations next year range from the practical, the addition of early or no-excuse absentee voting in states that do not allow such options for voters now, to the innovative, which in Florida is a call for an election "season" that lasts two weeks rather than a traditional Election Day.

Problems a month ago at the polls have prompted calls for updated or standardized voting machines in New York and New Mexico. And it appears likely that the debate over the need for voter-verified paper audit trails with electronic voting machines will again be rekindled in a number of state legislatures.

A review of press reports from the past few weeks preview the focus of discussions in a number of states.

- ❑ Florida election officials have proposed creating an election season which would do away with a set election day and allow voting through an extended time period, the *Miami Herald* reported.
- ❑ In Iowa, Secretary of State Chet Culver has said he will ask the state legislature to approve same-day voter registration, and to also consider a mail-in election system, according to the *Iowa City Press-Citizen*. In Connecticut, the *Record Journal* reported that lawmakers there are also considering same-day voter registration.
- ❑ The *Albuquerque Journal* reported New Mexico Gov. Bill Richardson has proposed several changes he would like to see for the next election, including standardizing voting machines in all counties, requiring voting machines to leave a paper trail and developing new standards concerning the ratio of voting machines per voter in order to prevent long lines.
- ❑ New York City Mayor Michael Bloomberg publicly criticized the voting machines that were used in the November election, saying they were over 40 years old, and based on a patent developed by Thomas Edison which is almost 140 years old, *Newsday* reported. After noting the current voting machines "belong in the New York Historical Society" rather than polling places, Bloomberg said that the state lawmakers need to enact legislation to free up \$200 million in federal

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funds to buy new voting machines.

- ☒ Texas state Rep. Aaron Peña, proposed H.B. 166, which would require voting machines to give voters paper receipts. If passed, the bill would go into effect January 1, 2006. A companion bill has also been submitted in the Texas State Senate, as reported by *The Valley Morning Star*.
- ☒ According to the *Miami Herald*, Florida Gov. Jeb Bush has supported a series of changes that will revise the way in which felons can regain the right to vote. They would include easing restrictions in clemency rules which will allow more felons the right to vote, as well as hiring more staff in order to handle the backlog of felons who have applied to have their rights restored. The changes will be introduced by the clemency board in early December.
- ☒ Illinois election officials have called for legislation which would create a statewide standard for counting provisional ballots, the *State Journal-Register* reported. In the 2004 elections, different counties used different standards as to where provisional ballots could be cast and for what races they could be cast for.
- ☒ According to *The Journal Inquirer*, Connecticut will be holding legislative hearings on adding no-excuse absentee voting for the next election.

*electionline.org* will continue to update the progress of election administration bills filed in state legislatures.

File Folder fr. Martinez  
entitled 7/22/05

Planning Session on state  
voter registration Databases

NAS  
Technology Refresh  
Proposal

EAC follow-on proposal

Discussion document

In my survey of the state and Academy technology experts, everyone noted the significance of the January 1, 2006 deadline. Further, there was a broad consensus that many states are in danger of falling short of deploying a HAVA-compliant system by that date. Short-term measures that the EAC and Academies might undertake together fell into two broad categories: technical and administrative.

### Prior to January 2006

The following technically-oriented objectives were mentioned as useful activities to undertake prior to January 2006

- Developing a list of common criteria (perhaps derived from some reasonable amalgamation of current state requirements for their VR systems).
- Providing advice to support conversions of county data to the statewide system to establish a baseline population in the database.
- Describing plausible quick-fix "disposable" approaches that bring states into compliance that do not constrain the eventual architecture of better systems.
  - For example, it might be useful to develop criteria and procedures that would enable counties to feed their individual lists into a state system by whatever means feasible, e.g. upload through the Internet, CDs, etc, and then coalesced into a single database system that assigns the necessary unique ID.
- Planning for election day use of the systems.
  - A real problem is capacity planning for the peak query load that will occur on election day. This could be done through a contract with a service provide to provide server farm capability.
- Developing a set of best practices that will allow states to fail or succeed en masse. (The "en masse" notion is based on the idea that if a large number of states are in the same situation regarding compliance, they may have greater leverage in negotiating with the Justice Department subsequent to January 2006. The availability of a set of "best practices" to which these states adhere could be an important part of demonstrating a good faith attempt to comply with the HAVA requirements.)

One administratively oriented objective was mentioned for consideration prior to January 2006: the formation of a state consortium that would begin to enable states to pool knowledge and exert greater leverage over contractors. Code sharing is already in place through govcc, but higher-level knowledge sharing is very much needed. (Higher-level knowledge includes contract terms, RFPs, architectures, problem reporting, data

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**US ELECTION ASSISTANCE COMMISSION**  
**Workshop for Voter Registration Database**  
**Technology Officers**  
*Meeting Summary*

The United States Election Assistance Commission engages in research and technical assistance activities to support State-level implementation of the provisions of the Help America Vote Act (HAVA). One such provision is the requirement for all States to provide statewide voter registration bases at all voting locations not later than January 1, 2006. These databases, described in Section 303 of HAVA, are required to host information in a single environment accessible to authorized users but protected from inappropriate use, interface with other State-level systems, assign unique identifiers to legally registered voters, and, generally, serve as the single point of information for all Federal voter registration information in a specific State.

In order to support States' efforts on this important topic, the EAC convened a workshop for chief information technology officers responsible for the development and operations of these databases. This workshop, held in June 2005 at the National Academy of Sciences in Washington, DC, afforded State technology officials an opportunity to share experiences, ideas, challenges and constraints with their peers from around the country. This peer dialogue was supplemented by participation from a cadre of NAS technology experts. These experts brought unique perspectives and valuable technology knowledge to bear on the challenges articulated by the participants. Before the meeting, participants were provided the following topics for consideration:

- Software Development
- Databases
- Networking & Communication
- Security & Privacy
- Training & Human Resources

Over the course of the two days, participants were asked to contribute their perspectives on the key elements and challenges of meeting the requirements for statewide voter registration databases articulated in HAVA. This meeting summary provides an overview of the key observations and challenges articulated by the participants as well as a summary of suggested action items in each of these themes.

**Software Development**

While software development itself (e.g. architecture, testing) did not resonate as a primary challenge for the IT participants, they did articulate challenges around contract management and vendor selection and performance. Specifically, States were concerned about the RFP development process and a sense that vendors were "re-selling" the same product because States were not communicating about what was already available. Additionally, by not sharing information (e.g. request for proposals), States were repeating the same mistakes, rendering them insufficiently prepared to hold vendors accountable and secure the best services.

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### ***Suggested Action Items***

Participants suggested the following types of activities and resources would be helpful to them:

- Developing a community of practice with the following features:
  - Online learning community to share, information, documents, code bases, and other resources
  - A place (online) to share success stories and “get the word out” about new requirements.
- Fostering “user groups” where States using the same vendor could gather to share information either in person or electronically

### **Databases**

It was generally agreed that “databases” as a topic focused on the interoperability capacity of the systems as compared to the requirements of HAVA. Participants noted that the language in HAVA requiring database to interact with other databases is not completely clear. Participants struggled with feeling under prepared to assess their own compliance, asking the question “how good is good enough?”

In addition to the question of with which databases the voter registration list is required to interact, participants were also concerned about the effect of time on their databases’ performance and ability to auto-interact. That is, if solutions are developed to challenges identified over time, participants worry that the revised databases might become too cumbersome to work effectively.

Beyond these technical challenges, participants articulated challenges they described as “political.” These challenges included securing county buy-in, fostering collaboration among diverse stakeholders, and balancing Federal and State legal requirements in their work. Participants encouraged their peers to include all stakeholders early in the process, to create buy-in by being inclusive in RFP development and vendor selection, and to always focus on the fact that “at the end of the day, you want the system to work.”

### ***Suggested Action Items***

Participants suggested the following types of activities and resources would be helpful to them:

- A compliance checklist focused on the technical requirements of the VR databases
- Testing guidance from the Election Assistance Commission
- A joint Federal-State testing plan
- Standards for best practices in design and interoperability
- A reference architecture that would be HAVA compliant

## Security & Privacy

Two primary themes emerged as part of the security and privacy conversation:<sup>1</sup> internal and external concerns. Internal concerns deal with ensuring those that have access only have appropriate access to appropriate information, as mandated by HAVA and in accordance with State law. To this end, participants discussed the need for role-based access. This type of access assigns certain permissions to certain users (based on their role and level of need) and thus ensures that only those that “need to know” have access to sensitive information.

External access recognizes that counties have different perceptions of privacy constraints and that they use information differently. For instance, many counties sell their voter registration lists to candidates in various elections. Clearly, there must only be non-private information on that list. This is a requirement for privacy; the database must *contain* but not *provide* that information on the sellable list.

Additionally, participants were concerned about the perception of privacy in their home States. Real social problems such as stalking and violence against public officials (e.g. judges) have created fear over inappropriate access to address or even voting district information. This fear has resulted in the cancellation of certain public Web-based applications through which voters can determine where their appropriate polling location.

### ***Suggested Action Items***

Participants suggested the following types of activities and resources would be helpful to them:

- Guidance around legitimate privacy concerns, including blind ballot voters
- Shared best practices on role-based and privacy (e.g. flags vs. filters) strategies

## Networking & Communication

Participants considered security to be a component of networking and, as such, articulated challenges they face or are concerned about with respect to threats, role identification, and tradeoffs between privacy and security. Specifically, participants thought threat detection and planning for attacks on their databases was critically important. These threats may be from those actually attempting to steal information or those simply testing their “hacking skills.” Specifically, participants discussed the need for planning, detection, and recovery from an attack on their system. Additionally, participants are aware that threats are constantly evolving, a situation that requires constant vigilance on their parts.

With respect to appropriate roles, participants discussed the value of moving from a password-based protection system to a potential token system. Under either system, it was agreed, security is still a consideration to be given top priority. States need to make individual decisions based on the type of user being given access.

---

<sup>1</sup> Participants wanted to discuss security with networking.



### ***Suggested Action Items***

Participants suggested the following types of activities and resources would be helpful to them:

- Additional literature on the value of tokens vs. passwords
- Coordination with postal service to reach additional addresses, as appropriate
- Guidance around requirement interactive partners

### **Training & Human Resources**

The primary challenges associated with human resources and training related to staff shortages and accountability. Specifically, the participants were concerned about the "accountability gap" between those that will actually do most of the work and those that will be held accountable for its quality. Many participants felt that the nature of their work and the requirements they face are not always well understood, leaving them understaffed and overtaxed.

Training issues included challenges around States delivery vendor-developed training, facility constraints, and staff turnover. Also challenging to the participants is knowledge transfer from the vendor over to State personnel and the need to educate management about ongoing support needs. Participants encouraged their peers to ensure they participate in the design plans and not simply hand over control to their vendors.

### ***Suggested Action Items***

Participants suggested the following types of activities and resources would be helpful to them:

- Tools for communicating staffing requirements
- Strategies for educating first internal collaborators and then external stakeholders
- A chart comparing the staffing levels of other States
- Comprehensive help files for all programs and products
- Regional trainings, peer methodology or train-the-trainer

This Workshop for Voter Registration Database Technology Officers provided colleagues from around the country to join together with EAC and NAS technology experts for a facilitated discussion around issues, challenges, strategies, and necessary support. Thanks to the active participation of the attendees, the meeting was successful on many fronts. Among the outcomes of the meeting are:

- Fostered peer relationships for ongoing communication
- Provided EAC a clearer sense of the challenges and needs of the field
- Generated a list of possible next steps for both EAC and the IT personnel back home
- Exposed participants to NAS expertise

As EAC moves forward in supporting States in meeting the requirements of HAVA, both those effective in January and beyond, this meeting will inform that process.

*For more information, please contact Karen Lynn-Dyson, Research Manager, US Election Assistance Commission at [klynndyson@eac.gov](mailto:klynndyson@eac.gov).*

File Folder for Martinez  
entitled ~~#22/05~~ May 17, 2005  
Design for Democracy

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"John W LINDBACK"  
<John.W.Lindback@state.or.us>

05/02/2005 12:45 PM

To aambrogi@eac.gov

cc rmartinez@eac.gov

bcc

Subject Meeting with Design for Democracy

Good morning Adam:

In Boston I snared Commissioner Martinez for a few minutes and asked if he would be willing to meet with board members from an organization called Design for Democracy, an affiliate organization of the American Institute for Graphic Arts. They have done some wonderful work in Chicago, Oregon and other places redesigning election materials and processes (they redesigned the whole polling place in Chicago) in order to make election day work more smoothly for all.

I asked Commissioner Martinez if he was willing to listen to a briefing from the group to see what they've done and discuss a potential projects with the EAC. One project I discussed with him would be getting Design for Democracy involved in reviewing the design of the national mail-in voter registration form.

This is a long way of getting to my point. But I've been working with the Design for Democracy folks on a possible day that some of them could travel to Washington to meet with Commissioner Martinez. They are available on May 17. Would it be possible for him to meet with them on May 17th? And might Chair Hillman and Commissioner DeGregorio be available as well? Commissioner Martinez mentioned that they might also want to participate in the briefing.

This is a wonderful group. (For disclosure purposes I need to mention here that I am now on their board of directors.) Instead of attacking elections officials they reached out to help. They have convinced me and other elections officials across the country that improving elections doesn't always have to be about buying expensive new equipment. Sometimes, redesigning the process you already have to make it more voter friendly will get the job done.

Anyway, let me know if a May 17 meeting would work. These folks would be flying in from New York and Chicago.

jlindback

John Lindback, Director  
Elections Division  
Oregon Secretary of State's Office

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# Election Design

## The Design System

1.0

The examples provided in "Election Design: Models for Improvement" were developed from a carefully conceived system of colors, symbols, images, typefaces, principles of organization, and methods of execution. Some of the recommended formats can be easily implemented by election administrators working in partnership with print or electronic media suppliers. Others will require professionals familiar with information design and the workings of a graphic design system. We are created a pdf of the design system section that is downloadable from this page.

[Download "Election Design: Models for Improvement" \(pdf\).](#)

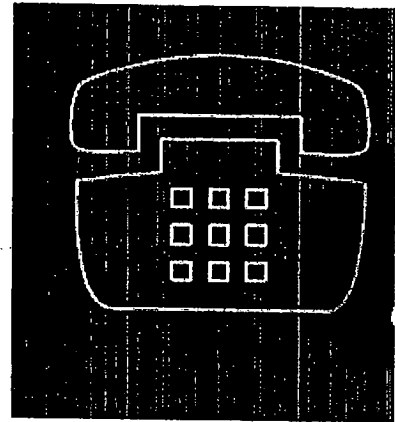
Professional graphic designers have the specific skills and knowledge needed to extend the basic system into more complex or customized applications. For guidance beyond simple adaptations of the templates, AIGA Design for Democracy can put you together with a designer.

Email: [designfordemocracy@aiga.org](mailto:designfordemocracy@aiga.org)  
Phone: 212.807.1990

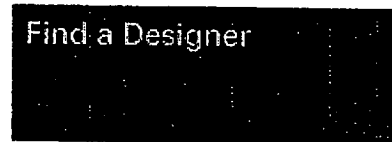
Learn more about the [process of designing](#)

Find a [designer in your area](#).

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*Symbols and icons provide immediate v can be used effectively to clarify instruc. emphasis on important or new informat.*



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Home

# Election Design

## The Voting Experience

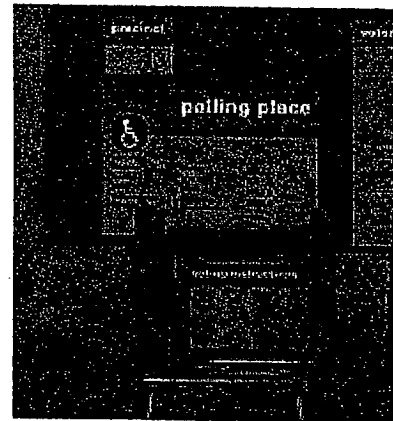
3.0

Each stage of the election process involves distinct procedures and communication requirements for voters and for election officials. Our design system applies established design principles to all stages of the voting experience.

Examples include voter registration cards that meet HAVA requirements and that adhere to the Design for Democracy standard of making the complex clear.

Information about the election process, candidates, and issues in a given election need to be readily available and easy to understand. Our system includes brochures, information cards, and instruction sheets.

Well designed signs that provide instruction and information in the polling place will instill confidence in a voter's ability know what to do and how to do it.



The Design for Democracy polling place red for instructional signs and blue for g signs.

### Samples

- Online election information
- Voter education brochures
- Voter pamphlets inside (1)
- Voter pamphlets inside (2)
- Voter pamphlets cover
- HAVA compliant voter registration car

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Good design makes choice

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The Design System 1.0 Ballot Design Basics 2.0 The Voting Experience 3.0 Behind The Scenes 4.0 Voter Ou

Home

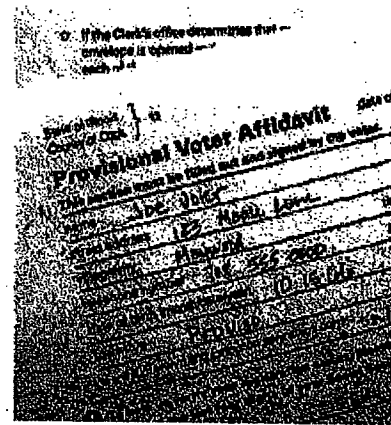
# Election Design

## Behind The Scenes

4.0

Those who serve in the polling place have direct influence on the voter's experience. They also impact the efficiency of election administration. Our book, *Election Design: Models for Improvement*, provides detailed guidelines for page layout and content management of a pollworker training and reference manual including templates for electronic training support.

The forms, envelopes, and instructions used for election record keeping and vote recording can be very confusing for pollworkers. Design for Democracy has developed a document management system that includes large reference numbers, consistent placement of information, clear instructions, and a color coding system that provides instant, useful information. Listing of sub sections: Pollworker training and support Document management system Provisional voting



*Additional administrative challenges are to account for provisional votes. Our document management system has been extended to forms and envelopes necessary for HAV, provisional voting.*

### Samples

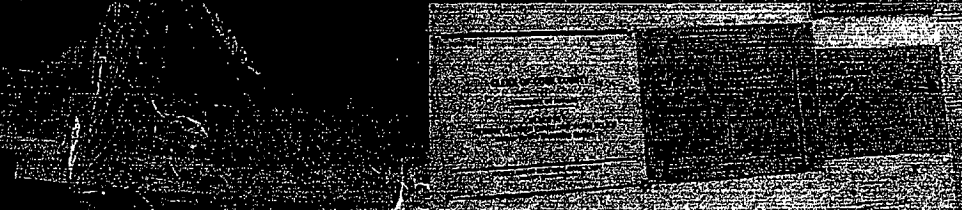
- Behind the scenes 1
- Behind the scenes 2
- Behind the scenes 3
- Behind the scenes 4
- Behind the scenes 5
- Behind the scenes 6
- Behind the scenes 7

Find a Designer

Good design makes choice



- Election judge manuals
- Poll book (active/non-active voter list)
- Small Envelopes
- Pre-printed applications for ballot
- Voter instruction cards
- Blue office supply box
- Ballot box
- Pack of Ballots
- Forms, large envelopes, signs, precinct map
- Transfer case contents:
  - office supplies, ball stylus, sealing ties,
  - sharpies, pink security bag
- Precinct ballot counter (PBC)
- Ballot receipts



**101P**  
 Provisional VSE Envelope  
 • Provisional Ballot  
 • Develop 102P Provisional Ballot Envelopes with Affidavit  
 • Provisional Voting Instructions

**1** Provisional ballots should ONLY be issued to voters who meet at least one of the following conditions:  
 • Have not an official list of voters (Driver or Inmate)  
 • Voting status challenged  
 • Voting during court-ordered extended polling place hours  
 • Required to show ID but does not have it

Use carefully during election when using

**102P**  
 Provisional Ballot Envelope with Affidavit

**1** Place seal (underneath or outside provided by the voter) that supports identification to the election place party.

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### Provisional Voter Affidavit

State of Illinois } ss  
 County of Cook }

date of election

**1** This section must be filled out and signed by the voter.

name \_\_\_\_\_  
 street address \_\_\_\_\_  
 village/city \_\_\_\_\_ zip code \_\_\_\_\_  
 telephone number \_\_\_\_\_ sex  M  F  
 date of birth (month/day/year) \_\_\_\_\_  
 township \_\_\_\_\_ precinct # \_\_\_\_\_  
 ward # (Berwyn and Evanston townships only) \_\_\_\_\_

**2** To help us verify your registration status, please list your driver's license # (if you have one) and the last four digits of your Social Security #. If you have a state ID, you may list that number as well.

driver's license # \_\_\_\_\_  
 SS # (last 4 digits) \_\_\_\_\_  
 state ID # \_\_\_\_\_

I affirm that I am: a citizen of the United States; at least 18 years old; a duly registered voter in every respect; and eligible to vote in this election. I have resided in this state and in this precinct for 30 days before the election and have not voted in this election.

voter signature \_\_\_\_\_

### Declaración Jurada para Votar Provisionalmente

State of Illinois } ss  
 County of Cook }

fecha de la elección

**1** Esta sección debe ser llenada y firmada por el votante.

nombre \_\_\_\_\_  
 domicilio \_\_\_\_\_  
 ciudad \_\_\_\_\_ código postal \_\_\_\_\_  
 número de teléfono \_\_\_\_\_ sexo  M  F  
 fecha de nacimiento (mes/año/día) \_\_\_\_\_  
 distrito municipal \_\_\_\_\_ # de distrito electoral (precinct) \_\_\_\_\_  
 # de circunscripción (solo aplica para Berwyn y Evanston) \_\_\_\_\_

**2** Para verificar su estatus como votante, por favor escriba el número de su licencia de conducir (si tiene una) y los últimos cuatro dígitos de su número de seguro social. Si tiene un documento de identidad estatal, puede escribir también el número de dicho documento.

# de licencia de conducir \_\_\_\_\_  
 # de seguro social últimos 4 dígitos \_\_\_\_\_  
 # de documento de identidad estatal \_\_\_\_\_

Declaro que soy ciudadano de los Estados Unidos; tengo al menos 18 años de edad; soy un votante debidamente registrado en todo sentido; y habilitado para votar en estas elecciones. He residido en este estado y en este distrito electoral (precinct) durante 30 días antes de las elecciones y no he votado en estas elecciones.

firma del votante \_\_\_\_\_



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GO



## Design for Democracy

*Enabling participation in the civic experience*

### The People of Design for Democracy

#### Board of directors:

Richard Grefé  
*President*

Sam Shelton  
*Secretary/Treasurer*

Marcia Lausen  
Stephen Melamed  
Lance Rutter  
Elizabeth Tunstall  
Sylvia Harris  
Susan Roth Kling

#### Election Design Initiative:

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*Director*  
[grefe@aiga.org](mailto:grefe@aiga.org)  
[designfordemocracy.aiga.org](http://designfordemocracy.aiga.org)  
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[cmedina@studiolab.com](mailto:cmedina@studiolab.com)

Gretchen Schulfer  
[gretchen.schulfer@state.or.us](mailto:gretchen.schulfer@state.or.us)

Hannah Smotrich  
[www.hannah@side-view.com](http://www.hannah@side-view.com)

Election Design  
Emergency and Evacuation I  
Immigration Design  
Travel and Transportation D  
Universal Design  
Medical Information  
IRS Wage and Salary Report

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**Design for Democracy**  
**An opportunity for clearer communication**  
**between government and citizens**



Government in a participatory democracy has a responsibility to remove the barriers to participation in civic life. This includes making the tools of participation (ballots, surveys, forms, web sites and informational publications) easy for every citizen to use.

When citizens get confused while filling out tax forms, the problem is not the intelligence of the citizen; it's the design of the form. When a family fails to return a government questionnaire because it looks too complicated and intrusive, the problem is not the family, but the look and feel of the survey. When an election ballot is tossed out because the voter was confused, the problem is not with the voter, but the design of the machine and the layout of the ballot.

"Every citizen" should mean just that — everyone who is a citizen, regardless of age, physical challenge or education, should have an equal opportunity to participate in democracy and communicate easily with his or her government.

*Information design*

Information design is the art and science of making raw information and instructions easy to read, understand and use. It is practiced by graphic designers, usability experts, and language simplification specialists. In the private sector, the information and service economies employ information design to insure that information products (web sites, manuals and customer services) are effective and easy-to-use. In the competitive new economy, information design makes the difference between product acceptance and failure.

Information design, undertaken by professionals with experience, helps to address the different needs of different audiences, whether they be elderly, young, disabled or challenged by English as a second language.

Information design is just as important in the public sector, yet the practice and application of advanced design to government communications lags significantly behind. At the same time, the general public (with exposure to sophisticated communications products) has increased expectations for the government to perform at the same level as the private sector.

**Design in a participatory democracy**

Government can benefit from private sector advances in information design. Clear performance expectations are urgently needed to guide the design of the tools of participation. Information gathering tools, such as ballots, surveys, and forms need to be designed to be consistent, clear and easy to use. Information dissemination tools, such as public service instructions and government web sites must encourage use through clarity and usability. They may be designed at the district, local, state or national level by local designers selected by different agencies; yet, they should be designed with a clear appreciation for the performance standards that need to be met by the designed forms, screens or reports.

Participatory democracy relies on the free and equal exchange of information and ideas. Government communications that are difficult to use give preference to those with time,

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resources, and education. To be truly democratic, government communications should be accessible to all. The government has an opportunity to improve compliance through ease-of-use and to improve goodwill by demonstrating that taxpayers' money is being well spent.

### *The process*

#### **The public information product development process**

Though the design of information products, such as a universal voting machine and ballot, might seem simple at first, this is misleading. There are a number of critical information product design processes that are critical to the success of such undertakings. No major design initiatives would be complete without the following steps.

##### *Research and planning*

Investigate and learn from similar projects undertaken in the private sector, in local governments, or other countries. In many cases, information problems have already been solved and tested. A design strategist and researcher can help create design plans that harvest the best ideas around the world and avoid duplication.

##### *Language simplification*

Work with writing professionals to shorten text and to craft language that the majority of Americans would understand.

##### *Identity development*

Make sure that all communications look and feel like they come from the government and that they have the appropriate look of authority and security. Use professional graphic designers to develop brands or signatures for any communication program.

##### *Graphic design*

Work with graphic designers to develop appropriate and contemporary styles and formats for all communications. This includes layout, use of color, typefaces, illustration and formatting.

##### *Industrial design*

Work with industrial designers to develop the form, function and feel of any hardware associated with the information product. This includes materials development, product design, ADA issues and finishes.

##### *Experience design and usability testing*

Study and explore how the general public interacts with the tools of participation. Usability professionals employ experience, focus groups and careful user testing to avoid mistakes and to be absolutely sure that any new products will be accepted and easy-to-use by the broadest public.

##### *Assessment*

---

Any new information product is not complete until it is evaluated under real conditions for at least one year. The evaluation would explore rates of compliance, security issues, and unexpected problems or benefits.

*Where to find help*

AIGA, the American Institute of Graphic Arts, is the largest and oldest professional association of designers in the country. It is a nonprofit, nonpartisan association that represents information designers and designers working in print, motion, new media and interactive media. AIGA, through its experience in working with public and private clients, can assist in creating an RFP, a scope of work or design brief, or in helping agencies locate designers with the requisite experience and skills. AIGA has also assembled a special expert team to develop and evaluate options.



Raymundo  
Martinez/EAC/GOV  
07/07/2004 02:46 PM

To DeForest Soaries Jr./EAC/GOV  
cc  
bcc  
Subject Meeting with Election Technology Council

Buster:

While in Austin last week, I was invited to meet with David Hart, who is president/CEO of Hart Intercivic (DRE manufacturer). I had a good meeting with David and his senior staff, and toured the company's headquarters there in Austin.

I received a follow-up email from David last night, and he was asking if any of us were planning to be in San Antonio for IACREOT because the Election Technology Council (of which David is chairman) will be meeting at IACREOT as well. The specific request from David is for any, or all, of the four EAC commissioners to meet and address the vendors all in one sitting. I personally think this is a good opportunity to meet with the vendors and, among other things, urge them to comply with your security proposal, which by that time, will presumably be a formal Statement of Policy adopted by the EAC.

Before I run this request by the other commissioners, I thought I would present it to you first. If we can find the time to do so, I think this is a good idea. Your thoughts?

Thanks.

RAY MARTINEZ III  
Commissioner  
U.S. Election Assistance Commission  
1225 New York Avenue, N.W., Suite 1100  
Washington, D.C. 20005

(202) 566-3100 (W)  
(202) 566-3127 (FAX)  
[www.eac.gov](http://www.eac.gov)

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020186



BKauffman@hartic.com  
06/29/2004 04:07 PM

To rmartinez@eac.gov  
cc  
bcc  
Subject meeting tomorrow

Ray-

We look forward to meeting with you tomorrow at 10am in our offices. I have lunch reserved for us at noon.

Regards,

Britt

Britt Kauffman  
President  
Hart InterCivic, Inc.  
(512) 252-6699  
bkauffman@hartic.com

\*\*\*\*\*  
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020187



"Julia Keh"  
<JKeh@rrcc.co.la.ca.us>  
07/21/2005 02:34 PM

To "aambrogi@eac.gov" <aambrogi@eac.gov>  
cc  
bcc  
Subject Hispanic Working Group Meeting - August 1, 2005

Hi Adam,

Conny and Deborah Wright asked me if I would like to attend your meeting on August 1st. The answer is "yes". It will be my pleasure to attend the meeting. Can you let me know the logistics, such as where the meeting will be held, do I need to bring information to share, how do I book the flight (through our department or your agency's account)? Please advise. Thank you.

Julia Keh  
Election Programs Coordinator  
L.A. County RR/CC  
(562) 462-2754

020188

Raymundo  
Martinez/EAC/GOV  
07/18/2005 03:49 PM

To Adam Ambrogio/EAC/GOV@EAC  
cc  
bcc  
Subject Fw: Request for meeting from John Groh, ES&S

Gracia's response below on my earlier email regarding ES&S...

RAY MARTINEZ III  
Commissioner  
U.S. Election Assistance Commission  
1225 New York Avenue, N.W., Suite 1100  
Washington, D.C. 20005

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— Forwarded by Raymundo Martinez/EAC/GOV on 07/18/2005 03:37 PM —

Gracia Hillman/EAC/GOV

07/18/2005 03:38 PM

To Paul DeGregorio/EAC/GOV@EAC  
Raymundo Martinez/EAC/GOV@EAC, Juliet E.  
Thompson/EAC/GOV@EAC, Thomas R.  
cc Wilkey/EAC/GOV@EAC, Gavin S. Gilmour/EAC/GOV@EAC,  
Sheila A. Banks/EAC/GOV@EAC  
Subject Re: Request for meeting from John Groh, ES&S



While I don't have the same level of concern that has been expressed by Comm  
Martinez, I also don't object if we don't agree to the meeting.

Tom: Please handle final resolution with Groh.

Gracia M. Hillman  
Chair  
U.S. Election Assistance Commission  
1225 New York Avenue, NW, Suite 1100  
Washington, DC 20005  
Tel: 202-566-3100  
Fax: 202-566-1392  
[www.eac.gov](http://www.eac.gov)

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020189



message from your computer.

020190

Jeannie Layson/EAC/GOV  
07/18/2005 02:01 PM

To aambrogi@eac.gov  
cc  
bcc  
Subject Fw: editorial board meeting request

Adam,

It just occurred to me that you probably need the OK ed. bd. logistics now since he's going there from TX. I will write a memo for him and fax it to him in TX.

Again, his meeting with the Oklahoman ed. bd. is on Thursday, July 21, at 2 p.m. See details below and let me know if you need anything else.

Jeannie Layson  
U.S. Election Assistance Commission  
1225 New York Ave., NW  
Suite 1100  
Washington, DC 20005  
Phone: 202-566-3100  
www.eac.gov

----- Forwarded by Jeannie Layson/EAC/GOV on 07/18/2005 01:57 PM -----  
"Phyllis Bennett" <PBennett@Oklahoman.com>

07/14/2005 12:09 PM

To jlayson@eac.gov  
cc  
Subject RE: editorial board meeting request

Jeannie Layson,

Editorial board members: Ed Kelley, editor of The Oklahoman; J.E. McReynolds, chief editorial writer; Owen Canfield, editorial writer.

We're also going to invite a news reporter to sit in but I don't know which one. I can give you that name when I get it.

The Oklahoman is at 9000 N Broadway Extension, at the southeast corner of Broadway Ext. and Britton Rd. In our lobby Commissioner Martinez will check in with the guard (who will be expecting him) and they'll

020191

call me to bring him up to our floor.

Phyllis

-----Original Message-----

**From:** jlayson@eac.gov [mailto:jlayson@eac.gov]  
**Sent:** Thursday, July 14, 2005 10:50 AM  
**To:** Phyllis Bennett  
**Subject:** RE: editorial board meeting request

Ms. Bennett,

If you could provide the names of those attending, the address of the Oklahoman and instructions for Ray when he enters the building (ask for you in the lobby, etc.), that would be very helpful.

Jeannie Layson  
U.S. Election Assistance Commission  
1225 New York Ave., NW  
Suite 1100  
Washington, DC 20005  
Phone: 202-566-3100  
[www.eac.gov](http://www.eac.gov)

020192

## **Summary of Meeting with Advocates for the Disabled Community**

The meeting started with Commissioner Martinez explaining the various funding constraints the EAC has dealt with which caused the TGDC and NIST to rush their VVSG recommendations. The Advocates for the Disabled then mentioned section 2.2.5 of the VVSG as providing a 'loophole' for modified optical scan machines such as the ES&S AutoMark, by using the word "should" instead of "shall". Commissioner Martinez acknowledged this problem and urged the VVSG to be viewed as an ever-changing document. The Advocates replied by saying that once States buy machines based on EAC / VVSG recommendations, they will be in place for a long time. With a January 2006 deadline, there must be a sense of urgency to close these 'loopholes'. The idea of machines being able to be fit retroactively with devices which would ensure independence and privacy to persons with disabilities was then introduced by Mr. Dickson. He stated that only a limited number of vendors are addressing this issue.

The next major issue addressed in the meeting was VVPAT. The Advocates pointed out that current VVPAT does not insure security. They also stated that VVPAT hinders machines from being fully accessible especially if they use the VVPAT as the official ballot, as some states have deemed they should for recounts (Commissioner Martinez added the point that no state has made VVPAT the official ballot).

Another issue that was brought up was section 2.2.7. A "shall" is used for visually impaired, but a "should" is used for mobility impaired. They viewed this as potentially divisive within their community. Members of the EAC, including Commissioner Martinez, Mr. Wilkey, and Carol Paquette, responded by saying that the

lack of an independent source is a problem, and that there are other technologies out there that are a better substitute to VVPAT.

Commissioner Martinez concluded the meeting by encouraging them to submit their comments to the EAC, and that those comments should be submitted in writing. He followed by saying that he hopes this will be an ongoing dialogue between the EAC and the disabled community.

In short, the Advocates are mainly concerned with maintaining a unified community – one that advocates for all who are disabled, regardless of their disability. They are concerned that these new voting machines, specifically the VVPAT, will grant access, independence, and privacy to only those who are visually or hearing impaired and that those with mobility or dexterity disabilities will not be guaranteed the same right to access, independence and privacy.

The meeting ended on good terms and it seemed that Commissioner Martinez's comments about the VVSG being a changing document and him encouraging this conversation to be ongoing between the EAC and the disabled community put the Advocates a little at ease. They feared that following the 90 day comment period, some changes would be made to the VVSG, and then the document would be put on a shelf to "collect dust". Commissioner Martinez, Mr. Wilkey, Carol Paquette, and Gavin Gilmour encouraged them to believe otherwise.

Raymundo  
Martinez/EAC/GOV  
07/06/2005 09:42 AM

To Adam Ambrogi/EAC/GOV@EAC  
cc  
bcc  
Subject Fw: Meeting

Adam:

Can you do a little background research on Mr. Becker's company so that I can be informed before I decide to meet with him? He was referred by Conny McCormack, so I will meet with him, but I just want to know what his company specializes in.

Thanks.

RAY MARTINEZ III  
Commissioner  
U.S. Election Assistance Commission  
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----- Forwarded by Raymundo Martinez/EAC/GOV on 07/06/2005 09:38 AM -----



"David J. Becker"  
<[david.j.becker@electionconsulting.com](mailto:david.j.becker@electionconsulting.com)>  
07/06/2005 07:36 AM

To [rmartinez@eac.gov](mailto:rmartinez@eac.gov)  
cc  
Subject RE: Meeting

Ray,

Thanks for your email – I'm glad Conny put us in touch. Would you like to meet for lunch, either later this week or sometime next week?

David

David J. Becker  
Election Consultant and Voting Rights Attorney  
(202) 550-3470  
(202) 521-4040 fax  
[david.j.becker@electionconsulting.com](mailto:david.j.becker@electionconsulting.com)

020195

**From:** rmartinez@eac.gov [mailto:rmartinez@eac.gov]  
**Sent:** Thursday, June 30, 2005 9:33 PM  
**To:** CMcCormack@rrcc.co.la.ca.us  
**Cc:** Raymundo.Martinez/EAC/GOV@eac.gov; 'david.j.becker@electionconsulting.com'  
**Subject:** Re: Meeting

Conny:

Thanks for the email...sorry it's taken me some time to respond. I've been on a short trip with my family to Sesame Street Place as we made our way from Arlington, VA to New York City for our public hearing. I've seen enough Big Bird and Elmo to last me quite a while!

Our public hearing went well today. We received very good testimony from all of our panelists. Needless to say, we have much work to do over the next 90 days, but I look forward to receiving much input.

Thanks for the email introduction to David -- I would welcome a phone call so that we can make arrangements to speak or get together at some time. My direct line is 202-566-3104 (I won't be back in the office until next Tuesday, July 5th).

Stay in touch and as always, please feel free to call me anytime.

Regards,

RAY MARTINEZ III  
Commissioner  
U.S. Election Assistance Commission  
1225 New York Avenue, N.W., Suite 1100  
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020196

Jeannie Layson/EAC/GOV  
06/15/2005 12:18 PM

To pdegregorio@eac.gov, ghillman@eac.gov,  
rmartinez@eac.gov  
aambrogi@eac.gov, cpaquette@eac.gov, sbanks@eac.gov,  
cc jthompson@eac.gov, twilkey@nycap.rr.com,  
asherrill@eac.gov  
bcc  
Subject New York Times ed. bd. meeting

Commissioners,

I've arranged an ed. bd. meeting (Adam Cohen and others) with the New York Times for Friday, July 1. They are going to get back to me with available times, but I wanted you to know it's in the works. After I get the particulars, I'll give you a memo with all of the details.

Jeannie Layson  
U.S. Election Assistance Commission  
1225 New York Ave., NW  
Suite 1100  
Washington, DC 20005  
Phone: 202-566-3100  
[www.eac.gov](http://www.eac.gov)

020197





Raymundo  
Martinez/EAC/GOV  
06/17/2005 03:36 PM

To Paul DeGregorio/EAC/GOV@EAC, Juliet E.  
Thompson/EAC/GOV@EAC, Brian  
Hancock/EAC/GOV@EAC  
cc Adam Ambrogi/EAC/GOV@EAC, Amie J.  
Sherrill/EAC/GOV@EAC

bcc

Subject Meeting with John Groh, ES&S Systems

Paul/Julie/Bryan:

I have set up the meeting with John Groh for next Tuesday, June 21 at 9AM in the large conference room. John may be accompanied by his product manager (whose name escapes me). John understands that this is an informational meeting only.

Thanks.

RAY MARTINEZ III  
Commissioner  
U.S. Election Assistance Commission  
1225 New York Avenue, N.W., Suite 1100  
Washington, D.C. 20005

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020198



"Fernando Morales"

<[REDACTED]>

06/10/2005 03:29 PM

To "Adam Ambrogio" <aambrogio@eac.gov>

cc

bcc

Subject Request for a Meeting

Dear Adam,

Here by I respectfully request Commissioner Martinez for a fifteen minutes meeting, before the EAC release the VVSG.

Please let me know when that can be possible.

Fernando Morales



020199



Sheila A. Banks/EAC/GOV  
06/09/2005 05:17 PM

To Adam Ambrogi/EAC/GOV@EAC  
cc Amie J. Sherrill/EAC/GOV@EAC, Raymundo  
Martinez/EAC/GOV@EAC  
bcc  
Subject Re: Requested meeting Sec. Grayson

The best time for the Chair is after the June 16 NASS conference call.

020200



"Ric Grefe" <grefe@aiga.org>  
05/16/2005 04:58 PM

To "Adam Ambrogi" <aambrogi@eac.gov>  
cc  
bcc  
Subject Confirming meeting with Design for Democracy

Adam,

I just wanted to confirm the meeting we have planned for Tuesday at 2 pm at your offices at 1225 New York Ave NW. There will be three of us and we will be meeting with you, Commissioner Martinez and possibly other commissioners and staff.

Let me know if there have been any changes in plans.

Ric

Richard Grefé  
Executive director  
AIGA | The professional association for design  
164 Fifth Avenue New York NY 10010 | 212 807 1990  
grefe@aiga.org

AIGA: stimulating thinking about design  
[www.aiga.org](http://www.aiga.org)

020201



"Wendy Weiser"  
<wendy.weiser@nyu.edu>  
05/12/2005 04:30 PM

To aambrogi@eac.gov  
cc  
bcc  
Subject Monday 5/16 databse meeting

Adam,

I wanted to touch base to finalize the arrangements for our meeting on Monday, May 16 regarding the database guidance. Specifically, we need to clarify the time and location of the meeting. (I believe that you said that you preferred 12:30 pm.) I would also like to confirm that I am responsible for the meeting agenda. Finally, I have consulted with other advocates and have a near-final list of those who would like to attend. Please let me know if you would like a copy of that list in advance. Thanks, and I look forward to meeting you in person.

Best,

Wendy

Wendy R. Weiser  
Associate Counsel, Democracy Program  
Brennan Center for Justice at NYU School of Law  
161 Avenue of the Americas, 12th Floor  
New York, NY 10013  
(212) 998-6130 (direct)  
(212) 995-4550 (fax)  
[wendy.weiser@nyu.edu](mailto:wendy.weiser@nyu.edu)

020202



"John W LINDBACK"  
<John.W.Lindback@state.or.us>

05/12/2005 02:11 PM

To aambrogi@eac.gov

cc grefe@aiga.org, rmartinez@eac.gov

bcc

Subject Tuesday's Design for Democracy meeting

Adam:

I just wanted to confirm for you the names of the three Design for Democracy board members who will attend next Tuesday's meeting at your headquarters. They are:

1. Ric Grefe, chair of the Design for Democracy Board, and executive director of the American Institute for Graphic Arts. The AIGA was the organization that started Design for Democracy.
2. Marcia Lausen, director of the School of Design at the University of Illinois at Chicago, and owner of studiolab, a design firm with offices in Chicago and San Francisco. As an instructor in the School of Design she directed the very impressive projects that redesigned processes and materials for Cook County polling place elections and Oregon's vote-by-mail elections.
3. Whitney Quesenbery, who represents the Usability Professionals' Association on the board. She brings an expertise in usability to the organization and you may already know her because she is a member of the TGDC.

I wish I could be there because I believe so strongly in the fine work these folks have done in the past few years. I believe there is a great potential for this group to work with the EAC on very positive projects. But I think if I had to travel all the way to the east coast again this soon my bosses, and my wife, would disown me!

Cheers-  
jlindback

John Lindback, Director  
Elections Division  
Oregon Secretary of State's Office

020203



Sheila A. Banks/EAC/GOV  
05/10/2005 08:19 AM

To Gracia Hillman/EAC/GOV@EAC, Paul DeGregorio,  
Raymundo Martinez/EAC/GOV@EAC  
cc Adam Ambrógi  
bcc  
Subject NASS Executive Board Meeting

Commissioners,

The NASS Executive Board would like to continue to have open communication with you and have suggested a conference call meeting for next month. Specifically, they are looking at the afternoon of June 14 or 16.

Adam, please let me know what the Commissioners' schedules look like for either one of those days. The call should not last more than an hour.

Thank you,  
Sheila

020204



"Wendy Weiser"  
<wendy.weiser@nyu.edu>  
05/05/2005 04:46 PM

To aambrogi@eac.gov  
cc  
bcc  
Subject possible meeting

Dear Adam,

I am writing to follow up on our conversation of yesterday. I would like to know when Commissioner Martinez (and/or the other Commissioners) might be available for a smaller and/or a larger meeting to discuss statewide voter registration databases and the EAC's Guidance. I would be happy to facilitate the participation of other groups as well. Thank you, and I look forward to hearing from you.

Best,

Wendy R. Weiser  
Associate Counsel, Democracy Program  
Brennan Center for Justice at NYU School of Law  
161 Avenue of the Americas, 12th Floor  
New York, NY 10013  
(212) 998-6130 (direct)  
(212) 995-4550 (fax)  
[wendy.weiser@nyu.edu](mailto:wendy.weiser@nyu.edu)

020205



Carol A. Paquette/EAC/GOV  
05/05/2005 09:34 AM

To hlin@nas.edu;hercikj@calib.com;kakuskac@calib.com  
Adam Ambrogi/EAC/GOV@EAC, Juliet E.  
cc Thompson/EAC/GOV@EAC, Karen  
Lynn-Dyson/EAC/GOV@EAC  
bcc  
Subject reschedule of NAS VRDB meeting

Folks -

It looks like the most viable date for June is the 13th-14th. So let's move ahead with preparation for that date.

Herb, I think we need to talk about the objectives and agenda. Don't think we need to meet in person; a phone call will do. I have a meeting this morning at 10. Could we shoot for maybe 11 or sometime between 2 and 3 this afternoon? Thanks!

Carol A. Paquette  
Interim Executive Director  
U.S. Election Assistance Commission  
(202)566-3125 cpaquette@eac.gov

020206

Carol A. Paquette/EAC/GOV  
05/03/2005 02:54 PM

Raymundo Martinez/EAC/GOV@EAC, Juliet E.  
To Thompson/EAC/GOV@EAC, Adam  
Ambrogi/EAC/GOV@EAC  
cc hercikj@calib.com;kakuskac@calib.com

bcc

Subject planning for next VRDB/NAS meeting

Commissioner et al. -

A decision has been made to re-schedule the second VRDB/NAS meeting from May 16-17 to one of the following dates: June 2-3, June 9-10, June 13-14, June 29-30.

NAS needs a decision from EAC in the next day or two so they can reserve the meeting space.

EAC needs to firm up the objectives and agenda for this meeting, as well as to identify potential attendees.

Adam - Can you identify a 15 minute window for the Commissioner, Julie, you and me to discuss this in the next two days? Thanks!

Carol A. Paquette  
Interim Executive Director  
U.S. Election Assistance Commission  
(202)566-3125 cpaquette@eac.gov

020207



Gracia Hillman/EAC/GOV  
04/18/2005 11:05 PM

To Paul DeGregorio/EAC/GOV, Raymundo Martinez/EAC/GOV,  
DeForest Soaries Jr./EAC/GOV  
cc Adam Ambrogi/EAC/GOV, Holland M. Patterson/EAC/GOV,  
Spring A. Taylor/EAC/GOV, Carol A. Paquette/EAC/GOV,  
Juliet E. Thompson/EAC/GOV, "Sheila Banks"  
bcc  
Subject Re: Meeting With California Secretary of State Bruce  
McPherson

I have confirmed this meeting with Secretary McPherson.

-----  
Sent from my BlackBerry Wireless Handheld  
Sheila A. Banks

**From:** Sheila A. Banks  
**Sent:** 04/18/2005 05:48 PM  
**To:** Gracia Hillman; Paul DeGregorio; Raymundo Martinez; DeForest Soaries  
Jr.  
**Cc:** Adam Ambrogi; Holland Patterson; Spring Taylor; Carol Paquette; Juliet  
Thompson  
**Subject:** Meeting With California Secretary of State Bruce McPherson

Commissioners,

Secretary Bruce McPherson has requested to meet with you at the May 5  
Commissioners Discussion at 10:00 a.m. He wants to deliver the California  
Certificate of Compliance in person. In addition, he wants to discuss how  
California can be a positive participant with the EAC as the state continues  
its implementation of HAVA. Others attending this meeting include Assistant  
Secretary of State Brad Clark and Los Angeles County Registrar-Recorder Conny  
McCormack.

Brad will provide more details.

Thanks,  
Sheila

020208



Sheila A. Banks/EAC/GOV

04/18/2005 05:48 PM

To Gracia Hillman/EAC/GOV@EAC, Paul DeGregorio,  
Raymundo Martinez/EAC/GOV@EAC, DeForest Soaries  
Jr./EAC/GOV@EAC  
cc Adam Ambrogi, Holland M. Patterson/EAC/GOV@EAC,  
Spring A. Taylor/EAC/GOV@EAC, Carol A.  
Paquette/EAC/GOV@EAC, Juliet E.

bcc

Subject Meeting With California Secretary of State Bruce McPherson

Commissioners,

Secretary Bruce McPherson has requested to meet with you at the May 5  
Commissioners Discussion at 10:00 a.m. He wants to deliver the California  
Certificate of Compliance in person. In addition, he wants to discuss how  
California can be a positive participant with the EAC as the state continues  
its implementation of HAVA. Others attending this meeting include Assistant  
Secretary of State Brad Clark and Los Angeles County Registrar-Recorder Conny  
McCormack.

Brad will provide more details.

Thanks,  
Sheila

020209



Sheila A. Banks/EAC/GOV  
03/31/2005 02:51 PM

To DeForest Soaries Jr./EAC/GOV@EAC, Raymundo  
Martinez/EAC/GOV@EAC  
cc Spring A. Taylor/EAC/GOV@EAC, Adam Ambrogi

bcc

Subject Meeting with Dr. Pastor

Commissioners,

I'm trying to coordinate a meeting for you with Dr. Pastor. His availability has changed for next week and his assistant and I are trying complete this task while Commissioner Soaries is in town.

Dr. Pastor is scheduled to testify on the Hill on Wednesday, April 6, at 2:00 p.m. Would you be open to having a lunch meeting with him at a place nearby around 12:00 (noon)? His assistant is also checking with him.

Thanks,  
Sheila

020210

Carol A. Paquette/EAC/GOV  
03/15/2005 07:48 PM

To Gracia Hillman/EAC/GOV@EAC, Paul  
DeGregorio/EAC/GOV@EAC, Raymundo  
Martinez/EAC/GOV@EAC, DeForest Soaries  
Sheila A. Banks/EAC/GOV@EAC, Adam  
cc Ambrogio/EAC/GOV@EAC, Holland M.  
Patterson/EAC/GOV@EAC, Spring A.  
bcc  
Subject Cyber Security Industry Alliance - Susan Zevin - Request for  
meeting

Commissioners -

Susan Zevin contacted me several weeks ago to set up a meeting between the Commissioners and Paul Kurtz, the Executive Director of the Cyber Security Industry Alliance (CSIA). CSIA is an industry advocacy group that has been formed to promote improvement of cyber security through public policy, education and technology-focused initiatives. Their membership is comprised of major cyber security software providers such as Symantec, Entrust, McAfee, Check Point (they've been getting some unfavorable press lately), and others. They are "interested in assisting the Commission in the evolution of new approaches to voting systems." Susan was rather vague about what this means. I suggested that it might be useful for this group to review and comment on the TGDC/NIST work on the NIST website. Susan indicated they are interested in "higher level, big picture policy matters." Whatever these matters are, she indicated that they can only be discussed directly with the Commissioners, not with some intermediary.

Checked out this group with some colleagues in the security business. The feedback I received was that they're relatively new on the scene, only one of several similar industry advocacy groups, and that they're looking for an issue to make their mark on. (There might have been some professional rivalry seeping through in these comments.) Mr. Kurtz has pretty impressive credentials, having been National Security Council senior director of the Office of Cyberspace Security and a member of the President's Critical Infrastructure Protection Board (prior to 2003).

Is there interest in a meeting by all or some of you?

Carol A. Paquette  
Interim Executive Director  
U.S. Election Assistance Commission  
(202)566-3125 cpaquette@eac.gov

020211



"Edward Foley"  
<foley.33@osu.edu>  
11/10/2004 05:39 PM

To "Daniel P. Tokaji" <tokaji.1@osu.edu>, aambrogi@eac.gov  
cc  
bcc  
Subject Re: EAC Meeting Invitation

Adam,

Like Dan, I would be delighted to meet with Commissioner Martinez and am pleased that he has found our website helpful.

Would it be possible to meet on Monday at 5:30, perhaps at the Hotel George on Capitol Hill? I will be heading to the airport at 6:15pm to catch a flight back to Columbus, but that would give us a little time for the kind of informal meeting you describe, at which we can start a conversation that can be pursued subsequently. I believe Dan might be able to join us at this time as well.

Thanks very much,

Ned Foley

At 05:01 PM 11/10/2004, Daniel P. Tokaji wrote:

Adam:

Thanks for writing. I'm very pleased to hear that Commissioner Martinez has found our website useful. I will indeed be in DC early next week. While it looks like the conference will take up most of the day and I've made plans for the evening, I'm not going to be returning to Columbus until Tuesday afternoon -- I'd originally planned on attending another event in DC that day, but it's been cancelled. Would Commissioner Martinez have any time to meet on Tuesday morning or early afternoon? (I'm just speaking for myself and am not sure what Ned's schedule looks like.)

Dan

At 01:50 PM 11/9/2004, aambrogi@eac.gov wrote:

Dear Professors Foley and Tokaji:

My name is Adam Ambrogi, and I am special assistant to Commissioner Ray Martinez of the U.S. Election Assistance Commission. Commissioner Martinez is a frequent visitor to your law school's website containing legal news and analysis on election law issues. As one of four commissioners on the EAC, Commissioner Martinez is especially interested in issues related to provisional voting and the Help America Vote Act of 2002. In short, Commissioner Martinez found the information on your website to be extremely useful and the analysis insightful.

020212

(For additional information about the EAC and Commissioner Martinez, please visit our agency website at [www.eac.gov](http://www.eac.gov).)

Commissioner Martinez asked me to send this email today because it is our understanding that you will participate in a forum here in D.C. next Monday sponsored by GWU's Law Review. Although Commissioner Martinez plans to attend some portions of the forum (depending on his schedule), he was wondering if either or both of you had any room on your schedule while in Washington to have coffee at the EAC offices. The purpose of the visit would be very informal -- simply a "get to know you" visit to establish a dialogue and get initial input from you on HAVA and election reform generally. If you are available and interested in doing so, please contact me ASAP at 202-566-3105 (or respond via email) to schedule a time.

Regards,

Adam Ambrogi

-----

Adam D. Ambrogi, Esq.  
Special Assistant to Commissioner Ray Martinez III  
U.S. Election Assistance Commission  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005  
202-566-3105

Daniel P. Tokaji  
Assistant Professor of Law  
The Ohio State University  
Moritz College of Law  
55 W. 12th Ave.  
Columbus, OH 43210  
voice: 614-292-6566  
fax: 614-688-8422  
tokaji.1@osu.edu  
<http://equalvote.blogspot.com/>

Edward B. Foley  
Director, *Election Law @ Moritz*, and  
Robert M. Duncan/Jones Day Designated Professor of Law

The Ohio State University, Moritz College of Law  
phone: (614) 292-4288; e-mail: [foley.33@osu.edu](mailto:foley.33@osu.edu)  
<http://moritzlaw.osu.edu/electionlaw/>

020213





"Daniel P. Tokaji"  
<tokaji.1@osu.edu>  
11/10/2004 05:01 PM

To aambrogi@eac.gov  
cc foley.33@osu.edu  
bcc  
Subject Re: EAC Meeting Invitation

Adam:

Thanks for writing. I'm very pleased to hear that Commissioner Martinez has found our website useful. I will indeed be in DC early next week. While it looks like the conference will take up most of the day and I've made plans for the evening, I'm not going to be returning to Columbus until Tuesday afternoon -- I'd originally planned on attending another event in DC that day, but it's been cancelled. Would Commissioner Martinez have any time to meet on Tuesday morning or early afternoon? (I'm just speaking for myself and am not sure what Ned's schedule looks like.)

Dan

At 01:50 PM 11/9/2004, aambrogi@eac.gov wrote:

>Dear Professors Foley and Tokaji:

>

>My name is Adam Ambrogi, and I am special assistant to Commissioner Ray  
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>legal news and analysis on election law issues. As one of four  
>commissioners on the EAC, Commissioner Martinez is especially interested  
>in issues related to provisional voting and the Help America Vote Act of  
>2002. In short, Commissioner Martinez found the information on your  
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>additional information about the EAC and Commissioner Martinez, please  
>visit our agency website at [www.eac.gov](http://www.eac.gov).)

>

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>was wondering if either or both of you had any room on your schedule while  
>in Washington to have coffee at the EAC offices. The purpose of the visit  
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>dialogue and get initial input from you on HAVA and election reform  
>generally. If you are available and interested in doing so, please  
>contact me ASAP at 202-566-3105 (or respond via email) to schedule a time.

>

>Regards,

>

>Adam Ambrogi

>-----

>Adam D. Ambrogi, Esq.  
>Special Assistant to Commissioner Ray Martinez III  
>U.S. Election Assistance Commission  
>1225 New York Ave. NW - Suite 1100  
>Washington, DC 20005  
>202-566-3105

Daniel P. Tokaji  
Assistant Professor of Law

020214

The Ohio State University  
Moritz College of Law  
55 W. 12th Ave.  
Columbus, OH 43210  
voice: 614-292-6566  
fax: 614-688-8422  
tokaji.1@osu.edu  
<http://equalvote.blogspot.com/>

020215

Karen Lynn-Dyson/EAC/GOV  
11/08/2004 11:57 AM

To Raymundo Martinez/EAC/GOV@EAC  
cc Adam Ambrogi/EAC/GOV@EAC  
bcc  
Subject Tomorrow's meeting with Tom Kattus from Rural Ethnic  
Institute

This is to confirm our meeting tomorrow morning, November 9, at 9:30 AM in our offices with Tom Kattus from the Rural Ethnic Institute.

Tom has a short video to show us, that his students made on the election.

K

Karen Lynn-Dyson  
Director, Help America Vote College Program  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

020216



Raymundo  
Martinez/EAC/GOV  
08/09/2004 12:06 PM

To Joan A. Wooley/EAC/GOV@EAC  
cc Adam Ambrogi/EAC/GOV@EAC, DeForest Soaries  
Jr./EAC/GOV@EAC, Nancy Jackson/EAC/GOV@EAC  
bcc  
Subject Re: Meeting with Becky O'Brien

I think we will be scrambling tomorrow morning to get things ready for the meeting, so I don't think 9:00AM is a good time. This organization is a credible and important group, and one that I hope we can get involved in this program. Rather than meeting tomorrow before the meeting, why don't I call her today and explain where we are with the program, and to further explain that all we are doing tomorrow is adopting a framework within which whoever directs this program will be able to operate. We are not disbursing grant money to any entity tomorrow and in fact, we are very interested in proposals for funding right now. If she comes to the meeting, perhaps we can meet with her afterwards.

Is this approach acceptable to everyone?

RAY MARTINEZ III  
Commissioner  
U.S. Election Assistance Commission  
1225 New York Avenue, N.W., Suite 1100  
Washington, D.C. 20005

(202) 566-3100 (W)  
(202) 566-3127 (FAX)  
[www.eac.gov](http://www.eac.gov)

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020217

Joan A. Wooley/EAC/GOV  
08/09/2004 12:00 PM

To DeForest Soaries Jr./EAC/GOV@EAC, Raymundo  
Martinez/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC,  
Nancy Jackson/EAC/GOV@EAC

cc


bcc

Subject Meeting with Becky O'Brien

Rec'd a phone call from Becky O'Brien who is with Just Democracy. Just Democracy represents a group of law students and Becky would like to meet with you all to discuss what type of support her group can provide on election day. She would like to meet tomorrow morning before the public meeting. Do you want to meet with Becky, if so will you be available tomorrow morning at 9:00AM

020218

Joan A. Wooley/EAC/GOV  
08/05/2004 03:54 PM

To Daniel Murphy/EAC/GOV@EAC  
Adam Ambrogi/EAC/GOV@EAC, DeForest Soaries  
cc Jr./EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, Paul  
DeGregorio/EAC/GOV@EAC, Raymundo  
bcc  
Subject Meeting with Leslie Reynolds 

Will the Commisioners be able to meet on the 19th at Noon?

020219



"Vincent Fry"  
<FryV@dnc.org>  
06/17/2004 09:16 AM

To aambrogi@eac.gov  
cc  
bcc  
Subject Re: DNC meeting

Adam, we are still on for the 23rd.

The meeting with Chairman McAuliffe will be 30 minutes and we just want Commissioner Martinez to talk about the work of the commission and coming events.

Thanks.

Vincent Fry  
Executive Director  
Voting Rights Institute  
Democratic National Committee  
430 S. Capitol St., SE  
Washington, DC 20003  
p: 202.488.5088  
f: 202.863.8063  
e: FryV@dnc.org

Every One Counts in 2004!

Visit the Voting Rights Institute site to make sure every vote counts!  
<http://www.democrats.org/vri/index.html>

Be an Epatriot! Your contribution goes directly to fight George Bush and ensure Democratic victories up and down the ballot!  
<https://www.democrats.org/epatriots/give.html?sourcecode=P000350>

>>> <aambrogi@eac.gov> 6/7/2004 2:48:29 PM >>>  
Believe that is a good time to meet. Please let me know more details as we get closer to the meeting.

Thanks.  
Adam Ambrogi

-----  
Adam D. Ambrogi  
Special Assistant to Commissioner Ray Martinez III  
U.S. Election Assistance Commission  
1225 New York Ave. NW ? Suite 1100  
Washington, DC 20005  
202-566-3105

020220



Raymundo  
Martinez/EAC/GOV  
06/16/2004 09:19 AM

To Joan A. Wooley/EAC/GOV@EAC  
cc Adam Ambrogi/EAC/GOV@EAC  
bcc  
Subject Re: Meeting with Chairman, and Alex Perwich

Joan:

Thanks for the invitation. I have an appointment out of the office at 3:30PM on Friday, so I will be happy to sit in on at least part of the meeting.

RAY MARTINEZ III  
Commissioner  
U.S. Election Assistance Commission  
1225 New York Avenue, N.W., Suite 1100  
Washington, D.C. 20005

(202) 566-3100 (W)  
(202) 566-3127 (FAX)  
[www.eac.gov](http://www.eac.gov)

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020221



Joan A. Wooley/EAC/GOV  
06/16/2004 09:17 AM

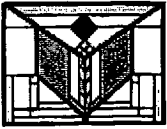
To Raymundo Martinez/EAC/GOV@EAC  
cc Adam Ambrogi/EAC/GOV@EAC  
bcc  
Subject Meeting with Chairman, and Alex Perwich

Commissioner:

The Chairman would like for you to attend a meeting with him and myself on Friday (to discuss the Poll Worker Initiative specifically getting honors students involvement) with Alex Perwich II, CEO of the Golden Key International Honor Society on Friday at 2:30 here in the EAC conference room.

If you have any questions, please call me at 566-3116.

020222



Adam Ambrogi/EAC/GOV  
06/28/2005 02:35 PM

To Lawrence F. Gonzalez  
cc  
bcc Laiza N. Otero/EAC/GOV@EAC  
Subject Working Group Meeting

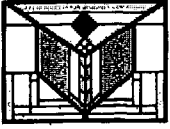
Larry:

Hope all is well. Cmsr. Martinez, our research associate Laiza Otero, and myself are organizing a Working Group meeting for Hispanic groups focused on the particular problems faced by Spanish-speaking voters. I left a voicemail for you about that, but I wanted to let you know that the event has changed to August 1, 2005, from 1-4 PM in our offices in DC. Please let me know your availability- as we certainly want NALEO's presence at this meeting.

Thanks,  
Adam

-----  
Adam D. Ambrogi  
Special Assistant to Commissioner Ray Martinez III  
U.S. Election Assistance Commission  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005  
202-566-3105

020223



Adam Ambrogi/EAC/GOV  
06/09/2005 04:30 PM

To Sheila A. Banks/EAC/GOV, Amie J. Sherrill/EAC/GOV  
cc Raymundo Martinez/EAC/GOV@EAC  
bcc  
Subject Requested meeting Sec. Grayson

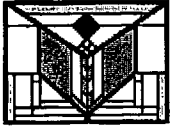
I received a call from Sarah Ball Johnson, from Kentucky. Their Secretary of State, Trey Grayson will be in DC next week on the 15th and 16th-- and is available to meet with Commissioners on the 15th from 10-11:30, and on the 16th from 3:30-6 PM. He would just like a 'meet and greet' and a tour of our offices.

Please let me know if any or all of these times are better for the Commissioners to meet with Sec. Grayson, and I will make the appointment with his office.

Thanks,  
Adam

-----  
Adam D. Ambrogi  
Special Assistant to Commissioner Ray Martinez III  
U.S. Election Assistance Commission  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005  
202-566-3105

020224



Adam Ambrogi/EAC/GOV  
06/01/2005 03:51 PM

To Raymundo Martinez/EAC/GOV, Paul DeGregorio/EAC/GOV  
cc  
bcc  
Subject Meeting with Pollworker Institute

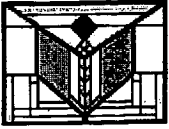
**Commissioners:**

As a follow-up to my email of last week, I have been in touch with Tracy Warren, who had asked to speak with both of you regarding the efforts that she and Jennifer Collins-Foley are proposing through the "Pollworker Institute." In addition to the prospectus for the P.I. provided you both, they have also indicated their interest in discussing the future of the College Pollworker Program, in light of their schedule for this year's Pollworker Institute initiatives. Tracy (and Jennifer, if she's back from Albania) are available to meet on Monday, June 6th at 2 PM. Please let me know whether that time is available for you, and whether you desire any additional staff present at this meeting. I will work out the remaining details.

Thanks,  
Adam

-----  
Adam D. Ambrogi  
Special Assistant to Commissioner Ray Martinez III  
U.S. Election Assistance Commission  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005  
202-566-3105

020225



Adam Ambrogi/EAC/GOV  
05/09/2005 10:45 AM

To "Wendy Weiser"  
<wendy.weiser@nyu.edu>@GSAEXTERNAL  
cc  
bcc  
Subject Re: possible meeting

Dear Wendy:  
Upon further reflection and a brief conversation with Commissioner Martinez, I think that a group of 10-12 individuals should be about the largest that this meeting should get. (Aside from EAC staff, of course.) Let me know how you believe the plans are shaping up.  
Best,  
Adam

-----  
Adam D. Ambrogi  
Special Assistant to Commissioner Ray Martinez III  
U.S. Election Assistance Commission  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005  
202-566-3105

"Wendy Weiser" <wendy.weiser@nyu.edu>



"Wendy Weiser"  
<wendy.weiser@nyu.edu>  
05/05/2005 04:46 PM

To aambrogi@eac.gov  
cc  
Subject possible meeting

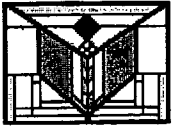
Dear Adam,

I am writing to follow up on our conversation of yesterday. I would like to know when Commissioner Martinez (and/or the other Commissioners) might be available for a smaller and/or a larger meeting to discuss statewide voter registration databases and the EAC's Guidance. I would be happy to facilitate the participation of other groups as well. Thank you, and I look forward to hearing from you.

Best,

Wendy R. Weiser  
Associate Counsel, Democracy Program  
Brennan Center for Justice at NYU School of Law  
161 Avenue of the Americas, 12th Floor  
New York, NY 10013  
(212) 998-6130 (direct)  
(212) 995-4550 (fax)  
[wendy.weiser@nyu.edu](mailto:wendy.weiser@nyu.edu)

020226



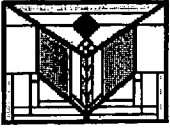
Adam Ambrogi/EAC/GOV  
03/24/2005 12:00 PM

To Raymundo Martinez/EAC/GOV  
cc  
bcc  
Subject McGeehan/SOS Meeting

Ann called and apologized for not calling you back two weeks ago... She then confirmed the times that we would be in town on Monday. She checked the SOS's schedule, and there some time for you to meet with him at Monday at 3:30 PM. I told her that it sounded good, but told her I'd call to finalize. Let me know if you see any problems with that time frame.

-----  
Adam D. Ambrogi  
Special Assistant to Commissioner Ray Martinez III  
U.S. Election Assistance Commission  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005  
202-566-3105

020227



Adam Ambrogi/EAC/GOV  
12/02/2004 02:49 PM

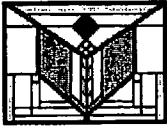
To Raymundo Martinez/EAC/GOV  
cc  
bcc  
Subject LWV Meeting

Lloyd Leonard and his staffer Jeanette Senecal will meet with us (or you, depending on your preference) at 2 PM on Monday, at the EAC. I've reserved the small conference room for us. He says he intends to set up meetings with each of the four commissioners separately, (but, he added in a unique tone) he's coming to you first.

Adam

-----  
Adam D. Ambrogi  
Special Assistant to Commissioner Ray Martinez III  
U.S. Election Assistance Commission  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005  
202-566-3105

020228



Adam Ambrogi/EAC/GOV

11/09/2004 01:47 PM

To tokaji.1@osu.edu, electionlaw@osu.edu

cc

bcc

Subject EAC Meeting Invitation

Dear Professors Foley and Tokaji:

My name is Adam Ambrogi, and I am special assistant to Commissioner Ray Martinez of the U.S. Election Assistance Commission. Commissioner Martinez is a frequent visitor to your law school's website containing legal news and analysis on election law issues. As one of four commissioners on the EAC, Commissioner Martinez is especially interested in issues related to provisional voting and the Help America Vote Act of 2002. In short, Commissioner Martinez found the information on your website to be extremely useful and the analysis insightful. (For additional information about the EAC and Commissioner Martinez, please visit our agency website at [www.eac.gov](http://www.eac.gov).)

Commissioner Martinez asked me to send this email today because it is our understanding that you will participate in a forum here in D.C. next Monday sponsored by GWU's Law Review. Although Commissioner Martinez plans to attend some portions of the forum (depending on his schedule), he was wondering if either or both of you had any room on your schedule while in Washington to have coffee at the EAC offices. The purpose of the visit would be very informal -- simply a "get to know you" visit to establish a dialogue and get initial input from you on HAVA and election reform generally. If you are available and interested in doing so, please contact me ASAP at 202-566-3105 (or respond via email) to schedule a time.

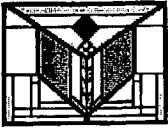
Regards,

Adam Ambrogi

-----  
Adam D. Ambrogi, Esq.  
Special Assistant to Commissioner Ray Martinez III  
U.S. Election Assistance Commission  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005  
202-566-3105

020229





Adam Ambrogi/EAC/GOV

08/10/2004 03:03 PM

To becca@justdemocracy.org

cc

bcc

Subject JD/EAC Meeting

Dear Becca:

My name is Adam Ambrogi and I'm Commissioner Martinez's Special Assistant (and an '02 Texas Law graduate). I'll be attending and will help coordinate that meeting on Friday. Is 12:15 at Bertucci's in the "Shops at 2000 Penn" (by Kinkead's in Foggy Bottom) ok to discuss the HAV College Program and any potential partnerships between JD and the EAC?

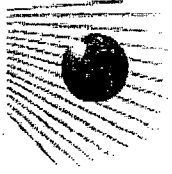
Please let me know. Please also provide a phone number should any changes be necessary. My contact number is below, and I know the Commissioner and I look forward to meeting you on Friday.

Very truly yours,

Adam Ambrogi

-----  
Adam D. Ambrogi  
Special Assistant to Commissioner Ray Martinez III  
U.S. Election Assistance Commission  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005  
202-566-3105

020230



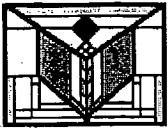
Paul DeGregorio/EAC/GOV  
06/17/2005 11:11 PM

To Raymundo Martinez/EAC/GOV@EAC, Gracia Hillman/EAC/GOV  
Adam Ambrogi/EAC/GOV@EAC, Amie J.  
cc Sherrill/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC, Juliet E. Thompson/EAC/GOV@EAC  
bcc  
Subject Re: Meeting with John Groh, ES&S Systems

I spoke with Jim Dickson today. He indicated his concern with the Automark system not being in true compliance with 301 (a). Jim said that John Groh was coming to DC with one of his experts to talk to him on Tuesday, the same day Ray and I are having our meeting. I did not tell him about the meeting we have set up with ES&S.

Paul

020231



Adam Ambrogi/EAC/GOV  
06/01/2005 03:51 PM

To Raymundo Martinez/EAC/GOV@EAC, Paul  
DeGregorio/EAC/GOV@EAC  
cc  
bcc  
Subject Meeting with Pollworker Institute

Commissioners:

As a follow-up to my email of last week, I have been in touch with Tracy Warren, who had asked to speak with both of you regarding the efforts that she and Jennifer Collins-Foley are proposing through the "Pollworker Institute." In addition to the prospectus for the P.I. provided you both, they have also indicated their interest in discussing the future of the College Pollworker Program, in light of their schedule for this year's Pollworker Institute initiatives. Tracy (and Jennifer, if she's back from Albania) are available to meet on Monday, June 6th at 2 PM. Please let me know whether that time is available for you, and whether you desire any additional staff present at this meeting. I will work out the remaining details.

Thanks,  
Adam

-----  
Adam D. Ambrogi  
Special Assistant to Commissioner Ray Martinez III  
U.S. Election Assistance Commission  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005  
202-566-3105

020232



Raymundo  
Martinez/EAC/GOV  
Sent by: Adam Ambrogi  
05/03/2005 01:32 PM

To Raymundo Martinez/EAC/GOV@EAC  
cc  
bcc  
Subject Meeting with Dr. With/UNT

Wednesday May 4th at 9:00 AM at EAC.

RAY MARTINEZ III  
Commissioner  
U.S. Election Assistance Commission  
1225 New York Avenue, N.W., Suite 1100  
Washington, D.C. 20005

(202) 566-3100 (W)  
(202) 566-3127 (FAX)  
[www.eac.gov](http://www.eac.gov)


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---

020233



Raymundo  
Martinez/EAC/GOV  
04/25/2005 02:18 PM

To "Sheppard, Laura (CCO)"  
<LSheppard@cco.hctx.net>@GSAEXTERNAL  
John.K.Tanner@usdoj.gov, Raymundo  
cc Martinez/EAC/GOV@eac.gov, Adam  
Ambrogi/EAC/GOV@EAC  
bcc  
Subject RE: Meeting Plans for Harris County Cities/School Districts  
on Election Issues 

Laura:

I will be there as well. If you need any additional information from me, you can either call me directly (202-566-3104) or my assistant, Adam Ambrogi, at (202-566-3105). Adam's email address is [aambrogi@eac.gov](mailto:aambrogi@eac.gov), and I have copied him on this response.

Thanks.

RAY MARTINEZ III  
Commissioner  
U.S. Election Assistance Commission  
1225 New York Avenue, N.W., Suite 1100  
Washington, D.C. 20005

(202) 566-3100 (W)  
(202) 566-3127 (FAX)  
[www.eac.gov](http://www.eac.gov)

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020234



Kay Stimson/EAC/GOV  
12/17/2004 04:02 PM

To DeForest Soaries Jr./EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, Raymundo Martinez/EAC/GOV@EAC, Paul Adam Ambrogi/EAC/GOV@EAC, Daniel  
cc Murphy/EAC/GOV@EAC, Spring A. Taylor/EAC/GOV@EAC, sbanks@eac.gov, Carol A. Paquette/EAC/GOV@EAC, Juliet

bcc

Subject NASED & NASS Winter Meeting Invites

Commissioners:

I just spoke with Melinda Glazer at NASED. They would like to invite you to address their membership at their annual winter meeting in DC (a formal letter of invitation has been mailed to each of you). Please check on your availability for Friday, February 4, 2005. The timeslot they have available runs from 1:30-3:45 PM. They wanted to give you the opportunity to speak on a weekday, but Saturday (Feb. 5) would also work if Friday will not.

The following is a list of topics that NASED would like for you to address, in addition to any additional EAC-related topics:

\*ITA issues--when EAC will take over, how, etc.

\*Provisional ballots--what our study will entail, timeframe for conducting the study, etc.

\*Full funding for HAVA requirements payments--a suggested strategy for working with the state offices to get full funding

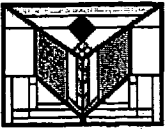
\*Guidance to address changes to state plans--what constitutes a "material change" and other legal issues

The staff will work with you to prepare an agenda, etc. For now, please let me know ASAP if the Feb. 4 date and timeframe works for you.

In addition, I just received a fax invite to the NASS winter conference. I will distribute a copy to each of you. It will contain more details, but please mark your calendars for our EAC presentation on Monday, Feb. 7, from 9:00 AM-12:00 PM. You are also invited to stay for a lunch that follows immediately afterwards.

Best,  
Kay

020235



Adam Ambrogi/EAC/GOV  
08/12/2004 10:12 AM

To Raymundo Martinez/EAC/GOV@EAC  
cc  
bcc  
Subject Amy Kay meeting


3 PM tomorrow. EAC office.

She sounded interested. She also said "I just got back from vacation and received a phone message from Vice-Chair Hillman... I wonder if it is regarding the same issue?" I told her that I did not know.

-----  
Adam D. Ambrogi  
Special Assistant to Commissioner Ray Martinez III  
U.S. Election Assistance Commission  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005  
202-566-3105

020236

Raymundo  
Martinez/EAC/GOV  
05/03/2004 07:48 AM

To "Jennifer Curley"  
<jennifer@curleycompany.com>@GSAEXTERNAL  
cc  
bcc  
Subject RE: Meeting with you? 

Sure. Tomorrow afternoon either at 1 or 1:30PM will work, but I have to be at DOJ for a meeting by 2:45PM. Let me know if something in that timeframe works for you guys. Can we do the meeting here in my office (address below)?


Thanks.

Ray Martinez III  
Commissioner  
U.S. Election Assistance Commission  
1225 New York Avenue, N.W.  
Suite 1100  
Washington, D.C. 20005  
(202) 566-3100 (W)  
(202) 566-3127 (FAX)

020237



Raymundo  
Martinez/EAC/GOV  
04/29/2004 10:16 AM

To "Jennifer Curley"  
<jennifer@curleycompany.com>@GSAEXTERNAL  
cc  
bcc  
Subject Re: Meeting with you? 

Jennifer:

I'm sure we can work something out...things are pretty fluid for next week, but hopefully Tuesday would work. I'm not sure about the other commissioners, but I can sit down with Jim sometime that Tuesday, though it would probably work best to do something here at the office, since I'm swamped right now trying to get ready for the hearing, the roll-out of our requirements payments to states (beginning May 10th) and our budget hearing in front of our appropriating sub-committee (which happens on May 12). Needless to say, the first two weeks of May will be a very trying time for the new EAC!

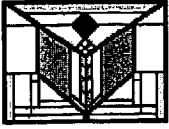
Anyway, I'll definitely make time for your client, and I'll mention it to the other commissioners when I see them later today. Also, I tried calling you back several times yesterday, but could not get through on the number that was given to me (422-6422). Perhaps we got the number down incorrectly...sorry about that.

I'll let you know when on Tuesday works best for me....I'll be back in touch later this afternoon.

Thanks.

Ray Martinez III  
Commissioner  
U.S. Election Assistance Commission  
1225 New York Avenue, N.W.  
Suite 1100  
Washington, D.C. 20005  
(202) 566-3100 (W)  
(202) 566-3127 (FAX)

020238



Adam Ambrogi/EAC/GOV  
07/22/2004 06:32 PM

To Raymundo Martinez/EAC/GOV  
cc  
bcc  
Subject Meeting with H. Cisneros

Ray-

I saw that someone called my phone but did not leave a message for me, so I used the call log to call back (because it was a San Antonio number). It was Mr. Cisneros' organization, and I spoke with Sylvia there, who wanted to see if she could move your meeting back from 330 to either 130 or 230 tomorrow. (Mr. Cisneros wants to try to see his son fly- he's taking flying lessons tomorrow afternoon). Please let me know, or call back Sylvia at 210-228-9670. I introduced myself to her, and mentioned that it was good to have Jacob up here, and that he spoke kindly of them-- FYI.

Adam

-----  
Adam D. Ambrogi  
Special Assistant to Commissioner Ray Martinez III  
U.S. Election Assistance Commission  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005  
202-566-3105

020239

November 16, 2004

Professor Edward Foley  
Mortiz College of Law  
Ohio State University  
Columbus, OH,

Dear Professor Foley:

It was good to meet you yesterday at the Law and Democracy Symposium sponsored by the George Washington University School of Law. I commend you for your efforts to provide information and analysis on election law issues, and enjoyed our discussion regarding the state of election law. I will certainly keep your advice in mind.

While the election of 2004 has passed, I firmly believe that the Election Assistance Commission has its most challenging work ahead. The development of voting system standards, as well as voluntary guidelines for the states on HAVA compliance present a particular opportunity to improve the way election administration is handled. In these months ahead, I would welcome your thoughts on these issues, as we continue the reforms focused on the people, process and technology of election reform.

Please feel free to contact me at any time; my office number is 202-566-3105.

Regards,

Ray Martinez  
Commissioner

020240

Laiza N. Otero/EAC/GOV  
07/19/2005 11:27 AM

To lgonzalez@naleo.org, jose\_garcia@pridef.org,  
LFigueroa@maldef.org, rlopez@ushli.com,  
gyanet@wcvl.org, mbuia@chli.org,  
cc Adam Ambrogi/EAC/GOV@EAC

bcc

Subject Hispanic Working Group Meeting

Good Morning to all!

I am attaching a Logistics Fact Sheet for your reference regarding the August 1, 2005, Hispanic Working Group meeting. If you have any questions, please, do not hesitate to contact me at your earliest convenience at the information listed below. I look forward to meeting all of you in person. Have a great week!

Laiza N. Otero  
U.S. Election Assistance Commission  
1225 New York Avenue, Suite 1100  
Washington, DC 20005  
(202)566-3126



Logistics Sheet.doc

020241



U.S. ELECTION ASSISTANCE COMMISSION  
1225 New York Ave. NW – Suite 1100  
Washington, DC 20005

## Hispanic Working Group

### Logistics Fact Sheet

**Date:** Monday, August 1, 2005

**Time:** 1:00PM – 4:00PM

**Location:** U.S. Election Assistance Commission –1201 Conference Room  
1201 New York Ave, NW, 1<sup>st</sup> Floor  
Washington, DC 20005  
(202) 566-3100

**Transportation:** via Metro – take blue, orange, or red line to Metro Center; walk up to New York Ave (2 blocks from Metro – corner of New York Ave and 12<sup>th</sup> St.)

**Bus service at Metro Center:**

11Y (on 14th St.)  
42 (on 11th St.)  
52, 53, 54 (on 14th St.; also 54 on F St. between 11th & 14th)  
66, 68 (on 11th St.)  
80 (on H St.)  
D1, D3, D6 (on 13th St.)  
G8 (on 11th St. north of H, on H St. west of 11th)  
P17, P19 (inbound on 11th St.; outbound on 13th St.)  
P6 (on 11th St.)  
S2, S4 (on 11th St.)  
W13 (inbound on 11th St.; outbound on 13th St.)  
X2 (on H St.)

**From Reagan National Airport:**

- take blue line Metro towards Largo Town Center; exit at Metro Center station
- taxi services available (fare will be approximately \$15-\$20)

**Parking:**

Parking garage available behind building on I Street, NW.

**Contact:** For travel arrangements or information, contact Laiza N. Otero at (202) 566-3126 or via e-mail at [lotero@eac.gov](mailto:lotero@eac.gov).

020242

Raymundo  
Martinez/EAC/GOV  
07/19/2005 01:02 PM

To lgonzalez@naleo.org, jose\_garcia@pridef.org,  
lfigueroa@maldef.org, rlopez@ushli.com, gyanet@wcvi.org,  
mbuia@chli.org, tripp\_baird@martinez.senate.gov,  
Raymundo Martinez/EAC/GOV@EAC, Paul  
cc DeGregorio/EAC/GOV@EAC, Laiza N.  
Otero/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC,  
bcc

Subject EAC Hispanic Working Group Meeting -- August 1, 2005

I would like to take this opportunity to thank you for agreeing to participate in the Hispanic Working Group meeting on August, 1, 2005 being organized by the U.S. Election Assistance Commission (EAC). The overall purpose of this meeting is to strengthen the EAC's understanding of the needs of the Hispanic community with regard to implementation of the Help America Vote Act of 2002, as well as the EAC's role in administering the National Voter Registration Act of 1993. We hope to provide an open dialogue for all meeting participants to candidly assess and recommend to the EAC various steps needed to ensure registration and voting accessibility for Hispanic voters.

Attached to this email, you will find several documents that will be discussed at the meeting, including the NVRA mail-in voter registration form (in English and Spanish) and a recently-updated glossary of election terminology. Specifically, we would like to solicit your feedback on the usability and readability of these documents. (Please note that the Spanish translation of the NVRA form was done in 2003 and the EAC is in the process of revising this document to reflect the updated English version that will soon be available.) In addition to these documents, we have also attached a copy of the proposed agenda and a link to a recently-issued report on the National Voter Registration Act commissioned by the EAC. Both the Help America Vote Act and the National Voter Registration Act can be viewed and downloaded via the EAC website as [www.eac.gov](http://www.eac.gov). We encourage you to take a look at our website, as we may also want to discuss during our meeting how the EAC can best utilize the Internet to reach and better serve the Hispanic community.

Once again, thanks in advance for your commitment to this important effort, and for your willingness to participate. I believe that this meeting is a critical step in ensuring that the EAC is responsive to all constituencies as we strive to continually improve the way we conduct elections for Federal office. I look forward to seeing you all on August 1st. If you have any questions or need additional information prior to the meeting, please feel free to call me or Laiza Otero here at the EAC. We can be reached at (202) 566-3100.

Best regards,

Ray Martinez III  
Commissioner

020245



- NVRA-2004-Survey.url



Hispanic Working Group Agenda.doc



Glossary in Excel Format.xls



NVRA form in English.pdf



NVRA form in Spanish.pdf

RAY MARTINEZ III  
Commissioner  
U.S. Election Assistance Commission  
1225 New York Avenue, N.W., Suite 1100  
Washington, D.C. 20005

(202) 566-3100 (W)  
(202) 566-3127 (FAX)  
www.eac.gov

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020244



U.S. ELECTION ASSISTANCE COMMISSION  
1225 New York Ave. NW – Suite 1100  
Washington, DC 20005

## Hispanic Working Group

### Logistics Fact Sheet

**Date:** Monday, August 1, 2005

**Time:** 1:00PM – 4:00PM

**Location:** U.S. Election Assistance Commission –1201 Conference Room  
1201 New York Ave, NW, 1<sup>st</sup> Floor  
Washington, DC 20005  
(202) 566-3100

**Transportation:** via Metro – take blue, orange, or red line to Metro Center; walk up to New York Ave (2 blocks from Metro – corner of New York Ave and 12<sup>th</sup> St.)

**Bus service at Metro Center:**

11Y (on 14th St.)  
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66, 68 (on 11th St.)  
80 (on H St.)  
D1, D3, D6 (on 13th St.)  
G8 (on 11th St. north of H, on H St. west of 11th)  
P17, P19 (inbound on 11th St.; outbound on 13th St.)  
P6 (on 11th St.)  
S2, S4 (on 11th St.)  
W13 (inbound on 11th St.; outbound on 13th St.)  
X2 (on H St.)

**From Reagan National Airport:**

- take blue line Metro towards Largo Town Center; exit at Metro Center station
- taxi services available (fare will be approximately \$15-\$20)

**Parking:**

Parking garage available behind building on I Street, NW.

**Contact:** For travel arrangements or information, contact Laiza N. Otero at (202) 566-3126 or via e-mail at [lotero@eac.gov](mailto:lotero@eac.gov).

020245





"Jeanette Hercik"  
<JHercik@caliber.com>  
04/20/2005 03:01 PM

To rmartinez@eac.gov  
klyndyson@eac.gov, cpaquette@eac.gov, Hlin@nas.edu,  
cc aambrogi@eac.gov, "Courtney Kakuska"  
<CKakuska@caliber.com>  
bcc  
Subject May Meeting

Dear Commissioner Martinez:

The dates for the May "technology" meeting are confirmed for May 16-17, 2005. We will start at 9:00 with a continental breakfast and go until 8:00 PM on day one, with a "networking dinner." On day two we are planning to start at 9:00 AM and will end at 2:00 PM. Dr. Lin has identified 8-12 technology experts to work with the group. The agenda is still under development, but it is suggested that we focus on five major topic areas:

- \* Databases
- \* Security/Privacy Issues
- \* Networking and Communication Systems between state and localities
- \* Software Development/IT Contracting
- \* Training Issues

We have been working with Karen and Dr. Lin at NAS to think through the agenda for the May "technology" meeting, but feel that it is critical that EAC send out the "invites" to attendees by week's end. The major question is "whom to invite."

\* Of course, we want the technology chiefs in the state election systems, but what states to invite is of issue. There has been some discussion that the "Working Group" be invited with their chief technology person.

\* However, it might be worth considering inviting different states based on the status of their statewide voter registration database system, i.e. those that have statewide data bases, those that have already selected a vendor, and those with pending systems contracts.

Deciding on the best "invited" states to the table is of critical importance and must be resolved so that we can get notice out to the participants.

To resolve this issue, Karen, Herb and I were hoping to get a few moments on your calendar for a phone call on Friday morning.

I am also attaching a draft invite letter for your consideration and review. Thank you.

<<mayinvite.doc>>

Jeanette M. Hercik, Ph.D.  
Senior Managing Associate  
Caliber Associates  
703-219-4307  
jhercik@caliber.com

020246



mayinvite.doc

020247



## Memorandum

**TO:**

**FROM:** COMMISSIONER RAY MARTINEZ

**SUBJECT:** CREATION OF STATEWIDE VOTER REGISTRATION LIST  
TECHNOLOGY WORKING GROUP

**DATE:** APRIL 22, 2005

The Help America Vote Act of 2002 ("HAVA") requires that each State implement a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained and administered at the State level.<sup>1</sup> Moreover, the EAC is required by HAVA to adopt voluntary guidance to assist States in meeting this important requirement.<sup>2</sup>

Accordingly, to assist the EAC in developing voluntary guidance, the EAC has established a Voter Registration List Implementation Working Group, which is comprised exclusively of state and local election officials drawn primarily from the current membership of the EAC's Board of Advisors and Standards Board, in addition to representation from the Department of Justice. Our first meeting took place on March 30-31, 2005 in Washington, D.C. Based on this initial meeting EAC staff produced draft voluntary guidance which, after an appropriate public comment and hearing process, will be considered for final adoption by the EAC.<sup>3</sup>

EAC is now ready to launch the second step of this effort. The EAC, in conjunction with the National Academy of Sciences ("NAS"), is bringing together state election officials, their chief technology officers in charge of election databases, and national technology database experts in order to discuss key technology issues related to the implementation and on-going use of statewide voter registration lists. You are most welcome to attend this session, but it is critical that your chief technology officer attend. All travel and per diem expenses will be covered by EAC. This meeting is scheduled for May 16-17, 2005 in Washington, D.C. at the National Academy of Sciences. Please forward the names and contact information of your representative no later than Friday, May 6, 2005 to Karen Lynn-Dyson. Ms. Dyson can be reached via email at [klynndyson@eac.gov](mailto:klynndyson@eac.gov) and telephone at (202) 566-3100.

Thank you.

---

<sup>1</sup> Help America Vote Act, Pub.L. 107-252. Title 11, § 303(a), 116 Stat. 1708 (codified at 42 U.S.C. § 15483 et seq.). An informal survey conducted by EAC staff last month found that States are in various stages of meeting this HAVA requirement.

<sup>2</sup> Help America Vote Act, Pub.L. 107-252. Title 11, § 311(a), 116 Stat. 1715 (codified at 42 U.S.C. § 15501 et seq.).

<sup>3</sup> EAC will implement a process for adoption of any final guidance which is in accordance with the public notice, comment and hearing provisions contained in HAVA, as well as a review period for the EAC's Board of Advisors and Standards Board.

Raymundo  
Martinez/EAC/GOV  
07/14/2005 09:58 AM

To Adam Ambrogi/EAC/GOV@EAC  
cc  
bcc  
Subject Fw: Summary from meeting this afternoon

RAY MARTINEZ III  
Commissioner  
U.S. Election Assistance Commission  
1225 New York Avenue, N.W., Suite 1100  
Washington, D.C. 20005

(202) 566-3100 (W)  
(202) 566-3127 (FAX)  
www.eac.gov

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— Forwarded by Raymundo Martinez/EAC/GOV on 07/14/2005 09:55 AM —



Paul DeGregorio/EAC/GOV  
07/14/2005 09:36 AM

To Raymundo Martinez/EAC/GOV  
cc  
Subject Fw: Summary from meeting this afternoon

Ray,

Sorry I missed the meeting with the disability groups. Amie said it went well. She provided me with the attached summary.

Paul

— Forwarded by Paul DeGregorio/EAC/GOV on 07/14/2005 09:35 AM —

Amie J. Sherrill/EAC/GOV  
07/13/2005 06:26 PM

To Paul DeGregorio/EAC/GOV@EAC  
cc  
Subject Summary from meeting this afternoon

following the meeting, Grant and I wrote this brief summary to bring you up to speed.

Amie J. Sherrill  
Special Assistant to Vice Chairman Paul S. DeGregorio  
U.S. Election Assistance Commission

020245

1225 New York NW - Suite 1100  
Washington, DC 20005  
(202) 566 3106



Summary of Meeting with Advocates for the Disabled Community.doc

020250

# Attachment

"Summary of Meeting with  
Advocates for the Disabled..."

previously provided

020251



Gracia Hillman/EAC/GOV  
01/10/2005 05:58 PM

To Paul DeGregorio/EAC/GOV@EAC, Raymundo  
Martinez/EAC/GOV@EAC, DeForest Soaries  
Jr./EAC/GOV@EAC, Juliet E. Thompson/EAC/GOV@EAC  
Carol A. Paquette/EAC/GOV@EAC, sbanks@eac.gov,  
cc dmurphy@eac.gov, aambrogi@eac.gov, Spring A.  
Taylor/EAC/GOV@EAC

bcc

Subject Meeting With Nonprofits

Attached is the draft letter that will be sent to the executive leadership of various nonprofit organizations inviting them to meet with us on Monday, January 24.

Please feel free to email back to me any comments and edits to the letter. My plan is to begin sending out the letters tomorrow (Tuesday).

Via this email, I am asking Julie to make certain I have extended the appropriate invitation for this closed door meeting.

It is also my plan to have a copy of the invitation list for you at tomorrow (Tuesday) morning's Discussion Session.



Mtg with Nonprofits, Jan 11 Invite Ltr.doc

020252

January 11, 2005

**\*\*DRAFT\*\***

Line 1 Name  
Line 2 Organization  
Line 3 Street Address  
Line 4 City, State, Zip

Dear

The U.S. Election Assistance (EAC) Commissioners request your presence at a meeting to be held on Monday, January 24, 2005. The meeting will begin at 1:30 p.m., is expected to last about 90 minutes, and will be held at our offices at 1225 New York Avenue, NW, Suite 1100, Washington, DC 20005.

As you know, the Help America Vote Act of 2002 (HAVA) established EAC to make certain that the law is fully and effectively implemented. The work of your organization brings value to this process. We also feel it is extremely important to have a direct relationship with the executive leadership of the nonprofit organizations that are committed to ensuring that American voters have confidence in the integrity and fairness of our elections. We did not have the opportunity to have such a meeting in 2004 and want to make certain that we do so early in 2005, before we begin our aggressive schedule of public meetings and hearings.

While we want an opportunity to personally share with you the broad based components of our 2005 work plan, it is our desire to have a broader discussion of how America is fairing under HAVA. You have been invited as the head of your organization because it is important that we hear directly from you. Your perspectives inform and bring value to our work as EAC Commissioners. Recognizing that we all rely heavily on expertise within our organizations, you are welcome to bring a member of your staff with you but we also want to emphasize that it is your input that we seek.

I hope you will join us on January 24 and look forward to seeing you then. Please confirm your attendance with my office at 202-566-3111. We will also need to know the name of any one who will accompany you to the meeting. My assistant, Sheila Banks, will provide any additional information you might need.

Best wishes for a wonderful, peaceful and successful New Year.

Sincerely,

Gracia Hillman  
Chair

020253





"Susan Frederick"  
<susan.frederick@ncsl.org>  
07/19/2005 03:03 PM

To aambrogi@eac.gov  
cc "Trina Caudle" <trina.caudle@ncsl.org>  
bcc  
Subject NCSL Seattle Meeting

Hi Adam: Attached is the draft agenda for Seattle. Will Commissioner Martinez need a hotel room for either the night of the 16th or 17th or both? Let me know so we can reserve one for him. My assistant Trina Caudle will make sure he has a badge for the meeting, and of course, he is welcome to attend any of our functions while he is with us in Seattle. Here is a link to the general meeting page:

<http://www.ncsl.org/annualmeeting/>

Please don't hesitate to contact me or Trina (202) 624-8695 if you have any questions. Thanks.

Susan

Susan Parnas Frederick  
Senior Committee Director  
National Conference of State Legislatures  
444 N. Capitol Street, NW Suite 515  
Washington, D.C. 20001  
phone: (202) 624-3566  
fax: (202)737-1069  
[susan.frederick@ncsl.org](mailto:susan.frederick@ncsl.org)  
Susan Parnas Frederick  
Senior Committee Director  
National Conference of State Legislatures  
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Washington, D.C. 20001  
phone: (202) 624-3566  
fax: (202)737-1069



[susan.frederick@ncsl.org](mailto:susan.frederick@ncsl.org) Seattle draft agenda v1.doc

020254

# NCSL REDISTRICTING AND ELECTIONS COMMITTEE



NATIONAL CONFERENCE *of* STATE LEGISLATURES

*The Forum for America's Ideas*

**NCSL Annual Meeting  
Seattle, Washington  
August 16-19, 2005**

## **2004-2005 COMMITTEE OFFICERS**

**Co-Chair:** Representative Tommy Reynolds, Mississippi

**Co-Chair:** Representative Dennis Ross, Florida

**Vice-Chair:** Senator Jeanmarie Devolites, Virginia

**Vice-Chair:** Representative Thad McClammy, Alabama

**Staff Co-Chair:** Mary Galligan, Kansas

**Staff Co-Chair:** Steve Miller, Wisconsin

**Staff Vice-Chair:** Karl Aro, Maryland

**Staff Vice-Chair:** John Bjornson, North Dakota

## **PRELIMINARY AGENDA**

**TUESDAY, AUGUST 16, 2005**

**8:30 am – 5:00 pm      Registration Open**

**5:00 pm - 10:00 pm      Welcome Reception: Seattle Sports Scene!**

**Qwest Field and Event Center and Mariners' Game at Safeco Field**

Seattle boasts two of the finest new stadiums, Qwest Field and Safeco Field. Qwest Field -- home of the Seahawks -- is set against a background of Puget Sound and snowy mountains. While you're waiting for the Mariners to take on the Kansas City Royals at Safeco Field (across the street from Qwest Field) you can enjoy interactive football games, larger-than-life football inflatables and the best slide burgers, foot-long hotdogs and fries in Seattle. Then, there's reserved seating for NCSL delegates and guests at the Mariners' game! Truly an evening to remember!

020255

**WEDNESDAY, AUGUST 17, 2005**

**8:30 am – 5:00 pm**

**Registration Open**

**7:30 am - 9:00 am**

**Continental Breakfast for All Delegates**

**8:30 am - 10:00 am**

**Opening Plenary Session**

Presiding: Delegate John Hurson, Maryland, President, NCSL

Keynote Speaker: Bill Gates

Bill Gates is Chairman and Chief Software Architect, Microsoft Corporation, Seattle. Gates started the world's leading software company in 1975. His vision and leadership have changed the way the world uses computers. The Bill and Melinda Gates Foundation, with an endowment of \$27 billion, is dedicated to global health and learning.

**10:15 am – noon**

**Efforts to Regulate Campaign Activity by “527s”**

In the 2004 election season, several so-called 527 organizations played prominent roles in both state and federal campaigns. Will federal efforts to reign in 527s impact state elections? Will legislative candidates and caucus campaign committees be covered by any federal reforms?

**12:00 pm - 1:00 pm**

**Lunch for All Meeting Participants**

Enjoy lunch and visit the exhibit hall! It features hundreds of exhibitors: businesses; public interest groups and associations; federal, state and local government agencies; trade associations; political groups; and consulting firms. Information and entertainment for all!

**1:15pm – 3:00pm**

**Innovative Approaches to Running Elections**

For nearly five years, states have worked diligently to reform the elections process. What are the most substantial changes and what top innovations should states look to replicate to improve the elections process?

Ray Martinez, Commissioner, Election Assistance Commission

Tova Wang, Century Foundation

Rebecca Vigil-Giron, Secretary of State, New Mexico

Miles Rappaport, Demos, New York

**3:00 pm – 4:15 pm**

**The Expanding Field of Election Law**

Elections have become increasingly litigious. What can states do to be prepared for court challenges in future elections? Will a judge decide your next race?

Dan Lowenstein, UCLA, California

Bill Gilkeson, North Carolina

Doug Chapin, electionline.org

**4:15 pm – 5:00pm**

**Business Meeting**

The Committee will consider important issue positions for NCSL's full membership to adopt as official policy. We will also discuss any potential Committee topics for the December meeting in Chicago, Illinois.

Presiding:  
Committee Officers

**THURSDAY, AUGUST 18, 2005**

**7:30 am - 8:30 am**

**Coffee Service for All Delegates**

**8:00 am – 5:00 pm**

**Registration Open**

**8:00 am – 9:00 am**

**The 2010 Census – What States should be doing *Now* to Prepare**

The Census Bureau is updating the geo-spatial files for your state and linking it to their Master Address File, the list of addresses used during the Census. This may have a profound effect on the redistricting data files. And a report on data products planned for 2006 for state legislative districts that will give you extensive new information about what your district look like demographically.

Cathy McCully, Chief, Census Redistricting Data Office, U.S. Census Bureau, Washington, D.C.

Linda Franz, Geographer, U.S. Census Bureau, Washington, D.C.

Bob LaMacchia, Chief, Geography Division, U.S. Census Bureau, Washington, D.C.

Deirdre Bishop, Census Redistricting Data Office, U.S. Census Bureau, Washington, D.C.

**9:00 am – 10:15 am**

**The Voting Rights Act and Redistricting**

020257

The Voting Rights Act, perhaps more than any other federal law, plays a major role in redistricting. Will the Act be changed or amended in the next couple of years? How much difference did it make in this round of redistricting compared to the 1990s?

**10:30 am – 11:45 am**

**Redistricting by Commission – Pros and Cons**

Voters in several states may soon be considering redistricting reform measures designed to strip the power of redistricting from legislatures. Do commissions produce more competitive district plans? Are they truly independent?

**11:45 am - 1:15 pm**

**Legislators' Luncheon**

Presiding: Senator Leticia Van de Putte, Texas, Vice President, NCSL

Biomedical Research and Economic Development

World-renowned researcher Leroy Hood and Nobel Laureate Lee Hartwell will share the latest trends in biomedical research and the impact this cutting-edge field can have on economic development.

Speakers:

Lee Hartwell, President, Fred Hutchinson Cancer Research Center, University of Washington, Seattle, Washington

Leroy Hood, M.D., President, Institute for Systems Biology, Seattle, Washington

**1:30 pm - 3:15 pm**  
Convention &  
Trade Center -- 620

**Changing Demographics: What Lies in Store for States?**

Demographic forecasting is essential for making informed decisions on issues ranging from school enrollments to public employees' retiree benefits. Hear current thinking on the trends and their meaning for state policy. What do demographic trends tell us about 2011 redistricting?

Speaker:

William Frey, Research Professor, University of Michigan

**3:30 pm - 5:00 pm**

**Concurrent Sessions**

- *LEGISLATOR TRAINING TRACK*--The Art of Public Debate
- Achieving Access to Prescription Drugs: Changing Roles for the States
- Cameras in the Capitol: The Legislative Perspective on Live TV Coverage
- Can Governments Break Their Addiction to Discriminatory Taxes?

- Driver Distraction: How Much is Too Much?
- Helping Children in Immigrant Families Succeed
- Maintaining Civility and Decorum
- Medical Liability: Finding Middle Ground
- Natural Gas Domestic Supply and Demand
- State-Tribal Relations: Strategies for Cooperation
- The ABCs of Protecting Financial Consumers
- The Impending Crisis for Higher Education
- The Methamphetamine Crisis
- The Price and Priorities of Government
- Your Own Personal Trainer For Technology

**6:30 pm - 9:30 pm**

**A Taste of Washington Extravaganza**

Seattle Center: Pacific Science Center, Experience Music Project and the Space Needle

Discover the diversity of our magical city as we bring our most famous sites to you. At the Pacific Science Center you can delight in a tropical stroll with hundreds of butterflies, re-ignite your imagination with interactive exhibits or simply sit back, relax and dine with the dinosaurs. Experience the power and joy of music, in all its forms, at EMP, a one-of-a-kind museum. You can explore the amazing collection of popular music artifacts, create your own music, or get a taste of rock stardom. And, we have reserved the Space Needle's Observation Level just for you. Enjoy sweeping views of Puget Sound, Mount Rainer, the Cascade and Olympic mountain ranges, Lake Washington and, of course, Seattle.\* You will enjoy the smooth sounds of Seattle's famous jazz, mingle with the entertaining street performers, and stroll the famous Pike Place Market vendor stalls. Come, bring your family, and enjoy some of the best delicacies the Northwest has to offer.

\*Access to the Space Needle Observation Deck is limited to the first 2,000 people.

<b>Friday, August 19, 2005</b>
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**8:00 am - 9:00 am**

**Coffee Service for All Delegates**

**8:30 am - 10:00 am**

**Plenary Session**

Speaker: Uwe Reinhardt, James Madison Professor of Political Economy, Princeton University, Princeton, New Jersey

**10:15 am - noon**

**NCSL Annual Business Meeting**

**2:15 pm - 4:00 pm**  
**Convention &**  
**Trade Center Rm. 620**  
**CLE**

**Every Vote Counts**

History is filled with examples of elections decided by a handful of votes, sometimes by one vote. In 2004, several races, including the Washington governor's race, were decided by a fraction of a percentage point. How can states be sure statutes are adequate when the lightning bolt of a one-vote race strikes?

**Saturday, August 20, 2005**

**8:00 am - 9:00 am**

**Coffee Service for All Delegates**


**8:30 am - 10:00 am**

**Plenary Session**

**10:15 am - 12:00 pm**

**Nashville is Only Twelve Months Away!**

Promotional Event for the 2006 Annual Meeting in Nashville, Tennessee,  
August 15-19, 2006

 Laiza N. Otero/EAC/GOV  
07/26/2005 02:50 PM

To Adam Ambrogi/EAC/GOV@EAC, Sheila A.  
Banks/EAC/GOV@EAC, Edgardo Cortes/EAC/GOV@EAC,  
Grant T. Gelner/CONTRACTOR/EAC/GOV@EAC, Gavin S.

cc

bcc

Subject Hispanic Working Group Meeting

Greetings,

I just wanted to remind you that this Monday, August 1, 2005, we will be the Hispanic Working Group meeting from 1pm to 4pm, here at the EAC. If you plan on attending, please, let me know so I can have a count in terms of seating. If you have any questions or would like more information, please, feel free to contact me at your earliest convenience. I am attaching the agenda for the meeting and below I have listed the groups that will be represented at the meeting. Thank you!

**Participants:**

- California - L.A. County
- Congressional Hispanic Caucus Institute
- Congressional Hispanic Leadership Institute
- Institute for Puerto Rican Policy
- Rep. Charles Gonzalez's Office
- IFES
- LULAC
- Sen. Mel Martinez's Office
- MALDEF
- National Association of Latino Elected Officials
- NCLR
- U.S. Hispanic Leadership Institute
- VotoLatino
- William C. Velazquez Institute



Hispanic Working Group Agenda.doc

Laiza N. Otero  
U.S. Election Assistance Commission  
1225 New York Avenue, Suite 1100  
Washington, DC 20005  
(202)566-3126

020261





# U.S. Election Assistance Commission

## Hispanic Working Group Meeting

August 1, 2005

### AGENDA

**U.S. Election Assistance Commission  
1201 New York Avenue, N.W.  
Conference Room  
(12<sup>th</sup> St, NW and New York Ave, NW)  
Washington, D.C. 20005**

This half-day meeting will provide guidance to the EAC as it potentially focuses on research under Section 311 and 312 of HAVA, as well as research under Section 241 and NVRA responsibilities under Section 802. The working group will review two works currently in progress, the readability and usability of the National Mail-In Registration form and the review of the updated List of Translated Election Terms. The working group will assist the EAC in the identification of "Best Practices" relating to methods of effective administration of Federal elections impacting the Hispanic and Spanish-speaking communities.

### **Monday, August 1, 2005 (Conference Room)**

1:00PM – Welcome – Vice-Chair Paul DeGregorio, and Tom Wilkey, *Executive Director*

1:15PM – EAC background information – Julie Thompson, *General Counsel*

1:30PM – EAC research activities and meeting objectives – Laiza N. Otero, *Research Associate*

1:45PM – Introductions by working group members

2:00PM – Discussion – led by Commissioner Ray Martinez

- Discussion of election administration issues that affect Hispanic and Spanish-speaking voters; recommendations for studies and activities
- Identification of Best Practices relating to methods of effective administration of Federal elections impacting Hispanic and Spanish-speaking voters
- Readability and usability of the National Mail-In Registration form
- Review of the List of Translated Election Terms

4:00PM – Adjourn meeting

020262

## Working Group – Topics for Discussion

- I. HAVA Section 241 – Studies and other activities to promote effective administration of Federal elections
  - This section allows the Commission to carry out studies and other activities with the goal of promoting effective administration of Federal elections. Effective administration methods are to be the most convenient, accessible, and easy to use for voters, including voters with limited proficiency in the English language [§241(a)(1)]. Two of the election administration issues described for study in §241(b), directly refer to voters with limited proficiency in the English language [§241(b)(5) and (b)(14)]. The former describes “methods of ensuring the accessibility of voting, registration, polling places, and voting equipment to all voters” including voters with limited proficiency in the English language. The second issue described is the “technical feasibility of providing voting materials in eight or more languages for voters who speak those languages and who have limited English proficiency.”
  - **Question 1:** What methods do you consider effective in ensuring the accessibility of voting, registration, polling places, and voting equipment to Hispanic and Spanish-speaking voters? – Discuss accessibility for minority language speakers for each component.
  - **Question 2:** What resources are there currently to assist Hispanic and Spanish-speaking voters? How do you rate their level of accessibility?
  - **Question 3:** What materials have proven to be the most effective in your communities in assisting Hispanic and Spanish-speaking voters? - Discuss what would constitute “Best Practices” in each of the areas mentioned before.
  - **Question 4:** What recommendations do you have for research purposes relating to these topics in §241?
- II. HAVA Section 302(a) – Provisional voting
  - If the name of an individual does not appear on the official list of eligible voters at the polling place where he declares to be a registered voter or an election official asserts that the individual is not eligible to vote, such individual shall be permitted to cast a provisional ballot. The section further describes the process by which a voter may cast a provisional ballot.
  - **Question 1:** What particular concerns do Hispanic and Spanish-speaking voters have in regards to provisional ballots? – Some areas to discuss may be provisional voting process, ballot counting, and accessibility of information regarding how the vote was counted.
  - **Question 2:** What type of assistance would be most effective in providing guidance for these voters regarding provisional voting? – Identify “Best Practices.”
  - **Question 3:** What recommendations do you have for research purposes relating to provisional voting?
- III. HAVA Section 302(b) – Voting information requirements
  - Per this section, the following voting information has to be publicly posted at each polling place on the day of each election for Federal office: a sample version of the ballot that will be used for that election; information regarding the date of the election and the hours during which polling places will be open; instructions on how to vote, including how to cast a vote and how to cast a provisional ballot; instructions for mail-in registrants and first-time voters under section 303(b); general information on voting rights under applicable Federal and State laws, including information on the right of a person to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and general information on Federal and State laws regarding prohibitions on act of fraud and misrepresentation.
  - **Question 1:** How many States and/or jurisdictions voluntarily provide all or some of the above voting requirements in Spanish? How accessible are they to Spanish-speaking voters?
  - **Question 2:** For jurisdictions covered under section 203 and/or section 4 of the VRA, how effectively are the required voting information materials translated and how available are they to voters? What resources do these jurisdictions utilize to ensure the cultural and linguistic appropriateness of the translated materials?
  - **Question 3:** What materials have proven to be the most effective in your communities? - Identify “Best Practices.”

- **Question 4:** What recommendations do you have for research purposes relating to voting information requirements per §302(b)?

IV. HAVA Section 303(b) – Requirements for voters who register by mail

- If an individual registers to vote by mail and has not previously voted in an election for Federal office, or the individual has not previously voted in such an election in the jurisdiction and the jurisdiction is located in a State that does not have a computerized list that complies with the requirements of §303(a) the voter will have to submit a copy of an accepted form of identification along with their registration or present the identification in person at the polls on the day of elections. If the person does not have an accepted form of identification when he or she goes to vote at the polls, the individual may cast a provisional ballot. If the person is voting by mail and did not submit identification upon registration the ballot shall be counted as a provisional ballot in accordance with §302(a). Section 303(b) lists the following as forms of identification: current and valid photo identification, current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. However, the requirements shall not apply if a voter submits with their registration either a driver's license number or at least the last 4 digits of their social security number and the local election official matches the information with an existing State identification record bearing the same number, name and date of birth as provided in such registration.
- **Question 1:** How have States expanded the above requirements to require voter identification of all voters when they go to cast a vote in person?
- **Question 2:** How have voter identification requirements impacted Hispanic and Spanish-speaking voters?
- **Question 3:** What type of assistance would be most effective in providing guidance for these voters regarding voter identification requirements? – Identify “Best Practices.”
- **Question 4:** What recommendations do you have for research purposes relating to voter identification requirements?

V. The National Voter Registration Act (NVRA) was passed by Congress in 1993. It was intended to provide more opportunities for all qualified Americans to register to vote in a manner and method convenient to them. Specifically, NVRA creates a single mail-in form that all states must accept; it places requirements for how state deal with registrations for elections; and it calls on designated state agencies, such as motor vehicle agencies, social welfare and handicapped outreach agencies, as well as military recruitment offices to register qualified individuals to vote.

- Translation of Federal Mail-in Form. The Federal Form created by NVRA needs to be provided in English and Spanish. The Federal Elections Commission, as well as the EAC hired translators to adapt the approved English form to Spanish. Complaints have emerged that a literal translation of the English form is not appropriate for readability and usability purposes. In addition to the form itself, the individual state instructions need to be vetted for the same concerns, usability, understanding of election terms in Spanish, and clarity of instructions.
- **Question 1:** What constitutes a “good translation” or a “legal translation”—word-for-word, or whether the meaning of the requirement expressed is clearly stated?
- **Question 2:** Have groups encountered “best practices” in translating their materials for Spanish-language audiences?
- **Question 3:** Are there any rules on adapting English-approved language to Spanish-translation that is translated for usability, not word-for-word?
- **Question 4:** Do the state offices that receive the mail-in form appropriately contact voters with errors on the Spanish mail-form? (Dedicated Spanish-speaking employees; letters or calls to registrant by Spanish-speaking professional.)
- **Question 5:** What recommendations do you have for research purposes relating to this registration form?

VI. Section 301(a)(4); Alternative Language Accessibility. This provision of HAVA specifies that the voting systems used in federal elections shall provide the alternative language accessibilities specified in section 203 of the Voting Rights Act. This requires that the covered jurisdiction—hundreds of counties, and three entire states—have access to the Spanish-language capabilities on the voting system.

- **Question 1:** How are states able to translate the ballot measures on the voting systems? How would a direct translation of the form interact with a readable Spanish-version of the ballot measure—or election instructions on the DRE or optical scan system?
- **Question 2:** How do localities provide for non-printed language accessibility at the polling place to help them use the voting system (Poll workers, dedicated phone lines with Spanish-language accessibility)?
- **Question 3:** What resources do local election officials utilize to ensure the language on the voting systems is translated appropriately? – Identify “Best Practices.”

VII. The combination of 301(a)(3) [requiring the voting system—DRE or otherwise—to be at least one-per polling place in 2006] and 301(a)(4) [requiring that at each voting system provides alternative language accessibility] means that at least one machine per polling place has accessibility for minority language individuals.

- **Question 1:** This means that even in the jurisdictions not covered by Sec. 203 of the Voting Rights Act, there is the capability for a minority language provision on those voting systems. While not required by law, have groups considered working with local election officials to have a Spanish language option included in growing Spanish-language populations?
- **Question 2:** Have groups done studies to see, aside from the Sec. 203 of the VRA covered territories, the counties where there is an emerging Spanish-speaking population, but no Spanish-translated election materials?



"Patti Simon"  
<patti.simon@sencer.net>  
01/03/2005 09:45 AM

To aambrogi@eac.gov  
cc  
bcc  
Subject FW: STEM of Democracy Meeting in Chicago

Happy New Year, Adam.

I sent the following e-mail in mid-December regarding the STEM of Democracy meeting that we have planned in Chicago for February 10<sup>th</sup>. We would very much like to have you and/or Ray attend this meeting. I understand that between the Washington election and the holidays, things may have been pretty hectic for you both.

Can you please check your schedules and let me know if you will be available to attend this meeting? If you would like, I'd be happy to send another e-mail to Ray as a reminder.

I hope you had a great holiday season and I look forward to hearing from you soon. I am hopeful that we will see you and Ray in Chicago.

All the best,

Patti

Patti Simon

Deputy Director

National Center for Science and Civic Engagement

1604 New Hampshire Ave., NW

Washington, DC 20009

[patti.simon@sencer.net](mailto:patti.simon@sencer.net)

(Phone) 202-483-4600

(Fax) 202-483-1800

-----Original Message-----

**From:** Patti Simon [<mailto:patti.simon@sencer.net>]  
**Sent:** Thursday, December 16, 2004 3:11 PM  
**To:** 'rmartinez@eac.gov'  
**Cc:** 'aambrogi@eac.gov'  
**Subject:** STEM of Democracy Meeting in Chicago

Dear Commissioner Martinez,

David Burns asked me to extend an invitation to you and Adam to attend a meeting that we are convening in Chicago on February 10, 2005 for the STEM of Democracy project.

020266

This meeting will gather academic leaders and faculty members who are interested in developing the STEM of Democracy idea, testing it out, and developing materials that will assist faculty who want to teach "through" some of the contested issues and continuing challenges in our democratic system "to" learning in STEM fields.

At this meeting, we plan to:

- Explore the STEM of Democracy idea more intensively,
  - Discuss the possibility of a special session at our SENCER Summer Institute 2005,
  - Identify existing courses that feature issues that are related to the STEM of Democracy idea,
- and
- Consider what resources faculty members would need to develop a STEM of Democracy project or course at their institution.

We have already heard from a number of interested parties, including those who were involved in our EAC proposal. We expect this meeting to be a small and informal gathering that will generate thoughtful conversation and robust planning.

I have attached an article from our October e-newsletter that David wrote about this project. I think you'll both enjoy it.

David asked me to convey to you how much we would appreciate your participation in this meeting. He also asked me to send you his warm holiday wishes to you and your families.

Please let me know if you are able to attend the meeting or if you have any questions. I look forward to hearing from you and I wish you happy holidays!

Patti Simon

Deputy Director

National Center for Science and Civic Engagement

1604 New Hampshire Ave., NW

Washington, DC 20009

[patti.simon@sencer.net](mailto:patti.simon@sencer.net)

(Phone) 202-483-4600

(Fax) 202-483-1800

<<...>>



STEM of Democracy.pdf

020267

# The National Center Needs Your Help in the Development of a New Project: The STEM of Democracy

Wm. David Burns

As I write this, it's just two weeks from November 2, our next national election day. Voting has already begun and serious controversies about voting began even before the voting did.

Our edition of this morning's *New York Times* offers testimony to this: It carries an article about a legal challenge to New Jersey's electronic (touch-screen) voting machines (the lawsuit questions their accuracy and reliability and calls for verification" or receipts, you could say). A second report details problems with Florida's early voting system. The front page features a photo of President Bush's parents and lots of other people waiting in line to cast their votes in Texas—fully 15 days before November 2.

For me, this image of "early voting" morphed the traditional meaning of "election day" into "election deadline." It stimulated other thoughts about intended and unintended consequences: The goal of increasing voter turnout and participation rates by being attentive to the complexities of modern life and our many competing schedules and commitments argues for these "convenience-enhancing" reforms (and the growing use of "absentee" ballots). But do these reforms have the effect of "privatizing" or atomizing what in the past, at least, was largely a public event? Does this deprive us of one of the few civic events common to people from all walks of life? Will we soon be changing what was private act carried out in public into a private act carried out privately? And if so, does this matter? What role does technology play in all this? How do people's views of technology affect their appraisal of the legitimacy of processes in which the most advanced technologies are employed? How does our view of science and the advances that science has made possible affect our confidence in the quality of "scientific" results?

It makes sense that we'd be thinking about elections and voting as we begin the first national election since 2000. There are many sources for this heightened attention: Public discourse has lately tended to equate widespread voter participation and the capacity to conduct fair elections with democracy, itself. The suggestion is that voting is in some profound way an essential—and to listen to some commentators, nearly a sufficient—indicator that a state has a democratic form of government. Think of the importance being attached to the inauguration of free and direct presidential elections in Afghanistan and the promise of a national legislative election in Iraq in January as markers of the emergence of these states as modern democracies.

We know that having elections is a necessary, but by itself an insufficient, specific indicator of a democratic regime (the former Soviet Union had any number of elections and, to the best of my recollection, none of them were cliffhangers and nobody questioned the ballot designs!)

It is inconceivable to Americans, however, that we could have a democracy without our constitution, our democratic institutions, and elections that genuinely assessed and represented with considerable accuracy the will of the people who participate in them. Elections really do matter in a democratic state; they are not exercises in civic somnambulism.

Suppose that, on November 3rd and in the days that follow, we lack a clear winner in our presidential election and are faced with serious challenges regarding the process and the technologies employed in the complex "system" of voting, as well as serious doubts about the accuracy and legitimacy of the results. Suppose we have a result that, for many, calls into question the tradition of non-direct election of our national leaders. In that event, the need for serious academic attention to these issues will be manifestly evident. We won't need to make a case for curricular attention. Rather, I expect we'll be faced with a demand for such attention.

Suppose that none of the above happens, or at least, none of it happens to an extent that keeps the results in serious doubt. Assume the election goes off without a hitch, most of us are satisfied with its legitimacy, and, for some of us at least, we're even happy with the results. In that eventuality, we'll need other stimuli and other vehicles to encourage students to learn about this dimension of our civic life. One source of encouragement might come from the possibility that the study of democracy and its institutions (including voting) could lead to some real learning in the STEM disciplines.

***"What terrific candidates elections and other mechanisms of democratic participation are as complex, contested, capacious civic issues that can be illuminated by what those who know mathematics, statistics, systems engineering and design, computer sciences, and the social sciences can teach!"***

(Continued on next page.)

## The STEM of Democracy (cont.)

SENCER offers an attractive platform in either eventuality. What terrific candidates elections and other mechanisms of democratic participation are as complex, contested, capacious civic issues that can be illuminated by what those who know mathematics, statistics, systems engineering and design, computer sciences, and the social sciences can teach! Regardless of what happens in November, it is more than fair to say that elections have become terrific examples of what June Osborn once called, "multidisciplinary trouble."

We know this to be true because last Summer at Santa Clara a group of about 30 participants in SSI-2004 met to discuss what science, mathematics and public policy could be taught "through" a focus on voting, elections, proportional representation, districting, the conduct of the decennial census, and a host of other elements of our Republic's institutions and forms of governance. The list generated by the group was extensive, wide-ranging and impressive. (We'll be publishing a summary gleaned from the discussions by Richard Keeling in a future e-newsletter.) In that meeting, thanks to Ed Lorenz of Alma College, our group even got to inspect a ballot from Canada—something that led many of us to reflect that we'd never seen a ballot other than the ones we'd used ourselves (and, of course, many of us have voted without a ballot at all, in the traditional sense)! This offered subtle testimony to our parochialism ("doesn't everybody vote they way I do?") and to how lightly and occasionally most of us give any serious thought to these issues.

The conversations in Santa Clara ranged widely, from controversies about source codes and verification, to systems theory, to ideas about "fairness" that emerge from advanced algebra. They touched on a set of semiotic and philosophical questions about what we think voting really means or signifies and why or whether it ought to matter at all.

With this in mind and the encouragement of the participants in that August 8th meeting, we at the SENCER national center are now developing ideas and soliciting interest in what we are calling the "STEM of Democracy Project." What's in a name? In this case, we are saying STEM for at least two reasons: The first, of course, is that, in many important respects as suggested above, the act of voting is the basic "stem"—as in the main trunk of a plant—of democracy. Voting is one of the elemental, functional expressions of one's personal participation in the governance of a state, especially a democratic state. Voting is a stem in the sense that so much else flows from, or grows from, the act of casting a ballot.

In spite of this, up until just recently, voting has failed to get the attention it should in many college programs to encourage "civic engagement" and service learning, often, it seems, because voting is denigrated as purely instrumental ("high school civics") and doesn't qualify as, to use Benjamin Barber's phrase, "strong democracy." This is unfortunate because the downplaying of voting may have itself resulted in decreased voter participation. If it were up to college students with their current <30% participation rates in national elections to "water the stem of democracy," the results would be an even more wilted plant, indeed.

It will be interesting to see what the participation rates will be among college students this year—rates that will reflect, to be sure, both the heightened interest in this year's race, but also a concerted effort to rectify the old denigration of voting, itself. One of many such efforts to increase student participation in the process is the college initiative of the United States Election Assistance Commission, which has awarded modest grants to some 15 institutions to engage college students as poll workers in local election districts. We look forward to having the reports of these efforts.

That's the "stem." The capital S-T-E-M in the STEM of Democracy, as SENCER e-newsletter readers will surely know, refers to a second meaning. In this case STEM refers to the fields of science, technology, engineering and mathematics—all areas of concern for higher education, in general, and the specific areas of focus of the National Science Foundation's work in improving undergraduate education, in particular. We want to highlight the idea of elections as the stem of the democratic process, just as we claim that an academic focus on elections will help organize and improve learning in the STEM fields.

This is, of course, the fundamental SENCER ideal and goal.

We think the right place or locus for this project is where the other SENCER courses and projects are: the classroom and, to the extent that it is feasible, the surrounding community as sites and beneficiaries of community based research.

***"Voting is one of the elemental, functional expressions of one's personal participation in the governance of a state, especially a democratic state."***

*(Continued on next page.)*



## The STEM of Democracy (cont.)

We need your help to develop this idea, gather people interested in testing it out, and create materials that will assist faculty who want to teach "through" some of the contested issues and continuing challenges in our democratic system "to" learning in STEM fields. Here's what we need from you:

First, we need to hear from you if you are currently teaching a course or even part of a course that features issues that we are loosely gathering under the heading STEM of Democracy. Could you contact us, share your syllabus and assessment results, consider nominating your project/course as a model, or at least let us know what you are doing?

Second, we need to know if this idea interests you and if you'd be interested in exploring it more intensively with other scholars via e-mail or, if we can arrange it, at a meeting or two, or in a special session at our SENCER Summer Institute 2005 or other regional meetings or disciplinary gatherings.

*"We need your help to develop this idea, gather people interested in testing it out, and create materials that will assist faculty who want to teach "through" some of the contested issues and continuing challenges in our democratic system "to" learning in STEM fields."*

Third, we'd like to know what resources you think you would need to consider developing a stem of democracy project or course on your campus. Would a backgrounder that identifies what might be taught and how that teaching would improve learning in mathematics, statistics, engineering and the social sciences be useful to you and your colleagues? Do you have any authors to recommend, resources to call attention to, other suggestions?

Fourth, while we can easily think about how the knowledge residing and being developed in mathematics, statistics, computer science, social science and engineering have great relevance to the issues in democracy (and while Barbara Tewksbury's course model on geology and its relationship to development is suggestive of still other dimensions of this issue), it isn't clear how the canonical elements in

biology, chemistry, and physics, to pick three big domains, can be illuminated or taught through the issues raised by elections, voting technology, proportional representation and other issues. But let me be quick to say that I suspect this condition has a lot to do with the failure of my imagination and the limits of my knowledge. So, if you have any suggestions, hunches, or evidence, by all means, please share them with us and we'll share them with others, as well.

Please forward this request to others on your campus and elsewhere who may have an interest and contact me by e-mail ([david.burns@sencer.net](mailto:david.burns@sencer.net)), telephone (732) 873-1539 or letter (National Center for Science and Civic Engagement, 215 Market St, 4th Floor, Harrisburg, PA 17101.)

We've often said that SENCER seeks to deal with two great trends that appear to be colliding with one another: (1) the alarming decline in the study in the STEM disciplines by American college students, almost none of whom take any more than the most basic required courses (this is true for science and math majors, as well), a condition that is aggravated by the poor retention of science and mathematical knowledge and skills by those who are only minimally exposed to science learning, and (2) the growing number of highly complex and often hotly contested matters of civic concern that are either in some way created by advances in science, engineering, mathematics and technology and/or that require some advanced knowledge in one or more STEM field in order to craft and implement the best possible policies, laws or regulations. Elections and modern possibilities for voting have now become perfect exemplars of the issues covered in the second trend. We in the SENCER National Office and the Center look forward to hearing your thoughts and suggestions on these matters and to working with you to develop the STEM of Democracy Project in the coming year.

Oh, and don't forget to vote on November 2nd, unless you've done so already!

020270



"Patti Simon"  
<patti.simon@sencer.net>  
12/16/2004 03:11 PM

To rmartinez@eac.gov  
cc aambrogi@eac.gov  
bcc  
Subject STEM of Democracy Meeting in Chicago

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Please let me know if you are able to attend the meeting or if you have any questions. I look forward to hearing from you and I wish you happy holidays!

Patti Simon

Deputy Director

National Center for Science and Civic Engagement

1604 New Hampshire Ave., NW

Washington, DC 20009

[patti.simon@sencer.net](mailto:patti.simon@sencer.net)

(Phone) 202-483-4600

020271

(Fax) 202-483-1800

<<...>>



STEM of Democracy.pdf



"Jennifer Collins-Foley"  
<collinsfoley@yahoo.com>  
08/02/2005 04:49 PM

To "Adam D. Ambrogi" <aambrogi@eac.gov>  
cc "Tracy Warren" <arquatus@earthlink.net>, "Tracy Warren"  
<arquatus@verizon.net>  
bcc  
Subject Polworker Institute Update Plus Request for Meeting with  
Commissioners

Hi Adam! Hope all is well with you.

FYI, here is a letter we sent to The Pollworker Institute board last week. You'll see a mention of possible work with the EAC. (I have not followed up with Karen LD but it's on my "To Do" list!)

Also attached is a letter to Commissioners DeGregorio and Martinez with a request for a meeting regarding a project that the PI is doing for the Pew Charitable Trust. (We'll be sending a hard copy to each Commissioner and to Tom Wilkey but wanted you to see that it is on its way. I'll also be sending an email to Tom re this project.) Pew has contracted Tracy and me to conduct a feasibility study to assess whether initiatives targeting the implementation of statewide voter registration systems could significantly and measurably enhance voter enfranchisement and reduce the registration problems that have plagued U.S. elections. We are interviewing policy makers, election officials, vendors, the advocacy community, etc.

We hope that at least Commissioners Martinez and DeGregorio and Tom Wilkey can find time to meet with us. I know there is little time to spare in between Hearings!



Best Regards, Jennifer [July 29 2005.doc](#) [EAC DeGregorio.doc](#) [EAC Martinez.doc](#)

020273

**The Pollworker  
Institute**

REALIZING THE  
POTENTIAL OF  
AMERICA'S  
POLLWORKERS

◆  
1101 15<sup>th</sup> Street,  
Suite 115  
Washington, DC  
20005

Ph: (540)  
379 9974

**Board of  
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**Advisory Board**

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Sara Harris

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Margo Reeg

Connie Schmidt

Richard Soudriette

◆  
Jennifer Collins-Foley,  
President

July 28, 2005

"Dear Pollworker Institute Board of Directors and Board of Advisors,

**- UPDATE ON THE POLLWORKER INSTITUTE -**

1) **New Friends and Old Friends.** First, the new friends.....We are fortunate to be adding Richard Soudriette, Warren Furutani and Connie Schmidt to our Advisory Board.

*Richard Soudriette* has served as the President of the International Foundation for Election Systems (IFES) since 1987. IFES is an internationally respected nonpartisan, nonprofit organization that has developed and implemented comprehensive, collaborative democracy solutions in more than 100 countries. One of IFES's many strengths is its extensive experience in the capacity building and professional development of election officials around the world.

*Warren Furutani* is President of the Los Angeles Community College system and is a long time advocate of community colleges, voter-friendly polling places and, in particular, college pollworker programs. He has been instrumental in the growth of L.A. County's College Pollworker Program partnership with the community college system.

*Connie Schmidt* recently retired as Registrar of Voters in Johnson County Kansas where she developed nationally respected voter service programs and voting system integrity standards. She has a particular commitment to and enthusiasm for innovative pollworker recruiting and training. Connie has already spoken with Johnson County's new Registrar and is confident we can count on them to be a pilot program.

*And old friends.....*We are proud to announce that one of

our founding Board members, Tom Wilkey, has been selected to serve as the first Executive Director of the U.S. Election Assistance Commission. While we are THRILLED for Tom, we understand his decision to resign from the Board of the Pollworker Institute. *We wish him all the best in his new venture!!*

**2) We've landed our first project!** The Pollworker Institute's Jennifer and Tracy are currently conducting a feasibility study for the Pew Charitable Trusts. The purpose of the study is to assess whether initiatives targeting the implementation of statewide voter registration systems could significantly and measurably enhance voter enfranchisement and reduce the registration problems that have plagued U.S. elections. The result will be an internal Pew document so sorry we won't be able to share it with you all .....but what a great experience for us!

**3) New Collaboration.** We formalized a Memorandum of Understanding with the International Foundation for Election Systems (IFES) this week. IFES will provide in-kind contributions such as office space, phones, copy machine, website design, etc. We are grateful to be affiliated with such a terrific organization. Being on-site means we will also be able to easily brainstorm and collaborate on possible U.S. election administration projects with IFES' Director of Programs, Scott Lansell, staff and consultants. Our new address is: The Pollworker Institute, 1101 15<sup>th</sup> Street, Suite 115, Washington, DC 20005. Phone will be: (202) 350-6700, (Tracy x 6671 and Jennifer x6672).

**4) New partners.** We have a new partner in Iowa. Professor David Redlawsk from the University of Iowa is very excited about the possibility of working with us. Professor Redlawsk is a political psychologist whose primary line of research focuses on how citizens process political information in order to make a voting decision. He has been offering students academic credit for substantive community service so is an experienced resource for us. He has offered to approach the Johnson County Auditor, Tom Slockett, to encourage him to join the program. We'll keep you posted.

**5) Funding and Update on Pilot Projects.** Fiorello Consulting has been representing us as fundraising consultants since May. Cliff Hash and Patti Fiorello are optimistic about the possibility for funding in the near future. However, since we have not received funding to date, we are going to re-adjust our hope to conduct pilot programs this Fall. But stay tuned....we still hope to implement 5 or 6 terrific pilot programs in the Spring of 2006! And in the meantime, we have been granted our 501(c)(3) status by the IRS so we're ready for whenever the funds come rolling in.

**6) Possible project with US Election Assistance Commission.** Tracy and I met in May with the EAC regarding a possible College Pollworker Project which would involve developing a "How To" manual for organizing a College Pollworker Program. It would include calendars, check lists, models - for large and small jurisdictions. The project may include delivering such a manual at regional conferences which would involve brainstorming among election officials and reps from academic institutions and some possible training the trainers. We anticipate an RFP hitting the streets any day now. Again, we'll keep you posted!

**7) A new twist on the Concept.** We are discussing collaboration with the American Association of University Professors. General Secretary Roger Bowen has received a small Carnegie grant to explore the possibility of a program to recruit college professors to serve as pollworkers. The best of all worlds would be to merge their idea with ours.....the professors would invited students to "do like I do" and serve along with them as part of the academic course.

**8) Possible International Work.** In an unexpected turn of events, an international for-profit democracy building firm called "Democracy International" was intrigued by our concept and requested permission to list the Pollworker Institute as a partner/resource for a 5 year USAID "IQC" (Indefinite Quantity Contract) for international democracy building programs. We always thought that we would someday like to get in to pollworker issues at international levels but did not know it would happen this soon. We'll keep you posted. It may be some time before Democracy International knows if it has been selected as an IQC holder.

Please call us if you have any questions or suggestions!

Best Regards,

Jennifer Collins-Foley, President, (540) 379-9974  
Tracy Warren, Executive Director, (202) 462-2735

C: Tom Wilkey, U.S. Election Assistance Commission  
David Redlowsk, University of Iowa  
Roger Bowen, AAUP  
James Walters, Montgomery County

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Connie Schmidt

Richard Soudriette

Jennifer Collins-Foley  
President

August 2, 2005

Commissioner Paul DeGregorio  
U.S. Election Assistance Commission  
1225 New York Avenue, NW  
Suite 1100  
Washington, DC 20005

Dear Commissioner DeGregorio :

As the deadline for implementing significant changes in voter registration looms, state and local election officials, as well as the voting rights community, have turned their attention to this critical component of the Help America Vote Act. Changing voter registration means opportunities both to expand the electorate and remedy problems that have plagued our registration system. The Pew Charitable Trusts has hired The Pollworker Institute to conduct a feasibility study to explore possible initiatives that would take advantage of these opportunities. I am writing to request a meeting to discuss this project and the U.S. Election Assistance Commission's plans in this area.

I am enclosing a summary of our project for your review. We have been meeting with state and local election officials, with technology experts, with voting rights organizations and with policy experts to examine the ways that the Pew Charitable Trusts might be helpful. Of course, in addition to learning the Commission's plans, we would welcome your feedback on what kinds of initiatives can help guarantee that HAVA fulfills the law's intended purpose: to ensure that every eligible voter is able to cast a vote and have that vote count.

We would be grateful if you could take the time to meet with us. I will follow up with your office to determine your availability.

Best regards,

Tracy Warren

ENCL



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Jennifer Collins-Foley  
President

August 2, 2005

Commissioner Ray Martinez  
U.S. Election Assistance Commission  
1225 New York Avenue, NW  
Suite 1100  
Washington, DC 20005

Dear Commissioner Martinez:

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Best regards,

Tracy Warren

ENCL

020278

# **FOIA File**



**U.S. ELECTION ASSISTANCE COMMISSION**  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005

June 7, 2005

Ms. Lillie Coney  
Associate Director  
Electronic Privacy Information Center (EPIC)  
1718 Connecticut Ave, NW  
Washington, DC 20009

**Via Courier**

Dear Ms. Coney:

This letter is in response to your Freedom of Information Act (FOIA) request received by the U. S. Election Assistance Commission (EAC) on May 10, 2005. The request was clarified in a May 20, 2005 phone conversation as memorialized in a letter sent to you on that same day. Your clarified request sought certain records from "March 23, 2004 to the present," including:

- Any and all transcripts, meeting minutes or similar documents memorializing the Technical Guidelines Development Committee (TGDC) meetings or hearings which are in the possession of the EAC and not publicly available on the NIST web site.
- Any and all EAC documents or communications regarding the selection or appointment of members of the TGDC.
- All Public Financial Disclosure Forms (OGE Form 278) filed by members of the TGDC.
- The recommended Voluntary Voting Systems Guidelines presented to the EAC by the TGDC.

With regard to your request for transcripts, minutes and similar documents not found on the NIST web site, the EAC has no records responsive to the request. All available minutes, transcripts and digital recordings of TGDC meetings and hearings are maintained by NIST on the web at [www.vote.nist.gov](http://www.vote.nist.gov).

In response to your request for documents or communications regarding the selection or appointment of TGDC members, all responsive documents have been attached (Attach. 3). A few of these documents contain redactions required by FOIA Exemption 6 (5 U.S.C. §552(b)(6)), to protect personal information and avoid unwarranted invasions of personal privacy. Generally, the redacted information included personal identifiers and contact information (i.e. home addresses and phone numbers).

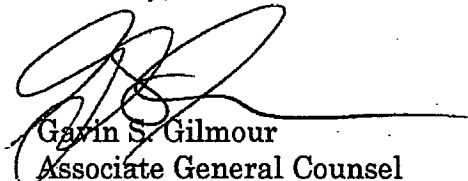
020279

As for your request for Public Financial Disclosure Forms (SF 278) filed by members of the TGDC, this information may be released under Section 105 of the Ethics in Government Act of 1978 (and 5 C.F.R. §2634.603). The law requires that prior to the release of Public Financial Disclosure Forms the requestor affirm his or her understanding of the limited use of the forms. I have attached OGE Form 201 (Attach. 4). You may use this form to meet the above requirements. The form should be sent to NIST, as the only member of the TGDC presently required to file a SF 278 is a NIST employee, Dr. Hratch Semerjian. As such, NIST is the custodian of this record.

Finally, in response to your request for the Voluntary Voting Systems Guidelines presented to the EAC by the TGDC, a copy of this document is attached (computer disk). (Attach. 5).

The EAC has decided to waive the processing fees for your request. If you interpret any portion of this response as an adverse action, you may appeal it to the Election Assistance Commission. Your appeal must be in writing and sent to the address noted on the above letterhead. Any appeal submitted, must be postmarked no later than 60 calendar days from the date of this letter. Please include your reasons for reconsideration and attach a copy of this letter.

Sincerely,



Garin S. Gilmour  
Associate General Counsel  
U.S. Election Assistance Commission

Attachments:

1. Your Request Letter (May 10, 2005);
2. Request Clarification Letter (May 20, 2005);
3. TGDC Appointment Documents;
4. OGE Form 201;
5. Voluntary Voting Systems Guidelines presented to the EAC by the TGDC

020280



U.S. ELECTION ASSISTANCE COMMISSION  
1225 NEW YORK AVENUE, N.W., SUITE 1100  
WASHINGTON, D.C. 20005

May 20, 2005

Ms. Lillie Coney  
Associate Director  
Electronic Privacy Information Center (EPIC)  
1718 Connecticut Ave, NW  
Washington, DC 20009

**Via Facsimile Transmission**  
**(202)483-1248**

**RE: FOIA Request**

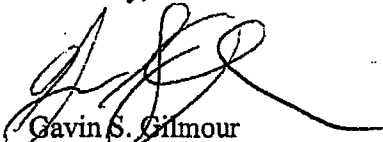
Dear Ms. Coney:

Per our telephone discussion this afternoon, this letter serves to memorialize the clarifications made by EPIC regarding its Freedom of Information Act request. At a teleconference meeting between the EAC and EPIC, you were kind enough to clarify your May 10, 2005 FOIA request. Specifically, you noted that the request is limited to the following documents:

- Any and all transcripts, meeting minutes or similar documents memorializing the Technical Guidelines Development Committee (TGDC) meetings or hearings which are in the possession of the EAC and not publicly available on the NIST web site.
- Any and all EAC documents or communications regarding the selection or appointment of members of the TGDC.
- All Public Financial Disclosure Forms (OGE Form 278) filed by members of the TGDC.
- The recommended Voluntary Voting Systems Guidelines presented to the EAC by the TGDC.

I believe the above accurately reflects our conversation this morning. If you believe I have missed some element of the conversation, please let me know. I can be reached at (202)566-1392. Thank you for your assistance in this matter. You will hear from us regarding this request soon.

Sincerely,

  
Gavin S. Gilmour  
Associate General Counsel

# Attachment 1

020282

ELECTRONIC PRIVACY INFORMATION CENTER



May 10, 2005

1718 Connecticut Ave NW  
Suite 200  
Washington DC 20008  
USA  
+1 202 483 1140 (tel)  
+1 202 483 1248 (fax)  
www.epic.org

Fax 202-566-3127

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

RE: Freedom of Information Act Request

Dear Commissioner DeGregorio,

This letter constitutes a request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and is submitted on behalf of the Electronic Privacy Information Center (EPIC).

We are seeking all agency records concerning the Technical Guidelines Development Committee (TGDC) from March 23, 2004 to the present (including but not limited to electronic records) including records regarding appointments to the TGDC, disclosure statements by members of the TGDC, meetings, hearings, and work of the TGDC related to voting technology standards. Please, also provide all printed meeting and hearing transcripts for the TGDC.

For purposes of FOIA fee assessments, we request that EPIC be placed in the category of "news media" requester. The U.S. District Court for the District of Columbia has determined that EPIC qualifies for "news media," fee status, *EPIC v. Department of Defense*, 241 F.Supp.2d 5 (D.D.C. 2003). We also request a waiver of all processing fees, as release of this information will contribute significantly to the public's understanding of the activities and operation of the government.

Thank you for your consideration of this FOIA request. As the FOIA regulations provide, I look forward to your response within 20 working days. Should you require additional information, please contact me at 202-483-1140 x 111 or by e-mail at coney@epic.org.

Sincerely,

Lillie Coney  
Associate Director

020233



# Electronic Privacy Information Center (EPIC)

1718 Connecticut Avenue, NW,  
Suite 200  
Washington, DC 20009  
USA

Phone: 202-483-1140  
Ffax: 202-483-1248  
<http://www.epic.org>  
Email: [coney@epic.org](mailto:coney@epic.org)

## Fax Cover Sheet

Send to: <b>US Election Assistance Commission</b>	From: <b>Lillie Coney</b>
Attention: <b>Commission DeGregorio</b>	Office Location <b>1718 Connecticut Avenue, NW</b>
Office location: <b>Washington DC</b>	Date: <b>5/10/05</b>
Fax number: <b>202-866-3127</b>	Phone number: <b>202-483-1140 Ext. 111</b>

URGENT

REPLY ASAP

PLEASE COMMENT

PLEASE REVIEW

FOR YOUR INFORMATION

TOTAL PAGES, INCLUDING COVER: **2**

Comments:





Paul DeGregorio/FEC/US  
03/04/2004 07:46 PM

To csburkhardt@doc.gov  
cc  
bcc  
Subject meeting ASAP

Craig,

As I may have discussed with you, the EAC would like to announce at its March 23rd first public meeting the formation of the Technical Guidelines Development Committee (TGDC) and, possibly, when their first meeting will be held. The formation of this committee will put into motion a timetable to develop and approve the voluntary standards outlined in HAVA. We would like to discuss with NIST what HAVA requires the TGDC to do--and what we can do realistically what the funds we may or may not have. We can also work on a strategy whereby we put the things we cannot do in FY04 into our (or your) FY05 budget request.

There has been some confusion in recent days over what monies NIST does or does not have available for this purpose. Today, Penelope Bonsall of my staff was told by Dr. Zevin that there was only \$350,000 to work with for FY04--and that very little progress with standards could be made with it. In addition, Dr. Zevin's presentation at NASS and NASED has confused some people because they didn't quite understand that when Susan included 7 pages of "what could be done in the next six months" in her presentation, some folks thought that is what NIST will do in 2004. I understood it to be the NIST wish list and was not sure what portion will come under the TGDC umbrella. In addition to all of this, we have been reviewing the Human Factors report developed by NIST and have some questions. We would like to release this report at our March 23 meeting. We would like for representatives of NIST to be at our public meeting to discuss the TGDC and Human Factors report.

Therefore, I would like to propose that the following folks meet ASAP (Monday or Tuesday of next week; March 8 or 9) to talk about these issues.

Paul DeGregorio, EAC  
Penelope Bonsall, EAC  
Craig Burkhardt, DOC  
Dr. Zevin, NIST  
Allan Eustis, NIST

I think it might be best if the NIST folks heard from you to set this meeting up. Can you (or your designee) call Penelope Bonsall at 202-694-1097 with a time and place (we are flexible) for a meeting on Monday or Tuesday?

The agenda could be as follows:

- 1) TGDC: expectations on who will be appointed; what is it they must/can do in FY04 and FY05. What is the TGDC timetable?
- 2) Human Factors report
- 3) Dr. Zevin's "what could be done in the next 6 months";
- 4) Funding issues for all of this. Can we get money from DOD?

I am on travel on Friday, March 5 but can be reached on my federal cell phone which is 202-360-2146

Thanks for your help and attention to this important matter.

Paul DeGregorio

020285



Allan Eustis  
<allan.eustis@nist.gov>  
03/16/2004 01:26 PM

To PDeGregorio@fec.gov  
cc Susan Zevin <susan.zevin@nist.gov>, Craig S Burkhardt  
<CSBurkhardt@DOC.GOV>  
bcc

Subject Rush Holt Suggested Nominees to TGDC

Paul-

Along with the NIST voting team, I reviewed the names and biographies submitted by Congressman Holt's Office for nomination to the four "open" positions on the Technical Guidelines Development Committee. Avi Rubin, Barbara Simons and Michael Alvarez are all extremely qualified for the TGDC. In fact, during our deliberations, the NIST voting team considered each of these individuals for inclusion on our final list. However, there were important reasons for choosing the individuals we did. Rather than criticize these fine nominees, any of whom would bring expertise to the TGDC, I will list the criteria for NIST's final selection of nominees:

1. Technical Competence in Standards Development Processes,
2. Open Minded and Unbiased View points. No pre-set agendas,
3. Global view of security and usability issues related to voting systems and voting equipment
4. Unique "lifetime/career" experiences and expertise not available from other appointed TGDC members

I would also note that like Michael Alvarez, NIST nominee Ron Rivest was also a co-author of the Cal tech/MIT report. We at NIST stand by our nominees as the strongest candidates to meet our strict criteria for inclusion on the TGDC.

I hope this description of our TGDC nominee evaluation process will assist the EAC in the selection of the four "open" positions. We will shortly provide you with a "final four" list from the original list of six individuals. We have broadened our selection to include women who were on our original list.

I will send you some talking points for the March 23rd EAC meeting tomorrow morning. I am a bit swamped today having just returned from leave.

Regards

Allan C. Eustis  
Project Leader- NIST Voting Systems Standards  
Technology Building 225 Room B257  
100 Bureau Drive, Stop 8901  
Gaithersburg, Md. 20899-8901  
301-975-5099

020286

allan.eustis@nist.gov  
<http://vote.nist.gov>

020287



Allan Eustis  
<allan.eustis@nist.gov>  
03/19/2004 09:14 AM

To s.tatiner@ieee.org  
cc Paul Degregorio <PDeGregorio@fec.gov>  
bcc  
Subject Re: IEEE Representative

Susan-

I have forwarded your e-mail on to the Election Assistance Commission. IEEE will still likely receive a formal letter requesting a nominee, but your response is quite helpful and will speed the process of spinning up the TGDC.

thanks

At 05:22 PM 3/18/2004 -0500, you wrote:

Dear Allan:

Judy Gorman referred me your email query about a formal nomination of the IEEE representative to the Technical Guidelines Development (TGD) Committee of the Election Assistance Commission (EAC).

I spoke with Donald Heirman, IEEE Standards Association President Elect and IEEE-SA Board of Governors (IEEE-SA BoG) Liaison to Standards Coordinating Committee 38 (SCC38), which is the group within IEEE working on voting standards. Don asked that I write to let you know that last year, the IEEE-SA BoG named Stephen H. Berger as its choice to represent IEEE on the TGD Committee. Stephen is a member of the IEEE-SA Standards Board and Chair of SCC 38.

I hope that this email answers your questions. I would be glad to provide further information or assistance, if needed.

Sincerely,

Susan

Susan K. Tatiner, CAE  
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020288

FX: +1 732 562 1571  
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---

IEEE  
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Allan C. Eustis  
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"Allan Eustis"  
<allan.eustis@nist.gov>  
04/22/2004 03:41 PM

To "Paul Degregorio" <pdegregorio@eac.gov>  
cc  
bcc  
Subject

Final NIST nominees are:

patrick Gannon  
daniel Schutzer  
Whitney Quesenberg  
Ronald Rivest

bios attached

Allan C. Eustis  
Project Leader- NIST Voting Systems Standards  
Technology Building 225 Room B257  
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Gaithersburg , Md. 20899-8901  
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allan.eustis@nist.gov



<http://vote.nist.gov> DanielSchutzerBIO.doc Gannonresume.doc nomanresume.doc quesenbery bio and abstract.doc

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Attachments found at

NIST letter to the

EAC dated

April 27, 2004

Penelope Bonsall/EAC/GOV  
04/26/2004 03:16 PM

To Paul DeGregorio/EAC/GOV@EAC  
cc  
bcc  
Subject Fw: ANSI Representative - HAVA bio

Here is a brief bio from Anne Caldas. Steve Berger called while en route and said he'd email his speaker's bio later this afternoon.

----- Forwarded by Penelope Bonsall/EAC/GOV on 04/26/2004 03:14 PM -----



"Anne Caldas"  
<Acaldas@ansi.org>  
04/26/2004 01:37 PM

To "pbonsall@eac.gov" <pbonsall@eac.gov>  
cc "Amy A Marasco" <amarasco@ansi.org>, "Anne Caldas"  
<Acaldas@ansi.org>  
Subject ANSI Representative - HAVA bio

Hello -  
I trust that this is acceptable.  
Regards,  
Anne

Anne Caldas  
acaldas@ansi.org  
Director, Procedures and Standards Administration  
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Anne Caldas has held the position of Director of Procedures and Standards Administration at the American National Standards Institute (ANSI) for more than eight years. In this capacity, she is the primary staff support for the work of three of the primary committees that implement the American National Standards process: the ANSI Executive Standards Council (ExSC), the ANSI Board of Standards Review (BSR) and the ANSI Appeals Board. The related program areas for which she is responsible include the accreditation and audit of standards developers (of which there are about 200), the accreditation of US Technical Advisory Groups (TAGs) to International Standards Organization (ISO), the approval of standards as American National Standards (ANS) (approximately 10,000 ANS exist) and the implementation of a multi-level appeals process. Prior to her current position, she worked for twelve years at the Human Resources Administration of the City of New York, serving in a final capacity as Director of Procedures and Analysis for the Office of Employment Services. She holds a Masters Degree in public policy.

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UNITED STATES DEPARTMENT OF COMMERCE  
National Institute of Standards and Technology  
Gaithersburg, Maryland 20899-  
OFFICE OF THE DIRECTOR

APR 27 2004

Commissioner DeForest B. Soaries, Jr.  
Chairman, Election Assistance Commission  
1225 New York Avenue, N.W.  
Washington, D.C. 20005

Dear Commissioner Soaries:

I am pleased to notify the Commission that the following four individuals have agreed to serve on the Technical Guidelines Development Committee (TGDC) pending financial disclosure clearance and final approval by the Election Assistance Commission (EAC):

- Dr. Ronald L. Rivest
- Ms. Whitney Quesenbery
- Dr. Daniel Schutzer
- Mr. Patrick J. Gannon

I am confident that each of these individuals will bring unique technical competence in standards development to the challenging tasks that await the TGDC. In my conversations with the nominees, they each expressed an appreciation of the importance of the guidance that they will offer the EAC as we implement the Help America Vote Act of 2002. I have enclosed their resumés and am most willing to answer your questions concerning their qualifications.

Sincerely,

Arden L. Bement, Jr.  
Director

Enclosures

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NIST

## Technical Guidelines Development Committee

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Ronald L. Rivest, Ph.D.

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Professor Rivest is the Viterbi Professor of Computer Science in MIT's Department of Electrical Engineering and Computer Science. He is a member of MIT's Laboratory for Computer Science, a member of the lab's Theory of Computation Group and is a leader of its Cryptography and Information Security Group. He is also a founder of RSA Data Security. (RSA was bought by Security Dynamics; the combined company has been renamed to RSA Security.)

Professor Rivest has research interests in cryptography, computer and network security, and algorithms.

Professor Rivest is a Fellow of the Association for Computing Machinery and of the American Academy of Arts and Sciences, and is also a member of the National Academy of Engineering. Together with Adi Shamir and Len Adleman, he has been awarded the 2000 IEEE Koji Kobayashi Computers and Communications Award and the Secure Computing Lifetime Achievement Award. He has also received, together with Shamir and Adleman, the 2002 ACM Turing Award. Professor Rivest has received an honorary degree (the "laurea honoris causa") from the University of Rome. He is a Fellow of the World Technology Network and a Finalist for the 2002 World Technology Award for Communications Technology.

Professor Rivest is an inventor of the RSA public-key cryptosystem. He has extensive experience in cryptographic design and cryptanalysis, and has published numerous papers in these areas. He has served as a Director of the International Association for Cryptologic Research, the organizing body for the Eurocrypt and Crypto conferences, and as a Director of the Financial Cryptography Association.

He received a B.A. in Mathematics from Yale University in 1969, and a Ph.D. in Computer Science from Stanford University in 1974.

He has also worked extensively in the areas of computer algorithms, machine learning, and VLSI design.

#### Books and Publications:

*{ Books }*

Rivest, R.\L., A.\Sherman, and D.\Chaum (editors), { Proceedings CRYPTO 82}. New York: Plenum Press (1983).

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Rivest, Ronald, David Haussler, and Manfred K. Warmuth (editors), { Proceedings of the Second Annual Workshop on Computational Learning Theory } (Morgan Kaufmann, 1989).

Cormen, T., C.E. Leiserson, and R.L. Rivest, { Introduction to Algorithms } (MIT Press/McGraw-Hill, 1990).

Hanson, G., G. Drastal, and R.L. Rivest (editors), { Computational Learning and Natural Learning }, (MIT Press, 1991).

Meyer, A., J. Gutttag, R.L. Rivest, and P. Szolovits (editors), Research Directions in Computer Science: An { MIT } Perspective, (MIT Press, 1991).

Hanson, S.J., W. Remmele, and R.L. Rivest (editors), Machine Learning: From Theory to Applications, Lecture Notes in Computer Science No. 661, (Springer-Verlag, 1993).

Hanson, S.J., G.A. Drastal, and R.L. Rivest (editors), Computational Learning Theory and Natural Learning systems, Volume I: Constraints and Prospects, (MIT Press, 1994).

Hanson, S.J., T. Petsche, M. Kearns, and R.L. Rivest (editors), Computational Learning Theory and Natural Learning systems, Volume II: Intersections between Theory and Experiment, (MIT Press, 1994).

*{ Recent Papers in Refereed Journals }*

Kaliski, Burton S., Ronald L. Rivest, and Alan T. Sherman, "Is the Data Encryption Standard a Group?," { Journal of Cryptology }, vol 1 (1988), 3--36.

Ben-Or, Michael, Oded Goldreich, Silvio Micali, and Ronald L. Rivest, "A Fair Protocol for Signing Contracts," { IEEE Transactions on Information Theory }, vol 1 (1990), 40--46.

Linial, Nathan, Yishay Mansour, and Ronald L. Rivest, "Results on Learnability and the VC-dimension," { Information and Computation }, vol 1 (Jan. 1991), 33--49.

Rivest, Ronald L., and Robert E. Schapire, "Inference of Finite Automata Using Homing Sequences," { Information and Computation } vol 2 (April 1993), 299--347

Rivest, Ronald L., and Robert H. Sloan, "On Choosing between Experimenting and Thinking when Learning," { Information and Computation }, vol 1 (September 1993), 1--25.

Goldman, Sally A., Ronald L. Rivest, and Robert E. Schapire, "Learning Binary Relations and Total Orders," { SIAM Journal of Computing } vol 5 (October 1993), 1006--1034.

Rivest, Ronald L., and Robert E. Schapire, "Diversity-Based Inference of Finite Automata," { Journal of the ACM }, vol. 3 (May 1994), 555--589.

Rivest, Ronald L., and Robert Sloan, "A Formal Model of Hierarchical Concept Learning," { Information and Computation } vol 1 (October 1994), 88-114.

Betke, Margrit, Ronald L. Rivest, and Mona Singh, "Piecemeal learning of an unknown environment," { Machine Learning } vol 2/3 (February/March 1995), 231--254.

Gillman, David, and Ronald L. Rivest, "Complete Variable-Length 'Fix-Free' Codes," { Designs, Codes, and Cryptography } vol 2 (March 1995), 109--114.

Gillman, David W., Mojdeh Mohtashemi, and Ronald L. Rivest, "On Breaking a Huffman Code," { IEEE Transactions on Information Theory } vol 3 (May 1996), 972--976.

Bellare, Mihir, and Ronald L. Rivest, "Translucent Cryptography---An Alternative to Key Escrow and its implementation via fractional oblivious transfer," { Journal of Cryptology } vol 2 (1999) 117--140.

Awerbuch, Baruch, Margrit Betke, Ronald L. Rivest, and Mona Singh, "Piecemeal Graph Exploration by a Mobile Robot," { Information and Computation } Vol 2 (August 1999), 155--172.

Ronald L. Rivest, "Permutation Polynomials Modulo  $2^w$ ," { Finite Fields and Their Applications } (2001), 287--292.

*{ Recent Papers in Refereed Conferences }*

Rivest, R. L., "Finding Four Million Large Random Primes," { Proceedings CRYPTO 90 }, (Springer 1991), 625--626.

Rivest, R. L., "Cryptography and Machine Learning," { Proceedings ASIACRYPT '91 }, (Springer 1993), 427--439.

Rivest, R. L., "Electronic Lottery Tickets as Micropayments," { Proceedings Financial Cryptography '97 }, (Springer 1997), 307--314.

Rivest, R. L., "Perspectives on Financial Cryptography," { Proceedings Financial Cryptography '97 }, (Springer 1997), 145--149.

*{ Other Recent Major Publications }*

Ronald L. Rivest and Adi Shamir, "PayWord and MicroMint: Two Simple Micropayment Schemes," in { Proceedings 1996 International Workshop on Security Protocols, } (Springer Lecture Notes in Computer Science Number 1189, edited by Mark Lomas, 1997), pages 69--87.

Ronald L. Rivest, "Chaffing and Winnowing: Confidentiality without Encryption,"

{ CryptoBytes } (RSA Laboratories), Volume 4, Number 1, 12--17 (Summer 1998).}

Oded Goldreich, Birgit Pfizmann, and Ronald L. Rivest, "Self-Delegation with Controlled Propagation - or - What If You Lose Your Laptop," {Proceedings CRYPTO '98 (Lecture Notes in Computer Science No. 1462)} (Springer-Verlag, August 1998), pages 153-168.}

Ronald L. Rivest, "The Beer Bottle Cipher," CCE Quarterly Journal (Pricewaterhouse Coopers Cryptographic Center of Excellence), Issue 3 (1999), 28--30.}

{Anna Lysyanskaya, Ronald L. Rivest, Amit Sahai, and Stefan Wolf, "Pseudonym Systems," {Selected Areas in Cryptography '99} (Springer Verlag '00), Lecture Notes in Computer Science No. 1758 (edited by H. Heys and C. Adams), pages 184--199.

### Recent Cryptography and Security Lectures

- *Micropayments Revisited* by Silvio Micali and Ronald L. Rivest. (Proceedings of the Cryptographer's Track at the RSA Conference 2002, Bart Preneel (ed.), Springer Verlag CT-RSA 2002, LNCS 2271, pages 149--163.)
- *The Untrusted Computer Problem and Camera-Based Authentication*, by D. Clarke, B. Gassend, T. Kotwal, M. Burnside, M. van Dijk, S. Devadas, and R. L. Rivest. *Lecture Notes in Computer Science 2414, Proceedings of the International Conference on Pervasive Computing (Pervasive2002)*, pages 114-124, August 2002.
- *Access-Controlled Resource Discovery for Pervasive Networks*, by S. Raman, D. Clarke, M. Burnside, S. Devadas and R. L. Rivest. *Proceedings of the 18th ACM Symposium on Applied Computing (Security Track)*, March 2003.
- *Tweakable Block Ciphers* by Moses Liskov, Ronald L. Rivest, and David Wagner. *Proceedings CRYPTO 2002* (Springer-Verlag, Lecture Notes in Computer Science No. 2442, Moti Yung(ed.), 2002), pages 31--46.
- *Making Mix Nets Robust for Electronic Voting by Randomized Partial Checking* by Markus Jakobsson, Ari Juels, and Ronald L. Rivest. In D. Boneh, ed., *USENIX Security '02*, pp. 339-353. 2002.
- *Proxy-Based Security Protocols in Networked Mobile Devices* by M. Burnside, D. Clarke, T. Mills, A. Maywah, S. Devadas, and R. Rivest. *Proceedings of the 17th ACM Symposium on Applied Computing (Security Track)*, pages 265-272, March 2002.



**Whitney Quesenbery  
Usability Professionals' Association**

78 Washington Avenue  
High Bridge, NJ 08829

908-638-5467  
[whitneyq@wqusability.com](mailto:whitneyq@wqusability.com)

## Biography

Whitney Quesenbery is the director of the UPA Voting and Usability Project, a role she took on when she joined the board just days after the 2000 US Presidential election. This project has focused on the human side of the voting experience, and has worked to raise awareness of the need for usability and user-centered design in voting systems as with all technology. Whitney was on the advisory council for the FEC project on human factors in voting systems. A discussion group brings together usability advocates and researchers from around the world. Information is available on the UPA web site -- [www.usabilityprofessionals.org](http://www.usabilityprofessionals.org)

In her 'civilian' life, Whitney Quesenbery is a user interface designer, design process consultant, and highly regarded speaker. She is an expert in developing new concepts that achieve the goal of meeting business, user, *and* technology needs. She has extensive user interface design experience and has produced award winning multimedia products, user interfaces, web sites, and software applications.

She is the owner and principal consultant for Whitney Interactive Design, LLC ([www.WQusability.com](http://www.WQusability.com)) where she continues the work begun during her dozen years at Cognetics Corporation. Whitney's projects ranged from online financial news retrieval to hospital management software, web applications, and corporate information tools for companies such as the TriZetto Group, FDA, Open University, Armstrong, Novartis, Deloitte Consulting, Dow Jones, McGraw-Hill, Siemens, Hewlett-Packard, and Eli Lilly.

Whitney is active in the user experience community as a member of the Board of Directors for the Usability Professionals' Association (UPA) and the past-manager of the Society for Technical Communication (STC) Special Interest Group on Usability.

## Experience

### **2002 - Present: Whitney Interactive Design, LLC**

Consultancy in user-centered design, interface design and usability

Clients include:

- Trizetto
- ITG - Interpersonal Technology Group
- IRS
- Blackbaud

### **1990 - 2002: Cognetics Corporation**

Principal and Senior Vice President for Design

Key accomplishments

- One of the primary developers for LUCID, a user-centered approach to user experience design
- Product management and documentation for Hyperties 3.0 and 4.0, released in 1992 and 1995

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- Usability training and process implementation for Cognetics and clients
- Developed professional skills evaluation process for staff designers
- Principal or lead designer for design and consulting projects:
  - Web-based applications for healthcare, pharmaceutical, financial services
    - Siemens Health Systems *Soarian*
    - The McGraw-Hill Companies
    - ADP
    - StreamNet
    - Cynocom *Asyst*
    - Con Edison
  - Intranet design and information architecture
    - McNeil
    - Novartis Consumer Health *InfoWeb*
    - Deloitte Consulting
    - Sanofi
  - Web site design and usability
    - Eli Lilly
    - International Center of Photography
    - NSI
    - Congressional Information Systems
    - Cognetics Corporation
  - Online books and reference
    - Hewlett Packard *Laser Jet 4 Travel Guide*
    - The Productivity Shoppe *Get Smart*
    - Gale Research
    - Primary Source Media *American Journey*
    - Research Publications *Broadcast News*
    - Union Carbide *Safety Manual*
    - Lederle Pharmaceuticals
  - Multimedia and interactive television
    - Dow Jones Investor Network
    - Ameritech *Interactive TV Prototypes*
    - AT&T/Lucent *PDD - Capabilities Demo*
    - 
    -

**1977 - 1990: Theatrical Lighting Designer**

New York and regional theatre, dance and opera

- Arden Theatre Company
- Movement Theatre International
- Lenox Arts Center
- Hyde Park Festival Theatre
- American Music Theatre Festival
- Berkshire Ballet Company
- Center for Contemporary Opera
- LaMama E.T.C.
- Laurie Anderson's *United States I - IV*
- *Poppie Nongena*

**Professional Society Affiliations**

**Usability Professionals' Association**

- Board of Directors, 2000 - present
- Certification for Usability Professionals project, 2002

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- Voting and Usability project, 2000-present
- Conference Presentations, 1999-2002

#### **Society for Technical Communication**

- Usability SIG Webmaster, 1997 - present
- Conference Program Manager for Usability, 2002
- Usability SIG Manager, 1999 - 2002
- Distinguished Chapter Service Award, 1997
- Philadelphia Chapter Webmaster, 1995 - 1998
- STC International Online Competition Judge, 1996-1997
- Conference Presentations, 1995-2002

#### **ACM SIGCHI (Special Interest Group on Computer-Human Interaction)**

- Conference Panel, 2001: Ethics in HCI  
with Rolf Molich, Brenda Laurel, Chauncey Wilson, Carolyn Snyder

#### **United Scenic Artists**

- Lighting Designer #3259, 1984-present

#### **Education**

- Bryn Mawr College
- National Theatre Institute

#### **Awards and Honors**

- E-Comm Ohio Pioneer Awards  
National Judge, 2002
- UTEST Advisory Council
- 2001 Frank R. Smith Outstanding Journal Article  
"On Beyond Help - Use Assistance and the User Interface"
- STC Competitions Awards  
NSI web site, 1998.  
AT&T PDD, Best in Show 1996  
Productivity Shoppe *Get Smart*, 1996  
Cognetics web site, 1996-1997  
Hypertics documentation, 1996-1997  
Primary Source Media *American Journey*, 1995  
Hewlett Packard *LaserJet 4 Travel Guide*, 1992

#### **Publications**

##### **Balancing the 5Es**

Functional requirements answer the question, "What does this program have to do?" Usability requirements answer different questions: How do users approach this work? How do they think about the tasks? How do they judge a successful experience?  
Cutter IT Journal - February 2004, pp 4-11

##### **"Starting from People: Designing Usable Voting Systems"**

An article based on my presentation at the NIST Symposium on Building Trust and Confidence in Voting Systems, December 10-11, 2003

##### **"Designing a Search People Can Really Use"**

Intercom, December 2003, p 18-21

Lessons on how to help people succeed with search, from usability research with consumers using online health information.

Reprinted with permission from Intercom, the magazine of the Society for Technical Communication.

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**"Dimensions of Usability: Opening the Conversation, Driving the Process"**

Proceedings of the UPA 2003 Conference, June 2003

A look at using the 5Es as an advocacy and communications tool"

**"Who is in Control? The Logic Underlying the Intelligent Technologies Used in Performance Support"**

Technical Communication, Volume 49, Number 4, November 2002 (Frank R. Smith Outstanding Journal Article Competition - Outstanding Issue 2002)

An exploration of technologies such as intelligent agents, information visualization, search engines and collaborative filtering and how they related to performance support.

**"Building Blocks to a Body of Knowledge for User-Centered Design: To Certify or Not to Certify"**

Usability Interface, STC Usability SIG, April 2002

A report on activities investigating certification for usability professionals.

**"When the show must go on, it's time to collaborate or die."**

Boxes and Arrows, March 2002

What I learned about UI design while working in the theatre.

**"What We Don't Know About Internet Voting and Usability"**

Georgia Tech Research Institute workshop on Internet Voting, November 13-14, 2001

**"Voting and Usability: Lessons Learned from the 2000 Presidential Election"**

STC-PMC News & Views, November 2001

A look at some of the usability issues in the 2000 Presidential election ballot crisis

**"Building A Better Style Guide"**

Proceedings of Usability Professionals' Association, 2001

A report on ways of using style guides to build consensus within a design team

**"What's in a Name?"**

Design Matters, STC Information Design SIG, May 2001

A short article looking at the various titles and how they relate to the different skills needed for usability.

**"Using a Style Guide to Build Consensus"**

Usability Interface, STC Usability SIG, April 2001

A short introduction to the social aspects of style guides.

**"Applying a UCD Process to Implementing a UCD Process"**

Proceedings of the 48th Annual Conference, Society for Technical Communication, 2001

A look at how user-centered design can be applied to implementing usability and a better design process.

**"What Does Usability Mean: Looking Beyond 'Ease of Use'"**

Proceedings of the 48th Annual Conference Society for Technical Communication, 2001

This paper accompanied a panel with Caroline Jarrett, Judy Ramey and Ginny Redish and introduces the 5Es concept of dimensions of usability

**"Storytelling: Using Narrative to Communicate Design Ideas"**

Presentation at the 48th Annual Conference Society for Technical Communication, 2001

Storytelling is a powerful way to explain complex concepts, and present a vision for a design

**"On Beyond Help - User Assistance and the User Interface"**

Technical Communication, STC, April 2001.

Winner 2001 Frank R. Smith Outstanding Journal Article

How to make a user interface helpful, by designing for different user approaches to information.

**"Voters Learn the Importance of Usability"**

Usability Interface, STC Usability SIG, January 2001

A few lessons from the November 2000 election and how they apply to usability.

**"UPA 99 Workshop Report: Crossing the Chasm - Promoting Usability in the Software Development Community"**

Common Ground, UPA, Vol 10 No 1, March 2000

**"Lessons from the InfoWeb - Creating a Successful Knowledge Management System"**

Presented at Hot Trends for Communicators - STC Region 5 Conference, October 1999

**"Documentation's Holistic Role"**

Journal of Computer Documentation, ACM-SIGDOC, Vol 23 No 4, November 1999

**"Designing Library Reference CD-ROM Interfaces for Usability"**

Common Ground, UPA, Vol 7 No 4, October 1997

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**"Designing for Interactive Television"**

Published online, 1997

**"The Basics of Graphics That Really Do Work Online"**

Hyperviews (STC Online SIG) Vol 3 No 2, Summer 1996

**"Get Smart: Interface Design and Production Meet Editorial on a New CD-ROM Magazine"**

Proceedings of the 43rd Annual Conference, Society for Technical Communication, 1996

"UI Design - Keys to the Interactive Kingdom"

IEEE Multimedia Conference, Washington DC, May 1995

**"An American Journey: Designing the Interface for an Electronic Document"**

Proceedings of the 42th Annual Conference Society for Technical Communication, 1995

"Steps to Success: Applying an Interface Design Methodology to Electronic Documentation"

Spectrum 94, Rochester, New York, March 1994

"Going Online: Developing a User Interface for an Online Document" STC-PMC News & Views, Vol 29, No 3, November 1993

**"Interface Design for Online Documents"**

American Association of University Publishers, June 1993

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**Daniel Schutzer, Ph.D.**

**Vice President & Director of External Standards and Advanced Technology, e-Citi, CitiGroup  
Financial Services Technology Consortium, Board Chairman  
Chairman ISO Subcommittee 2  
Fellow and Advisory Board National Academy of Sciences  
Citibank, 750 Washington Blvd. 7<sup>th</sup> Floor, Stamford, CT 06901  
Tel.: (203) 975-6812  
schutzerd@citigroup.com, <http://www.citibank.com>, <http://www.fstc.org>**

Advisory Committee on Online Access and Security -- Nomination, P004807.  
Nomination submitted by Citigroup, January 7, 2000.

Currently responsible for directing and coordinating Citigroup's advanced technology efforts and Citigroup's senior representation at external organizations and standards bodies. This includes ensuring research and standards activities are properly focused and aligned with business goals and priorities; formulating and executing business-driven technology directions and strategies; providing overall management, assessment, and prioritization of research and standards activities; and keeping the Citibank highly innovative. Areas of focus include electronic banking, payments and electronic commerce, bill presentment and payment, portfolio and risk management, financial engineering and new product design, customer behavioral modeling, mathematical marketing analyses and simulations, fraud detection and control, security over computer networks. Advanced technologies under investigation include agent technology, XML, machine learning, multimedia, biometrics, image and voice processing, smart cards and secure tokens.

Previous positions include Technical Director Naval Intelligence, Technical Director Navy Command, Control and Communications, and Program Manager Sperry Rand. Also worked for Bell Labs, Syracuse University and IBM.

Currently serving as Research Professor of Information Technology at Rutgers Center of Management, Integration and Connectivity (CIMIC), and teaching part time at Iona College in New Rochelle, New York, and George Washington University in Washington D.C.

**EDUCATIONAL BACKGROUND:** BSEE, College of City of New York, MSEE and Ph.D. Syracuse University

**PUBLICATIONS:** Authored over 65 publications and 7 books: Parallel and Distributed Processing, Application of Emerging Technologies in Business, Applied Artificial Intelligence, Military Communications, Command and Control, a chapter on Financial Risk Management in a Financial Management Handbook, and a Chapter in a Book on Electronic Commerce.

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**Patrick J. Gannon**

**President and CEO, OASIS**  
**[patrick.gannon@oasis-open.org](mailto:patrick.gannon@oasis-open.org)**  
**Web site: <http://www.oasis-open.org/who/>**  
**630 Boston Road**  
**Billerica, MA 01821**  
**USA**  
**978 667 5115 Voice**  
**978 667 5114 Fax**

President and CEO of the Organization for the Advancement of Structured Information Standards (OASIS). In addition to serving on the OASIS Board of Directors, Mr. Gannon has served since 2000 with the United Nations Economic Commission for Europe (UNECE), as Chairman of the Team of Specialists for Internet Enterprise Development, which advises governments in transitional economies on best practices for electronic business. He also serves on the ebXML (electronic business using eXtensible Markup Language) Joint Coordinating Committee together with management from UN/CBFACT. He has worked for BEA Systems, where he served as Senior Vice President in the E-Commerce Integration Division. Prior to BEA, Mr. Gannon served as Vice President of Marketing and Industry Programs at Netfish Technologies and as Vice President of Strategic Programs for the CommerceNet Consortium, directing research and development efforts in new Internet commerce standards such as XML. While at CommerceNet, he served as the first Project Leader for RosettaNet and as Executive Director for the Open Buying on the Internet (OBI) initiative. Mr. Gannon is co-author of the book: "Building Database-Driven Web Catalogs," and is an international speaker on electronic business. Mr. Gannon has also provided guidance to governmental leaders (ministers and heads of state) on adoption of electronic business (Information & Communication Technology) strategies to facilitate economic growth; which has included Lee Teng-hui, President of the Republic of China, and Askar Akayev, President of the Kyrgyz Republic.

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Arden L. Bement, Jr.  
Acting Director  
National Science Foundation (NSF)

Dr. Bement joined NSF from the National Institute of Standards and Technology, where he has been director since Dec. 7, 2001. As head of NIST, he oversees an agency with an onsite research and administrative staff of about 3,000, complemented by a NIST-sponsored network of 2,000 locally managed manufacturing and business specialists serving smaller manufacturers across the United States.

Prior to his appointment as NIST director, Bement served as the David A. Ross Distinguished Professor of Nuclear Engineering and head of the School of Nuclear Engineering at Purdue University. He has held appointments at Purdue University in the schools of Nuclear Engineering, Materials Engineering, and Electrical and Computer Engineering.

Bement came to the position as NIST director having previously served as head of that agency's Visiting Committee on Advanced Technology, the agency's primary private-sector policy adviser and as head of the advisory committee for NIST's Advanced Technology Program. Along with his NIST advisory roles, Bement served as a member of the NSF's National Science Board from 1989 to 1995.

Bement joined the Purdue faculty in 1992 after a 39-year career in industry, government, and academia.

He holds an engineer of metallurgy degree from the Colorado School of Mines, a master's degree in metallurgical engineering from the University of Idaho and a Ph.D. in metallurgical engineering from the University of Michigan. He is a member of the U.S. National Academy of Engineering.

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**Arden L. Bement, Jr.**  
Acting Director  
National Science Foundation

Arden L. Bement, Jr., became Acting Director of the National Science Foundation on February 22, 2004.

He joins NSF from the National Institute of Standards and Technology, where he has been director since Dec. 7, 2001. As head of NIST, he oversees an agency with an annual budget of about \$773 million and an onsite research and administrative staff of about 3,000, complemented by a NIST-sponsored network of 2,000 locally managed manufacturing and business specialists serving smaller manufacturers across the United States. Prior to his appointment as NIST director, Bement served as the David A. Ross Distinguished Professor of Nuclear Engineering and head of the School of Nuclear Engineering at Purdue University. He has held appointments at Purdue University in the schools of Nuclear Engineering, Materials Engineering, and Electrical and Computer Engineering, as well as a courtesy appointment in the Krannert School of Management. He was director of the Midwest Superconductivity Consortium and the Consortium for the Intelligent Management of the Electrical Power Grid.

Bement came to the position as NIST director having previously served as head of that agency's Visiting Committee on Advanced Technology, the agency's primary private-sector policy adviser; as head of the advisory committee for NIST's Advanced Technology Program; and on the Board of Overseers for the Malcolm Baldrige National Quality Award.

Along with his NIST advisory roles, Bement served as a member of the U.S. National Science Board from 1989 to 1995. The board guides NSF activities and also serves as a policy advisory body to the President and Congress. He also chaired the Commission for Engineering and Technical Studies and the National Materials Advisory Board of the National Research Council; was a member of the Space Station Utilization Advisory Subcommittee and the Commercialization and Technology Advisory Committee for NASA; and consulted for the Department of Energy's Argonne National Laboratory and the Idaho National Engineering and Environmental Laboratory.

Bement joined the Purdue faculty in 1992 after a 39-year career in industry, government, and academia. These positions included: vice president of technical resources and of science and technology for TRW Inc. (1980-1992); deputy under secretary of defense for research and engineering (1979-1980); director, Office of Materials Science, DARPA (1976-1979); professor of nuclear materials, MIT (1970-1976); manager, Fuels and Materials Department and the Metallurgy Research Department, Battelle Northwest Laboratories (1965-1970); and senior research associate, General Electric Co. (1954-1965).

He has been a director of Kelthley Instruments Inc. and the Lord Corp. and was a member of the Science and Technology Advisory Committee for the Howmet Corp. (a division of ALCOA).

Bement holds an engineer of metallurgy degree from the Colorado School of Mines, a master's degree in metallurgical engineering from the University of Idaho, a doctorate degree in metallurgical engineering from the University of Michigan, an honorary doctorate degree in engineering from Cleveland State University, and an honorary doctorate degree in science from Case Western Reserve University. He is a member of the U.S. National Academy of Engineering.

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# Paul W. Craft

## Biographical Sketch

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Mr. Craft is a true Florida native, born in Tallahassee, Florida.

He graduated from Florida State University in 1976 with a B.S. in Business and Hotel Restaurant Administration. After 6 years in restaurant management he returned to Florida State for additional work in accounting and became a Certified Public Accountant in 1986 and a Certified Information Systems Auditor in 1992.

From 1982 to 1991, he was employed as an auditor by the Florida Department of Revenue. He began as a tax compliance auditor was promoted to an audit manager. In 1987 he was picked to head a task force investigating embezzlements within the tax refund section. Using a combination of statistical sampling, internal control analysis and computer modeling the investigation concluded with successful prosecutions.

In 1991 he was hired by the Florida Department of State as a Computer Audit Analyst in the Voting Systems Certification Section. In 1994 he began managing the section. In 2001, the Florida Legislature put significant resources into elections reform including expanding the section into a bureau with Mr. Craft as Chief.

Since the early 1980's Mr. Craft has been active in the NASED ITA Board and its technical subcommittee. His Bureau of Voting Systems Certification has been instrumental in implementing Florida's 2001 election reforms, the 2002 election accessibility act, and is now implementing the provisions of HAVA.

Mr. Craft lives in Tallahassee with his wife, Debra Ann Corkhill, one bird and two cats.

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# Paul W. Craft

Certified Information Systems Auditor

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## Current Employment

**Bureau Chief, Bureau of Voting Systems Certification, Division of Elections, Florida Department of State.**

The Bureau consists of four sections:

### The Voting System Section:

- establishes standards for computer based election systems, as well as testing and evaluating system compliance with existing state and federal election standards.
- provides oversight for the use of election systems by county election offices.
- provides technical assistance, expert witness, educational and management advisory services to county election offices.

### The National Voter Registration Administration Section:

- provides oversight and training under the requirements of the Florida Voter Registration Act and the National Voter Registration Act.
- provides coordination for training programs and workshops conducted by the Division of Elections.
- coordinates publications for the Division of Elections.

### The Data Processing Section

- designs, develops, maintains and supports users of the Divisions Of Elections' custom computer applications.
- manages the Divisions Of Elections' web presence.  
(See <http://election.dos.state.fl.us>)
- maintains and operates the Florida Statewide Voter Registration Database.

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## The Florida Voter Registration System Section

- design and development of the new Florida Voter Registration System for deployment in January 2006, under the Help America Vote Act.

Represent the State of Florida on the National Association of State Election Directors' Voting Systems Board and its Technical Standards Subcommittee. Serve as liaison with federal programs, make public presentations, and handle press contacts.

### Education

Florida State University – B.S. Hotel and Restaurant Administration. Additional work in Accounting to meet Certified Public Accountant requirements. Continuing Professional Education to maintain CPA and CISA certifications.

### Contact Information

Room 231, The Collins Building ♦ 107 West Gaines Street  
♦ Tallahassee, Florida 32399-0250  
Telephone 850-245-6220  
Email: [craft@paulcraft.net](mailto:craft@paulcraft.net)  
Web Site: <http://paulcraft.net>

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# **H. STEPHEN BERGER**

**President of the General Partner**

[stephen.berger@ieee.org](mailto:stephen.berger@ieee.org)

## **PROFILE**

Professional project manager with specialization in:

- ❑ **Government and Industry Relations,**
- ❑ **Advanced technology business planning,**
- ❑ **Standards development and regulatory management.**

20 years of product development and technology planning experience. Member of the IEEE Standard Board and chair of the IEEE EMC Society Standards Development Committee. Currently chairs IEEE Project 1583, standard for voting equipment. Project management experience in Telecommunications, Information Technology and Instrumentation Industries, with strong record, in the areas of EMC (Electromagnetic Compatibility), RF safety and Disability Issues.

## **SELECTED ACCOMPLISHMENTS**

IEEE Standards Board and New Standards Committee  
1st Vice-President, NARTE (National Association of Radio and Telecommunications Engineers)  
Chair, IEEE EMC Society Standards Development Committee  
Invented the EHR GTEM, patented, gained FCC approval and implemented its use, improving test efficiency by >80%. Awarded Siemens' highest award for technical contribution to the business.  
Established EMCO's electromagnetic field sensing products line base upon technology transfer with NIST in Boulder, Co. This product line grew to 15% of total revenues in 3 years.  
Current President and co-founder of the Association of Access Engineering Specialists (AAES)  
Member of 2 US Access Board Federal Advisory Committee:

Telecommunications Access Advisory Committee (TAAC) (1996-1997)  
and  
Electronic Information Technology Access Advisory Committee (1998-1999)

Invited presenter on disability access at EU Ministerial Conference, April 2000 in Lisbon, Portugal

# EMC AND ENVIRONMENTAL TESTING

## REGULATORY COMPLIANCE

Improved test department throughput by 5 times, with no increase in personnel. This was accomplished by extensive automation, the invention of new, patented test technology.

Increased total revenues by 15% at EMCO because of antenna and instrumentation designs

Member of key standards committees for EMC, RF Health, Accessibility and related areas.

## PROFESSIONAL AWARDS

IEEE Standards Medallion, August 1993.

Commendation for contributions to IEEE EMC Society's Standards Efforts, 1988 & 1994.

Certificate of Appreciation for RESNA for contributions to the field of rehabilitation engineering, 1997.

SHHH (Self Help for Hard of Hearing People) Friend of People with Hearing Loss 2001 award.

## PATENTS

6,744,750: Replicating and Recombinant Networking Systems and Methods for Wireless Networks

6,684,063: Integrated Hearing Aid for Telecommunications Devices

6,380,896: Circular polarization antenna for wireless communication system

6,225,917: Electromagnetic Field Probe Having a Non-Electrical Transmission Modality

5,754,054: Apparatus and Method for Determining the Source and Strength of Electro-magnetic Emissions

5,589,773: System and Method for Making Electromagnetic Measurements Using a Tiltable Transverse Electromagnetic Cell and a Fixed Tilt Sample Holder

EP00805562A3: Radio-Frequency Hearing Aid Protector for Wireless Communications Products

## PROFESSIONAL BACKGROUND

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**TEM CONSULTING, LP**

2000-

Present

President of the General Partner

**SIEMENS INFORMATION AND COMMUNICATIONS MOBILE** 1990-  
2000

Project Manager, Standards & Regulations 1999-  
2000

Senior Engineer, Wireless Terminals Compliance 1996-  
1999

Technical Lead, Hardware Design Assurance 1990-  
1996

**THOMAS-CONRAD CORP.**

1988-

1990

Senior Engineer, Digital Design

**THE ELECTRO-MECHANICS COMPANY (EMCO)**

1985-1988

Director for Field Sensing Products

**DATAPPOINT CORP.**

1980-

1985

Engineer, EMC and environmental compliance testing

## **EDUCATION**

**BS, Physics**

**University of Wisconsin, Madison, WI.**

TEM Consulting, LP

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## Biographical Sketch

### Donetta Davidson, Colorado Secretary of State

**"For me, growing up in a rural area really exemplified the community family, it is what inspired me to run for office. Getting involved in the Colorado Community has been one of the most rewarding experiences of my life. I highly recommend it!"**

Donetta Davidson was born into a military family in Liberal, Kansas in 1943. She became a Coloradan shortly thereafter when her family moved first to Two Buttes then to Las Animas where they settled. When ever possible Donetta spends time with her family, son Todd, daughter and son-in-law Trudie and Todd Berich and granddaughters Brittany and Nicole.

#### Official Positions:

- Bent County Clerk and Recorder, Las Animas, Colorado  
Elected in November 1978 and served until January 1986
- Director of Elections, Colorado Department of State  
Appointed in January 1986 and served until December 1994
- Arapahoe County Clerk and Recorder, Littleton, Colorado  
Elected in November 1994, re-elected in November 1998, and served until July 21, 1999
- Colorado Secretary of State  
Appointed by Governor Bill Owens on July 22, 1999  
Elected in November 2000
- Treasurer, National Association of Secretaries of State, Elected in July 2003
- Member of the Elections Committee for the National Association of Secretaries of State
- Will serve as the President of the National Association of Secretaries of State in 2006

#### Experience:

- Elections Officer, Colorado Department of State, supervising the county clerks in all election matters pertaining to the Primary/General elections, including mail ballot; assisting with recall issues; municipal, special district, and school district elections
- Legislative liaison for the Secretary of State
- Legislative Liaison for the County Clerk Association
- Speaker at six Postal Training Seminars held in various cities, 1998
- Chairman of committee that developed the only logo ever used by election officials for mailings and a User's Guide for election officials and post offices to facilitate lower mailing costs, as well as, ensuring delivery of official election mail to electors

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- Speaker, National Postal Forum, 1998
- Participant, US Postal Service National Training broadcast, 1998
- Expert speaker on the election process
- Participation on state and federal levels concerning legislative changes

**Accomplishments:**

- Recipient, Las Animas High School Business Department, Employer of the Year, 1984
  - President, Colorado State Association of County Clerk and Recorders, 1983 to 1984
  - Executive Board Member, National Association of County Clerk and Recorders, 1995 to 1999
  - President, National Association of State Election Directors (NASSED), 1994
  - Recipient, Henry Toll Fellowship of Council of State Governments, 1993
  - Member, International Association of Clerks, Recorders, Election Officials, and Treasurers (IACREOT), 1995 to 1999
  - Appointment to Federal Election Commission Advisory Panel, 1995 to present
  - Chairman, Legislative Committee for Colorado State Association of County Clerk and Recorders, 1996 to 1999
  - Chairman, Joint Elections Officials Liaison Committee (JEOLC) Postal Service Task Force, 1997 to present
  - Appointment to the Election Center Board of Directors, 1998 to present
  - Appointment to the National Association of State Election Directors Voting Systems/Independent Test Authority Accreditation Board, 1998 to 2003
-

## ALICE P. MILLER

Alice P. Miller was appointed Executive Director by the Board of Elections and Ethics in July 1996, while serving as the General Counsel for the agency. Uniquely, she served in the dual capacity and was able to sustain the major operations of the Board during two major elections: the City Council Primary and Presidential election cycles. This required maintaining and promoting the Board's mission from both a legal and administrative perspective. Since her appointment as the permanent Executive Director in 1997, progress at the agency to date has included:

- modifying the training component of the pollworker unit to include professionally produced training videos that are used to supplement the in-house hands on training, and testing of election day workers; the video ultimately minimizes the costs for outside trainers, and ensures that all assigned election day workers receive uniform information about election day processes and procedures;
- reorganization of agency operations, including combining the data processing unit to function in conjunction with the registration processing component of the agency, thereby resulting in direct supervision and minimizing functions of the systems management branch;
- upgrading and enhancement of the 20 year old voter registration and ballot tabulation system to an optical scanning operation that will add ease to the voting process, reduce election day support requirements, and centralized daily in-house operations;
- implementing for the first time ever a major comparison of the local voter roll with contiguous jurisdictions and instituting procedures for making referrals of obvious violators to the Office of the United States Attorney for investigation and possible convictions;
- maintenance of the voter roll by implementing a data exchange program with other District government agencies to track individuals that may have failed to notify the Board of a change of address or residency; checking voter registration information by utilizing the National Change of Address Program (NCOA) and the National Social Security Death List;
- improvement of customer service through the development of the Board's website; the continued development of the website has evolved from an initial posting of twenty-five pages in 1997 to a current posting of 1100 pages, providing information, documents and features required in any first class "Election Website"; and the website maintains a design that allows for easy navigation and is accessible to all Internet users, regardless of their expertise or the sophistication of their equipment;

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- developing thorough, comprehensive, and goal-oriented annual performance plans for fiscal year operations prior to budget approval;
- installation of signa-scan or "digital signatures" as a technology upgrade to in-house operations; the module of signa-scan, a signature verification and retrieval system, is designed to decrease the time required for verifying signatures on petitions and absentee ballots, while increasing the overall accuracy of the process.

Since Ms. Miller's tenure, the agency has made significant advancements with management and administrative control through the effective use of technology, orderly planning and procedures, development of comprehensive agency annual performance plans, and continued trouble-free elections. Public confidence in the District's election system has continued to rise and increases in voter participation in the overall process has been noted.

**Professional Appointments:**

Vice President, National Association of State Election Directors (NASSED): (2001-present), Treasurer (1999-200), Northeast Regional Representative (1998-1999); Committee on Legislative Affairs (2001-present)

Board Member, The Election Center Professional Education Program (1999-present); Co-Chair, The Committee on Ethics and Professional Responsibility, (2001-present)

Member, Metropolitan Council of Government Election Officials Technical Committee

Member, International Foundation for Election Systems (IFES), Steering Committee for Collection of Election Resources in the United States (CERUS) Project

**Bar Admissions:**

United States Supreme Court, United States Court of Appeals for the District of Columbia, United States District Court for the District of Columbia, and District of Columbia Court of Appeals.

**Other Professional Activities:**

Testimony before Congressional Black Caucus on election reform. Presenter for the League of Women Voters, District of Columbia Commission on Aging, International Foundation for Election Systems International Visitors Program,

Institute of International Education Foreign Visitors Program and The National Association of State Election Directors

**Previous Employment**

From 1988 to 1997, Ms. Miller served as the senior staff attorney and later the General Counsel for the D.C. Board of Election and Ethics. As the chief legal officer for the Board of Elections and Ethics, she was responsible for representing the Board in all court proceedings on matters related to the elections process and challenges thereto. In addition, she drafted and prepared for final adoption all regulations governing the election process in the District of Columbia.

Significantly, for a period of approximately eighteen month, Ms. Miller performed both the duties associated with the offices of the General Counsel and that of the Executive Director of the Board of Elections. Most importantly, the timing of this appointment of dual responsibilities came at the onset on the Council Primary and Presidential elections. Both major elections were successful and the total operations of the agency commenced without incident. The Presidential Election was eventful in that some residents of the local Georgetown area challenged the right of student voters. That challenge resulted in ongoing contentious litigation which resulted in the Board's position of allowing students access to the franchise being continuously upheld.

Ms. Miller also worked for a brief period with the Council of the District of Columbia. She has also worked as a law clerk and later associate attorney for the law firm of Jack H. Olender and Associates, P.C..

**EDUCATION**

Ms. Miller received her law degree from Northeastern University. She received her B.A. degree from Boston College, graduating cum laude from the College of Arts and Sciences Honors Program.

**Personal:**

Ms. Miller was born in 1956 in Bethesda, Maryland, raised in Washington, DC, married in 1983, and has two children. The Millers have resided as a family in Washington, DC since 1987.

**Anne Caldas**

Director, Procedures and Standards Administration  
American National Standards Institute  
25 West 43 Street, 4th Floor  
New York, New York 10036

Anne Caldas has held the position of Director of Procedures and Standards Administration at the American National Standards Institute (ANSI) for more than eight years. In this capacity, she is the lead staff support for the work of three of the primary committees that implement the American National Standards process: the ANSI Executive Standards Council (ExSC), which accredits developers of American National Standards; the ANSI Board of Standards Review (BSR), which approves standards as American National Standards; and the ANSI Appeals Board, which is the final level of appeal at ANSI. The related program areas for which she is responsible include the accreditation and audit of standards developers (of which there are about 200), the accreditation of US Technical Advisory Groups (TAGs) to International Standards Organization (ISO), the approval of standards as American National Standards (ANS) (approximately 10,000 ANS exist) and the implementation of a multi-level appeals process. Prior to her current position, she worked for twelve years at the Human Resources Administration of the City of New York, serving in a final capacity as Director of Procedures and Analysis for the Office of Employment Services. She holds a Masters Degree in public policy.

## **BRITAIN J. WILLIAMS**

Dr. Williams is a Professor Emeritus of Computer Science and Information Systems at Kennesaw State University, Kennesaw, Georgia. Kennesaw State is a senior university in the University System of Georgia.

From 1986 to the present he has served as a consultant to the FEC Clearinghouse for Election Administration. In this capacity, he was involved in the development of the original Voting Systems Standards published in 1990 and the revision of the Voting Systems Standards that is currently underway.

From 1986 until 1988 and from 1993 until the present, Dr. Williams has served the Elections Division of the Office of the Georgia Secretary of State as a technical advisor to assure that voting systems proposed for use in the State are in compliance with the FEC Standards, the Rules of the Secretary of State, and the Georgia Election Code. He is also a consultant on matters related to voting system certification for several other states.

From 1994 until the present, Dr. Williams has served as Chairman of the NASED Voting Systems Board Technical Advisory Committee. This committee provides technical advice to the NASED Voting Systems Board on matters related to the interpretation of the FEC Voting System Standards. The NASED Voting Systems Board is responsible for the implementation of the FEC Voting System Standards.

**Daniel Schutzer, Ph.D.**

**Vice President & Director of External Standards and Advanced Technology, e-Citi, CitiGroup  
Financial Services Technology Consortium, Board Chairman  
Chairman ISO Subcommittee 2  
Fellow and Advisory Board National Academy of Sciences  
Citibank, 909 Third Avenue, 32<sup>nd</sup> floor, New York, N.Y. 10022  
(212) 559 1876, Fax (212) 832 7497  
dan.schutzer@citicorp.com, <http://www.citibank.com>, <http://www.fstc.org>**

Advisory Committee on Online Access and Security -- Nomination, P004807.  
Nomination submitted by Citigroup, January 7, 2000.

Currently responsible for directing and coordinating Citigroup's advanced technology efforts and Citigroup's senior representation at external organizations and standards bodies. This includes ensuring research and standards activities are properly focused and aligned with business goals and priorities; formulating and executing business-driven technology directions and strategies; providing overall management, assessment, and prioritization of research and standards activities; and keeping the Citibank highly innovative. Areas of focus include electronic banking, payments and electronic commerce, bill presentment and payment, portfolio and risk management, financial engineering and new product design, customer behavioral modeling, mathematical marketing analyses and simulations, fraud detection and control, security over computer networks. Advanced technologies under investigation include agent technology, XML, machine learning, multimedia, biometrics, image and voice processing, smart cards and secure tokens.

Previous positions include Technical Director Naval Intelligence, Technical Director Navy Command, Control and Communications, and Program Manager Sperry Rand. Also worked for Bell Labs, Syracuse University and IBM.

Currently serving as Research Professor of Information Technology at Rutgers Center of Management, Integration and Connectivity (CIMIC), and teaching part time at Iona College in New Rochelle, New York, and George Washington University in Washington D.C.

**EDUCATIONAL BACKGROUND:** BSEE, College of City of New York, MSEE and Ph.D. Syracuse University

**PUBLICATIONS:** Authored over 65 publications and 7 books: Parallel and Distributed Processing, Application of Emerging Technologies in Business, Applied Artificial Intelligence, Military Communications, Command and Control, a chapter on Financial Risk Management in a Financial Management Handbook, and a Chapter in a Book on Electronic Commerce.

**James Elekes** of Plainfield, New Jersey is an adjunct professor at Essex County College in West Caldwell, New Jersey, where he has taught political science and sociology for the past 12 years. He is also an adjunct professor at the County College of Morris. Previously, he was employed by NJ TRANSIT, the state's public transit agency, where he developed and conducted training programs for bus and rail operating and support personnel on service to passengers with disabilities. Elekes has been active in providing guidance on accessibility and disability issues to various community and civic organizations. Elekes became blind 23 years ago due to complications from juvenile diabetes. He was appointed to the Board by President Bush in 2003.

**J. R. Harding**, Ed.D. of Tallahassee, Florida was appointed to the Access Board in the spring of 2002 by President Bush. Active in state and local advocacy for persons with disabilities, Dr. Harding is employed by the Department of Education, Division of Vocational Rehabilitation as a Partnership Specialist for the Office of the Director. He currently represents the state of Florida and Tallahassee on a number of boards and commissions, including the Governor's ADA Working Group, the Florida Building Commission Waver Council, the Commission for Transportation Disadvantaged, the Citizens' Advisory Council of Leon County, and he is also an active member of the Chamber of Commerce. He is a graduate of Leadership Tallahassee, class of 19 and has been living with quadriplegia for over 20 years.



**Patrick J. Gannon**

**President and CEO, OASIS**

**[patrick.gannon@oasis-open.org](mailto:patrick.gannon@oasis-open.org)**

**Web site: <http://www.oasis-open.org/who/>**

**630 Boston Road  
Billerica, MA 01821  
USA  
978 667 5115 Voice  
978 667 5114 Fax**

President and CEO of the Organization for the Advancement of Structured Information Standards (OASIS). In addition to serving on the OASIS Board of Directors, Mr. Gannon has served since 2000 with the United Nations Economic Commission for Europe (UNECE), as Chairman of the Team of Specialists for Internet Enterprise Development, which advises governments in transitional economies on best practices for electronic business. He also serves on the ebXML (electronic business using eXtensible Markup Language) Joint Coordinating Committee together with management from UN/CEFACT. He has worked for BEA Systems, where he served as Senior Vice President in the E-Commerce Integration Division. Prior to BEA, Mr. Gannon served as Vice President of Marketing and Industry Programs at Netfish Technologies and as Vice President of Strategic Programs for the CommerceNet Consortium, directing research and development efforts in new Internet commerce standards such as XML. While at CommerceNet, he served as the first Project Leader for RosettaNet and as Executive Director for the Open Buying on the Internet (OBI) initiative. Mr. Gannon is co-author of the book: "Building Database-Driven Web Catalogs," and is an international speaker on electronic business. Mr. Gannon has also provided guidance to governmental leaders (ministers and heads of state) on adoption of electronic business (Information & Communication Technology) strategies to facilitate economic growth; which has included Lee Teng-hui, President of the Republic of China, and Askar Akayev, President of the Kyrgyz Republic.

## Helen Purcell

### Maricopa County Recorder

111 S. 3rd Ave  
Phoenix, AZ 85003

Office: 602-506-3629

Cell: 602-390-2516

Fax: 602-506-4050

e-mail: [hpurcell@risc.maricopa.gov](mailto:hpurcell@risc.maricopa.gov)

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Helen Purcell was elected to the office of Maricopa County Recorder in November, 1988; and re-elected in November, 1992, November, 1996, and November, 2000 – the second woman to hold this position since 1871. Born in Topeka, Kansas, she has been a Phoenix resident since 1964. Mrs. Purcell began her career with T. J. Bettess Mortgage Company in Texas, subsequently becoming a Real Estate Trust Officer with Stewart Title & Trust of Phoenix. She has been a member of the Board of Directors of the National Association of Counties (NACo) since December, 1997, a member of the Board of Directors of the Kids Voting-Arizona, a member of the National Association of County Recorders and Clerks, and the International Association of Clerks, Recorders, Elections Officials and Treasurers. In May, 1998, Mrs. Purcell received the National Kids Voting Excellence Award. She is Past President of the Arizona Association of Counties and a former President of the Arizona Association of County Recorders. She is a member of The Property Records Industry's Joint Task Force, a Subcommittee of the National Association of County Recorders, Election Officials and Clerks (NACRC), and the Co-Chairperson of the Technology Committee. She is a member of the State of Arizona's Election Law Sub-Committee. In November of 2000, Mrs. Purcell was asked to serve on the National Commission on Election Standards and Reform, a twenty-member panel created by the National Association of Counties (NACo) and NACRC to review the American election process and make recommendations to improve it. Mrs. Purcell has two grown sons, Mark and Todd, and four grandsons.

Mrs. Purcell's statutory duties and responsibilities include recording and maintaining, for permanent public record, 8,000 to 10,000 documents per day, and maintaining voter registration rolls for over 1,300,000 registered voters. In addition, she is responsible for administering the Elections Department that conducts all national, state and countywide elections, and provides elections support for cities, towns, schools, and other jurisdictions.

On April 3, 2000, the Maricopa County Elections Department's Vote-By-Mail technology became part of the 2000 Computerworld Smithsonian Collection at the Smithsonian's National Museum of American History in Washington, D. C. Nominated by Michael Dell, Chairman and Chief Executive Officer of Dell Computer Corporation, Mrs. Purcell and her Department encourage voters of America's 5th largest county to request mail-in ballots by phone, mail, internet, or walk-in, increasing overall voter participation as mail-in ballots grow to account for a third of the total ballots.

020326

**Donald A. Norman, Ph.D.**

**Nielsen Norman Group  
48921 Warm Springs Boulevard  
Fremont, California 94539-7767  
Tel. (408) 720-8808**

**Web Site: <http://www.nngroup.com/about/>**

Professor of Computer Science at Northwestern University and co-founder of the Nielsen Norman Group, an executive consulting firm that helps companies produce human-centered products and services. Norman serves as advisor and board member to numerous companies in high technology and consumer products and to non-profit organizations in the area of policy and education.

Norman has served as Vice President of the Advanced Technology Group at Apple Computer and as an executive at Hewlett Packard and UNext, a distance education company. He is Professor Emeritus at the University of California, San Diego where he was founding chair of the Department of Cognitive Science and chair of the Department of Psychology. He is a trustee of the Institute of Design in Chicago, IL.

Norman received a B.S. degree from MIT and an MS degree from the University of Pennsylvania, both in Electrical Engineering. His doctorate, from the University of Pennsylvania, is in Psychology. In 1995, he received an honorary degree from the University of Padua (Italy).

He was one of the founders of the Cognitive Science Society and has been chair of the society and editor of its journal, Cognitive Science. He is a fellow of the Human Factors & Ergonomics Society, the American Psychological Society, and the American Academy of Arts and Sciences, the Association for Computing Machinery (ACM). In 2002 he received the "Lifetime Achievement Award" from SIGCHI, the professional organization for Computer-Human Interaction. He has been a Fellow at the Center for Advanced Studies in the Behavioral Sciences (Stanford).

Dr. Norman has published extensively in journals and books, and is the author or co-author of thirteen books, with translations into twelve languages, including "The Design of Everyday Things," and "Things That Make Us Smart." His latest book is "The Invisible Computer: Why good products can fail, the PC is so complex, and information appliances are the answer." Business Week has called this "the bible of the 'post PC' thinking." (No ties to voting. Considered a guru in the field of human-computer interactions)

**SHARON TURNER BUIE**  
Director of Elections  
Kansas City Board of Election Commissioners

Ms. Buie serves as co-director of elections for the Kansas City Board of Election Commissioners, administering policies, directives and decisions of the Board while insuring the proper conduct of all public elections in the city of Kansas City, Missouri, within the boundaries of Jackson County.

Along with her co-director, Ms. Buie is responsible for servicing over 220,000 registered voters with 26 full time, up to 50 part time, and approximately 1,600 temporary employees on election days. Typically, four to six elections are held annually.

During her tenure, she has received the industry's highest designation of CERA, Certified Elections/Registration Administrator and she has been appointed to several Boards and Commissions:

- EAC Board of Advisors
  - EAC Technical Guidelines Development Committee
- The Blunt Commission by Secretary of State Blunt
- The Blunt Commission on Election Reform
- Chair of the Missouri State Help America Vote Act Education/Training Committee
- The International Foundation for Election Systems Miami/Dade Monitoring Project
- The International Foundation for Election Systems Washington D.C. State Plan Project
- The International Association of Clerks, Recorders, Election Officials and Treasurers representative on The Election Assistance Commission Advisory Board for the Help America Vote Act

Ms. Buie also holds memberships in several organizations: The Election Assistance Commission, which is a newly established organization commissioned by the President of the United States; The Blunt Commission, which was established by Missouri Secretary of State Blunt to improve the election process, the International Association of Clerks, Recorders, Election Officials and Treasurers, The Election Center, the Missouri Association of County Clerks & Election Authorities, the National Association of County Recorders, Election Officials and Clerks, the NAACP, League of Women Voters and Citadel Gardens, Inc., a residential housing center for senior adults.



DeForest Soaries  
Jr./EAC/GOV  
06/03/2004 10:46 PM

Raymundo Martinez/EAC/GOV, "Paul DeGregorio"  
To <pdegregorio@eac.gov>, "Gracia Hillman"  
<ghillman@eac.gov>, "DeForest Soaries"  
cc Dsavoy@eac.gov

bcc

Subject TGDC

We will need to vote to appoint the TGDC. Since four of the members are our appointees with NIST, it is incumbent upon us to properly consider and appoint them.

---

Sent from my BlackBerry Wireless Handheld

020329



**Paul DeGregorio/EAC/GOV**

06/08/2004 02:20 PM

To Gracia Hillman/EAC/GOV, Raymundo Martinez/EAC/GOV,  
DeForest Soaries Jr./EAC/GOV  
cc Diane Savoy/EAC/GOV, Joan A. Wooley/EAC/GOV, John C.  
Vergelli/EAC/GOV

bcc

Subject TGDC appointees

Fellow Commissioners,

Attached is the list and the bios of the 15 people that I will propose that we ratify as the members of the Technical Guidelines Development Committee. In addition to the electronic copies, I am also going to give you a paper version of same.

Unless I hear from you otherwise, on Thursday, June 10, I will submit a tally vote for ratification of these appointees.

Please note that those appointees with an (EAC) after their name are the appointees of which we have real discretion. Secretary Davidson (R) and Ms. Miller (D) come from the Standards board; Ms. Turner-Buie (D) and Ms. Purcell (R) come from the Advisory Board (as required by HAVA).

Please let me know if you have any questions. Thanks.



EAC\_TGDC 6-8-04.pdf TGDC members bio.pdf

**Paul DeGregorio**

Commissioner

US Election Assistance Commission

1225 New York Ave, NW

Suite 1100

Washington, DC 20005

1-866-747-1471 toll-free

202-566-3100

202-566-3127 (FAX)

pdegregorio@eac.gov

www.eac.gov

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Attachments found at  
NIST letter to the  
EAC dated  
April 27, 2004



Paul DeGregorio/EAC/GOV  
06/08/2004 03:12 PM

To John C. Vergelli/EAC/GOV  
cc  
bcc  
Subject TGDC list doc and xls



EAC\_TGDC 6-8-04.doc TGDC 6-8-04.xls

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Technical Guidelines Development Committee

Organization or Official	Acronym Moniker	Designee First Name	Designee Last Name	Title	Address	City	St	Zip	Phone	Fax	Email
Director of the National Institute of Standards and Technology	NIST	Dr. Arden	Bement	Acting Director of the National Science Foundation (NSF)	100 Bureau Drive, Stop 1000	Gaithersburg	MD	20899-1000	703-292-8004		arden.bement@nist.gov
Standards Board ( EAC )	Standards Board	Donetta	Davidson	Colorado Secretary of State	1560 Broadway, Ste. 200	Denver	CO	80202	303-894-2389	303-894-2389	
Standards Board ( EAC )	Standards Board	Alice	Miller	Director of Elections-District of Columbia	441 Fourth St, N.W., Rm 1130	Washington	DC	20001	202-727-2525	202-347-2648	amiller@dcboee.org
Board of Advisors ( EAC )	Board of Advisors	Sharen	Turner-Bule	Director of Elections-Kansas City	1828 Walnut Street, Suite 300	Kansas City	MO	64108	816-842-4811	816-472-4960	sharon@kceb.org
Board of Advisors ( EAC )	Board of Advisors	Helen	Purcell	Maricopa County Recorder	111 S 3rd Avenue	Phoenix	AZ	85003	602-506-3629	602-506-4050	hpurcell@risc.maricopa.gov
Architectural and Transportation Barrier Compliance Board	Access Board	James (Jim) R.	Harding	Board Member	6027 Ox Bottom Manor Drive	Tallahassee	FL	32312			HardinJ@vr.doe.state.fl.us
Architectural and Transportation Barrier Compliance Board	Access Board	James	Elekes	Board Member	121 Mountain Avenue	North Plainfield	NJ	07060-4355			jelekes@comcast.net
American National Standards Institute	ANSI	Ann	Caldas	Director Procedures and Standards Administration	25 West 43 Street, 4th Floor	New York	NY	10036	212-642-4914	212-840-2298	acaldas@ansi.org
Institute of Electrical and Electronics Engineers	IEEE	H. Stephen	Berger	TEM Consulting, LP-Chair, IEEE SEC 38 (Voting Syst. Stds.)	140 River Rd	Georgetown	TX	78628	512-864-3365	512-869-8709	stephan.berger@ieee.org
National Association of State Election Directors	NASED	Dr. Brittain	Williams	Retired professor-Kennesaw State-University of Georgia	2776 Ardowne Drive	Tucker	GA	30084	770-934-6632	770-423-6905	britw@bellsouth.net
National Association of State Election Directors	NASED	Paul	Craft	Florida Department of State, Voting Systems Division	107 West Gaines Street, Rm 231	Tallahassee	FL	32399	850-245-6220	850-921-0783	pcraft@dos.state.fl.us
Other Sci-Techs		Dr. Ronald	Rivest	Professor, MIT-Department of Electrical Engineering and Computer Science	545 Technology Square	Cambridge	MA	2139	617-253-5880	617-258-9738	rivest@mit.edu
Other Sci-Techs		Dr. Danlel	Schutzer	Vice Preident & Director of External Standards and Advanced Technology, e-Citl, CitlGroup	750 Washington Blvd. 7th Floor	Samford	CT	6901	203-975-6812		schutzerd@citlgroup.com
Other Sci-Techs		Patrick	Gannon	President and CEO, OASIS	630 Boston Road	Billerica	MA	1821	978-667-5115	978-667-5114	patrick.gannon@oasis-open.org
Other Sci-Techs		Whitney	Quesenbery	Director-Usability Professionals' Association	78 Washington Avenue	High Bridge	NJ	8829	908-638-5467		whitneyq@wqusability.com

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U.S. ELECTION ASSISTANCE COMMISSION  
 1225 NEW YORK AVENUE, N.W., SUITE 1100  
 WASHINGTON, D.C. 20005

OFFICE OF THE CHAIRMAN

BEFORE THE U.S. ELECTION ASSISTANCE COMMISSION

In the Matter of )  
 )  
 )  
 Approval of Recommended Joint )  
 Appointments to Technical )  
 Guidelines Development Committee;) )  
 Letter Re Same to Director, NIST )

CERTIFICATION

I, DeForest B. Soaries, Jr., Chairman of the U.S. Election Assistance Commission do hereby certify that on June 10, 2004, the Commission decided by a vote of 4-0 to approve the following:

1. Approval of Recommended Joint Appointments to Technical Guidelines Development Committee; Letter Re Same to Director, NIST.

Commissioners Soaries, Hillman, Martinez and DeGregorio voted affirmatively for the decision.

7/02/04 6/10/04  
 Date

DeForest B. Soaries, Jr.  
 Chairman

020334



U.S. ELECTION ASSISTANCE COMMISSION  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005

TALLY VOTE MATTER

DATE & TIME OF TRANSMITTAL: June 9, 2004, 10:00 AM

BALLOT DEADLINE: June 11, 2004, 10:00 AM

COMMISSIONERS: DEGREGORIO, HILLMAN, MARTINEZ, SOARIES

SUBJECT: APPROVAL OF RECOMMENDED JOINT APPOINTMENTS TO  
TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE;  
LETTER RE SAME TO DIRECTOR, NIST.

- I approve the recommendation. — *as edited*
- I disapprove the recommendation.
- I object to the recommendation.
- I am recused from voting.

COMMENTS: See edits to spelling of Ms. Turner-Buie's  
name and to the letter.

DATE: 6/9/04 SIGNATURE: Jacinta M. Hillman

A definite vote is required. All ballots must be signed and dated. Please return ONLY THE BALLOT to the Consulting Chief of Staff. Please return the ballot no later than date and time shown above.

FROM COMMISSIONER DeGREGORIO

020335



U.S. ELECTION ASSISTANCE COMMISSION  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005

June 9, 2004

MEMORANDUM

TO: EAC Commissioners

FROM: Paul DeGregorio *Paul DeGregorio*  
Commissioner

SUBJ: Submission for Tally Vote—Recommended Joint Appointments to the  
Technical Guidelines Development Committee; Letter to Acting Director,  
National Institute of Standards and Technology, Requesting Concurrence  
in Joint Appointment

I respectfully recommend that the Commission take the following actions:

1. Recommended Joint Appointments to the Technical Guidelines Development Committee.

That the Commission recommends the joint appointment, with the Director of the National Institute of Standards and Technology (HAVA sec. 221(c)), of the following individuals to be members of the Technical Guidelines Development Committee:

- a. Donetta Davidson  
Colorado Secretary of State  
(HAVA sec. 221(c)(1)(A)(i) (Standards Board))
- b. Alice Miller  
Director of Elections-District of Columbia  
(HAVA sec. 221(c)(1)(A)(i) (Standards Board))
- c. *Sharon* *no hyphen*  
~~Sharen~~ Turner Buie  
Director of Elections-Kansas City  
(HAVA sec. 221(c)(1)(A)(ii) (Board of Advisors))

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- d. Helen Purcell  
Maricopa County Recorder  
(HAVA sec. 221(c)(1)(A)(ii) (Board of Advisors))
- e. James (Jim) R. Harding  
Member, Architectural and Transportation Barrier Compliance Board  
(HAVA sec. 221(c)(1)(A)(iii) (Architectural and Transportation Barrier  
Compliance Board))
- f. James Elekes  
Member, Architectural and Transportation Barrier Compliance Board  
(HAVA sec. 221(c)(1)(A)(iii) (Architectural and Transportation Barrier  
Compliance Board))
- g. Ann Caldas  
Director, Procedures and Standards Administration  
American National Standards Institute  
(HAVA sec. 221(c)(1)(B) (American National Standards Institute))
- h. H. Stephen Berger  
TEM Consulting, LP  
Chair, IEEE SEC 38 (Voting Syst. Stds.), Institute of Electrical and Electronics  
Engineers  
(HAVA sec. 221(c)(1)(C) (Institute of Electrical and Electronics Engineers))
- i. Dr. Brittain Williams  
Retired professor- Kennesaw State- University of Georgia  
(HAVA sec. 221(c)(1)(D) (National Association of State Election Directors))
- j. Paul Craft  
Florida Department of State, Voting Systems Division  
(HAVA sec. 221(c)(1)(D) (National Association of State Election Directors))
- k. Dr. Ronald Rivest  
Professor, MIT-Department of Electrical Engineering and Computer Science  
(HAVA sec. 221(c)(1)(E))
- l. Dr. Daniel Schutzer  
Vice President & Director of External Standards and Advanced Technology,  
e-Citi, CitiGroup  
(HAVA sec. 221(c)(1)(E))
- m. Patrick Gannon  
President and CEO, OASIS  
(HAVA sec. 221(c)(1)(E))

- n. Whitney Quesenbery  
Director-Usability Professionals' Association  
(HAVA sec. 221(c)(1)(E))

2. Letter to Director, National Institute of Standards and Technology, Requesting  
Concurrence in Joint Appointments.

That the Commission approves the attached letter to the Director, National Institute of Standards and Technology, requesting that the Director concur in the recommended joint appointments to the Technical Guidelines Development Committee, and also that the Commission authorize the Chairman to sign and transmit the letter on its behalf.

Attached please find a ballot on which you may mark your vote on this matter, and instructions and a deadline for returning your vote to the Chairman.

Attachment

CC: Consulting Chief of Staff



U.S. ELECTION ASSISTANCE COMMISSION  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005

OFFICE OF THE CHAIRMAN

June   , 2004

Dr. Arden Bement, Jr.  
Acting Director, National Science Foundation  
Director, National Institute of Standards and Technology  
100 Bureau Drive, Stop 1000  
Gaithersburg, MD 20899-1000

Dear Dr. Bement:

On June   , 2004, the Election Assistance Commission (EAC) voted to recommend that the following individuals be jointly appointed, under 15 U.S.C. 15361, by the EAC and the Director of the National Institute of Standards and Technology (NIST) to the Technical Guidelines Development Committee (TGDC):

Donetta Davidson  
Colorado Secretary of State  
(HAVA sec. 221(c)(1)(A)(i) (Standards Board))

Alice Miller  
Director of Elections-District of Columbia  
(HAVA sec. 221(c)(1)(A)(i) (Standards Board))

~~Sharon~~ Sharon Turner Buie (no by phone)  
Director of Elections-Kansas City  
(HAVA sec. 221(c)(1)(A)(ii) (Board of Advisors))

Helen Purcell  
Maricopa County Recorder  
(HAVA sec. 221(c)(1)(A)(ii) (Board of Advisors))

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Dr. Arden Bement, Jr.  
June \_\_

James (Jim) R. Harding  
Member, Architectural and Transportation Barrier Compliance Board  
(HAVA sec. 221(c)(1)(A)(iii) (Architectural and Transportation Barrier  
Compliance Board))

James Elekes  
Member, Architectural and Transportation Barrier Compliance Board  
(HAVA sec. 221(c)(1)(A)(iii) (Architectural and Transportation Barrier  
Compliance Board))

Ann Caldas  
Director, Procedures and Standards Administration  
American National Standards Institute  
(HAVA sec. 221(c)(1)(B) (American National Standards Institute))

H. Stephen Berger  
TEM Consulting, LP  
Chair, IEEE SEC 38 (Voting Syst. Stds.), Institute of Electrical and Electronics  
Engineers  
(HAVA sec. 221(c)(1)(C) (Institute of Electrical and Electronics Engineers))

Dr. Brittain Williams  
Retired professor- Kennesaw State- University of Georgia  
(HAVA sec. 221(c)(1)(D) (National Association of State Election Directors))

Paul Craft  
Florida Department of State, Voting Systems Division  
(HAVA sec. 221(c)(1)(D) (National Association of State Election Directors))

Dr. Ronald Rivest  
Professor, MIT-Department of Electrical Engineering and Computer Science  
(HAVA sec. 221(c)(1)(E))

Dr. Daniel Schutzer  
Vice President & Director of External Standards and Advanced Technology,  
e-Citi, CitiGroup  
(HAVA sec. 221(c)(1)(E))

Patrick Gannon  
President and CEO, OASIS  
(HAVA sec. 221(c)(1)(E))

Whitney Quesenbery  
Director-Usability Professionals' Association  
(HAVA sec. 221(c)(1)(E))

020340



Dr. Arden Bement, Jr.

June —

The Commission has authorized me to request that you, as Director of NIST, concur in the joint appointment of these individuals.

On behalf of the Commission, I express my deep appreciation for the assistance rendered to the EAC by NIST. We are proud of our continuing relationship with NIST, and of the important work with which our two organizations have been jointly tasked.

If you require any assistance from EAC you may contact me or my Special Assistant, Ms. Joan Wooley, at (202) 566-3100.

Sincerely yours,

DeForest B. Soaries, Jr.  
Chairman

020341



U.S. ELECTION ASSISTANCE COMMISSION  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005

TALLY VOTE MATTER

DATE & TIME OF TRANSMITTAL: June 9, 2004, 10:00 AM

BALLOT DEADLINE: June 11, 2004, 10:00 AM

COMMISSIONERS: DeGREGORIO, HILLMAN, MARTINEZ, SOARIES

SUBJECT: APPROVAL OF RECOMMENDED JOINT APPOINTMENTS TO  
TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE;  
LETTER RE SAME TO DIRECTOR, NIST.

- I approve the recommendation.
- I disapprove the recommendation.
- I object to the recommendation.
- I am recused from voting.

COMMENTS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DATE: 6/9/04

SIGNATURE:

A definite vote is required. All ballots must be signed and dated. Please return ONLY THE BALLOT to the Consulting Chief of Staff. Please return the ballot no later than date and time shown above.

FROM COMMISSIONER DeGREGORIO

020342



U.S. ELECTION ASSISTANCE COMMISSION  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005

TALLY VOTE MATTER

DATE & TIME OF TRANSMITTAL: June 9, 2004, 10:00 AM

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LETTER RE SAME TO DIRECTOR, NIST.

- I approve the recommendation.
- I disapprove the recommendation.
- I object to the recommendation.
- I am recused from voting.

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE: June 10, 2004 SIGNATURE: Paul DeGregorio

A definite vote is required. All ballots must be signed and dated. Please return ONLY THE BALLOT to the Consulting Chief of Staff. Please return the ballot no later than date and time shown above.

FROM COMMISSIONER DeGREGORIO

020343



U.S. ELECTION ASSISTANCE COMMISSION  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005

TALLY VOTE MATTER

DATE & TIME OF TRANSMITTAL: June 9, 2004, 10:00 AM

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COMMISSIONERS: DeGREGORIO, HILLMAN, MARTINEZ, SOARIES

SUBJECT: APPROVAL OF RECOMMENDED JOINT APPOINTMENTS TO  
TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE;  
LETTER RE SAME TO DIRECTOR, NIST.

- I approve the recommendation.  
 I disapprove the recommendation.  
 I object to the recommendation.  
 I am recused from voting.

COMMENTS: \_\_\_\_\_

\_\_\_\_\_

DATE: 6/10/04 SIGNATURE: Roy Martinez

A definite vote is required. All ballots must be signed and dated. Please return ONLY THE BALLOT to the Consulting Chief of Staff. Please return the ballot no later than date and time shown above.

FROM COMMISSIONER DeGREGORIO

020344



U.S. ELECTION ASSISTANCE COMMISSION  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005

June 9, 2004

MEMORANDUM

TO: EAC Commissioners

FROM: Paul DeGregorio *Paul DeGregorio*  
Commissioner

SUBJ: Submission for Tally Vote—Recommended Joint Appointments to the Technical Guidelines Development Committee; Letter to Acting Director, National Institute of Standards and Technology, Requesting Concurrence in Joint Appointment

I respectfully recommend that the Commission take the following actions:

1. Recommended Joint Appointments to the Technical Guidelines Development Committee.

That the Commission recommends the joint appointment, with the Director of the National Institute of Standards and Technology (HAVA sec. 221(c)), of the following individuals to be members of the Technical Guidelines Development Committee:

- a. Donetta Davidson  
Colorado Secretary of State  
(HAVA sec. 221(c)(1)(A)(i) (Standards Board))
- b. Alice Miller  
Director of Elections-District of Columbia  
(HAVA sec. 221(c)(1)(A)(i) (Standards Board))
- c. Sharen Turner-Buie  
Director of Elections-Kansas City  
(HAVA sec. 221(c)(1)(A)(ii) (Board of Advisors))

020345

- d. Helen Purcell  
Maricopa County Recorder  
(HAVA sec. 221(c)(1)(A)(ii) (Board of Advisors))
- e. James (Jim) R. Harding  
Member, Architectural and Transportation Barrier Compliance Board  
(HAVA sec. 221(c)(1)(A)(iii) (Architectural and Transportation Barrier  
Compliance Board))
- f. James Elekes  
Member, Architectural and Transportation Barrier Compliance Board  
(HAVA sec. 221(c)(1)(A)(iii) (Architectural and Transportation Barrier  
Compliance Board))
- g. Ann Caldas  
Director, Procedures and Standards Administration  
American National Standards Institute  
(HAVA sec. 221(c)(1)(B) (American National Standards Institute))
- h. H. Stephen Berger  
TEM Consulting, LP  
Chair, IEEE SEC 38 (Voting Syst. Stds.), Institute of Electrical and Electronics  
Engineers  
(HAVA sec. 221(c)(1)(C) (Institute of Electrical and Electronics Engineers))
- i. Dr. Brittain Williams  
Retired professor- Kennesaw State- University of Georgia  
(HAVA sec. 221(c)(1)(D) (National Association of State Election Directors))
- j. Paul Craft  
Florida Department of State, Voting Systems Division  
(HAVA sec. 221(c)(1)(D) (National Association of State Election Directors))
- k. Dr. Ronald Rivest  
Professor, MIT-Department of Electrical Engineering and Computer Science  
(HAVA sec. 221(c)(1)(E))
- l. Dr. Daniel Schutzer  
Vice President & Director of External Standards and Advanced Technology,  
e-Citi, CitiGroup  
(HAVA sec. 221(c)(1)(E))
- m. Patrick Gannon  
President and CEO, OASIS  
(HAVA sec. 221(c)(1)(E))

- n. Whitney Quesenbery  
Director-Usability Professionals' Association  
(HAVA sec. 221(c)(1)(E))

2. Letter to Director. National Institute of Standards and Technology. Requesting  
Concurrence in Joint Appointments.

That the Commission approves the attached letter to the Director, National Institute of Standards and Technology, requesting that the Director concur in the recommended joint appointments to the Technical Guidelines Development Committee, and also that the Commission authorize the Chairman to sign and transmit the letter on its behalf.

Attached please find a ballot on which you may mark your vote on this matter, and instructions and a deadline for returning your vote to the Chairman.

Attachment

CC: Consulting Chief of Staff



U.S. ELECTION ASSISTANCE COMMISSION  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005

OFFICE OF THE CHAIRMAN

June \_\_, 2004

Dr. Arden Bement, Jr.  
Acting Director, National Science Foundation  
Director, National Institute of Standards and Technology  
100 Bureau Drive, Stop 1000  
Gaithersburg, MD 20899-1000

Dear Dr. Bement:

On June \_\_, 2004, the Election Assistance Commission (EAC) voted to recommend that the following individuals be jointly appointed, under 15 U.S.C. 15361, by the EAC and the Director of the National Institute of Standards Technology (NIST) to the Technical Guidelines Development Committee (TGDC):

Donetta Davidson  
Colorado Secretary of State  
(HAVA sec. 221(c)(1)(A)(i) (Standards Board))

Alice Miller  
Director of Elections-District of Columbia  
(HAVA sec. 221(c)(1)(A)(i) (Standards Board))

Sharen Turner-Buie  
Director of Elections-Kansas City  
(HAVA sec. 221(c)(1)(A)(ii) (Board of Advisors))

Helen Purcell  
Maricopa County Recorder  
(HAVA sec. 221(c)(1)(A)(ii) (Board of Advisors))

020348



Dr. Arden Bement, Jr.  
June \_\_

James (Jim) R. Harding  
Member, Architectural and Transportation Barrier Compliance Board  
(HAVA sec. 221(c)(1)(A)(iii) (Architectural and Transportation Barrier  
Compliance Board))

James Elekes  
Member, Architectural and Transportation Barrier Compliance Board  
(HAVA sec. 221(c)(1)(A)(iii) (Architectural and Transportation Barrier  
Compliance Board))

Ann Caldas  
Director, Procedures and Standards Administration  
American National Standards Institute  
(HAVA sec. 221(c)(1)(B) (American National Standards Institute))

H. Stephen Berger  
TEM Consulting, LP  
Chair, IEEE SEC 38 (Voting Syst. Stds.), Institute of Electrical and Electronics  
Engineers  
(HAVA sec. 221(c)(1)(C) (Institute of Electrical and Electronics Engineers))

Dr. Brittain Williams  
Retired professor- Kennesaw State- University of Georgia  
(HAVA sec. 221(c)(1)(D) (National Association of State Election Directors))

Paul Craft  
Florida Department of State, Voting Systems Division  
(HAVA sec. 221(c)(1)(D) (National Association of State Election Directors))

Dr. Ronald Rivest  
Professor, MIT-Department of Electrical Engineering and Computer Science  
(HAVA sec. 221(c)(1)(E))

Dr. Daniel Schutzer  
Vice President & Director of External Standards and Advanced Technology,  
e-Citi, CitiGroup  
(HAVA sec. 221(c)(1)(E))

Patrick Gannon  
President and CEO, OASIS  
(HAVA sec. 221(c)(1)(E))

Whitney Quesenbery  
Director-Usability Professionals' Association  
(HAVA sec. 221(c)(1)(E))

020349

Dr. Arden Bement, Jr.  
June \_\_

The Commission has authorized me to request that you, as Director of NIST, concur in the joint appointment of these individuals.

On behalf of the Commission, I express my deep appreciation for the assistance rendered to the EAC by NIST. We are proud of our continuing relationship with NIST, and of the important work with which our two organizations have been jointly tasked.

If you require any assistance from EAC you may contact me or my Special Assistant, Ms. Joan Wooley, at (202) 566-3100.

Sincerely yours,

DeForest B. Soaries, Jr.  
Chairman

020350



Paul DeGregorio/EAC/GOV  
06/14/2004 11:22 AM

To "Allan Eustis" <allan.eustis@nist.gov>@GSAEXTERNAL  
cc  
bcc  
Subject Re: Correction

Thanks for the clarification. We'll fix the bio section and resend.

"Allan Eustis" <allan.eustis@nist.gov>



"Allan Eustis"  
<allan.eustis@nist.gov>  
06/13/2004 11:40 AM

To pdegregorio@eac.gov  
cc "Craig S Burkhardt" <CSBurkhardt@DOC.GOV>  
Subject Correction

Paul-

My apologies for the mis-statement. Patrick Gannon is indeed one of the approved TGDC at large members. In my attached e-mail, I meant to print Don Norman for exclusion from the TGDC bios file and for some reason typed Patrick Gannon .

Don Norman is not one of the TGDC members, Patrick Gannon is. (Norman was one of the original seven approved and vetted "at large" candidates bios originally transmitted to the EAC. We narrowed the selection to four and included Whitney Quesenbery.)

Bottom line, the TGDC voted on the correct at-large members listed in the EAC\_TGDC file dated June 8, 2004. Norman's name appears only in the EAC\_BIOs file.

Again, my apologies.

Allan,

I am really confused now. Are you saying that Patrick Gannon is NOT Dr. Bement's pick for the TGDC? His name and the bio we are using was with Bement's letter of April 27, 2004 which transmitted his 4 recommendations to the TGDC.

Please advise ASAP as the commission voted today to approve all members of the TGDC.

020351

Thanks.

Paul DeGregorio  
Commissioner  
US Election Assistance Commission  
1225 New York Ave, NW  
Suite 1100  
Washington, DC 20005  
1-866-747-1471 toll-free  
202-566-3100  
202-566-3127 (FAX)  
pdegregorio@eac.gov  
[www.eac.gov](http://www.eac.gov)

Date: Thu, 10 Jun 2004 16:16:15 -0400  
To: pdegregorio@eac.gov  
From: Allan Eustis <allan.eustis@nist.gov>  
Subject: TGDC Members- Incorrect Addresses

Paul-

Per my voice mail, I am listing the corrected addresses for Whitney Quesenbery and Patrick Gannon below. The file you sent with their addresses contained erroneous title lines. Also, the bio file contains a bio for Patrick Gannon who I am fairly sure is not one of the TGDC members on whom you will be voting. You will want to delete his bio.

Regards

Patrick Gannon  
President and CEO,  
OASIS  
630 Boston Road  
Billerica, MA 01821

Whitney Quesenbery  
President-Usability Professionals' Association  
78 Washington Avenue  
High Bridge, NJ 08829

020352

**Allan C. Eustis**  
Project Leader- NIST Voting Systems Standards  
Technology Building 225 Room B257  
100 Bureau Drive, Stop 8901  
Gaithersburg , Md. 20899-8901  
301-975-5099  
allan.eustis@nist.gov  
<http://vote.nist.gov>

020353



UNITED STATES DEPARTMENT OF COMMERCE  
National Institute of Standards and Technology  
Gaithersburg, Maryland 20899-  
OFFICE OF THE DIRECTOR

June 15, 2004

Dr. DeForest B. Soaries, Jr.  
Chairman  
U. S. Election Assistance Commission  
1225 New York Avenue  
Suite 1100  
Washington, DC 20005

Dear Dr. Soaries:

Thank you for the June 10, 2004 letter indicating the Election Assistance Commission's affirmative vote for the fourteen members of the Technical Guidelines Development Committee.

I concur with the individuals selected to the committee by the Commission and look forward to the upcoming July meeting of the Committee.

Sincerely,

Arden L. Bement, Jr.  
Director

020354

**NIST**



Paul DeGregorio/EAC/GOV  
06/16/2004 03:17 PM

To allan.eustis@nist.gov, CSBurkhardt@DOC.GOV, John C.  
Vergelli/EAC/GOV, Diane Savoy/EAC/GOV  
cc Brian Hancock/EAC/GOV

bcc

Subject TGDC deadlines

The EAC will announce the members of the TGDC on Thursday, June 17.

I want to remind everyone that with the first meeting set for July 9, we need to do the following:

- 1) Get out a "save the date" e-mail to the members ASAP so they can hold their calendars for the July 9 meeting (and arrive in DC the night before). Diane Savoy is to do this by COB on June 16.
- 2) No later than Friday, June 18, we need to mail and fax a formal letter out from the Chairman to the members of the TGDC of their appointment and with meeting details, including information on how to make plane/hotel reservations and file any reports they are required to. John Vergelli is doing the draft, with input from Eustis, Burkhardt and Greene.
- 3) We need to file the Charter of the TGDC with the proper committees by next Monday. John Vergelli is working on this.
- 4) Federal Register notice must be published no later than June 24 (and the FR has to be notified that it is coming). Allan Eustis is responsible for this.
- 5) The agenda for July 9 has been drafted. I am circulating it with my fellow commissioners to make sure they are OK with it.

I am assuming that once the TGDC is up and running that NIST will handle all of the administrative functions, and coordinate with the EAC as to meeting dates and the agenda.

What am I missing?

Paul DeGregorio  
Commissioner  
US Election Assistance Commission  
1225 New York Ave, NW  
Suite 1100  
Washington, DC 20005  
1-866-747-1471 toll-free  
202-566-3100  
202-566-3127 (FAX)  
pdegregorio@eac.gov  
www.eac.gov

020355



Paul DeGregorio/EAC/GOV  
06/17/2004 09:21 PM

To Diane Savoy/EAC/GOV, Adam Ambrogi/EAC/GOV@EAC,  
John C. Vergelli/EAC/GOV, allan.eustis@nist.gov,  
CSBurkhardt@DOC.GOV  
cc Raymundo Martinez/EAC/GOV

bcc

Subject draft letter to TGDC appointees

Greetings all:

Attached is the latest draft of the letter that is to be sent to the members of the TGDC ASAP. Please review and get your comments to Diane Savoy, who will facilitate getting these letters out. Perhaps Adam can assemble the attachments. I've attached a list of the members (taken from our shared drive).

John--do we need a separate version for those appointees who will not have to file the same disclosure documents as the 6 you identified (the four scientist plus the ANSI and IEEE representatives)? Please note that I asked them to submit the forms to you.

Craig--since Alan Eustis is out until Monday, you'll need to sign off on this letter (he gave us Mary Floyd's contact information; I assume she knows this).

Adam- Please go to the following file on the shared drive to find the list of members in excel and word. Please note that the word file lists two phone numbers for each person, but does not indicate which one is the fax (you can go to the excel file to confirm which one is). Please note which number is the fax number on the word file, which is the document you should send as an attachment: I:\CLEARINGHOUSE\Help America Vote Act\Boards and Committees\TGDC

Thanks for your help.

Paul DeGregorio  
Commissioner  
US Election Assistance Commission  
1225 New York Ave, NW  
Suite 1100  
Washington, DC 20005  
1-866-747-1471 toll-free  
202-566-3100  
202-566-3127 (FAX)  
pdegregorio@eac.gov  
www.eac.gov



TGDC appointment meeting announce letter6-17-04.doc

020356



Diane Savoy/EAC/GOV  
06/18/2004 08:11 AM

To Paul DeGregorio/EAC/GOV@EAC  
Adam Ambrogi/EAC/GOV@eac, allan.eustis@nist.gov,  
cc CSBurkhardt@DOC.GOV, John C.  
Vergelli/EAC/GOV@EAC, Raymundo  
bcc  
Subject Re: draft letter to TGDC appointees

Paul,

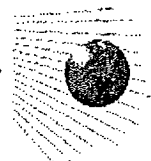
I have made a few changes to the letter. The revision is attached below. If anyone else has any additional changes, please send them to me so that we can get the letter prepared in final. Thank you in advance.

L. Diane Savoy  
Consulting Chief of Staff  
U.S. Election Assistance Commission

e-mail: dsavoy@eac.gov  
phone: 202-566-3100  
fax: 202-566-3127



TGDC Meeting Annouce Letter.doc  
Paul DeGregorio/EAC/GOV



Paul DeGregorio/EAC/GOV  
06/17/2004 09:21 PM

To Diane Savoy/EAC/GOV, Adam Ambrogi/EAC/GOV@EAC,  
John C. Vergelli/EAC/GOV, allan.eustis@nist.gov,  
CSBurkhardt@DOC.GOV  
cc Raymundo Martinez/EAC/GOV  
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020357

Thanks for your help.

Paul DeGregorio  
Commissioner  
US Election Assistance Commission  
1225 New York Ave, NW  
Suite 1100  
Washington, DC 20005  
1-866-747-1471 toll-free  
202-566-3100  
202-566-3127 (FAX)  
pdegregorio@eac.gov  
www.eac.gov



TGDC appointment meeting announce letter6-17-04.doc

020358



John C. Vergelli/EAC/GOV  
06/18/2004 09:24 AM

To Paul DeGregorio/EAC/GOV@EAC  
Adam Ambrogi/EAC/GOV@EAC, allan.eustis@nist.gov,  
cc CSBurkhardt@DOC.GOV, Diane Savoy/EAC/GOV@EAC,  
Raymundo Martinez/EAC/GOV@EAC  
bcc  
Subject Re: draft letter to TGDC appointees

Good morning,

For the recipients of the letter who are not financial disclosure filers, the third full paragraph (beginning "Before you begin ...") should be deleted.

Having the filers send the forms to me is fine.

JCV.  
Paul DeGregorio/EAC/GOV



Paul DeGregorio/EAC/GOV  
06/17/2004 09:21 PM

To Diane Savoy/EAC/GOV, Adam Ambrogi/EAC/GOV@EAC,  
John C. Vergelli/EAC/GOV, allan.eustis@nist.gov,  
CSBurkhardt@DOC.GOV  
cc Raymundo Martinez/EAC/GOV  
Subject draft letter to TGDC appointees

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Thanks for your help.

Paul DeGregorio  
Commissioner  
US Election Assistance Commission  
1225 New York Ave, NW  
Suite 1100  
Washington, DC 20005

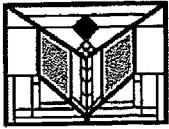
020359

1-866-747-1471 toll-free  
202-566-3100  
202-566-3127 (FAX)  
pdegregorio@eac.gov  
www.eac.gov




TGDC appointment meeting announce letter6-17-04.doc

020360



Adam Ambrogi/EAC/GOV  
06/18/2004 01:31 PM

To John C. Vergelli/EAC/GOV@EAC  
cc Paul DeGregorio/EAC/GOV@EAC  
bcc  
Subject Re: Update on the FACA Charter for the TGDC 

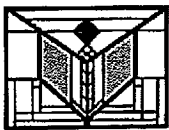
Please review updated letter with OGE450 language:  
Thanks,  
Adam



TGDC Meeting Annouce Letter.doc

-----  
Adam D. Ambrogi  
Special Assistant to Commissioner Ray Martinez III  
U.S. Election Assistance Commission  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005  
202-566-3105

020361



Adam Ambrogi/EAC/GOV

06/18/2004 02:17 PM

To Adam Ambrogi/EAC/GOV@EAC

cc John C. Vergelli/EAC/GOV@EAC, Paul  
DeGregorio/EAC/GOV@EAC

bcc

Subject Re: Update on the FACA Charter for the TGDC



TGDC Meeting Announce Letter.doc

-----  
Adam D. Ambrogi  
Special Assistant to Commissioner Ray Martinez III  
U.S. Election Assistance Commission  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005  
202-566-3105

020362



CSBurkhardt@DOC.GOV  
06/21/2004 08:58 AM

To jvergelli@eac.gov  
aambrogi@eac.gov, allan.eustis@nist.gov,  
cc dsavoy@eac.gov, pdegregorio@eac.gov,  
martinez@eac.gov  
bcc  
Subject Re: draft letter to TGDC appointees

All:

The letter looks good to me.

Regards,  
Craig Burkhardt

020363



DeForest Soaries  
Jr./EAC/GOV  
06/22/2004 03:07 PM

To Paul DeGregorio/EAC/GOV@EAC  
cc  
bcc  
Subject Re: letter to TGDC members

Approved

-----  
Sent from my BlackBerry Wireless Handheld  
Paul DeGregorio

From: Paul DeGregorio  
Sent: 06/22/2004 02:24 PM  
To: Joan Wooley; DeForest Soaries Jr.  
Cc: Adam Ambrogi; Diane Savoy  
Subject: letter to TGDC members

Joan,

Attached is a draft of the letter that is to go to the TGDC members notifying them of the first meeting on July 9. Please show it to the Chairman so that he can see it before we send him 15 letters to sign, in case he has changes to make. Please note that there will be two versions: 6 of the 15 members will receive a letter with the 3rd paragraph shown in the attached version (financial disclosure requirement). When you have a final version, please send it to Joyce, with a cc to me, Diane, Adam and John. Joyce will facilitate merging the letters and getting them out the door.

We need to get this done ASAP. Thanks.



TGDC Meeting Announce Letter.doc

Paul DeGregorio  
Commissioner  
US Election Assistance Commission  
1225 New York Ave, NW  
Suite 1100  
Washington, DC 20005  
1-866-747-1471 toll-free  
202-566-3100  
202-566-3127 (FAX)  
pdegregorio@eac.gov  
www.eac.gov

020364



June 18, 2004

<Name>  
<Title>  
<Organization>  
<Address1>  
<City> <State> <Zip>

Dear <Name>

On behalf of my colleagues on the Election Assistance Commission (EAC) and of the Director of the National Institute of Standards and Technology (NIST), let me take this opportunity to welcome you and thank you for agreeing to become a member of the Technical Guidelines Development Committee (TGDC). This letter contains important information about your service on the TGDC and plans for the first meeting.

The EAC looks forward to working with you to meet the requirements of the Help America Vote Act (HAVA) by assisting in the development of voluntary voting system guidelines. Your appointment as a member of the TGDC will begin as of the date of this letter. We have included with this letter a list of all members of the TGDC so that you can become familiar with your colleagues on this crucial committee. Also attached is a copy of the portion of HAVA that governs the work of the Committee.

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020365

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Should you have any questions, please contact Mr. Allan Eustis, Project Leader, NIST Voting Systems Standards, at 301-975-5099. We look forward to seeing you on July 9th.

Sincerely,

DeForest B. Soaries, Jr.  
Chairman

Attachments

020366

June 18, 2004

<Name>  
<Title>  
<Organization>  
<Address1>  
<City> <State> <Zip>

Dear <Name>

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Sincerely,

DeForest B. Soaries, Jr.  
Chairman

Attachments

020368

June 24, 2004

Ms. Donetta Davidson  
Standards Board ( EAC )  
1560 Broadway, Ste. 200  
Denver, CO 80202

Dear Ms. Davidson:

On behalf of my colleagues on the U.S. Election Assistance Commission (EAC) and the Director of the National Institute of Standards and Technology (NIST), let me take this opportunity to welcome you and thank you for agreeing to become a member of the Technical Guidelines Development Committee (TGDC). This letter contains important information about your service on the TGDC and plans for the first meeting.

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020369

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Sincerely,

Gracia Hillman  
Vice-Chair

Attachments

020370

June 24, 2004

Ms. Alice Miller  
Standards Board ( EAC )  
Director of Elections—District of Columbia  
441 Fourth St, N.W., Rm 1130  
Washington, DC 20001

Dear Ms. Miller:

On behalf of my colleagues on the U.S. Election Assistance Commission (EAC) and the Director of the National Institute of Standards and Technology (NIST), let me take this opportunity to welcome you and thank you for agreeing to become a member of the Technical Guidelines Development Committee (TGDC). This letter contains important information about your service on the TGDC and plans for the first meeting.

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Sincerely,

Gracia Hillman  
Vice-Chair

Attachments

020372



June 24, 2004

Ms. Sharen Turner-Buie  
Board of Advisors ( EAC )  
Director of Elections  
1828 Walnut Street, Suite 300  
Kansas City, MO 64108

Dear Ms. Turner-Buie:

On behalf of my colleagues on the U.S. Election Assistance Commission (EAC) and the Director of the National Institute of Standards and Technology (NIST), let me take this opportunity to welcome you and thank you for agreeing to become a member of the Technical Guidelines Development Committee (TGDC). This letter contains important information about your service on the TGDC and plans for the first meeting.

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Gracia Hillman  
Vice-Chair

Attachments

020374

June 24, 2004

Ms. Helen Purcell  
Board of Advisors ( EAC )  
Maricopa County Recorder  
111 S. 3rd Avenue  
Phoenix, AZ 85003

Dear Ms. Purcell:

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Vice-Chair

Attachments

020376

June 24, 2004

Dr. Ronald Rivest  
MIT- Department of Electrical Engineering and Computer Science  
545 Technology Square  
Cambridge, MA 02139

Dear Dr. Rivest:

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Vice-Chair

Attachments

020378

June 24, 2004

Dr. Daniel Schutzer  
Vice- President, CitiGroup  
750 Washington Blvd. 7th Floor  
Samford, CT 6901

Dear Dr. Schutzer:

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Gracia Hillman  
Vice-Chair

Attachments

020380



June 24, 2004

Mr. Patrick Gannon  
President and CEO, OASIS  
630 Boston Road  
Billerica, MA 01821

Dear Mr. Gannon:

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Gracia Hillman  
Vice-Chair

Attachments

020382

June 24, 2004

Mr. Whitney Quesenbery  
President-Usability Professionals' Association  
78 Washington Avenue  
High Bridge, NJ 08829

Dear Mr. Quesenbery:

On behalf of my colleagues on the U.S. Election Assistance Commission (EAC) and the Director of the National Institute of Standards and Technology (NIST), let me take this opportunity to welcome you and thank you for agreeing to become a member of the Technical Guidelines Development Committee (TGDC). This letter contains important information about your service on the TGDC and plans for the first meeting.

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Sincerely,

Gracia Hillman  
Vice-Chair

Attachments

020384

June 24, 2004

«First\_Name» «Last\_Name»  
«Title»  
«Organization»  
«Address»  
«City» «St» «Zip»

Dear «Last\_Name»

On behalf of my colleagues on the U.S. Election Assistance Commission (EAC) and the Director of the National Institute of Standards and Technology (NIST), let me take this opportunity to welcome you and thank you for agreeing to become a member of the Technical Guidelines Development Committee (TGDC). This letter contains important information about your service on the TGDC and plans for the first meeting.

The EAC looks forward to working with you to meet the requirements of the Help America Vote Act (HAVA) by assisting in the development of voluntary voting system guidelines. Your appointment as a member of the TGDC will begin as of the date of this letter. We have included with this letter a list of all members of the TGDC so that you can become familiar with your colleagues on this crucial Committee. Also attached is a copy of the portion of HAVA that governs the work of the Committee.

The inaugural meeting of the TGDC will be held on July 9, 2004, in Washington, D.C. at the offices of the EAC, 1225 New York Ave, NW, Suite 1100. Under HAVA, the National Institute for Standards and Technology (NIST) will serve as the Secretariat for the TGDC. Accordingly, NIST will pay roundtrip airfare, hotel, per diem and local transportation expenses for you as prescribed in the Federal Government Travel Regulations. We ask that you make your travel arrangements by calling Mary Floyd at NIST on 301-975-4612. A block of rooms has been reserved at the Washington Marriott Metro Center hotel, which is located less than two blocks from the EAC. Ms. Floyd will handle your reservations once you confirm your attendance.

020385

The July 9th meeting will begin at 9:00 a.m. and will continue until approximately 3:00 p.m. We are planning a very tight agenda as there is a lot that we must accomplish at this first meeting, therefore we will start promptly. Your participation for the entire time is very important to us. We will mail and fax the meeting agenda and other materials to you the week of June 28, 2004.

Should you have any questions, please contact Mr. Allan Eustis, Project Leader, NIST Voting Systems Standards, at 301-975-5099. We look forward to seeing and working with you on July 9, 2004.

Sincerely,

Gracia Hillman  
Vice-Chair

Attachments

020386



"Allan Eustis"  
 <allan.eustis@nist.gov>  
 06/30/2004 08:51 AM

To dsavoy@eac.gov  
 cc pdegregorio@eac.gov, "Craig S Burkhardt"  
 <CSBurkhardt@DOC.GOV>  
 bcc  
 Subject Fwd: TGDC Final Ltr

Diane-

Here is a final draft of the letter that went to TGDC members yesterday. You will receive a hard copy of the package as well most likely today. I am sending the letter and contents of the package to Mr. Elekes via e-mail as he is blind and the Access Board has requested we transmit all documents to him in .doc format. I will cc you on this e-mail as well with a copy to David Capozzi at the Access Board.

regards

X-Sieve: CMU Sieve 2.2  
 X-Sender: golden@mailserver1.nist.gov  
 X-Mailer: QUALCOMM Windows Eudora Version 5.1  
 Date: Tue, 29 Jun 2004 17:09:44 -0400  
 To: allan.eustis@nist.gov  
 From: Sylvia Golden <sylvia.golden@nist.gov>  
 X-NIST-MailScanner: Found to be clean  
 X-MailScanner-From: sylvia.golden@nist.gov  
 Subject: TGDC Final Ltr

Allan,  
 Here is the final letter sent to the TGDC and the list of members.  
 Sylvia

\*\*\*\*\*

Sylvia J. Golden  
 NIST/Information Technology Laboratory  
 100 Bureau Drive, MS 8900  
 Gaithersburg, MD 20899-8900  
 Voice: 301/975-2900  
 Fax: 301/840-1357  
 email: [sgolden@nist.gov](mailto:sgolden@nist.gov)  
[www.itl.nist.gov](http://www.itl.nist.gov)

020387

\*\*\*\*\*

Allan C. Eustis  
Project Leader- NIST Voting Systems Standards  
Technology Building 225 Room B257  
100 Bureau Drive, Stop 8901  
Gaithersburg , Md. 20899-8901  
301-975-5099  
allan.eustis@nist.gov



<http://vote.nist.gov> TGDCFinalmembers1.doc TGDCpackage0709meeting.doc

020388



June 29, 2004

Mr. H. Stephen Berger  
TEM Consulting, LP-Chair  
And IEEE SEC 38  
Institute of Electrical and  
Electronics Engineers  
140 River Road  
Georgetown, TX 78628

Dear Mr. Berger:

On behalf of Dr. Arden L. Bement, Jr., and the Information Technology Laboratory at the National Institute of Standards and Technology (NIST), I welcome the opportunity to work with you as a member of the Technical Guidelines Development Committee (TGDC). The Help America Vote Act (HAVA) of 2002 sets out an ambitious nine-month task for us to meet. I will serve as the Committee's Secretariat. Please feel free to contact me with any issues at any time.

I am including some information on our work at NIST in this package. Early next week, I will send you an agenda for our upcoming July 9, 2004 meeting as well as a straw man procedural roadmap for the TGDC. My assistant, Mary Floyd, is making final arrangements for your travel and hotel accommodations at the Marriott Metro Center Hotel, approximately two blocks from the Election Assistance Commission (EAC) Headquarters, 1225 New York Avenue, where the TGDC will meet on July 9, 2004. The Hotel, located at 775 12th Street NW, is a twenty-minute taxi ride from National Airport. We are planning a get acquainted dinner at the Metro Grille in the hotel at 7 pm on July 8, 2004. I hope you will arrive in time to attend and meet Dr. Bement, Director of NIST and chair of the TGDC.

We will begin our committee work on July 9<sup>th</sup> at 9 a.m. and end at 3 p.m. I look forward to working with you on accomplishing the tasks outlined for us in HAVA.

Sincerely,

Allan C. Eustis  
Project Leader  
NIST Voting Systems Standards

Enclosure

cc: Diane Savoy (EAC)

020389

Juliet E. Thompson/EAC/GOV  
03/17/2005 10:40 AM

To CSBurkhardt@DOC.GOV@GSAEXTERNAL  
cc  
bcc  
Subject Re: Fw: ANSI Representative on the TGDC

Craig,

I have taken a look at the statute and charter for some guidance on this issue. It appears that ANSI (whoever is the proper person to make the appointment) should notify TGDC through Dr. Semerjian and EAC that they wish to replace Ms. Caldas with Mr. Karmol including the effective date of the appointment. Not having the historical knowledge that you do, I am not sure that Ms. Caldas is the right person to be communicating on behalf of ANSI. Is she the appointing authority for ANSI? If so, then we can accept a letter or communication from her as the tool to make the change. If not, we need a communication from the appropriate person.

Juliet E. Thompson  
General Counsel  
United States Election Assistance Commission  
1225 New York Ave., NW, Ste 1100  
Washington, DC 20005  
(202) 566-3100  
CSBurkhardt@DOC.GOV



CSBurkhardt@DOC.GOV  
03/17/2005 09:13 AM

To juliet.thompson@eac.gov  
cc  
Subject Fw: ANSI Representative on the TGDC

Juliet: Looks like we should go ahead and make the switch. As GC for the EAC, I think it is in your court, but let me know if you wish me to do anything. At the least, I suggest I have my people do the basic background vetting, which takes 3 days. Perhaps we should have Caldas send a formal message of resignation to Hratch to trigger the event. Doing so will not negatively impact TGDC operations, as Ms. Caldas was abstaining on all votes anyway. How do you think we should proceed? Regards, Craig  
----- Forwarded by Craig Burkhardt/HCHB/Osnet on 03/17/2005 09:08 AM -----

Anne Caldas  
<Acaldas@ansi.org>  
>

03/16/2005 11:11  
AM

To  
"'CSBurkhardt@DOC.GOV'"  
<CSBurkhardt@DOC.GOV>, "'Allan  
Eustis'" <allan.eustis@nist.gov>

cc  
David Karmol <DKarmol@ansi.org>,  
Lane Hallenbeck  
<LHallenb@ansi.org>, Anne Caldas  
<Acaldas@ansi.org>

Subject  
ANSI Representative on the TGDC

020390

Dear Craig and Allan -

In follow-up to my E-mail below and in light of Craig's confirmation at the last TGDC meeting that David Karmol may replace me as ANSI's representative on the TGDC, I wondered if official confirmation is forthcoming or needed? In addition, as David will serve as the ANSI representative going forward, his name should replace mine for E-mail and hard copy distributions.

I appreciate your efforts and thank you both for your professionalism and hard work in connection with this project.

If I can ever be of assistance to you in the future, please do not hesitate to contact me.

Regards,

Anne

Anne Caldas

Director, Procedures and Standards Administration

American National Standards Institute - ANSI

[www.ansi.org](http://www.ansi.org)

25 West 43 Street, 4th Floor

New York, NY 10036

[acaldas@ansi.org](mailto:acaldas@ansi.org)

212-642-4914

Fax: 212-840-2298

-----Original Message-----

020391

From: Anne Caldas  
Sent: Monday, February 28, 2005 5:25 PM  
To: 'CSBurkhardt@DOC.GOV'  
Cc: David Karmol; Lane Hallenbeck  
Subject: ANSI Representative on the TGDC

Dear Mr. Burkhardt:

The purpose of this E-mail is to request that the official representative of ANSI on the TGDC be changed to:

David L. Karmol

Vice President, Public Policy and Government Affairs

dkarmol@ansi.org

202-331-3610

Please advise me of any steps that ANSI must take to effect this change. At this time, I intend to represent ANSI at the March 9th TGDC meeting at NIST.

Thank you for your assistance.

Sincerely,

Anne

Anne Caldas

Director, Procedures and Standards Administration

American National Standards Institute - ANSI

www.ansi.org

25 West 43 Street, 4th Floor

New York, NY 10036

020392


acaldas@ansi.org

212-642-4914

Fax: 212-840-2298

020393

Juliet E. Thompson/EAC/GOV  
03/17/2005 11:38 AM

To CSBurkhardt@DOC.GOV@GSAEXTERNAL  
cc  
bcc  
Subject Re: Fw: ANSI Representative on the TGDC 

sounds wonderful. thanks.

Juliet E. Thompson  
General Counsel  
United States Election Assistance Commission  
1225 New York Ave., NW, Ste 1100  
Washington, DC 20005  
(202) 566-3100  
CSBurkhardt@DOC.GOV



CSBurkhardt@DOC.GOV  
03/17/2005 11:03 AM

To jthompson@eac.gov  
cc  
Subject Re: Fw: ANSI Representative on the TGDC

She is not the appointing authority. Why don't I call her and say she should get the appointing authority of ANSI to send a letter indicating their desired appointee to the EAC and Semerjian, also a letter of resignation to the same parties?

020394

Juliet E. Thompson/EAC/GOV  
03/31/2005 07:52 AM

To CSBurkhardt@DOC.GOV@GSAEXTERNAL  
cc  
bcc  
Subject Re: Will have ANSI replacement vetted by Tuesday

Craig,

I have notified Commissioner Martinez, who is the DFO for the TGDC this year. I will work on the Turner-Buie issue today.

Juliet E. Thompson  
General Counsel  
United States Election Assistance Commission  
1225 New York Ave., NW, Ste 1100  
Washington, DC 20005  
(202) 566-3100  
CSBurkhardt@DOC.GOV



CSBurkhardt@DOC.GOV  
03/30/2005 02:43 PM

To jthompson@eac.gov  
cc  
Subject Will have ANSI replacement vetted by Tuesday

Juliet:

We will have the vetting done on David Karmol (the ANSI replacement) on Tuesday next week. I can arrange for Semerjian to agree to the appointment immediately thereafter, and then it is just a matter for you to get assent from the EAC and issue the invitation. We can also have Hratch make the invitation, if the EAC prefers.

I know you are busy, but the EAC needs to determine if it wants to replace Ms. Turner-Bouie in advance of the April meeting. She is ill with cancer, and has asked for a "leave". Unfortunately, there is no flexibility for someone to vote or meaningfully participate in her place during the meeting, so I suggest that we replace her with the understanding that the replacement will resign and she will be reappointed when she wants to return. This is one of the slots the EAC picked from its advisory board, so NIST will agree to your replacement. We can vet this person very quickly, if you wish.

Regards,  
Craig  
202-482-4620

020395



Paul DeGregorio/EAC/GOV  
04/20/2005 10:00 AM

To Carol A. Paquette/EAC/GOV, Gavin S. Gilmour/EAC/GOV,  
"Craig Burkhardt" <CSBurkhardt@DOC.GOV>  
cc Juliet E. Thompson/EAC/GOV, Gracia Hillman/EAC/GOV,  
Raymundo Martinez/EAC/GOV, DeForest Soaries  
Jr./EAC/GOV

bcc

Subject Replacement of TGDC member

This morning, moments before the TGDC meeting was to begin, I was approached by David Karmol, who indicated that he was the replacement for Anne Caldas, who resigned as the American National Standards Institute (ANSI) representative on the TGDC about two months ago. Mr. Karmol said that the letter from ANSI to the EAC/NIST appointing him as the replacement for Ms. Caldas was sent concurrently with Ms. Caldas resignation. I do recall seeing a copy of the resignation and replacement letters.

Needless to say Mr. Karmol was very upset that his paperwork was not processed in a timely manner so that he could participate in this very important meeting of the TGDC. He pressed me on the status of his paperwork and I could not give him an answer because I had no idea.

It was an embarrassing incident. As the Federal Officer for the TGDC I should have been kept in the loop and should have had an adequate answer for Mr. Karmol.

Mr. Karmol's paperwork should have been processed in an expedited manner so that he could have participated in this meeting. The fact that it was not shows that there is a serious communications and process breakdown somewhere that must be fixed. I should have been kept better informed by staff on this important manner and will insist that they do so in the future.

Paul DeGregorio  
Vice Chairman

-----  
Sent from my BlackBerry Wireless Handheld

020396





CSBurkhardt@DOC.GOV  
04/21/2005 10:15 AM

To: jthompson@eac.gov, ggilmour@eac.gov  
cc  
bcc

Subject ANSI TGDC appointment

Dear Julie and Gavin:

I started today downtown and retrieved the appointment and resignation documents. They were refaxed to Gavin at his request just a few moments ago. My records show that Juliet and I telephoned and e-mailed about this in March before her vacation, during which I agreed to get the resignation/appointment letters, and perform a "basic" ethics vetting. I faxed the letters on March 29, and the vetting was completed on April 5. I communicated successful passage of the vetting and Semerjian's assent to the appointment during phone conversations with Juliet, Carol and Gavin later that week, and early the week of April 11. I also spoke with Carol about the Turner-Bouie matter, and she related the EAC would not seek to replace her at this time.

On April 12, I spoke very briefly with with Caldas and Karmol, and informed them to contact Carol if there were any questions regarding when the EAC would act to issue an appointment letter. When EAC is ready to act, all it needs to do is issue the same appointment letter used during the original round of appointments. I don't have copies of those letters, but I recall they were very summary in nature.

Gavin mentioned wanting to see a resume on Karmol in his voice mail to me this morning. Consistent with our agreement that EAC recommends and reviews the organization-specific members and NIST recommends and reviews the at-large members, NIST neither requested nor reviewed any such documents on Karmol. The basic ethics vetting only picks up ethical difficulties from our database and personnel review.

Let me know if you have any questions. I am going back out to the hearing now, so call my cell if you have a priority question. Otherwise, I'll be in the office tomorrow.

Finest Regards,  
Craig

020397

Carol A. Paquette/EAC/GOV  
04/21/2005 02:59 PM

To Gavin S. Gilmour/EAC/GOV@EAC  
cc  
bcc  
Subject Re: ANSI TGDC appointment

I'll ask him today (the ANSI guy) to send me a resume. Thanks!

-----  
Sent from my BlackBerry Wireless Handheld  
Gavin S. Gilmour

From: Gavin S. Gilmour  
Sent: 04/21/2005 11:53 AM  
To: Carol Paquette  
Cc: Juliet Thompson  
Subject: Fw: ANSI TGDC appointment

Carol,

Regarding the e-mail below.

I have some questions regarding his recollection. I obviously can't speak to anything that occurred regarding this matter before last week, However, I do know that neither Julie nor myself were involved in a group call on the 11th.

Such issues aside...

I have only spoken to the man once (alone), on or about the 12-13th of April. Per my notes, I wanted four things from him. (1) a Resume or other info on qualifications, (2) Letter from ANSI, (3) Letter from Nist (which he noted may be in a casual form like an e-mail) and (4) an Example appointment letter (if he could find one).

I have not received the above information as of yesterday.

As for the information he faxed today, it contains only two NIST letters (1 resignation letter and 1 appointment letter). In my opinion it is missing the most important part, a letter from NIST approving the candidates. HAVA requires that the candidates be approved by both NIST and EAC. We cannot issue the candidate a final appointment letter unless we have documentation that he is NIST approved. Perhaps we may hold that the various conversations and the e-mails below constitute such confirmation. I leave that matter to you. Finally, I would note that if NIST will provide no background info on the applicant, how are we to send this matter to a tally vote (and how did they approve the person)? We would be asking the Commissioners to approve an individual for the board based solely on a three sentence ANSI representation letter.

GG

Gavin S. Gilmour  
Associate General Counsel  
United States Election Assistance Commission  
1225 New York Ave., NW, Ste 1100  
Washington, DC 20005  
(202) 566-3100

----- Forwarded by Gavin S. Gilmour/EAC/GOV on 04/21/2005 10:51 AM -----

CSBurkhardt@DOC.GOV



020398



04/21/2005 10:15 AM

To jthompson@eac.gov, ggilmour@eac.gov

cc

Subject ANSI TGDC appointment

Dear Julie and Gavin:

I started today downtown and retrieved the appointment and resignation documents. They were refaxed to Gavin at his request just a few moments ago. My records show that Juliet and I telephoned and e-mailed about this in March before her vacation, during which I agreed to get the resignation/appointment letters, and perform a "basic" ethics vetting. I faxed the letters on March 29, and the vetting was completed on April 5. I communicated successful passage of the vetting and Semerjian's assent to the appointment during phone conversations with Juliet, Carol and Gavin later that week, and early the week of April 11. I also spoke with Carol about the Turner-Bouie matter, and she related the EAC would not seek to replace her at this time.

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Gavin mentioned wanting to see a resume on Karmol in his voice mail to me this morning. Consistent with our agreement that EAC recommends and reviews the organization-specific members and NIST recommends and reviews the at-large members, NIST neither requested nor reviewed any such documents on Karmol. The basic ethics vetting only picks up ethical difficulties from our database and personnel review.

Let me know if you have any questions. I am going back out to the hearing now, so call my cell if you have a priority question. Otherwise, I'll be in the office tomorrow.

Finest Regards,  
Craig

020399

Juliet E. Thompson/EAC/GOV

To Gavin S. Gilmour/EAC/GOV@EAC

04/25/2005 01:06 PM

cc

bcc

Subject Fw: TGDC Replacement

I suppose that I will have to summarize the vetting process. Good thing I took notes.

Juliet E. Thompson  
General Counsel  
United States Election Assistance Commission  
1225 New York Ave., NW, Ste 1100  
Washington, DC 20005  
(202) 566-3100

----- Forwarded by Juliet E. Thompson/EAC/GOV on 04/25/2005 01:07 PM -----

CSBurkhardt@DOC.GOV

04/25/2005 12:41 PM



To juliet.thompson@eac.gov

cc hratch.semerjian@nist.gov, matthew.heyman@nist.gov,  
PGreene@doc.gov

Subject TGDC Replacement

Dear Juliet:

This is to reconfirm that Dr. Semerjian has agreed to the appointment of Mr. Karmol to represent ANSI on the TGDC. The Department of Commerce previously determined that there are no pending or significant matters between the Department and Mr. Karmol, and ethics personnel have determined that there is no reason why Mr. Karmol should not be considered for the position.

Sincerely,  
Craig Burkhardt  
Chief Counsel for Technology  
U.S. Department of Commerce

020400



"David Karmol"  
<DKarmol@ansi.org>  
04/26/2005 11:46 AM

To ggilmour@eac.gov  
cc "Diane Zielinski" <dzielins@ansi.org>, "Anne Caldas"  
<Acaldas@ansi.org>, "Allan Eustis" <allan.eustis@nist.gov>.  
bcc

Subject RE: TGDC Appointment

Dear Mr. Gilmour:

Attached is my bio. Beyond what is listed in the bio, I have been a candidate for public office in five elections, three of which I won. I was an elected member of the Ohio General Assembly for two terms, and was a candidate in Virginia for Commonwealths Attorney for Fairfax County in 1995.

As this request for my appointment was submitted almost a month ago, it is indeed unfortunate that this request for my resume was not made to me at that time. I was told by Mr. Burkhardt at NIST that no NIST approval was required, so it may be a good idea for you to speak to him, to determine what the requirements are. I recognize the position is relatively new, but I would appreciate this request being expedited at this time.

As I do not seem to have Mr. Burkhardt's e-mail, I am copying Mr. Eustis, who I trust will share this note with Craig.

If there is anything else that is needed, please let me know, with a copy to my assistant, Diane Zielinski, who is copied on this e-mail.

*David L. Karmol*  
Vice President, Public Policy and Government Affairs  
[dkarmol@ansi.org](mailto:dkarmol@ansi.org)  
202-331-3610

---

**From:** ggilmour@eac.gov [mailto:ggilmour@eac.gov]  
**Sent:** Monday, April 25, 2005 9:06 AM  
**To:** dkarmol@ansi.org  
**Subject:** TGDC Appointment

Mr. Karmol,

The EAC has recently received ANSI's request for you to serve as its representative on the EAC's Technical Guidelines Development Committee (TGDC). As you may know, appointment as a member of the TGDC requires approval from both NIST and the EAC. In order to move forward with this process, the EAC is requesting that you send a copy of your resume for review. This resume will be used to provide information to our Commissioners, so that they may make an informed decision on your appointment. Please e-mail a copy of your resume to me.

Please let me know if you have any questions.

Sincerely,

020401

Gavin S. Gilmour  
Associate General Counsel  
United States Election Assistance Commission  
1225 New York Ave., NW, Ste 1100  
Washington, DC 20005



(202) 566-3100 Karmol Bio1.doc

020402

Attachment found at

Tally Vote

Information dated

April 27, 2005



"Allan Eustis"  
<allan.eustis@nist.gov>  
04/26/2005 12:04 PM

To "Craig S Burkhardt" <CSBurkhardt@DOC.GOV>  
cc "David Karmol" <DKarmol@ansi.org>, ggilmour@eac.gov  
bcc  
Subject Fwd: RE: TGDC Appointment

Craig-

Per Mr. Karmol's request I am forwarding this e-mail.

regards

X-Sieve: CMU Sieve 2.2  
From: David Karmol <DKarmol@ansi.org>  
To:  
Cc: Diane Zielinski <dzielins@ansi.org>, Anne Caldas <Acaldas@ansi.org>,  
Allan Eustis <allan.eustis@nist.gov>  
Subject: RE: TGDC Appointment  
Date: Tue, 26 Apr 2005 11:46:23 -0400  
X-Mailer: Internet Mail Service (5.5.2653.19)  
X-MailScanner:  
X-MailScanner-From: dkarmol@ansi.org

Dear Mr. Gilmour:

Attached is my bio. Beyond what is listed in the bio, I have been a candidate for public office in five elections, three of which I won. I was an elected member of the Ohio General Assembly for two terms, and was a candidate in Virginia for Commonwealths Attorney for Fairfax County in 1995.

As this request for my appointment was submitted almost a month ago, it is indeed unfortunate that this request for my resume was not made to me at that time. I was told by Mr. Burkhardt at NIST that no NIST approval was required, so it may be a good idea for you to speak to him, to determine what the requirements are. I recognize the position is relatively new, but I would appreciate this request being expedited at this time.

As I do not seem to have Mr. Burkhardt's e-mail, I am copying Mr. Eustis, who I trust will share this note with Craig.

020404



f there is anything else that is needed, please let me know, with a copy to my assistant, Diane Zielinski, who is copied on this e-mail.

**David L. Karmol**

Vice President, Public Policy and Government Affairs

[dkarmol@ansi.org](mailto:dkarmol@ansi.org)

202-331-3610

---

**From:** ggilmour@eac.gov [<mailto:ggilmour@eac.gov>]  
**Sent:** Monday, April 25, 2005 9:06 AM  
**To:** dkarmol@ansi.org  
**Subject:** TGDC Appointment

Mr. Karmol,

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Please let me know if you have any questions.

Sincerely,

Gavin S. Gilmour  
Associate General Counsel  
United States Election Assistance Commission  
1225 New York Ave., NW, Ste 1100  
Washington, DC 20005  
(202) 566-3100

*The contents of this e-mail are confidential and pre-decisional*

020405

Allan C. Eustis  
NIST Voting Systems Standards  
Technology Building 225 Room B257  
100 Bureau Drive, Stop 8901



Gaithersburg , Md. 20899-8901 Kamol Bio1.doc

020406

Attachment found at

Tally Vote

Information dated

April 27, 2005

Gavin S. Gilmour/EAC/GOV  
04/25/2005 09:06 AM

To dkarmol@ansi.org  
cc  
bcc Juliet E. Thompson/EAC/GOV@EAC  
Subject TGDC Appointment

Mr. Karmol,

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Please let me know if you have any questions.

Sincerely,

Gavin S. Gilmour  
Associate General Counsel  
United States Election Assistance Commission  
1225 New York Ave., NW, Ste 1100  
Washington, DC 20005  
(202) 566-3100

020408

Gavin S. Gilmour/EAC/GOV  
04/26/2005 11:54 AM

To Juliet E. Thompson/EAC/GOV@EAC, Carol A.  
Paquette/EAC/GOV@EAC  
cc  
bcc  
Subject Fw: TGDC Appointment

FYI

Gavin S. Gilmour  
Associate General Counsel  
United States Election Assistance Commission  
1225 New York Ave., NW, Ste 1100  
Washington, DC 20005  
(202) 566-3100

--- Forwarded by Gavin S. Gilmour/EAC/GOV on 04/26/2005 11:53 AM ---



"David Karmol"  
<DKarmol@ansi.org>  
04/26/2005 11:46 AM

To ggilmour@eac.gov  
cc "Diane Zielinski" <dzielins@ansi.org>, "Anne Caldas"  
<Acaldas@ansi.org>, "Allan Eustis" <allan.eustis@nist.gov>  
Subject RE: TGDC Appointment

Dear Mr. Gilmour:

Attached is my bio. Beyond what is listed in the bio, I have been a candidate for public office in five elections, three of which I won. I was an elected member of the Ohio General Assembly for two terms, and was a candidate in Virginia for Commonwealths Attorney for Fairfax County in 1995.

As this request for my appointment was submitted almost a month ago, it is indeed unfortunate that this request for my resume was not made to me at that time. I was told by Mr. Burkhart at NIST that no NIST approval was required, so it may be a good idea for you to speak to him, to determine what the requirements are. I recognize the position is relatively new, but I would appreciate this request being expedited at this time.

As I do not seem to have Mr. Burkhart's e-mail, I am copying Mr. Eustis, who I trust will share this note with Craig.

If there is anything else that is needed, please let me know, with a copy to my assistant, Diane Zielinski, who is copied on this e-mail.

**David L. Karmol**  
Vice President, Public Policy and Government Affairs  
[dkarmol@ansi.org](mailto:dkarmol@ansi.org)  
202-331-3610

---

**From:** ggilmour@eac.gov [mailto:ggilmour@eac.gov]  
**Sent:** Monday, April 25, 2005 9:06 AM  
**To:** dkarmol@ansi.org  
**Subject:** TGDC Appointment

020409

Mr. Karmol,

The EAC has recently received ANSI's request for you to serve as its representative on the EAC's Technical Guidelines Development Committee (TGDC). As you may know, appointment as a member of the TGDC requires approval from both NIST and the EAC. In order to move forward with this process, the EAC is requesting that you send a copy of your resume for review. This resume will be used to provide information to our Commissioners, so that they may make an informed decision on your appointment. Please e-mail a copy of your resume to me.

Please let me know if you have any questions.

Sincerely,

Gavin S. Gilmour  
Associate General Counsel  
United States Election Assistance Commission  
1225 New York Ave., NW, Ste 1100  
Washington, DC 20005



(202) 566-3100 Karmol Bio1.doc

020410

Attachment found at

Tally Vote

Information dated

April 27, 2005

Gavin S. Gilmour/EAC/GOV  
04/26/2005 12:06 PM

To "David Karmol" <DKarmol@ansi.org>@GSAEXTERNAL  
cc dzielins@ansi.org  
bcc  
Subject RE: TGDC Appointment

Mr. Karmol,

Thank you for your prompt reply. The bio you have sent should meet our needs. A package will be put together today and presented to the Commission at the next available opportunity. You will be informed as soon as this process is completed. If you have any questions, please contact me at the number, below.

Sincerely,

Gavin S. Gilmour  
Associate General Counsel  
United States Election Assistance Commission  
1225 New York Ave., NW, Ste 1100  
Washington, DC 20005  
(202) 566-3100  
"David Karmol" <DKarmol@ansi.org>



"David Karmol"  
<DKarmol@ansi.org>  
04/26/2005 11:46 AM

To ggilmour@eac.gov  
cc "Diane Zielinski" <dzielins@ansi.org>, "Anne Caldas"  
<Acaldas@ansi.org>, "Allan Eustis" <allan.eustis@nist.gov>  
Subject RE: TGDC Appointment

Dear Mr. Gilmour:

Attached is my bio. Beyond what is listed in the bio, I have been a candidate for public office in five elections, three of which I won. I was an elected member of the Ohio General Assembly for two terms, and was a candidate in Virginia for Commonwealths Attorney for Fairfax County in 1995.

As this request for my appointment was submitted almost a month ago, it is indeed unfortunate that this request for my resume was not made to me at that time. I was told by Mr. Burkhart at NIST that no NIST approval was required, so it may be a good idea for you to speak to him, to determine what the requirements are. I recognize the position is relatively new, but I would appreciate this request being expedited at this time.

As I do not seem to have Mr. Burkhart's e-mail, I am copying Mr. Eustis, who I trust will share this note with Craig.

If there is anything else that is needed, please let me know, with a copy to my assistant, Diane Zielinski, who is copied on this e-mail.

**David L. Karmol**  
Vice President, Public Policy and Government Affairs  
[dkarmol@ansi.org](mailto:dkarmol@ansi.org)  
202-331-3610

020412



**From:** ggilmour@eac.gov [mailto:ggilmour@eac.gov]  
**Sent:** Monday, April 25, 2005 9:06 AM  
**To:** dkarmol@ansi.org  
**Subject:** TGDC Appointment

Mr. Karmol,

The EAC has recently received ANSI's request for you to serve as its representative on the EAC's Technical Guidelines Development Committee (TGDC). As you may know, appointment as a member of the TGDC requires approval from both NIST and the EAC. In order to move forward with this process, the EAC is requesting that you send a copy of your resume for review. This resume will be used to provide information to our Commissioners, so that they may make an informed decision on your appointment. Please e-mail a copy of your resume to me.

Please let me know if you have any questions.

Sincerely,

Gavin S. Gilmour  
Associate General Counsel  
United States Election Assistance Commission  
1225 New York Ave., NW, Ste 1100  
Washington, DC 20005



(202) 566-3100 Karmol Bio1.doc

020413

Attachment found at

Tally Vote

Information dated

April 27, 2005

Gavin S. Gilmour/EAC/GOV  
04/26/2005 01:21 PM

To Juliet E. Thompson/EAC/GOV@EAC, Carol A.  
Paquette/EAC/GOV@EAC  
cc  
bcc  
Subject KARMOL APPOINTMENT TGDC

Julie,

Here is the info you request concerning the appointment of Mr Karmol. Hopefully you can perform some sort of tally vote on the road. Attached please find (1) Mr. Karmol's Bio, (2) A memo for the Tally Vote, (3) a proposed appointment letter, (4) the ANSI letters [two] and (5) a list of TGDC members I received from Adam. I have not enclosed a copy of Mr. Burkhardt's Email memorializing NIST's approval of the candidate, as I believe you already have this in your e-mail. Please review the proposed documents and let me know if you have any questions. Hope things are going well in Boston. Let me know if you need further action on this issue.

GG



Karmol Bio1.doc ANSI ltrs.pdf TGDC member excel.xls LTR- Karmol Appointment- TGDC 2.doc



Memo- Karmol Appointment- TGDC (Tly vt).doc

Gavin S. Gilmour  
Associate General Counsel  
United States Election Assistance Commission  
1225 New York Ave., NW, Ste 1100  
Washington, DC 20005  
(202) 566-3100

020415

Attachments found at

1,243

Tally Vote

Information dated

April 27, 2005

020416



**U.S. ELECTION ASSISTANCE COMMISSION**  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005

April 26, 2005

Mr. David L. Karmol  
American National Standards Institute  
Vice President, Public Policy and Government Affairs  
1819 L Street, NW, 6<sup>th</sup> Floor  
Washington, DC 20036

Dear Mr. Karmol:

On behalf of my colleagues on the U.S. Election Assistance Commission (EAC), I would like to welcome you as a member of the Technical Guidelines Development Committee (TGDC), representing the American National Standards Institute. Your participation in this Committee has been approved by both the Director of the National Institute of Standards and the EAC.

The EAC looks forward to working with you as we labor to meet the requirements of the Help America Vote Act of 2002 (HAVA). As you know, HAVA tasks the TGDC with the job of assisting the Commission in the development of voluntary voting system guidelines. This is an important effort and we welcome your participation in the process.

I have enclosed a copy of the TGDC's membership list for your perusal. Please refer to our website ([www.eac.gov](http://www.eac.gov)) for additional information. If you have any questions concerning your appointment, please feel free to contact me or Vice Chair Paul DeGregorio, EAC's Designated Federal Officer to the TGDC, at (202)566-3100.

Sincerely,

Gracia M. Hillman  
Chair

Enclosures

*Attachment*  
4

020417



**U.S. ELECTION ASSISTANCE COMMISSION**  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005

April 26, 2005

**MEMORANDUM**

**TO:** EAC Commissioners

**FROM:** Paul DeGregorio, Vice Chairman  
U.S. Election Assistance Commission

**SUBJECT:** Appointment of David Karmol to the Technical Guidelines  
Development Committee (TGDC), representing ANSI

As you may know, on March 29, 2005 Ms. Anne Caldas, American National Standards Institute (ANSI), resigned as a member of the TGDC. (Attach. 1). That same day, ANSI proposed a replacement representative, Mr. David Karmol. (Attach. 2). The purpose of this memorandum is to provide information to the Commissioners about Mr. Karmol, such that he may be approved as a member of the TGDC.

The Help America Vote Act of 2002 (HAVA) provides for both the composition of the TGDC and the Committee's appointment process. Specifically, HAVA Section 221(c) (42 USC §15361(c)) specifies that the Committee will have in its membership one representative from ANSI. Further, HAVA states that all members of the Board are to be appointed jointly by NIST and the EAC. (See HAVA Section 221(c)(1)).

Recently, the EAC received notice that NIST (Dr. Hratch Semerjian) has agreed to the appointment of Mr. Karmol (Attach. 3). As such, upon the Commission's approval, Mr Karmol may become a member of the Standards Board. To this end, I have enclosed Mr. Karmol's biography for your review. (Attach. 4). Finally, I have also attached a proposed appointment letter for the Chair's signature. (Attach. 5).

*Attachment  
5*

020418

**RECOMMENDATION:**

Review each of the attachments and approve Mr. Karmol as ANSI's representative to the TGDC per HAVA Section 221(c).

**Attachments:**

1. ANSI Resignation Letter.
2. ANSI Replacement Letter.
3. E-mail noting NIST's Approval.
4. Mr. Karmol's Bio.
5. Proposed Appointment Letter.

020419



U.S. ELECTION ASSISTANCE COMMISSION  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005

MEMORANDUM

TO: EAC Commissioners

FROM: Paul DeGregorio, Vice Chairman *Paul DeGregorio*  
U.S. Election Assistance Commission

DATE: April 27, 2005

SUBJECT: Appointment of David Karmol to the Technical Guidelines  
Development Committee (TGDC), representing ANSI

As you may know, on March 29, 2005 Ms. Anne Caldas, American National Standards Institute (ANSI), resigned as a member of the TGDC. (Attach. 1). That same day, ANSI proposed a replacement representative, Mr. David Karmol. (Attach. 2). The purpose of this memorandum is to provide information to the Commissioners about Mr. Karmol, such that he may be approved as a member of the TGDC.

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Recently, the EAC received notice that NIST has agreed to the appointment of Mr. Karmol (Attach. 3). As such, upon the Commission's approval, Mr Karmol will become a member of the Technical Guidelines Development Committee. To this end, I have enclosed Mr. Karmol's biography for your review. (Attach. 4)

Upon approval of this recommendation, a letter of appointment signed jointly by the Director of NIST and the Chair of EAC will be sent to Mr. Karmol to formalize and finalize his appointment.

**RECOMMENDATION:**

Approve Mr. Karmol as ANSI's representative to the TGDC per HAVA Section 221(c).

020420





March 29, 2005

Dr. Hratch Semerjian  
TGDC Chair  
Acting Director  
National Institute of Standards and Technology (NIST)  
100 Bureau Drive, Stop 1000  
Gaithersburg, MD 20899-1000

Re: ANSI Representation on the Technical Guidelines Development Committee

Dear Dr. Semerjian:

I respectfully resign as ANSI's representative on the TGDC. ANSI's President and CEO, Dr. Mark Hurwitz, will advise you of my replacement.

Thank you for the opportunity to work with you and the excellent NIST staff on this important initiative.

Sincerely,

Anne Caldas  
Director, Procedures and Standards Administration  
[acaldas@ansi.org](mailto:acaldas@ansi.org)  
(212) 642-4914

cc: Dr. Hurwitz



DR. MARK W. HURWITZ, CAE  
PRESIDENT & CEO  
Tel: 202.331.5006  
Email: mhurwitz@ansi.org

March 29, 2005

Dr. Hrach Semerjian  
TGDC Chair  
Acting Director  
National Institute of Standards and Technology (NIST)  
100 Bureau Drive, Stop 1000  
Gaithersburg, MD 20899-1000

Re: ANSI Representation on the Technical Guidelines Development Committee

Dear Dr. Semerjian:

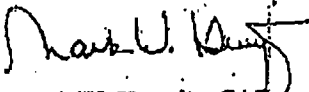
I am requesting that ANSI's current representative on the TGDC, Anne Caldas, be replaced by David Karmol, ANSI's Vice President of Public Policy and Government Affairs. David's contact information follows:

David L. Karmol  
Vice President, Public Policy and Government Affairs  
1819 L Street, NW, 6<sup>th</sup> Floor  
Washington, DC 20036  
E-mail: dkarmol@ansi.org  
Phone: 202-331-3610

If further information is required, please advise.

Thank you for your continuing leadership with respect to this important initiative.

Sincerely,

  
Mark W. Hurwitz, CAE

New

Reply Forward Move Tools

✘

✘

**From:** CSBurkhardt@DOC.GOV  
**To:** juliet.thompson@eac.gov  
**Cc:** hratch.semerjian@nist.gov, matthew.heyman@nist.gov,  
PGreene@doc.gov

---

**Date:** Monday, April 25, 2005 12:41PM

**Subject:** TGDC Replacement

History: This message has been forwarded.

Dear Juliet:

This is to reconfirm that Dr. Semerjian has agreed to the appointment of Mr. Karmol to represent ANSI on the TGDC. The Department of Commerce previously determined that there are no pending or significant matters between the Department and Mr. Karmol, and ethics personnel have determined that there is no reason why Mr. Karmol should not be considered for the position.

Sincerely,  
Craig Burkhardt  
Chief Counsel for Technology  
U.S. Department of Commerce

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020423

**David Karmol**  
**Vice President, Public Policy and Government Affairs**  
**American National Standards Institute (ANSI)**

David Karmol currently serves as Vice President for Public Policy and Government Affairs at the American National Standards Institute (ANSI). In this position he is responsible for advocacy and outreach programs designed to better educate federal, state and local government officials on the value of the voluntary consensus standardization system and its importance to advancing the competitiveness of U.S. businesses and enhancing the health and safety of the world's citizens.

Karmol joined ANSI in July 2001 with a thorough knowledge of the issues important to the standards and conformity assessment community and a track record of success working on policies, strategies and programs in close liaison with federal, state and local governments. Prior to joining ANSI, he spent ten years as general counsel and director of public affairs at the National Spa and Pool Institute (NSPI), an ANSI member and accredited standards developer. Karmol also served as press secretary and special assistant to the director of the United States Mint; general counsel for the Can Manufacturers Institute; associate counsel to the U.S. House of Representatives Judiciary Committee; member of the Ohio House of Representatives, and assistant prosecuting attorney in Franklin County, Ohio.

Mr. Karmol received his B.A. from Miami University of Ohio, and his J.D. from the Ohio State University College of Law and is admitted to practice law in Virginia, the District of Columbia and Ohio.

ANSI's mission is to enhance U.S. global competitiveness and the American quality of life by promoting, facilitating, and safeguarding the integrity of the voluntary standardization system. ANSI is the official U.S. representative to the International Accreditation Forum (IAF), the International Organization for Standardization (ISO) and, via the U.S. National Committee, the International Electrotechnical Commission (IEC). ANSI currently has offices in New York City and Washington, DC.

020424



U.S. ELECTION ASSISTANCE COMMISSION  
1225 NEW YORK AVENUE, N.W., SUITE 1100  
WASHINGTON, D.C. 20005

OFFICE OF THE CHAIR

May 4, 2005

Mr. David L. Karmol  
American National Standards Institute  
Vice President, Public Policy and Government Affairs  
1819 L Street, NW, 6<sup>th</sup> Floor  
Washington, DC 20036

Dear Mr. Karmol:

On behalf of the U.S. Election Assistance Commission (EAC) and the National Institute for Standards and Technology (NIST), we would like to welcome you as a member of the Technical Guidelines Development Committee (TGDC), representing the American National Standards Institute. Your appointment is effective May 3, 2005.

The EAC looks forward to working with you as we labor to meet the requirements of the Help America Vote Act of 2002 (HAVA). As you know, HAVA tasks the TGDC with the job of assisting the Commission in the development of voluntary voting system guidelines. This is an important effort and we welcome your participation in the process.

I have enclosed a copy of the TGDC's membership list and charter for your perusal. Please refer to our website ([www.eac.gov](http://www.eac.gov)) for additional information. If you have any questions concerning your appointment, please feel free to contact Gracia Hillman, Chair, or Vice Chairman Paul DeGregorio, EAC's Designated Federal Officer to the TGDC, at (202)566-3100.

Sincerely,

Gracia M. Hillman  
Chair  
U.S. Election Assistance Commission

Dr. Hratch Semerjian  
Acting Director  
National Institute of Standards and Technology

Enclosures



U.S. ELECTION ASSISTANCE COMMISSION  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005

August 15, 2006

Ms. Jo-Anne Chasnow  
Policy Director, Election Administration Program  
Project Vote  
6 Liberty Place, #5E  
Weehawken, New Jersey 07086

Dear Ms. Chasnow:

This letter is in response to your Freedom of Information Act (FOIA) request for the list of participants who attended the April 4, 2006 "Survey Review" Meeting held at the U.S. Election Assistance Commission (EAC) office along with any minutes/notes from that meeting. Your request was received by the EAC on July 14, 2006.

**Responsive records.** Please find the responsive documents attached.

Please note that any future FOIA requests should be sent directly to [jlayson@eac.gov](mailto:jlayson@eac.gov) or to the attention of Jeannie Layson at 1225 New York Avenue, Suite 1100, Washington, DC 20005.

The EAC has decided to waive the processing fees for your request. If you interpret any portion of this response as an adverse action, you may appeal it to the Election Assistance Commission. Your appeal must be in writing and sent to the address noted on the above letterhead. Any appeal submitted, must be postmarked no later than 60 calendar days from the date of this letter. Please include your reasons for reconsideration and attach a copy of this letter.

Sincerely,

Jeannie Layson  
Director of Communications  
U.S. Election Assistance Commission

**Attachments:**

1. Your Request Email (July 14, 2006);
2. Responsive Documents



"Jo-Anne Chasnow"  
<jac1000@juno.com>  
07/14/2006 01:23 PM

To havainfo@eac.gov  
cc  
bcc  
Subject FOIA request

This is a FOIA request.

Please provide me with a List of Participants for the April 4, 2006 "Survey Review" Meeting, along with any minutes/notes from that meeting. My organization is a non-profit.

Many thanks.

Jo-Anne

Jo-Anne Chasnow  
Policy Director, Election Administration Program  
Project Vote  
6 Liberty Place, #5E  
Weehawken, New Jersey 07086  
201-863-3412  
[jac1000@juno.com](mailto:jac1000@juno.com)

020427

## Non Election Officials Break Out Meeting April 4, 2006

### Election Day Survey Comments

- Definitions
  - o State codes differ in ballots are counted
    - For example
      - absentee and early voting ballots may be consolidated at the counting site but the survey asks for the count of each type separate, there is an issue of aggregation of the data to answer the survey
  - o EAC can offer states guidance on uniformity of terms to ensure comparability of survey questions answers
- EAC can create uniform terms or use 50 different survey instruments (tailored to each state)
- There should be an effort on asking for information that has already been collected from election administrators.
- EAC should gather information already available to cut down on survey length.
  - o For example
    - The survey asked how many votes were cast for President, House and Senate. This information is generally already available.
  - o Issue if relying on existing data: Credibility
    - Suggested solution: compare the collected results to the previously published information.
    - EAC has used the previously available information to fill in survey blanks.
- What is the purpose of the data?
  - o State by state comparison?
  - o Discovering national trends, then need to aggregate the data.
- Survey Form
  - o Template that assists the states in filling out the form
  - o Web based survey that corrects in real time.
    - Issue
      - How survey filler will deal with questions that they do not have sufficient data to answer the question
      - Are the elections officials comfortable with a web based survey?
      - Will the elections officials know that they can save and return to the web survey (do not have to fill it all out at once)
- EAC should require tallying software in dbs format instead of print format
- EAC should focus data collection on states have trouble getting data, auto pilot the states that regularly submit complete data.
- Timing of sending the survey
  - o If near election day the election administrator is overwhelmed.
  - o If the election administrator has advance notice of the questions they may start collecting the information that they normally would not collect.

020428



- On many topics the administrator may have had the information at some point. Do not want to lose the information if they do not regularly keep the information
- Show the administrator how this information will help them, ie. with redistricting, to encourage participation
- Problems with questions as asked
  - Questions not applicable to some states
    - Some states used the choice of n/a while other used zero
    - Hard to determine if 0 is an answer or a n/a answer
  - Provisional voting, other issues (ie. has same day voter registration) made the questions difficult to answer
  - Roughly worded questions people interpret differently.
    - voting units – LA County said it had 200
  - Broken counters – how truthful and accurate will the election official be in answering this question?
  - Get rid of election systems failure questions because states did not answer them.
  - Question 15 b. how is this data going to be used
  - Questions on polling place accessibility
    - Some states treated 19 and 20 as the same questions, treating polling place and precincts as interchangeable terms
    - Question 21,
      - wording confusing,
      - Part A break out curbside voting
      - Should be a separate survey
- Additional questions for survey
  - Types of voting equipment by mode of voting
  - Poll workers
    - break the questions out by early voting and super centers
    - how many worked on election day
    - how many worked during early voting
    - how many were dedicated to problem voters, non problem voters
  - How many polling places did not open on time?
  - How many people work in the election offices?
- Recommendations
  - Don't assume that things that appear obvious are without merit
  - Test the survey before sending it out.
  - Customize the survey to the state while maintaining uniformity, questions that don't apply should not be asked of a state
  - Pre-design survey to the states
  - For the 2006 survey:
    - Focus on the most important information and not go for everything
    - Take the assumptions out
    - Is the target audience state election officials?

020429

- Yes. Send the survey to the state and allow them to send it to the county if they want and think the county can handle it.
          - Send out the information to be collected and build the web survey at a later date.
          - Build a web based survey (with ease and speed), pretesting not required
          - EAC can use the required public comment time as a form of pretest
  - Automated survey – allows the respondent to break the answer down by voting system or other factor where the state has more than one answer to the question.
  - If information from the local election official is required EAC might have to ask on election night to get the accurate information.
  - How likely is some of the information to change; ask background questions as “has there been a change”
  - Help states set a standard at the precinct level for how the information is reported.
  - Use the standards board
- Who is the audience?
  - Data Users: “Number crunchers” who want the precinct level data.
  - Survey Respondents: One survey for state and local, but different audience
    - Segment what the state is required to submit from the information the local election office need to submit
    - Currently the state is in charge of gathering the information from the locals
    - How much authority does the state have to compel a local office to supply the information?
- What is the EAC relationship with the information that the census bureau collects?
  - No formal relationship
  - Census might be able to help in filling in the holes in the data
- How do you deal with localities that do not follow the law?

#### UOCAVA

- Third survey of three to go the states. The second of two survey’s to request county level information. States spent their “good will” getting the election day survey information from the local officials.
- Problems
  - Number of ballots sent to potential voters is not an accurate question
  - No one knows how many Americans of voting age are living overseas. Should the EAC commission a study on the topic? Without information cannot figure out participation rate.
  - Overseas versus military no longer clear
- Additional Questions on:
  - Number of ballots not returned, a high number – why? Is there a problem:
    - Voter received the ballot late

- Ballot lost before voter received it
    - Lost after voter returned it the state
    - Mail delay
  - Federal Post Card Absentee's requests
  - Innovations – faxing, internet, e-mail
    - NASED?? Website contains this information, are the states sick of answering these questions over and over?
- Difference between EAC and FVAP survey
  - FVAP
    - Sample of voters
    - Run by Gallop
    - Samples of election officials
- Can the EAC combine the UOCAVA survey with the election day survey?
  - Some questions are required to answered and some are discretionary
  - Web based survey might be easier to combine

#### NVRA

- Public Assistance Agency Data
  - Need more useful information
  - A separate form (unlike DMV), so wide spread lack of implementation
- Additional Questions
  - How many people were supposed to get a registration form from a public assistance agency?
    - Even if do not want to answer the question is educational.
    - State agency may not be aware it was supposed to provide the voter registration forms.
  - Track the decantation form from public assistance agency
- Some state public assistance agencies collect information on their voter registration activities.
  - Can EAC survey these agencies?
  - The individual data is private but not the aggregate data
- Problem s
  - Voter registration forms are not available in the state assistance agencies.
  - Survey is very long
  - Too many open ended questions, do not lead to comparability between the states.
- Can the statewide voter registration list track the data on the performance measurements, performance, and performance metrics?
- Put the questions mandated by law first.

Would like all the survey available in electronic form with a fips code so can merge all the results into one database.

## Notes for Meeting Election Officials

NVRA;

### Problems;

Problems for Election Officials

- “politically loaded”
- collecting info that is required by law.
- questions from political parties

Questions 51 to 56;

- asking new questions...

41, 43, 44, 45, 46, (all new)

How does state answer for all counties? Each county is different.

If there is no State policy, than answers will vary.

Q 46 – “Doesn’t tell you anything” – I am not sure why we asked that question.  
-answer does not matter.

Could you send survey to Chief Election Official? They might know all of these answers.

Q 47 – There is only one answer that should be given

Q 48 – Needs to be removed

Q 50 – Needs to be removed  
2<sup>nd</sup> part – “database” – The question is important

The terminology needs to be more user-friendly. Sixth grade reading level.

FL – the FDLE was bad b/c it only had charges not convictions. That is reason for problems, flawed data.

This is not their responsibility

Problems with DMV database.

Huge turnover with ST election officials since last training.

A lot of resistance from heads of DMV – not wanting to include voter registration. Going backward

We need cooperation between social services and DMV.

Q 51 – What is purpose of the question?  
There is not one since NVRA

Q “Serial #'s” – It is interesting. Not sure if it is useful

Q 54 – needs to be removed

These are things legislatures have been working on for the last 3 years to get rid of

Q 55 – Need to define “public”. Is it for sale or just available?

Social security numbers on voter registration

-we mark out the social security, the reporter holds the paper to the light and retrieves the social security #.

Q 56 – Not critical

Q 42 – Not necessary

Q 18 & 19 – You will get duplicates through social services.

Send us information through email about any concerns about the questions

Q 24 What do you gain from this question?

This seems to be a carry-over question

Q 26 This seems to be the direction we are heading. Cross checking.

At least 3 or 4 laboratories are doing it.

We have vested interest – we have to report it somehow

Double voting – fraudulent registration (FL)

Q 1 & 2 – Can we define “active” and “inactive”?

There will be a glossary.

The questions are still valid but are not understood by all States.

### **Election Day Survey**

Any questions related to voting systems will not be asked.

Recommendation; Start the survey at state level and distribute it electronically and have it submitted electronically

-Put it on EAC website and give State's pin number

-Potential for error with keying in information. Need to be able to electronically transfer info.

-States reformatted survey into their own terms and sent it out to jurisdictions.

-Need to hone down what it is you really want to know. You will get more data.

### **Survey Questions;**

-From terminology –

- Q 2 number of ballots counted by state
- Do you understand question
  - No.
  - What do you want to know?
  - The first part is for the State, the second is for the jurisdictions.
- Why are you asking the about the ballots counted ahead of how many ballots are cast?
- Did you want to change the order?
- Blank ballots, provisional ballots cast – not counted
- We counted ballots not voters.
  - You can see how the confusion
  - We want # of ballots counted by state and jurisdiction.
  - What is the difference between voters, ballots, etc...
  - does this include issued ballots.
  - You have cast, issued, counted
  - We have 2 ballot cards, A and B
  - Absentee ballots do not send back one of the ballots.
  - One ballot is two cards.
  - Do you count what you get back?
  - The highest number.
  - We get back different numbers for Ballots A and B
  - It looks like the question is trying to cover the whole spectrum.
  - When you send out an absentee ballot and you do not get a response back.
  - We need to bring this up with the people downstairs.
  - How can we improve this
  - We need to clarify
  - I still am not sure how to ask the questions so that everyone will understand.
  - In DC we would not count absentee ballots if they are turned in late
  - What should we be tracking?
  - How many were counted, rejected,
  - Issued, Cast, Counted
  - Let's do what we think is the right thing to do and then ask the States to comply.
  - States only wants to know how many votes and how many provisional ballots.
  - The local should keep detailed election records for verification purposes.
  - We want to know how many people go to the polling place to vote, rejected
- ballots do not always count.
- We need to track every vote but maybe not show them in the results (ex.
- Rejected ballots)
- How many people asked for a ballot and got a ballot, including absentee.
  - Will we include a question on issuing?

The media is interested by number of ballots issued and counted.

Public wants to know, Did we help America vote?

A complication, FPCA ballots. They will just show up.

The only time you should get that is if there is a dispute.

In 2000, the lawyers tried to stop these ballots but they were from valid voters.

### **Poll Worker Questions**

These questions seemed to be confusing

- There is a huge range between different polling centers.
- Simplify by not asking for both State and local.
- Is there a correlation between rural and urban jurisdictions.

Proposed Questions;

Where you able to recruit the amount of poll workers you needed?

How many poll workers did not show up on election day?

We are just trying to fill the slots.

The political parties may not come through with their promised poll workers. So, election officials must scramble to get people.

How do you answer Q 11? – There are few incidents of over votes, in Texas it still happens. You cannot measure it effectively.

The voter cannot be held responsible. Blank votes are more commons – it might be a statement not an issue of confusion.

If you train poll workers to count votes, they will not count or keep a record of over votes/ blank ballots.

It seems that counting all of these things would be a part of auditing process.

A recount by hand will yield different results, optical votes may not count a vote that a person would because of voter intent.

I do not think that we will ask for over vote.

**What have we not asked???**

If it means undermining job security, do not ask it. You this as a guide. People will not tell on themselves.

Q 13 & 14 – do not worry about these questions.

Q 41B – It is either county of sub-county level.

Q 21C – we will not ask

Q 21B – Is that true? Yes

We do want to know that the State's polling places are accessible. Wheel-chair accessible is an old definition. Need to clarify.

We will think about it/

Are you trying to get to compliance with these questions?

The potential format is an issue.  
I like the format, it is easy.

Eliminate the paper, send it electronically. We are thinking about getting the survey online.

You will not ever stop revising this survey. Even if corrections do not make the 2006 revision, use them for 2008.

We will give you specific time at NASED.  
Only one survey. About 1 hour  
In addition to voting system standards

If revisions are made, will they apply to this year's survey?  
We will remove question, and use info for long term revision.

The thought of a clearinghouse for academia – Connecting info from academic and info from election officials.  
Concerns form local – is this a legit group (survey)  
If we can encourage people interested in this type of information to work through EAC.

Handout of current research projects current and future.

ND is proud to not have voter registration; Election Day Survey lists voter registration #'s for ND. (Brace saying that ND has 100 % registration) – This does not apply to ND

FEC did a good job representing this lack of data

Diff between citizen voting age pop and voting age pop.

Ultimately the way this data is reported is unfavorable to ND

EAC should not participate in this

UCAVA

This is a sample not a census. Required by Congress.  
Are the citizens getting what they need from election officials?

Based on HAVA –

Q 6 and 8  
Why did the vote not count-signature? – If so, this is an education issue.

020436



This can be used to formulate solutions.

Everyone received survey before election, so that the areas will know what to keep records of

Sampling – different for larger states – Michigan

We would like for the two survey instruments to complement each other.

We (EAC) are required by law to ask how many votes are cast and counted. Response rates are low. If we need to cut the survey down to the basics than it should be a consideration.

The UCAVA survey is simple and straightforward.

The EAC and UCAVA should be using same language

Three separate survey instruments are too many.

Some jurisdictions are only counting FPCA's.

FVAP does mention FPCA.

If you have people in active duty, they will get ballots for two elections regardless of their current status. There is no required way to get a person's military status.

We need EAC help to explain the difficulty in getting this information.

This will become more difficult because of increasing mobility of armed forces.

It is important for election officials to track voters, through mailings. New addresses, military status.

I hope we can support getting FVAP back into electronic initiative. – UCAVA is required to create standards

Internet is ideal for UCAVA, but not for widespread internet voting.

Secure internet voting possible

HAVA 703 – every election cycle requirements UCAVA

There are barriers to data collections. Does this make it difficult

It is possible to report these numbers

Did not separate absentee voters from UCAVA voters

The law is saying that the States are required to give information.

020437

- Barriers; How do the States separate absentee voters from UCAVA reports.  
EAC got resistance from States.
- This was not a question that was ever required before. The other States cannot be faulted, it was not an issue to most States.
  - EAC must educate States so that the new requirement is known.
  - In most states you cannot tell an absentee vote from an absentee vote.

## Meeting Part 2

### Overview of meeting downstairs

- Started with EDS, UOCAVA, then NVRA
- Kim Brace – detailed problems with EAC and data

### EDS

- Problematic categories
  - Voting equipment
  - Accessibility
- Could the EAC take a sample? Pretest? (In order to test the instrument) Who is the primary audience? (State election official?)
- Who should be asked to complete the survey.
- Who are the results for? Is it the same as who is completing survey?
- Web-based application of survey.

### UOCAVA

- Difficulties in definition of voters
- EAC is mandated to do UOCAVA survey
- Learn more about problems/challenges of identifying UOCAVA voter
- Can EAC gain a better understanding of process that other agencies use to offer voter registration

### NVRA

- Too long
- Can it be reduced to a check-off list.

## Overview Election Officials

Accessibility, Voting equipment (information will be obtained elsewhere), NVRA can be shortened and simplified,

UOCAVA – most problematic, limit questions that are required by HAVA.

Generally the conclusions seem to be the same except for sampling suggestion.



## List of Meeting Participants

<b>Participant</b>	<b>Organization</b>
• R. Michael Alvarez	California Institute of Technology; Caltech/MIT Voting Technology Project
• Eric Fisher	Congressional Research Service
• Kevin Coleman	Congressional Research Service
• Alice P. Miller	DC Board of Elections and Ethics
• Richard Smolka	Election Administration Reports
• Doug Lewis	Election Center
• Kimbal Brace	Election Data Services, Inc.
• Scott Weidmann	Federal Voting Assistance Program
• J.R. Perez	Guadalupe County, Texas
• Karen Hartenbower	Lyon County, Kansas; International Association of Clerks, Recorders, Election Officials, and Treasurers
• David Bositis	Joint Center for Political and Economic Studies
• Brad Wittman	Michigan Secretary of State, Bureau of Elections
• Samuel F. Wright	Military Voting Rights Project
• Leslie Reynolds	National Association of Secretaries of State
• Lisa Danetz	National Voting Rights Institute
• Scott Novakowski	National Voting Rights Institute
• James Silrum	North Dakota Deputy Secretary of State
• Pat Hollarn	Okaloosa County Supervisor of Elections
• Brian Baysinger	Overseas Voter Foundation
• Jill Lavine	Sacramento Registrar of Voters
• Arthur Lupia	University of Michigan; The American National Election Studies
• Thad Hall	University of Utah
• Kevin Kennedy	Wisconsin State Elections Board; National Association of State Election Directors

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**U.S. ELECTION ASSISTANCE COMMISSION**  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005

April 26, 2006

Ms. Bonnie Glaser  
Election Administration Research Center  
111 Moses Hall  
Berkeley, CA 94720

Dear Ms. Glaser:

This letter is in response to your Freedom of Information Act (FOIA) request received by the U. S. Election Assistance Commission (EAC) on March 23, 2006.

You requested the information from the winning, technical proposal for EAC's Request for Proposal 05-05 regarding poll worker recruitment, training, and retention pertaining to the work to be performed under the contract.

**Responsive records.** Please find the responsive documents attached regarding RFP 05-05. Some of the communications responsive to the request have been redacted in part. The removed portions contain personal information (such as home and e-mail addresses and Social Security Numbers). This redaction is required by 5 U.S.C. §522(b)(6).

The EAC has decided to waive the processing fees for your request. If you interpret any portion of this response as an adverse action, you may appeal it to the Election Assistance Commission. Your appeal must be in writing and sent to the address noted on the above letterhead. Any appeal submitted, must be postmarked no later than 60 calendar days from the date of this letter. Please include your reasons for reconsideration and attach a copy of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeannie Layson", with a long horizontal flourish extending to the right.

Jeannie Layson  
Director of Communications  
U.S. Election Assistance Commission

Attachments:

1. Responsive Documents



## TECHNICAL PROPOSAL

1. PROVIDE A PROPOSED PROJECT WORK PLAN THAT DESCRIBES HOW THE CONTRACTOR WILL ACCOMPLISH EACH OF THE PROJECT TASKS, INCLUDING A PERT OR GANTT CHART INDICATING MAJOR ACTIVITIES AND MILESTONES. ASSUME A PROJECT START DATE OF SEPTEMBER 20, 2005. DISCUSS EACH TASK IN THE STATEMENT OF WORK.

The project work plan is outlined in the Excel chart in Attachment A. The work plan enumerates the major activities proposed to accomplish tasks specified by the Statement of Work over a 15-month period, from September 20, 2005, the project's start date, to December 31, 2006, the deadline for the final project report. The matrix in Attachment B shows the number of hours that have been allocated for the proposed activities to each member of the project team. The section details how the IFES-PI team will approach the required tasks: conducting a series of focus groups, developing an extensive manual, implementing pilot programs using strategies and materials from the manual, providing recommendations for revisions to the manual and for future activities to benefit efforts to recruit, train, and retain pollworkers. The discussion of the work plan concludes with summaries of the work experience of senior members of the proposed project team.

Project milestones are the deadlines for delivery of the following items:

Summary of State requirements (4.5)	January 6, 2006
Summary of Focus Groups (4.7)	February 3, 2006
Outline of Manual (4.8)	February 24, 2006
First draft of Manual (4.8)	April 14, 2006
Version 1.0 of Manual (4.8)	June 1, 2006
Written Reports of Pilot Programs (4.9)	As agreed with COR
Draft project report and recommendations	December 4, 2006
Final project report and recommendations	December 31, 2006

### Discussion of Specific Tasks

The discussion of specific tasks begins with Task 4.4 and includes a description of each task outlined in the RFP's Statement of Work and how the IFES-PI team proposes to accomplish each task.

#### Task 4.4 – Develop a Project Working Group

Task 4.4 requires the Contractor to develop a working group composed of 5 individuals considered experts in the fields of elections, training, education, or possess other experience deemed relevant that would assist in the administration of the project. To accomplish this task, the IFES-PI team proposes to form a Working Group composed of five members, including the following:

- An experienced state election administrator who has demonstrated a commitment to innovative pollworker recruiting and training development programs. Recommendation:

- An experienced local election administrator with a demonstrated a commitment to innovative recruiting and training programs. Two recommendations are: [REDACTED]
- An adult learning expert. Recommendation: professional trainer for the American Red Cross or trainer for the new U.S. Department of Homeland Security.
- A representative from a public interest organization dedicated to protecting the rights of voters with limited English proficiency, e.g., the Mexican American Legal Defense Fund (MALDEF), National Association of Latino Elected Officials (NALEO) or voters with disabilities, e.g., The Access Board, the American Association of People with Disabilities or Paralyzed Veterans of America.
- An experienced researcher in the area of elections. Recommendations: [REDACTED]

The Working Group will be asked to undertake the following:

- assist in identifying current research on State requirements relevant to pollworker programs; identifying best practices for pollworker recruitment, retention and training; encourage colleagues to respond to requests for information, particularly responding to a survey that will be developed to gather models and samples.
- review summary of best practices from jurisdictions already implementing innovative or cost-saving programs and make recommendations for how to effectively share these practices in the manual
- assist in designing questions for the focus group discussions
- advise on the outline of the manual and review the final draft of the manual
- review the results of the pilot programs
- review the final report to the EAC

The Working Group will meet three times, initially in Washington, D.C., and, subsequently, at other locations around the country, preferably in conjunction with another event such as an EAC hearing or project focus group. Each meeting is scheduled to last a day. In addition, and to minimize costs, a monthly telephone conference will be conducted to brief members and solicit their feedback. Documents, including reports requiring the Working Groups review and comment such as drafts of the manual, will be submitted electronically. Members will be encouraged to return comments electronically as well.

*Additional Pro Bono Advisors.* Additionally, the IFES-PI team will benefit from the extensive pro bono contributions from the Pollworker Institute Board of Directors and Board of Advisors.

The Pollworker Institute Board of Directors includes:

- Beverly Kaufman, County Clerk, Harris County, Texas
- Conny B. McCormack, Los Angeles County Registrar-Recorder/County Clerk

- o Leonard Shambon, a D.C.-based attorney who served as counsel to congressional sponsors of the Help America Vote Act and to the Ford-Carter and Carter-Baker National Election Reform Commissions

#### **Task 4.5 – Research State requirements for pollworkers and poll assistants**

Task 4.5 requires the Contractor to review available information and where, necessary, conduct research on state requirements for pollworkers and poll assistants.

Task 4.5 and Task 4.6 both require the Contractor to solicit and compile information relevant to poll-worker programs, including state laws and regulations as well as local policies and practices. Because the IFES-PI team sees these two research tasks as linked, we will be using one survey instrument (described below) to accomplish both tasks.

Taken together, the results of these two research tasks will form the beginning of a data collection effort long overdue. The IFES-PI team believes that better and more accessible information about how election officials run this vital part of the election system will be invaluable as we take steps to enlarge and enhance the pool of available pollworkers.

To complete this task, the IFES-PI team will undertake the following:

- research existing information and research on State requirements for pollworkers, such as data compiled by Electionline.org and the National Council on State Legislators
- develop a web-based survey to verify the research results
- disseminate the survey; collect and compile responses from state and local election officials
- provide a written summary of the requirements and an analysis of how these requirements such as requiring political parties to nominate pollworkers or requiring that the pollworker live within the precinct can affect pollworker programs
- provide a 50-state chart containing all laws and regulations pertinent to pollworker management

The IFES-PI team intends to build on already available data such as the state-by-state pollworker requirements compiled by Electionline.org and information available from the National Association of Secretaries of State (NASS). The team will also draw from the data collected through the 2004 Election Day Survey.

*Use of web-based survey.* The IFES-PI team plans to develop and institute a web-based survey collection tool so that individual jurisdictions can directly enter information on the subject of this proposal. First proposed to the EAC by team member Election Data Services in their recommendations for improvements to the Election Day Survey, the survey tool will save on data entry costs associated with other paper based surveys. In addition, this will allow for immediate and on-going tallying of responses for summary reporting.

The survey instrument would be designed so that a county or jurisdiction would log in with an ID and password that would be e-mailed to them ahead of time. This ensures that only the authorized jurisdiction contact is providing valid information, and will prevent hackers from contaminating the results. This also means that the survey could be rolled out to just certain selected jurisdictions or could be opened up to allow all jurisdictions in a state to fill in their information.

The adoption of this structure allows any Census data to be joined to the instrument, or any other data that is tied to the Federal ID. All of the data already compiled from the Election Day, the National Voter Registration Act (NVRA) and the UOCAVA surveys would also be joinable to the survey if needed or when desired.

Once a jurisdiction's representative has logged into the web-based survey we envision them being presented with some basic information about their jurisdiction, i.e., the county name, the contact information we have in the file. The representative would be able to correct and update any of the information and generate a change record for the system. The representative would then move to the survey section on pollworker recruitment, training and retention as described below under Task 4.6.

The web-based survey instrument could be used for other areas of interest to the EAC, and even other projects seeking information from local jurisdictions. We envision a representative could complete part of a survey and then come back the next day to finish the information. Each time they enter the instrument they would see all the data they have already filled out. Because this concept is interchangeable, it is incorporated in other proposals that Election Data Services is a team member.

To ensure a sufficient response rate to the survey, we will enlist the team's extensive network of contacts, as well as the Election Center and The Pollworker Institute's Board of Directors, in an effort to encourage states to respond. We believe that the EAC's Advisory Board could also be a helpful partner in encouraging election officials to respond to the survey.

**Task 4.6 – Review existing resources on pollworker recruitment and training**  
Task 4.6 is vitally important to the success of the overall program.

The decentralization of our elections makes the systematic compilation of information about both "best practices" and standard practices extremely difficult. By compiling information and materials on pollworker programs – management tools, recruitment materials, performance assessments, the EAC will provide an invaluable service to election officials. The compilation and analysis of these programs and materials will provide an important first step in the development of models that can be tested in the 2006 elections.

While it is important to gather State-level data on pollworker requirements, in reality there is great variation across multiple jurisdictions. States do make macro policy decisions on the overall conduct of elections, however, micro-level policy decisions with respect to pollworker recruitment, training, and retention are largely left to counties and in many cases municipalities. Ideally, data collection efforts will encompass these multiple levels of election policy and operation.

With more than 3,000 counties across the nation, and tens of thousands of cities, such an undertaking is obviously beyond the scope of this project. That said, this proposal suggests preliminary steps in an effort to obtain this important information. Therefore, we propose identifying 100 to 150 counties across the nation and gathering detailed information about the county, about the county's pollworker program and about the county's pollworkers. These counties would be selected on the basis of factors that lead to the accumulation of a representative sample.



In general, the IFES-PI team will undertake the following:

- review published pollworker recruitment, retention and training “best practices”
- reach out to the team’s network of contacts in the elections community to solicit additional pollworker program models
- review existing and ongoing research on pollworker issues
- survey state and local election officials and other stakeholders on current practices and methods to recruit, train and keep pollworkers
- identify 100 – 150 counties that can serve as a representative sample; conduct follow-on interviews to collect additional information
- gather and compile materials such as marketing materials, recruitment plans, RFP’s for outsourcing recruitment and training, timelines, and evaluations or reports
- analyze the programs using the methodology described below to identify successful strategies and potential pitfalls
- produce a written summary highlighting successful program components and problem areas

*Best practices.* Although the term “best practices” is frequently used, little systematic research has been conducted to measure the effectiveness of specific practices or methods in the area of pollworker recruitment, training and retention. Election officials and other stakeholders have relied primarily on experience and anecdotal evidence when deciding what to include in “best practices” guides. The follow-on interviews to survey respondents, the focus groups (Task 4.7 ) and the pilot programs (Task 4.9) present an opportunity to gather data about specific practices to enable a more accurate evaluation.

That being said, the IFES-PI team will collect best practices, such as the EAC’s “Best Practices in Administration, Management and Security in Voting Systems: A Toolkit for Election Administrators and Stakeholders” and information and materials collected for the Election Center’s Professional Practices program. The team will also make use of the comprehensive Administration and Cost of Elections (ACE) Project, developed by IFES in cooperation with the International Institute for Democracy and Electoral Assistance (IDEA) and the United Nations Department of Economic and Social Affairs (UNDESA). ACE is an ongoing project to create a globally accessible repository of information and materials on election practices, including pollworker programs.

The IFES-PI Team will solicit information and materials from counties who responded to the survey. In this effort, the team will seek out, in particular, materials targeted to working with bilingual pollworkers, such as Los Angeles County’s “Pollworker Connections” manual developed by Jennifer Collins-Foley; materials designed for working with pollworkers with disabilities, such as North Carolina’s video presentation; and materials designed for election officials who are implementing new voting systems, such as “Introducing a New Voting Systems from a Local Election Official’s Perspective,” developed by Connie Schmidt.

*Survey on standard local practices.* In addition, the IFES-PI team will review the results of the survey carried out in Task 4.5 to gain information on standard practices. We will conduct follow-on interviews with both election officials and pollworkers to gather the following information:

- description of the jurisdiction – size; demographic make-up; rural, urban or mixed

- number of pollworkers needed; number who serve; number recruited through specialty recruitment efforts, e.g., corporate partnerships or college recruitment
- demographic make-up of the pollworkers?
- technological capacity of the election official – does the election official use its web-site to recruit pollworkers, for example?
- use of intermediary organizations, such as a corporations, county government, schools or community organization, to assist in recruitment; how was the recruiting accomplished within the sponsoring entity? Did the election official or sponsoring organization attempt to gauge the motivation of the pollworkers to serve?
- use of computer-based voting technology in pollworker management; use of computer-based technology to monitor the success of the pollworkers in assimilating the new technology and related procedures?
- requirements, if any, to provide written and oral assistance to limited-English proficiency voters
- who trains the pollworkers?
- what training methods are used? Were adult learning methodologies employed in the training?
- Post-election activities, e.g., assessment of pollworker program, soliciting feedback from the pollworker, post-election communication with the pollworkers

**Materials collected will include:**

- sample marketing materials, including materials in electronic formats such as radio PSAs, television PSAs, web-based communications
- sample training materials, such as orientation materials, training manuals, Election Day job guides and checklists, toolkits, web-based training modules
- sample pollworker communications, such as newsletters, notices, letters of appreciation, evaluation forms
- pollworker management materials, such as timelines, workplans, checklists, database spreadsheets

*Research.* The IFES-PI team will review existing research on pollworker programs, including, where available, reports and audits, such as the report issued by the Miami-Dade County Inspector General on the conduct of the 2002 election. The team will also make an effort to catalogue ongoing research, such as the extensive survey of pollworkers being conducted in by Professor Thad Hall at the University of Utah.

**Task 4.7 – Conduct Focus Groups**

Task 4.7 requires the Contractor to conduct focus groups consisting of election officials, pollworkers, representatives of community-based organizations, corporate leaders who are active in encouraging employees to serve as election workers and any other relevant groups such as service clubs or charities.

The IFES-PI team will partner with the League of Women Voters Education Fund (LWVEF) to conduct a series of focus groups in five jurisdictions across the nation. The purpose of these sessions will be to identify successful strategies to use in the recruitment, training and retention of poll workers and to identify “potential pitfalls when replicating and adapting” these strategies in other localities.

In planning and conducting the focus groups, the LWVEF will:

- finalize locations for focus groups
- create discussion guides for each focus (preliminary discussion formats are provided below)
- partner with election officials and appropriate local Leagues of Women Voters and other civic organizations to recruit focus group participants
- coordinate and conduct a total of 20 focus groups in five locations across the country
- draft report summarizing results of focus groups

*Focus group sites.* Locations will be chosen to reflect a range in jurisdiction size, geographic location, and demographic composition, as well as a range in current poll worker recruitment and training practices and election administration practices. Possible locations for focus groups include sites in California, Georgia, Kansas, Minnesota, Pennsylvania, South Carolina and Texas

In order to identify successful recruitment, training and retention strategies, it will be necessary to obtain the views of three clusters of stakeholders: election practitioners or workforce; members of the public, that is, potential poll workers; and those intermediary groups in a position to facilitate the participation of potential poll workers—employers, non election related government officials and school administrators. Representatives from each of these three clusters will therefore be engaged in the focus groups. Focus groups will also reflect as much diversity as possible in terms of ethnicity, gender, language, age and national origin.

The LWVEF plans a total of five to eight focus groups. Each will address recruitment, training and retention issues, but to varying degrees, depending on which cluster composes the focus group. Questions will be tailored to fit the particular cluster.

The three clusters can be broken down as follows:

*Members of the Public*

- High school students
- Members of the public who speak English as a second language (ESL)
- Members of the public with disabilities
- Representatives of community-based organizations, including service clubs and charities

*Intermediaries*

- School administrators
- Local government officials that do not typically have a role in elections, such as the Department of Motor Vehicles
- Corporate leaders who are active in encouraging employees to serve as poll workers

*Elections Workforce*

- Poll workers
- State and local election officials
- Full time poll worker recruitment and training staff
- Temporary poll worker recruitment and training staff
- Poll worker recruiters from political parties

*Focus group recruitment.* The League will be responsible for focus group participant recruitment, including ensuring the necessary diversity of participants. The League's network of members and leaders in the selected focus group communities will be utilized in order to identify focus group participants from each cluster. In addition, the League's national coalition partners, such as Mexican American Legal Defense Fund, National Coalition of Black Civic Participation, American Association of People Disabilities and the Asian American Legal Defense and Education Fund, will assist the League in identifying participants to ensure a diverse pool of participants.

*Focus Group topics: recruitment.* Focus group questions about recruitment will explore the different types of messages that have been or would be successful at engaging different audiences in becoming poll workers, and how these messages can be tailored to specific audiences (e.g.: students, ESL, disabled). This line of questioning is aimed at developing a greater understanding of the public's knowledge gaps and barriers to involvement, and what motivating language might be used to help them overcome these barriers.

Focus group questions posed to members of the public will explore such issues as: what is the individual's understanding of being a poll worker; what challenges do they perceive to participating as a poll worker; what incentives might make participating as a poll worker attractive; what are their feelings towards mandatory vs. voluntary training; what messages might serve as a motivating call to action; how do they feel about the amount of time required of poll workers for training and on Election Day; and what other factors, such as participation in civic organizations, are indicators of likely participation. Questions will also explore citizens' attitudes and experiences with voting; their knowledge about electoral processes and being a poll worker; and the likelihood of their participating as a poll worker having been a part of the focus group process.

Focus group questions posed to election practitioners will probe their perspective on the questions above, as well as: do they currently have enough poll workers to meet their needs, including language assistance; what their current practices are for recruiting poll workers; which of their current practices seem to work the best and what are the demographics of their current poll workers; what type of media do they use (print, radio, TV, Internet, word-of-mouth) to recruit; how many times do they advertise; do they vary their methods for primary vs. general elections; the impact of allowing poll workers to "split-shifts"; the impact of election administration issues, such as early voting; and do they target certain demographics (e.g. multi-lingual citizens).

Among other things, focus group questions posed to the intermediaries will examine the possibilities of building poll worker service into student government activities or volunteer requirements; strategies for cross-training non-election related government employees for poll worker service; and incorporating poll worker service opportunities into corporate social responsibility/community service programs. Additional focus group questions will examine motivation or incentives for these intermediaries to participate.

*Focus group topics: retention.* Focus group questions about retention are intended to develop a greater knowledge of current retention practices used by election officials in various localities and to gauge the attitudes of current poll workers about both their service and intentions to serve.

Focus group questions posed to current poll workers about retention issues in particular will examine such matters as: whether they intend to serve as poll workers again; what they think worked well and where they see a need for improvement; and what factors affect whether they feel they want to serve again. Focus group questions posed to the other segments of the election workforce – state and election officials – will explore such issues as: what tools are used to communicate with poll workers after Election Day; the extent to which there is communications in between elections; and what type of communication would they like to receive.

Focus group questions posed to intermediaries and members of the public about retention issues will examine such things as what practices they expect a retention strategy to include and how these strategies can be built into the networks already in place (e.g. community groups, corporate activities and student-based organizations and activities).

*Focus group topics: training.* Focus group questions about training are intended to gain a better understanding of the range of training practices currently used in various localities, gather information about which methods work best and learn more about the needs of poll workers.

Focus group questions posed to current poll workers about training issues in particular will solicit feedback about: the type(s) of training they received (e.g. hands-on, Internet, video, role-playing etc); how many hours of training they received and was it a single or multi-day training; was training a one-type fits all for new and returning poll workers; how many times was training offered; was there compensation for training and does it make a difference in their decision to attend; and recommendations for strengthening training.

Focus group questions posed to the other segments of the election workforce (aka state and election officials, etc) will examine similar issues as well as: the current training protocols, including length of training, requirements for participation and compensation; qualifications of trainers; are trainers permanent or temporary staff and what are the costs and benefits of this; are their different training materials and/or sessions for new vs. returning poll workers or bilingual poll workers; and certification of poll workers.

Focus group questions posed to members of the public who are potential poll workers will explore such matters as what form of training they might prefer (e.g.: in-class, video for home use, role-playing, etc.) and issues similar to those as mentioned above.

Focus group questions posed to intermediaries about training issues will examine such things as the amount of time off that employers and school administrators would be willing to allow their employees for training and using corporate and/or school facilities for training.

*Focus Group Results.* All focus group results will be summarized; their implications for the project outcomes will also be analyzed. These results will then stand ready to inform the recommendations and materials for poll worker recruitment, retention and training that are developed in the next phase of the project and tested in the project's pilot phase.

#### **Task 4.8 – Develop and produce a “How to” Manual**

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Task 4.8 requires the Contractor to develop a manual that will be available to all interested parties that will describe best practices in the field of pollworker and poll assistant recruiting, training and retention. The contractor is also required to design the manual so that it will supplement established recruitment and training programs as well as serve as a "how to" guide for new programs.

A word on the IFES-PI approach to the manual: too often instructional guides require too much reading on the part of the user – who, in this instance, is likely to be an over-committed election official. Where possible, therefore, we will reduce the amount of narrative text, opting instead for a manual that offers a wealth of sample materials and models easily adapted by diverse users.

In creating this manual the IFES-PI team will follow the steps outlined below:

- conduct a two-day meeting of team members to review materials and information collected, review the focus group reports, draft a manual outline and develop a workplan
- submit manual outline to the Working Group and the EAC
- develop criteria for selection of materials to be included in the manual
- design a user-friendly template for each section
- draft and edit the manual (detailed below)
- develop compendium of resource materials
- submit draft manual the Project Working Group and the EAC Standards Board and the EAC Advisory Board prior to final production

*Planning meeting.* The IFES-PI team will bring the Working Group and IFES-PI team together for a one-two day work session in mid-January 2006 to begin to develop the manual. The session will include:

- discussion of goals and purpose of the manual, and the universe of potential users
- discussion and review and assess the summary of state requirements and the summary of existing resources and materials, including best practices, with regard to their application to the manual
- discussion and review of focus group reports
- development of criteria for including materials or model practices in the manual
- drafting the manual outline

In order to reduce travel costs, this Working Group meeting will be held if possible before or after the Joint Election Officials Legislative Committee annual meeting in Washington, DC, when many of the Working Group and the PI Board of Directors will be in Washington.

*Drafting of the manual.* In consultation with the Working Group, a team of editors experienced in producing practical, user-friendly manuals will develop an initial draft. The Consultants will work separately and then together to bring together a manual that can be tested in the pilot projects.

*Materials and models included in the manual.* Listed below are the kinds of model programs and materials that may be included in the manual.

- Model recruitment programs such as high school student pollworker programs; bilingual pollworker programs; corporate pollworker programs; split shift options; Adopt-a-Poll programs.

- Model retention programs such as pollworker newsletters; appreciation ceremonies; pollworker pins; post-election critiques involving pollworkers
- Model training approaches such as outsourcing the pollworker training to professional trainers and educators; Introducing adult learning and experiential methods such as promoting hands-on and role playing opportunities during training classes (see text box below); customized training for specific pollworker audiences such as corporate, county or student programs; on-line training programs, the set up and employment of “mock” polling place equipment in to the training, issuing training materials in advance of the training class for pollworkers to review and ask better questions as a result, better training materials such as laminated “job cards” instead of long descriptions of each pollworkers responsibilities and role.
- Other innovative pollworker programs such as programs to track and evaluate pollworker performance or programs such as Early Voting which may reduce the number of pollworkers needed.

**Task 4.9 – Develop and implement pilot programs.**

The pilot programs will be key to ensuring the manual’s usefulness and will yield valuable information about the strategies and models recommended. Moreover, pilot programs will allow researchers an ideal opportunity to test the impact of specific recruitment and training methods.

In carrying out this task, the IFES-PI team will undertake the following:

- finalize, with the EAC, pilot program locations and partners
- develop and finalize agreements (memoranda of understanding) with all partners
- work with partners to develop a timeline for each project
- work with partners to develop and carry out recruitment plans
- conduct training workshops for election official training staff
- monitor training
- monitor Election Day activities
- conduct post-Election survey of all participants

*Pilot program locations.* In consultation with the EAC, locations for the pilot programs will be selected, to represent all regions of the country. In addition, at least one of the sites will be located:

- in a jurisdiction required to provide bilingual assistance at the polls under the Voting Rights Act
- in a rural jurisdiction
- in a high-density urban jurisdiction
- in a jurisdiction where elections are conducted by a small town-ship or municipality
- in a jurisdiction where the state election office plays a key role in directing and administering the pollworker program
- in a jurisdiction implementing new voting systems
- in a jurisdiction where voters from multiple precincts vote in the same polling place

Possible sites include jurisdictions in the following states: Washington, Michigan, Texas, Missouri, North Carolina or Rhode Island.

*Selection of polling place partners.* In order to ensure the success of pilot programs, the IFES-PI team will select potential election official partners carefully and develop a memorandum of understanding for all participating organizations to sign. The MOU may include agreements on the following:

- specific descriptions of the roles of each partner
- IFES-PI access to pollworker database and voter registration file
- materials to be provided by IFES-PI, e.g., marketing materials, PSA copy
- resources to be provided by IFES-PI such as an online training module or workshop on adult learning
- data on outcomes

*Workplans.* Once the MOU has been signed, the IFES-PI team will work with the partner to develop a project workplan. The project workplan would include the following:

- Timeline of deliverables
- Meeting schedules
- Staffing assignments

*Timing.* Pilot programs will be conducted during the 2006 election cycle, and will include June, August or September Primaries, as well as the November 2006 General Elections.

*Pollworker recruitment.* Strategies and action plans for pollworker recruitment will be drawn from the collection of best practices included in the manual and will be selected for testing in pilot programs according to criteria that include the following:

- innovative use of new technology
- innovative use of new media
- innovative approaches to communication with hard-to-reach sectors of the population, e.g., people with disabilities and voters with low English proficiency
- innovative approaches to specialty recruitment drives

The IFES-PI team anticipates that some recruitment strategies will be common to all pilot projects, e.g., specialty recruitment drives, while others may be used in only one jurisdiction, e.g., recruitment of bilingual voters or web-based recruitment.

*Training.* Despite the critical importance of training those people who will be making sure that eligible citizens can cast their vote and have that vote counted accurately, pollworker training is low on the list of election official priorities. Often, the staff responsible for training has no relevant experience in adult training. In some jurisdictions, officials have brought in professional trainers to develop materials and conduct the training, recognizing that training requires specialized, professional expertise.

Too often, training consists of nothing more than a simple review of manuals. The time allotted does not allow for using techniques, such as hands-on demonstrations and role-playing, proven to promote better understanding and retention.

Professionalizing and improving training could significantly improve the conduct of elections. For this reason, the IFES-PI team will bring in an expert in adult learning techniques to conduct training workshops for appropriate staff.

The IFES-PI team anticipates that some training methods will be common to all pilot programs, e.g., the use of hands-on role-playing, a mock polling place and job guides, and some may be used in only one jurisdiction, e.g., online training modules.



*Pollworker retention.* Pollworker retention can only be accurately measured from one election cycle to the next. The IFES-PI team will implement pollworker retention strategies as part of the pilot program; however, we will not be able to evaluate their effectiveness in the course of this project.

*Reporting results.* Prior to conducting the pilot programs, we will develop a research plan to define the variables and measurable outcomes. At the conclusion of the pilot programs, we will survey the participants and provide a report on each pilot program.

**Task 4.10 – Make recommendations for future action regarding college pollworker programs**  
At the conclusion of this project, the Contractor is required to provide the EAC with written report on the project. This report will include specific lessons learned, recommendations for revision of the manual developed for the project, and recommendations for future activities in support of college pollworker programs.

The IFES-PI team will carry out the following to complete Task 4.10:

- review the pilot project reports and data
- conduct follow-on interviews with selected participants
- draft report
- disseminate draft to Working Group and team members for comment
- submit edited draft report to EAC for review
- edit and submit final draft

The IFES-PI team will provide a draft of the report for review before producing the final report. The IFES-PI team shall provide to the EAC one electronic copy (in an agreed upon format) and ten hard copies of the final report.

2. PROVIDE A MATRIX OF PERSONNEL PROPOSED FOR EACH TASK AND INCLUDE RESUMES FOR ALL PROFESSIONAL PERSONNEL. RELEVANT EXPERIENCE IN ELECTION MANAGEMENT AND TRAINING MUST BE INDICATED CLEARLY.

TASK	RESPONSIBLE INDIVIDUAL /TEAM
1. Update the project work plan	Collins-Foley, Warren, Henriquez
2. Submit monthly progress reports	Collins-Foley, Warren, Henriquez
3. Conduct briefings for the EAC	Collins-Foley, Warren
4. Develop and conduct working group meetings to advise on the project	Collins-Foley, Warren, Schmidt, Bergman, Cleary, Brace, League of Women Voters (LWV), Henriquez
5. Research State requirements	Collins-Foley, Warren, Schmidt
6. Review existing resources	Collins-Foley, Warren, Bergman, Schmidt, Cleary, Brace
7. Conduct focus groups	Collins-Foley, Warren, Bergman, Schmidt, League of Women Voters (LWV), Buerkle,

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	Oct-05	Nov-05	Dec-05	Jan-06	Feb-06	Mar-06	Apr-06	May-06	Jun-06	Jul-06	Aug-06	Sep-06	Oct-06	Nov-06	Dec-06
<b>1.0 Project Management (Tasks 1.1-1.4)</b>															
1.1 Update Project Work Plan (Tasks 4.1)															
1.1.1 Modify project work plan as requested by EAC															
1.1.2 Submit modified work plan within 10 days of contract award															
1.2 Submit monthly progress reports (Task 4.2)															
1.2.1 Conduct team meetings to monitor progress and review draft reports															
1.2.2 Compile monthly progress reports															
1.3 Conduct periodic briefings for the EAC (Task 4.3)															
1.3.1 Confer periodically with EAC representative to discuss research findings and work progress															
1.3.2 Brief the Commission															
1.4 Manage project and supervise project team and Working Group															
<b>2.0 Working Group (Tasks 2.1-2.4)</b>															
2.1 Identify and confirm interest by members of Working Group															
2.1.1 Consult with EAC re selection of Working Group															
2.2 Prepare for Working Group Meeting															
2.2.1 Make meeting arrangements/confirm logistics with participants															
2.2.2 Prepare briefing materials for Working Group															
2.2.3 Travel to site and participate in meetings															
2.2.4 Prepare summary of meeting															
Repeat as necessary depending on how many meetings															
<b>3.0 Data Collection (Tasks 3.1-3.3)</b>															
3.1 Review available information															
3.1.1 Draft a web-based survey to verify research results															
3.1.2 Disseminate and collect data from survey															
3.2 Compile and analyze data															
3.3 Submit written summary to EAC by January 6, 2006 (Deliverable)															
<b>4.0 Pollworker Survey (Tasks 4.1-4.3)</b>															
4.1 Review published pollworker recruitment, retention and training "best practices"															
4.1.1 Locate reports, review reported lessons learned															
4.1.2 Review existing and ongoing research on pollworker issues															
4.2 Draft survey in consultation with Working Group, State and local officials on current practices and methods															
4.2.1 Disseminate survey to 100-150 counties that can serve as a representative sample															
4.2.2 Conduct follow-on interviews to collect additional information															
4.2.3 Compile data and materials from survey															
4.2.4 Analyze and identify successes and challenges															
4.3 Draft and submit summary highlighting successful program components and problem areas															
<b>5.0 Focus Groups (Tasks 5.1-5.3)</b>															
5.1 Prepare to Conduct Focus Groups															
5.1.1 Finalize locations of focus groups with EAC															
5.1.2 Design the focus group formats															
5.1.3 Confirm interest with local election official, local stakeholders and local LWV															
5.1.4 Develop Methodology and discussion guides for Conducting Focus Groups															
5.2 Plan and Conduct Focus Groups															
5.2.1 Invite participants															
5.2.2 Travel to and Conduct Focus Groups															
5.2.3 Draft report summarizing results															
5.3 Submit summary reports to EAC by February 3, 2006 (Deliverable)															
Repeat as necessary depending on how many focus groups															
<b>6.0 Manual Development (Tasks 6.1-6.4)</b>															
6.1 Develop outline for Manual															
6.1.1 Organize two-day meeting to develop outline															
6.1.2 Review and organize materials and information collected															
6.1.3 Review results of Focus Groups															
6.1.4 Develop criteria for selection of materials to be included in the manual															
6.1.5 Analyze target users and their needs															
6.1.6 Draft outline for the Manual															
6.1.7 Submit to Working Group and EAC for feedback by February 24, 2006 (Deliverable)															
6.1.8 Revise Outline if necessary															
6.2 Develop substance of Manual															
6.2.1 Develop a user-friendly template for each section															
6.2.2 Develop descriptions of strategies for recruiting, retaining and training pollworkers															
6.2.6 Develop post-election evaluation															
6.2.6 Develop compendium of resource materials															
6.3 Produce initial draft and seek feedback															
6.3.1 Produce first draft by March 14, 2006 (Deliverable)															
6.3.2 Seek review by stakeholders															
6.3.3 Seek review by Working Group															
6.3.4 Seek review by EAC Standards and Advisory Boards															
6.4 Final Production															
6.4.1 Distribute version 1.0 of the manual electronically to all interested parties by June 1, 2006 (Deliverable)															
<b>7.0 Pollworker Training (Tasks 7.1-7.7)</b>															
7.1 Finalize, with the EAC, the list of pilot program locations and partners															
7.2 Develop and finalize agreements (memoranda of understanding) with all partners															
7.2.1 Work with partners to develop a timeline for each project															
7.3 Develop a research plan to define the variables and measurable outcomes															
7.4 Work with partners to develop and carry out recruitment plans															
7.5 Conduct training workshops for training staff															
7.6 Monitor training															
7.7 Monitor Election Day activities															

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7.0	Conduct post-Election survey of all participants																	
7.0	Provide a report to the EAC on each program (As agreed with COR) (Deliverable)																	
8	Final Report including written recommendations for future action																	
8.1	Review the pilot project reports and data																	
8.2	Conduct follow-on interviews with selected participants																	
8.3	Draft report																	
8.4	Disseminate draft to Working Group and team members for comment																	
8.5	Submit edited draft report to EAC for review																	
8.5	Edit and submit final draft by December 31, 2008 (Deliverable)																	

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September 12, 2005

**MS. NICOLE K. MORTELLITO**  
Special Assistant to the Executive Director  
U.S. Election Assistance Commission  
1225 New York Avenue, NW, Suite 1100  
Washington, DC 20005

Via E-Mail: nmortellito@eac.gov

**EAC RFP #05-05, EFFECTIVE STRATEGIES AND BEST PRACTICES  
FOR POLL-WORKER RECRUITMENT, RETENTION AND TRAINING**

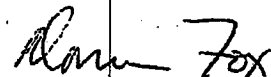
Dear Ms. Mortellito:


IFES and the Poll-Worker Institute (PI) are pleased to submit this proposal to the U.S. Election Assistance Commission (EAC) in response to RFP #05-05 for program development, analysis and assistance in identifying and promulgating effective strategies and best practices for poll-worker recruitment, retention and training. This submission consists of two documents: a technical proposal and a cost proposal. The cost proposal includes PI's budget as it will be IFES' sub-contractor whose budget exceeds \$100,000.00.

IFES and PI have assembled a highly qualified team of election administrators, researchers, analysts and advocates to work on this exciting project, whose results will represent long-lasting and positive contributions to the election community nationwide.

The principal contact for this proposal is Scott Lansell, IFES Senior Program Director: 1101 15<sup>th</sup> Street, NW, Third Floor, Washington, DC 20005; Phone: (202) 350-6704; E-mail: slansell@ifes.org.

Sincerely,

  
Donna Fox  
IFES Acting President

  
Jennifer Collins-Foley  
PI President

**Enclosures: Technical Proposal  
IFES Cost Proposal  
PI Cost Proposal**

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8. Develop and Produce Manual	Collins-Foley, Warren, Bergman, Schmidt, Cleary, League of Women Voters (LWV), Brace
9. Develop/Implement Pilot Programs	Collins-Foley, Warren, Bergman, Schmidt, Cleary, League of Women Voters (LWV), Henriquez
10. Final Report	Collins-Foley, Warren, Bergman, Schmidt, Brace, Cleary, Buerkle, Henriquez

**Project Management:** The proposed project team will be led by Jennifer Collins-Foley who will serve as the project's Principal Investigator. Other senior members of the proposed project team are as follows:

- Election Consultant Tracy Warren: Executive Director of The Pollworker Institute and election reform consultant.
- Election Consultant Connie Schmidt, former County Clerk, Johnson County Kansas
- Academic and Research Consultant Elizabeth Bergman, PhD, Professor at California State Polytechnic
- Election Consultant Charlotte Cleary, former General Registrar in Arlington County, Virginia
- Research and Data Collection Consultant, Kim Brace of Election Data Services
- Program Management Officer Mario Henriquez,
- Senior Researcher, Karen Buerkle, IFES Applied Research Center
- Advocacy Consultant, Jeanette Senecal, League of Women Voters Education Fund
- Adult Learning Expert

The project team will also benefit from the advisory and administrative support personnel of IFES and a graduate research assistant from American University as well as from the Board of Directors and Advisory Board of The Pollworker Institute. The qualifications of the principal investigator are discussed later in this proposal. Experience summaries for the other seven senior members of the project team are as follows:

***Elizabeth Bergman.***

Dr. Bergman is currently Adjunct Professor of Political Science at California State Polytechnic University, Pomona, where she has taught for three years, and where she was recently awarded a Faculty Mini-Grant to support the incorporation of civic volunteerism into Political Science courses. Dr. Bergman has been active in local and statewide politics for more than 10 years, serving on campaigns and as a lobbyist in Sacramento; most recently as a consultant to the Association of Los Angeles Deputy Sheriff's (1996-1997). As a consultant for the American Psychological Association (1993-1994), Bergman advised the member associations in California, Oregon, and Washington on effective mobilization techniques, grass-roots organization, and political communication related to healthcare issues. In 1992, Bergman co-founded a Los Angeles political non-profit 501(c)(3) for the twin purposes of providing campaign training

and fundraising assistance to women running in local elections. She has been recognized for her work in numerous publications, including the *Los Angeles Times*, and on local radio.

***Kim Brace***

Kim Brace, founder and president of Election Data Services, Inc., has 25 years of experience with the development and delivery of election-related products and services. Mr. Brace was the principal investigator for the project providing survey analysis support to the EAC in 2005 and managed several studies on voter registration systems for the Federal Election Commission and the three state boards of elections and election departments from 1995 to 1998. He supervised the development the GIS-based PRECIS® Precinct Information System as well as the construction and maintenance of nationwide databases of election returns, electoral district boundaries, and voting equipment. Mr. Brace has conducted congressional reapportionment studies and also has supervised the construction of databases for redistricting and the delivery of redistricting consulting services to some 35 redistricting commissions and state and local legislative organizations throughout the United States.

A nationally recognized expert on redistricting, the census, and election administration, Mr. Brace has delivered speeches, conducted workshops and seminars, and participated in international election conferences. He maintains affiliations with organizations such as the American Political Science Association and the Association of Public Data Users. In 1992 he edited *The Election Data Book: A Statistical Portrait of Voting in America* (Bernan Press). Prior to founding Election Data Services, he was an associate editor of the biweekly newsletter, *Election Administration Reports*. Mr. Brace is a graduate of American University in Washington, D.C.

***Karen Buerkle***

Dr. Buerkle is a seasoned practitioner of general and special population surveys and has surveyed such hard-to-reach populations as U.S. Senate-confirmed presidential appointees, school-based health practitioners, and local government officials in Pakistan. In her capacity as senior researcher, she formulates original research projects and implements research projects in conjunction with IFES programmatic activities. Her primary responsibilities include survey and sample design, questionnaire construction, project management, and survey data analysis. Dr. Buerkle also specializes in teaching research methods and helping indigenous research organizations build their research capacity.

***Charlotte Cleary***

Charlotte Cleary served as General Registrar for Arlington County, Virginia from 1985 until 2003. As General Registrar, Cleary administered the elections, including developing and conducting training programs for staff and pollworkers and writing the office procedure manual. Cleary has served on State and national committees relating to elections, including Member, Federal Election Commission Advisory Panel, 1998-2003; the Joint Election Officials Legislative Liaison Committee, 1997-2003; the Voter Registrar Association of Virginia, 1985-2003; the International Association of Clerks, Recorders, and Election Officials 1987-2003; and the Election Center 1990-2003. Cleary's presentations include "Getting To and Through Election Day, a Step by Step Guide" for the VA State Board Training of Election Officials; Accessibility for the Disabled Voter, at the Performance Symposium; and "Public Relations for Election Day & Communicating with Your Voters, VRAV Panel.

***Jennifer Collins-Foley***

(See "Principle Investigator's qualifications" below.)

***Mario Henriquez***

After receiving his education in International Relations and Global Systems from George Mason University, Mario Henriquez began working for IFES in 1998. Starting as a program assistant working on projects in Haiti and San Salvador, Mario rapidly ascended the management ladder at IFES culminating with his most recent promotion to the position of Program Officer in 2002. As program officer, Mario has works with direct supervision from the director of programs, overseeing projects in Honduras, Guatemala, Dominican Republic, Iraq, Jordan, Haiti and other parts of the Americas. Mario recently began focusing on the relatively new territory of U.S. elections. With experience in both Washington and the field, Mario plays a vital role at IFES where his language skills and background help the organization continue to reach its goals.

***Jeannette Senecal***

Jeanette M. Senecal is currently the Senior Manager of Elections of the League of Women Voters Education Fund. Ms. Senecal originally joined the League staff as part of the e-democracy team. Her primary focus was building the League's DemocracyNet project, a first of its kind voter information website designed to disseminate candidate and other election information for local, state, and federal elections nationwide. Jeanette recruited, trained and oversaw the work of over 500 employees and volunteers nationwide working on DemocracyNet.

As Senior Manager of Elections, Jeanette manages and coordinates various get-out-the-vote, election reform, and civic engagement activities, including efforts to engage new and underrepresented citizens, and educate League leaders and other interested parties on the implementation of the Help America Vote Act. Ms. Senecal provides technical assistance and training to Leagues through written materials, phone consultation, online discussion and field trainings to support these activities.

***Tracy Warren***

Tracy Warren has more than 15 years of experience in public policy, focusing on campaigns and elections, good government and constitutional issues. She served as director of the Constitution Project's Election Reform Initiative until January 2003. Her election reform background and capabilities include: detailed knowledge of the Help America Vote Act; broad knowledge of state election law and procedures; skills in research and analysis, consensus-building and communications; and a network of contacts that include state and local election officials, congressional staff, voting rights advocates and policy experts. Following passage of the Help America Vote Act, Ms. Warren consulted on implementation with the District of Columbia and Puerto Rico. She has researched, written and published articles and reports on interpreting and implementing the new law. She has provided consulting services for the U.S. Election Assistance Commission, drafting a report on the EAC's first public hearing on voting technology and security issues. She assisted in compiling, drafting and editing a "tool kit" of best practices in election administration for the EAC. Warren worked with HAVA Partners to develop a template for the online management and training of pollworkers. The HAVA Partners program was deployed in Arlington County, Virginia, in 2004.

***Connie Schmidt***

Connie Schmidt recently retired as the Election Commissioner for Johnson County, Kansas, after having been appointed to that position in 1995 by Kansas Secretary of State, Ron Thornburgh. She has been an active and innovative local official for 31 years, during which time she has received a number of important awards. Most recently, she received in December 2004 the National Association of Secretaries of

State (NASS) Medallion Award for outstanding service to American Democracy. As Election Commissioner for Johnson County, she introduced many new voter outreach and education programs, including one of the first election office web sites. She has served as the chair of the Professional Education Program Certification Boards for The Election Center and as a member of the Voting Systems Standards Board of the National Association of State Election Directors (NASED).

3. PROVIDE A BRIEF DESCRIPTION OF THE QUALIFICATIONS OF THE PRINCIPAL INVESTIGATOR RELATIVE TO PERFORMING THE TYPES OF ACTIVITIES DESCRIBED IN THE STATEMENT OF WORK.

Jennifer Collins-Foley has more than 16 years of experience developing and managing international and domestic local democratic governance programs, training and voter registration/outreach/education programs.

She recently consulted on election administration and policy for the League of Women Voters of the U.S (a survey of implementation of federal legislation) and for the U.S. Election Assistance Commission ("Best Practices in Election Administration and Management"). As a consultant for the International Foundation for Election Systems (IFES), Collins-Foley, developed pollworker training materials, training curriculum and election management recommendations for the Republic of Kyrgyzstan, the Republic of Tajikistan, Miami-Dade County, Florida, and the District of Columbia.

Collins-Foley served as Assistant Registrar Recorder/County Clerk for Los Angeles County, CA, where her responsibilities included recruiting and training 22,000 pollworkers and managing 5,000 polling places (1996-2004). Collins-Foley was Director for the National Democratic Institute in Moscow overseeing democratic institution building and training in Russia (1994-1996) and also Program Officer for Central and Eastern Europe, United Nations Division on Economic and Social Development (UNDESD) (1989-1992). In 2003, Collins-Foley authored a practical manual for election administrators titled "Pollworker Connections: Specialty Recruitment for Student, County Employee and Bilingual Pollworkers."

Three examples of comparable work performed by Collins-Foley over the past five years are as follows:

1) "Pollworker Connections": A Manual on Specialty Recruitment for Student, County, and Bilingual Pollworkers (2003)

The "Pollworker Connections" manual was first developed in February 2002 for a training session conducted by Collins-Foley at an Election Center program. The target audience was election officials seeking new ways to recruit, retain and train a new crop of pollworkers to shore up the diminishing pool of veteran pollworkers. It was updated in 2003 to reflect lessons learned and to include new materials.

<b>Project name:</b>	Pollworker Connections Manual
<b>Project Manger:</b>	Jennifer L. Collins-Foley
<b>Reference:</b>	Conny B. McCormack Los Angeles County Registrar/Recorder/County Clerk
<b>Telephone:</b>	(562) 462-2785
<b>Email:</b>	cmccorma@rcc.co.la.ca.us



**Period of performance:** February 2002-May 2003  
**Value of award:** Self-funded by County department

2) "Best Practices in Administration, Management and Security in Voting Systems: A Toolkit for Election Administrators and Stakeholders"

Collins-Foley led a team that included Tracy Warren and Thomas Wilkey in coordinating a working group of local election officials to develop a compilation of best practices. The EAC published the toolkit prior to the 2004 election to assist local election officials confront a series of challenges, including new security concerns.

**Project sponsor:** U.S. Election Assistance Commission  
**Reference:** Commissioners DeGregorio and Martinez  
**Telephone:** (202) 566-3100  
**Period of performance:** May 2004- August 2004  
**Value of award:** \$5,000

3) Introduction and implementation of specialty recruitment programs in Los Angeles County, California

As Assistant Registrar-Recorder/County Clerk for Los Angeles County, California, Collins-Foley was responsible for the recruitment, retention and training of 22,000 pollworkers deployed to 5,000 polling places on Election Day. In this position, Collins-Foley implemented a number of innovations in the county's pollworker program. Most pertinent to this proposed project, Collins-Foley was instrumental in launching a series of specialty pollworker recruitment programs including programs to recruit high school pollworkers, county pollworkers, college pollworkers and bilingual pollworkers. These specialty recruitment efforts are now responsible for the recruitment of 66 percent of the county's 22,000 pollworkers.

**Project Sponsor:** Registrar-Recorder/County Clerk, Los Angeles County, California  
**Project Manager** Conny B. McCormack, RR/CC  
**Reference:** Conny B. McCormack, RR/CC  
**Telephone:** (562) 462-2785  
**Email:** cmccorma@rrcc.co.la.ca.us  
**Period of performance:** November 2000-March 2004  
**Value of award:** N/A

4. PROVIDE FIVE (5) EXAMPLES OF COMPARABLE PROJECTS PERFORMED BY YOUR ORGANIZATION IN THE PAST FIVE (5) YEARS. BRIEFLY DESCRIBE HOW EACH EXAMPLE IS RELEVANT TO THE WORK REQUIRED. INCLUDE PROJECT TITLE, SPONSORING ORGANIZATION, THE SPONSOR'S PROJECT MANAGER WITH TELEPHONE AND EMAIL CONTACT INFORMATION, PERIOD OF PERFORMANCE AND THE VALUE OF AWARD. 3 PAGES/EXAMPLE

**I. Jennifer Collins-Foley: "Pollworker Connections" Manual: Specialty Recruitment for Student, County, and Bilingual Pollworkers (2003)**

The *Pollworker Connections* pollworker program training manual was first developed in February 2002 for a training session conducted by JCF at an Election Center program. Collins-Foley designed the kit for election officials seeking new ways to recruit, retain and train new pollworkers. The manual included recruitment strategies to help expand and enhance the diminishing pool of pollworkers. The manual was updated in 2003 to reflect lessons learned and to include new materials.

**Project name:** "Pollworker Connections" Manual  
**Project Manager:** Jennifer Collins-Foley  
**Reference:** Conny B. McCormack  
Los Angeles County Registrar/Recorder/County Clerk  
**Telephone:** (562) 462-2785  
**Email address:** cmccorma@rrcc.co.la.ca.us  
**Period of performance:** February 2002-May 2003  
**Value of award:** self-funded by County department

**II. IFES: Recruitment and training of pollworkers for the District of Columbia Board of Elections and Ethics for the 2004 Presidential Election**

The 2004 Pollworker Training and Recruitment Project, undertaken on behalf of the Government of the District of Columbia's Board of Ethics and Elections (BOEE or the Board) and directed by IFES Project Manager, Gwenn Hofmann, was designed to meet the specific training requirements of the Help America Vote Act (HAVA), a Federal law enacted in 2003. Additionally, the Board sought to address future BoEE needs for Pollworkers, especially those who speak Spanish. The Board, a permanent electoral body, is responsible for administering elections in Washington, D.C., a federal district and capital of the United States of America. The period of performance of the project was July 20, 2004, to January 31, 2005.

It has been standard Board practice that every Pollworker in the District of Columbia be trained regarding new laws, procedures, and requirements prior to each election. New in 2004 was the requirement that this training include orientation to provisions of the new HAVA law, especially educating Election Day workers regarding their responsibilities and limits with respect to technical aspects of voter education and assistance.

The training program developed by IFES for the September 2004 Primary Election and the November 2004 General Election included the new requirements of the HAVA as well as a review of all legal and procedural requirements of the Board. HAVA mandated that specific training be given to poll workers so that they would have an understanding of what constituted a "provisional ballot"; the qualifying and processing of voters; how to ensure that every voter had information pertinent to the types of voting equipment options, and to explain to voters how and when their votes would be counted.. The training program included information about the two types of voting equipment, (Optical Scan and Direct Electronic) and the audio system of voting for visually impaired voters. For many voters and poll workers, this election cycle was the first time the Direct Electronic with audio voting capability was used.

**Project name:** IFES Pollworker Training and Recruitment Project  
**Awarded by:** District of Columbia Board of Elections and Ethics  
**Project manager:** William O'Field, Public Information Center, (BOEE)

**Telephone:** (202) 727-2525  
**Period of Performance:** July 2004 – January 2005  
**Value of Award:** \$122,642

**III. Elizabeth Bergman, PhD.: California State Polytechnic University Student Pollworker Recruitment '04**

California State Polytechnic University (Cal Poly Pomona) and the Los Angeles County Registrar Recorder/ County Clerk's office (LACRR/CC) developed a program to recruit and train college students to serve on Election Day 2004. The program covered two quarters of the school year, beginning in the summer and extending into the fall quarter of 2004. Students were recruited from Introduction to American Government courses. A total of five classes with 300 students were given the opportunity to participate in the program. More than 120 Cal Poly students participated in the traditional pollworker training program. The program offered students both "extra credit" and financial remuneration. Extra credit equivalent to 5% of the course grade was offered to participating students. In order to receive the extra credit, students were required to attend a two-hour training session and complete a 30-question survey that addressed their motivation for participating in the program, their level of political awareness, and their attitudes about civic duty. Class extra credit and pollworker service were decoupled because the summer courses and training were conducted "off cycle."

In addition, the LACRR/CC paid participating students \$25 for attending the two-hour training and \$55 for being a pollworker on Election Day. The financial payment was conditioned on participation in both the training and pollworker activities; students could not collect partial payment for partaking in only one element of the LACRR/CC program. Training was conducted and curriculum provided by the LACRR/CC. The training occurred at a facility located on the Cal Poly campus. Training curriculum and trainers were the same as those utilized by the County to train all other pollworkers. Forty-four students served as pollworkers on Election Day November 2004.

**Project Sponsor:** California State Polytechnic University  
**Project Manager:** Elizabeth Bergman, Ph.D.  
**Reference:** Charles Gossett, Chair, Department of Political Science  
Cal Poly Pomona  
**Telephone:** (909)869-3883  
**Email address:** [cwgosett@csupomona.edu](mailto:cwgosett@csupomona.edu)  
**Performance Period:** June 2004- December 2004  
**Value of award:** self-funded by university

**IV. Election Data Services: EAC Survey Analysis Support (2005)**

In February 2005, Election Data Services (EDS) was contracted by the EAC to provide assistance with tabulating, analyzing and reporting the results of three surveys conducted by the EAC: the Election Day survey, Military and Overseas Absentee Ballot survey and the National Voter Registration Act (NVRA) survey. Responses to the survey covered 6,568 local election jurisdictions. The project included an analysis of some 43 survey questions. The results were reported in a series of 14 data tables covering voter registration and turnout, absentee voting, provisional ballots, voting equipment, pollworkers and the

accessibility of precincts. A report of the survey findings included some 40 recommendations on future data collection.

**Project Sponsor:** U.S. Election Assistance Commission  
**Project Manager:** Karen Lynn-Dyson, Research Manager  
**Telephone:** 202-566-3100  
**Email address:** klyndyson@eac.org  
**Performance Period:** Feb. 14 to September 30, 2005  
**Value of award:** \$144,249

**V. The Pollworker Institute: A Report to the Pew Charitable Trusts Exploring the Feasibility of Initiatives to Improve and Strengthen the Nation's Voter Registration Systems**

In 2005, The Pollworker Institute was contracted by the Pew Charitable Trusts to survey state and local election officials and a broad spectrum of elections stakeholders on voter registration issues and approaches to making voter registration lists more secure and accurate. Jennifer Collins-Foley, working with Tracy Warren, conducted extensive interviews with elections officials to gather information on innovative models and registration practices. The results of these conversations were compiled into a reader-friendly report with a concise list of potential actions and research projects.

**Project sponsor:** Michael Caudell-Feagan  
**Project manager:** Michael Caudell-Feagan  
**Reference:** Michael Caudell-Feagan  
**Telephone:** 202-207-2142  
**Email:** mtaylor@pewtrusts.org  
**Period of performance:** June 2005-September 2005  
**Value of award:** \$40,000

5. DISCUSS WHAT YOU CONSIDER THE THREE (3) MOST SIGNIFICANT RISKS FOR SUCCESSFUL COMPLETION OF THE PROJECT. EXPLAIN WHY YOU FEEL EACH IS A RISK AND HOW YOU PLAN TO MANAGE THESE RISKS.

The three most significant risks to this project – both the development of a user-friendly manual suitable for users that include both election officials and academic partners and pilot projects in geographically and demographically diverse locales – are as follows:

- *Potential problems in recruiting local partners for pilot projects*
- *Potential problems in recruiting appropriate focus group participation*
- *Potential cost overruns*

Local election officials are universally short on resources and time, and at the very moment in the election cycle when recruitment and training of pollworkers begins, all the other demands of running an election rise exponentially. In the 2006 elections, these demands will be even heavier owing to HAVA's January 2006 deadlines for the implementation of new voting systems and statewide registration systems. Elec-

tion officials will likely want pollworker recruitment and training to be as efficient and trouble-free as possible. Accordingly, the challenge of implementing a new recruitment and training programs may seem daunting. The IFES-PI team anticipates that it may be difficult under these circumstances to recruit partners for the pilot projects.

The IFES-PI team, which has experience in creating and facilitating these partnerships, seeks to mitigate this risk by enlisting the extensive network of election official contacts and by offering potential partners an array of resources – templates, materials, timelines, training workshops and, not least, labor – that can reduce the burden of implementing a new program. The IFES-PI team believes the projects will only be successful if the local election official is fully committed to making the project work and overcoming the hurdles of complicated logistics, demanding schedules and unfamiliar tasks and people. The team will educate all potential partners in the requirements, risks and benefits before asking for a commitment. Once the partners agree to commit, the team will require partners to sign a memorandum of understanding defining tasks and timelines for the project.

The IFES-PI team anticipates that it may be difficult to recruit participants and, equally important, recruit participants in adequate numbers from each of the stakeholder groups. The League of Women Voters Education Fund, with access to local Leagues and other civic groups across the country, has a proven ability to reach into the community and engage members in civic participation. In addition, Karen Beurkle

This project has several components and many variables. Accordingly there is a risk that any one of the tasks will consume more hours than allowed for in the proposal. The IFES-PI team will be tracking the time and money spent and reviewing the status of the project on a monthly basis. By prompt action, we will be able to take immediate steps to address the cause of the cost overrun. In addition, we may modify the workplan accordingly. Some potential modifications include: changing focus group locations to less expensive sites and seek other options for reducing the travel costs associated with this project.

6. DISCUSS THE TOP FIVE (5) REASONS THAT MAKE YOUR TEAM THE BEST QUALIFIED CANDIDATE TO PERFORM THIS WORK.

*1. Extensive experience conducting pollworker programs in diverse localities.* The IFES-PI team has rich background in pollworker programs. Three members of the team – Jennifer Collins-Foley, Connie Schmidt and Charlotte Cleary – have all had responsibility for pollworker management, recruitment, training and retention in jurisdictions with highly diverse populations. And each has a demonstrated commitment to innovation and quality. In addition, both Connie Schmidt and Charlotte Cleary oversaw pollworker training in jurisdictions that implemented new voting systems and have a first-hand knowledge of the challenge of change-management in the context of working with volunteers. Connie Schmidt's manual "Implementing a New Voting System from a Local Election Administrator's Perspective," addressed some of the challenges in training pollworkers to use new voting systems. Most pertinent to this proposed project, Collins-Foley was instrumental in launching a series of specialty pollworker recruitment programs including programs to recruit high school pollworkers, county pollworkers, college pollworkers and bilingual pollworkers. Specialty recruiting now accounts for 66 percent of the county's 22,000 pollworkers. Warren worked with HAVA Partners to develop a template

for the online management and training of pollworkers. The HAVA Partners program was deployed in Arlington County, Virginia, in 2004.

**2. Wide network of election official contacts.** With decades of elections experience, the IFES-PI team has a wide network of election colleagues. Jennifer Collins-Foley and Connie Schmidt have worked closely with the Election Center, a prominent national organization for election officials, and several other national organizations, such as IACREOT. As director of the Constitution Project's Election Reform Initiative and the author of several studies and surveys of election practices, Warren has worked with every national organization serving election officials, including NASED, NASS, NACREOC, IACREOT and NACo. Former Maryland Secretary of State, John Willis, was active in the National Association of Secretaries of State and developed contacts at the state level. Together, Warren and Willis bring a state-level perspective to the project.

The Pollworker Institute's Board of Directors is also an important resource for the IFES-PI team and will commit substantial pro bono assistance. The Pollworker Institute Board of Directors includes:

- o Beverly Kaufman, County Clerk, Harris County, Texas
- o Conny B. McCormack, Los Angeles County Registrar-Recorder/County Clerk
- o Leonard Shambon, a D.C.-based attorney who served as counsel to congressional sponsors of the Help America Vote Act and to the Ford-Carter and Carter-Baker National Election Reform Commissions

Through the team's close connections to these individuals and organizations, the IFES-PI team can draw on vast experience and intellectual capital.

**3. Experience in compiling best practices for election officials in a user-friendly format.** Prior to the 2004 Presidential election, team members produced three best practices guides for election officials. Jennifer Collins-Foley and Tracy Warren worked together to compile "Best Practices in Administration, Management and Security in Voting Systems: A Toolkit for Election Administrators and Stakeholders" for the U.S. Election Assistance Commission. Consultant Connie Schmidt has produced a number of user manuals, including the "Implementing a New Voting System from a Local Election Administrator's Perspective." In addition, Tracy Warren has compiled two best practices reports for the League of Women Voters of the U.S.: "Helping America Vote: A Guide to Implementing the New Federal Provisional Ballot Requirement" and "Helping America Vote: Safeguarding the Vote."

In addition, IFES developed the comprehensive Administration and Cost of Elections (ACE) Project, produced in cooperation with the International Institute for Democracy and Electoral Assistance (IDEA) and the United Nations Department of Economic and Social Affairs (UNDESA). ACE is an ongoing project to create a globally accessible repository of information and materials on election practices, including pollworker programs.

**4. Research experience.** Although the primary product of this project is a manual for election officials, in order to ensure the effectiveness and usability of the manual requires research and a sound methodology for analysis. The IFES-PI team includes three members who combine a research background and elections experience. Dr. Elizabeth Bergman has conducted research on college pollworker programs,

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studying the results of the Los Angeles County pollworker program. In March of 2005, Bergman presented findings at two key gatherings of experts in the field, the Western Political Science Association annual meeting and the Southwestern Political Science Association Conference, where panelists called for more research on the topic of pollworkers in U.S. elections.

Karen Buerkle, at IFES, implements research projects in conjunction with IFES program activities in the field and reviews IFES surveys and research projects to ensure they meet high methodological standards. Buerkle's experience developing indicators and evaluation mechanisms to measure success of IFES field activities will be invaluable as the IFES-PI team develops a methodology to evaluate existing college pollworker programs.

The IFES-PI team will also draw on the resources of IFES's Applied Research Center on Democracy and Elections (ARC) has more than ten years of experience conducting innovative and effective public opinion research around the world. IFES' experience and methodological rigor in its approach to survey research led *Foreign Policy Magazine* to name IFES the leader in democracy and governance surveys in 2003. To date, IFES has conducted more than 60 surveys and focus group activities in the United States and dozens of countries around the world.

Kim Brace, founder and president of Election Data Services, Inc., was the principal investigator for the project providing survey analysis support to the EAC in 2005 and managed several studies on voter registration systems for the Federal Election Commission and the three state boards of elections and election departments from 1995 to 1998. Mr. Brace has conducted congressional reapportionment studies and also has supervised the construction of databases for redistricting and the delivery of redistricting consulting services to some 35 redistricting commissions and state and local legislative organizations throughout the United States. In 1992 he edited *The Election Data Book: A Statistical Portrait of Voting in America* (Bernan Press). Prior to founding Election Data Services, he was an associate editor of the biweekly newsletter, *Election Administration Reports*. Mr. Brace is a graduate of American University in Washington, D.C.

*5. Understanding of the needs and resource limitations of the target audience.* Every member of the team has experience working with local election offices, including members of the educators team, and understands the constraints that make innovation so difficult. This understanding will guide the team as it develops a manual that has sufficient detail and practicality to replicate the model strategies and programs in jurisdictions around the country.



"Mario Henriquez"  
<mhenriquez@ifes.org>  
09/12/2005 06:05 PM

To NMortellito@eac.gov  
cc "Kimberley Atsalinos" <KAtsalinos@ifes.org>, "Scott Lansell"  
<SLANSELL@ifes.org>, "Jennifer Collins-Foley"  
<collinsfoley@yahoo.com>, "Arun Natarajan"  
bcc  
Subject EAC RFP# 05-05 Response

Dear Ms. Mortellito,

In response to the EAC RFP# 05-05 released September 7, 2005, please find attached a technical and cost proposal submitted by The Poll worker Institute and the International Foundation for Election Systems.

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yahoo  
a personal  
e-mail?*

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Mario A. Henriquez  
Program Officer  
IFES  
1101 15<sup>th</sup> Street, NW, Third Floor  
Washington, DC 20005  
Direct Tel: (202) 350-6772  
General Tel: (202) 828-8507  
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[MHenriquez@ifes.org](mailto:MHenriquez@ifes.org)



EAC RFP# 05-05--IFES Technical Proposal.pdf EAC RFP# 05-05--IFES Cost Proposal.pdf

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Start  
of Cost  
proposal

### IFES Cost Proposal

#### EAC RFP # 05-05, EFFECTIVE STRATEGIES AND BEST PRACTICES FOR RECRUITMENT, RETENTION AND TRAINING

1. RFP Number: 05-05
2. Date of Submission: 12 September 2005
3. Name and address of offeror: IFES Inc. 1101 15<sup>th</sup> Street, NW Suite 300, Washington, DC 20005
4. Employer's Identification Tax Number: [REDACTED]
5. Point of contact name, telephone, fax and email: Kimberley Atsalinos - Sr. Grants and Contracts Manager. Telephone: 202-350-6752; fax: 202-452-0804, email: katsalinos@ifes.org.
6. Remittance address: see above
7. Classification of business: Non-profit 501c(3) organization, not a small business
8. Type of business: Non-profit 501c(3) organization, not a small business
9. Cognizant Federal Contract Audit Agency: USAID
10. Subject to the following cost accounting standards: OMB Circular A-110, A-122, and A-133
11. Payment terms: monthly
12. Proposed Cost: \$378,310
13. Name, title and signature of individual authorized to commit organization: Richard W. Soudriette, President, IFES Inc.

Signature Richard W. Soudriette: Richard W. Soudriette, Acting

14. The following statement:

"This proposal reflects our estimates and/or actual costs as of this date. By submitting this proposal, we grant the Contracting Officer and authorized representative(s) the right to examine, at any time before award, those records, which include books, documents, accounting procedures and practices, and other data regardless of type or form or whether specifically referenced or included in the proposal as the basis for pricing, that will permit an adequate evaluation of the proposed price."

IFES

Proposal/Project Name: Poll-Workers Training and Retention (RFP#05-05)  
Program Period: September 20, 2005--December 31, 2006

Line Item	Quantity	Unit	Rate	Expended	Subtotal	TOTAL
<b>Direct Labor</b>						
<b>Home Office Assistance</b>						
Senior Director of Programs (Lansell)	1 /person	5 /days	\$577	\$2,885		
Senior Researcher (Buerkle)	1 /person	20 /days	\$254	\$5,080		
Program Officer (Henriquez)	1 /person	42 /days	\$190	\$7,980		
<b>Total Home Office Assistance</b>					\$15,945	
<b>Travel Assistance</b>						
Senior Researcher (Buerkle)	1 /person	18 /days	\$254	\$4,572		
Program Officer (Henriquez)	1 /person	7 /days	\$190	\$1,330		
<b>Total Travel Assistance</b>					\$5,902	
<b>Subtotal Labor Assistance</b>					\$21,847	
<b>Fringe Benefits</b>	percent of salaries		40%		\$8,735	
<b>Total Direct Labor</b>						\$30,586
<b>Sub-awards</b>						
Poll-worker Institute (U.S. Based Organization)	1 /project	1 /unit	\$274,871	\$274,871		
League of Women Voters (U.S. Based Organization)	1 /project	1 /unit	\$32,500	\$32,500		
<b>Total Sub-awards</b>						\$307,371
<b>Other Direct Costs</b>						
<b>Domestic Airfare</b>						
Senior Researcher (Buerkle)	1 /people	6 /Rtrips	\$600	\$3,600		
Program Officer (Henriquez)	1 /people	6 /Rtrips	\$600	\$3,600		
<b>Total Domestic Airfare</b>					\$7,200	
<b>Local Transportation</b>						
Ground Transportation in Washington DC	15 /months	1 /budget	\$25	\$375		
Ground Transportation outside Washington DC	15 /months	1 /budget	\$35	\$525		
<b>Total Local Transportation</b>					\$900	
<b>Per Diem</b>						
Senior Researcher (Buerkle)	1 /person	20 days	\$204	\$4,080		
Program Officer (Henriquez)	1 /person	9 days	\$204	\$1,836		
<b>Total Per Diem</b>					\$5,916	
<b>Total Travel</b>					\$14,016	
<b>Office Expenses</b>						
Communications	1 /project	15 /months	\$55	\$825		
Office Supplies	1 /project	15 /months	\$10	\$150		
Postage & Delivery	1 /project	15 /months	\$15	\$225		
Reproduction	1 /project	15 /months	\$10	\$150		
Shipping & Handling	1 /project	15 /months	\$15	\$225		
<b>Total Office Expenses</b>					\$1,575	
<b>Total Other Direct Costs</b>						
<b>TOTAL PROJECT COSTS</b>						\$353,548
<b>INDIRECT COSTS</b>						
Sub-awards Indirect Costs				4.0% per NICRA	\$12,295	
General & Administration/ Indirect Costs				27.0% per NICRA	\$12,468	
<b>TOTAL COSTS</b>						\$378,310

*Actual costs?*



Actual  
Costs

**POLL-WORKER TRAINING AND RETENTIO**

**RFP #05-05**

**PERIOD OF PERFORMANCE: SEPTEMBER 20, 2005—DECEMBER  
31, 2006**

**BUDGET NOTES**

In accordance with OMB Circular A-122, "Where an item of cost requiring prior approval is specified in the budget of an award, approval of the budget constitutes approval of that cost. Consequently, an award containing a budget constitutes prior approval of the direct cost item in the budget, unless otherwise annotated."

Accordingly, IFES shall consider that this budget submission, if approved, constitutes prior approval of the cost items designated as requiring prior approval by OMB Circular A-122, unless the award is otherwise annotated.

**1. Direct Labor**

All salaries are based on estimated workload and actual labor costs. Salaries are in keeping with IFES pay scales for the stated positions. Only actual costs are billed to the project.

IFES' employee labor year is based on an estimated 235 billable days out of 260 - the other 25 days are accounted for in fringe benefits.

IFES is required to adhere to the Fair Labor Standards Act with regard to payment of overtime at time and a half for IFES' non-exempt employees. Pursuant to OMB Circular A-122, Cost Principles for Non-Profit Organizations, payment of premiums for overtime work are allowable as a direct cost only with the prior approval of the awarding agency. Therefore, the budget and proposal as submitted for approval anticipate this need for occasional overtime to be worked by non-exempt staff.

**1) Home Office Assistance**

The *Senior Director of Programs* is responsible for the planning, development, and delivery of projects, assuring that project

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implementation is proceeding on schedule and within the budget, and monitoring project activities and their impact in light of the project objectives.

The *Senior Researcher* will be the primary implementer of the focus group activities. Out of headquarters in Washington, she will prepare all relevant activities prior to traveling to the field for implementation.

The *Program Officer*, under the direction and supervision of the program director, will provide day-to-day management/oversight of the project. The program officer is responsible for the implementation and management of the project.

**ii) Travel Assistance**

The *Senior Researcher* will take six trips to the field in order to implement the 6 six focus groups described in the technical proposal.

The *Program Officer* is scheduled for one trip to the field in order to assist the management and development of the project.

**iii) Fringe Benefits**

Fringe benefits for IFES employees are allocated at 40% of salaries in accordance with IFES' anticipated FY06 rates under its Negotiated Indirect Cost Rate Agreement (NICRA), which is issued and approved by its cognizant audit agency, United States Agency for International Development (USAID).

**2. Sub-Awards**

IFES ensures that sub-awardees and subcontractors are chosen and monitored in accordance with US Government regulations and IFES' strict internal procedures.

IFES will build on its established methodologies to award at least two sub-awards. The first award will be provided to the League of Women Voters in the amount of \$32,500.00. The services provided by the League of Women Voters are fully discussed in the technical proposal.

The second award will be provided to the Poll-Worker Institute in the amount of \$274,871.00. A description of the services to be provided can be found in the technical proposal. Additionally, as this proposed sub-award exceeds \$100,000.00, please find a detailed breakdown of

this budget with accompanying budget notes located in the appendix of this cost proposal.

### **3. Other Direct Costs**

#### **A. Travel**

##### **i) Airfare**

Airfares are based on round-trip fares to each field location as determined by IFES' contracted travel agent. Flight arrangements and fares are in keeping with USG regulations (e.g., no first class travel, and in accordance with the Fly America Act).

*Domestic Airfares* are all airfares purchased for travel within the U.S. or for airfares for travel within a country where IFES has a field office or presence.

Senior Researcher:	six trips
Program Officer:	one trip

##### **ii) Local Transportation**

Local transportation costs will cover all ground transportation to/from airports and meetings in Washington, DC and when traveling.

##### **iii) Per Diem**

Per Diem rates are within the maximum allowances cited by the US State Department in the "Maximum Per Diem Allowances for Domestic Travel." For this purposes, IFES is utilizing the Washington DC Per Diem rates as the field locations have not been determined.

#### **B. Office Expenses**

All office expenses are all determined by historical costs for programs of similar magnitude and scope.

### **4. Indirect Costs**

IFES' anticipated provisional indirect rates for FY06 until amended, for sub-awards and G&A are as follows:

Sub-awards:	4 % - Total of sub-award costs
G&A:	27 % - Total direct costs minus commodities and sub-award costs

Appendix A

Poll-worker Institute

Proposal/Project Name: Poll-Workers Training and Retention (RFP#05-05)

Program Period: September 20, 2005–December 20, 2006

afc	Line Item	Quantity	Unit	Rate	Expended	Subtotal	TOTAL
39	Direct Labor						
	Home Office Assistance						
HS	President/Principal Investigator (Collins-Foley)	1 /person	50 /days	\$880.00	\$44,000.00		
HS	Executive Director (Warren)	1 /person	38 /days	\$880.00	\$33,440.00		
HS	Research Assistant (Moyle)	1 /person	60 /days	\$200.00	\$12,000.00		
HS	Accountant (TBD)	1 /person	20 /days	\$200.00	\$4,000.00		
	Total Home Office Assistance					\$93,440	
	Travel Assistance						
HT	President/Principal Investigator (Collins-Foley)	1 /person	16 /days	\$880.00	\$13,200.00		
HT	Executive Director (Warren)	1 /person	16 /days	\$880.00	\$13,200.00		
	Total Travel Assistance					\$26,400	
	Total Direct Labor						\$119,840
45	Consultant/Professional Services						
01/51	Elections Specialist (Schmidt)	1 /person	1 /project	\$26,400.00	\$26,400.00		
02/52	Academic Specialist (Bergman)	1 /person	1 /project	\$17,040.00	\$17,040.00		
03/53	Academic Expert (Cleary)	1 /person	1 /project	\$15,000.00	\$15,000.00		
03/53	Adult Training Expert (Harman)	1 /person	1 /project	\$17,600.00	\$17,600.00		
03/53	Elections Specialist (Broca)	1 /person	1 /project	\$14,960.00	\$14,960.00		
	Total Consultant / Professional Services						\$91,000
46	Travel						
46	Domestic Airfare						
02/52	President/Principal Investigator (Collins-Foley)	1 /person	4 /flights	\$600.00	\$2,400.00		
02/52	Executive Director (Warren)	1 /person	4 /flights	\$600.00	\$2,400.00		
02/52	Elections Specialist (Schmidt)	1 /person	2 /flights	\$600.00	\$1,200.00		
02/52	Academic Specialist (Bergman)	1 /person	2 /flights	\$600.00	\$1,200.00		
02/52	Academic Expert (Cleary)	1 /person	1 /flight	\$600.00	\$600.00		
02/52	Adult Training Expert (Harman)	1 /person	1 /flight	\$600.00	\$600.00		
	Total Domestic Airfare					\$8,400	
46	Local Transportation						
03/53	Ground Transportation in Washington, DC	15 /months	1 /budget	\$35.00	\$525.00		
03/53	Ground Transportation outside Washington, DC	15 /months	1 /budget	\$55.00	\$825.00		
03/53	Accountant (TBD)	1 /person	15 /trips	\$400.00	\$6,000.00		
	Total Local Transportation					\$7,350	
48	Per Diem						
04/54	President/Principal Investigator (Collins-Foley)	1 /person	16 /days	\$204.00	\$3,264.00		
04/54	Executive Director (Warren)	1 /person	16 /days	\$204.00	\$3,264.00		
04/54	Elections Specialist (Schmidt)	1 /person	8 /days	\$204.00	\$1,632.00		
04/54	Academic Specialist (Bergman)	1 /person	8 /days	\$204.00	\$1,632.00		
04/54	Academic Expert (Cleary)	1 /person	8 /days	\$204.00	\$1,632.00		
04/54	Adult Training Expert (Harman)	1 /person	8 /days	\$204.00	\$1,632.00		
	Total Per Diem					\$13,056	
	Total Travel						\$28,806
48	Commodities						
02/52	Printing of Manual	1 /project	10 /copies	\$150.00	\$1,500.00		
	Total Commodities						\$1,500
50	Office Expenses						
07/57	Communications	1 /project	15 /months	\$60.00	\$900.00		
07/57	Office Supplies	1 /project	15 /months	\$25.00	\$375.00		
08/58	Postage & Delivery	1 /project	15 /months	\$10.00	\$150.00		
08/59	Reproduction	1 /project	15 /months	\$20.00	\$300.00		
	Total Office Expenses						\$1,725
51	Special Events						
01/51	Conduct Pilot Projects	4 /pilot projects	1 /project	\$8,000.00	\$32,000.00		
	Total Special Events						\$32,000
	<b>TOTAL COSTS</b>						<b>\$274,371</b>

**THE POLL-WORKER INSTITUTE**

**POLL-WORKER TRAINING AND RETENTION  
RFP #05-05**

**PERIOD OF PERFORMANCE: SEPTEMBER 20, 2005–DECEMBER  
20, 2006**

**BUDGET NOTES**

**1. Direct Labor**

Daily rates for the Poll-Worker Institute (PI) staff are subject to justification and verification by IFES prior to issuing a sub-contract.

**a) Home Office Assistance**

As described in the technical proposal, the *President* of PI will undertake the role and responsibilities of the Principal Investigator of the program.

The *Executive Director* will undertake a scope of work that combines specific technical implementation of the program and other managerial responsibilities.

The *Research Assistant* will serve as assistant to the PI staff during the course of the project.

The *Accountant* will manage the finances of the program, under the supervision of PI's president and Executive Director.

**b) Travel Assistance**

The *President/Principal Investigator* will take four trips to the field in order to implement her assigned scope of work as described in the technical proposal.

Similarly, the *Executive Director* will take four trips to take part in the different working groups, focus groups, and pilot programs during the course of the program.

**2. Consultant/Professional Services**

*Consultant* rates are calculated on a contract basis. Rates for professional services are subject to justification and verification by IFES prior to issuing a contract. The consultant budgeted amounts are

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estimates based on historical cost experience in hiring individuals of comparable qualifications and experience to implement the proposed scopes of work.

### **3. Travel**

#### **a) Airfare**

Airfares are based on round-trip fares to each filed location as determined by PI. *Domestic Airfares* are all airfares purchased for travel within the U.S.

#### **b) Local Transportation**

Local transportation costs will cover all ground transportation to/from airports and meetings in Washington, DC and when traveling.

#### **c) Per Diem**

Per Diem rates are within the maximum allowances cited by the US State Department in the "Maximum Per Diem Allowances for Domestic Travel." For this purposes, PI is utilizing the Washington DC Per Diem rates as the field locations have not been determined.

### **4. Office Expenses**

All office expenses are all determined by historical costs for programs of similar magnitude and scope.

### **5. Special Events**

Expenses for Special Events listed as *Focus Groups* and *Pilot Projects* are costs associated with conducting those special events, including room rental, providing food and beverages for participants, participants, development of materials, honorariums to participants, etc.



# ELECTRONIC FUNDS TRANSFER (EFT) ENROLLMENT FORM

Use this form to enroll in Direct Deposit of your federal payment from the General Services Administration

Privacy Act Statement Collection of this information is authorized by 31 U.S.C. 3332(g), 3325(d) and 7701(c) The information will be used by the Government to make payments by EFT to a vendor. This information may also be used for income reporting and for collecting and reporting on any delinquent amounts arising out of a vendor's relationship with the Government. Disclosure of the information by the vendor is mandatory. Failure to provide the requested information may result in the delay or withholding of payment to the vendor.

Company/Payee Name		IFES, Inc.			
Address	1101 15 <sup>th</sup> Street, NW; Suite 300				
City	Washington	State	D.C.	Zip	20005
Taxpayer ID Number (TIN)	[REDACTED]				

Financial Institution Name	[REDACTED]				
Financial Institution Phone Number	[REDACTED]				
Financial Institution Routing Transit Number (RTN)	[REDACTED]				
Depositor Account Title	[REDACTED]				
Depositor Account Number	[REDACTED]				
Account Type	[REDACTED]				

Company/Payee Contact Person	[REDACTED]				
Phone	[REDACTED]				

[REDACTED]					
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# Jennifer L. Collins-Foley

## SUMMARY OF PROFESSIONAL SKILLS

Sixteen years professional experience developing and managing international and domestic democratic governance, training and voter registration/outreach/education programs. Includes eight years in election administration, legislative analysis and voter registration/outreach with the **Los Angeles County Registrar-Recorder/County Clerk (RR/CC)**; two years democratic institution building and training in Russia with the **National Democratic Institute for International Affairs (NDIIA)**; three years in international economic development programs in the former Soviet Union and South Africa with the **United Nations**.

## SUMMARY OF RELEVANT WORK EXPERIENCE

### ***Democracy and Governance Specialist (Consultant)***

Washington, DC  
March 2004-Present

- **The Pew Charitable Trusts:** Conduct a feasibility study to assess whether initiatives targeting the implementation of statewide voter registration systems could significantly and measurably enhance voter enfranchisement. (July 2005 – Present);
- **The Pollworker Institute:** Non-profit organization to conduct research on pollworker recruitment, retention and training issues, as well as to implement College Pollworker recruiting and training programs nationwide. (December 2004-Present);
- **The Election Center:** Member of a Consulting Team to conduct Management Audit of King County, Washington, Elections Division (Seattle, Washington, May 2005-Present);
- **Tamkeen/Chemonics (USAID Contractor):** Provided training and materials development to Palestinian civil society organizations on planning for and conducting candidate forums and voter education forums (Palestine, March 2005);
- **League of Women Voters of the U.S. (LWV):** Provided high-level research and analysis of Help America Vote Act (HAVA) pre-election implementation in 10 jurisdictions (Summer/Fall 2004);
- **U.S. Election Assistance Commission (EAC):** Developed and produced first-ever "*Best Practices in Election Administration, Management and Security for Voting Systems and Provisional Voting: A Tool Kit for Election Administrators and Stakeholders*" (May/June 2004);
- **International Foundation for Election Systems (IFES):** Developed pollworker training materials and training curriculum for the Republics of Kyrgystan and Tajikistan (Fall 2004) and the Washington, DC, Board of Elections (Summer 2004);

### **Los Angeles County Registrar-Recorder/County Clerk (RR/CC)** ***Assistant Registrar-Recorder/County Clerk***

Norwalk, CA  
November 2000-February 2004

- Direct Election Services Bureau, including two major Divisions consisting of 130 professional and clerical permanent employees, through major changes in voting systems, in the voter registration/pollworker management system, changes in pollworker recruiting and training, etc. The Pollworker Services Division includes the Training Section, Materials Development and Delivery Section, and the recruitment and retention

020478

# Jennifer L. Collins-Foley

of 22,000 pollworkers and 5,000 polling places. The Election Information Services Division includes the Election Information Section, Candidate Filing Unit, Campaign Finance Section, Legislative Analysis Unit, Voter Outreach/Education and lawsuit avoidance strategies. Oversight of a \$4 million multilingual voter services contract and related programs, and liaison to related community organizations.

- Chair, Los Angeles County Community Voter Outreach Committee (CVOC) consisting of 120 members representing organizations including the League of Women Voters, National Association of Latino Elected Officials, Asian-Pacific American Legal Center, NAACP, Western Law Center on Disability Rights and political parties. Six action-oriented subcommittees including Help America Vote Act (HAVA), Get Out The Vote, Multilingual Voter Services, Young Voter Outreach, Voters with Disabilities and Election Day Troubleshooting. Solicited community feedback on changes in voting systems, national and state legislative initiatives and implementation and other key issues.
- Lead negotiations with the U.S. Department of Justice attorneys regarding compliance with the National Voter Rights Act multilingual provisions and Americans with Disabilities Act accessibility issues.
- Prepare and administer Election Services Bureau's \$24.6 million budget within \$50million Departmental budget.
- Assess impacts of proposed state and federal legislation and develop legislative proposals, coordinating with the Office of the California Secretary of State (SOS) and the California Association of Clerks and Election Officials (CACEO) and various election organizations.
- Represent the RR/CC and election administrators at the State and national level, including representing election officials in June 2001 at a Roundtable on Accessible Elections organized by the Ford-Carter Election Reform Commission, making presentations to election officials nationwide on various issues such as voter outreach/education, serving as a resource to the Election Center's National Task Force on Election Reform.

**Los Angeles County Registrar-Recorder/County Clerk**  
*Executive Liaison Officer*

Norwalk, CA  
August 1996-November 2000

- Design and manage cost and lawsuit avoidance programs, including multilingual voter services and targeting program, Voters with Disabilities/Accessibility Program, Student Pollworker Program, County Pollworker Program, City Clerk/RR/CC Election Summits, Election Night Volunteer Program.
- Advise Department managers on strategic planning, program improvement and legal/legislative issues.
- Departmental liaison to State, County and City election officials; LA County Board of Supervisors, the 88 cities of Los Angeles County, California Secretary of State, community organizations (See CVOC above.)
- Launched strategic initiatives including Community Voter Outreach Committee (see above, CVOC, to improve voter registration, voter turnout, public participation in the democratic process), LA County Youth in Democracy Steering Committee (working with high schools and community organization) and RR/CC – City Clerk "Dump a Tub" Committee (to streamline election materials), RR/CC Social Committee (to improve departmental employee morale) and first-ever RR/CC Professional Student Worker (intern) Program.
- Develop new communication tools including the *Poll Cat* newsletter (for pollworkers), flyers and departmental website ([www.lavote.net](http://www.lavote.net)).
- Supervise and direct work of Public Information and Media Services Section and the

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# Jennifer L. Collins-Foley

## Executive Office.

**National Democratic Institute for International Affairs (NDIIA)**  
*Director/Chief of Party, Russia Office*

Moscow, Russia  
May 1994-August 1996

- Directed NDI's democratic institution building and training program throughout Russia, including setting priorities for national and regional political party development, parliamentary development, effective local government and civic advocacy programs.
- Managed NDI outreach programs including 6,000-activist database, *Vestnik* newsletter/mailling every six weeks to 4,500 Russian activists, TV and radio programs.
- Organized briefings for NDI/Washington, USAID, the U.S. Embassy, GAO, the international NGO community and visiting delegations.
- Managed USAID grant for Moscow office including a yearly budget of approximately \$1million, implemented USAID directives for biannual reports (programmatic and financial), and made recommendations for exit strategies.
- Supervised 27 employees (Russian, American, Canadian, Greek and Latvian trainers, program officers and program assistants), St. Petersburg office, and Training/Technical Assistance Programs in 5 regional cities.
- Directed development of 3 Independent poll monitoring centers along with a poll monitoring handbook and outreach program to train 20,000 domestic political party and NGO monitors for Russia's 1995 Parliamentary Elections and 1996 first round Presidential Elections to monitor elections and coordinate analysis of results.

**United Nations Department of Economic and Social Development**  
**Transnational Corporations and Management Division**  
*Project Officer, Central and Eastern Europe*

New York, NY  
June 1990-September 1992

- Managed international accounting education/training programs for professors, upper-level university students and practitioners in Russia and Ukraine.
- Developed and implemented technical assistance accounting reform program for the USSR Ministry of Finance. Facilitate technical conferences and seminars in Moscow, Kiev and New York.
- Served as liaison to trainers/accountants from the "Big Six" accounting firms and international organizations including the World Bank, European Community /OECD, the British Council and the International Federation of Accountants (IFAC).

**International Organizations of Consumers Unions (IOCU)**  
DC

Washington,

*Special Legal Consultant*

January 1990-October 1993

- Advised on legal matters relating to a regulatory framework for foreign direct investment in developing countries.
- Coordinated lobbying efforts for US adoption of a UN Code of Conduct on Transnational Corporations.

**United Nations Centre on Transnational Corporations**  
*Intern*

New York, NY  
June-December 1989

- Organized Public Hearings on "The Effects of Sanctions and Disinvestment on Transnational Corporations in South Africa" held in Geneva, Switzerland.

## EDUCATION

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# Jennifer L. Collins-Foley

**Albany Law School of Union University**  
*Juris Doctoris*

Albany, NY  
May 1989

**St. Michael's College**  
*Bachelor of Arts, Political Science*

College Park, VT  
May 1986

## **PROFESSIONAL ACTIVITIES AND AWARDS**

- **National Democratic Institute for International Affairs (NDIIA):** Pre-Election Assessment Mission (December 2004); Member, International Observer Delegation to Palestinian Presidential Elections (January 2005);
- **National Association of Counties (NACO)** Awards for Student Pollworker and County Pollworker Programs;
- **Chair, California Association of Clerks and Election Officials (CACEO)** "Voters with Specific Needs" Committee.
- "Empowering Blind and Visually Impaired Voters." (**Los Angeles County Productivity and Quality Awards**, Top Ten Winner, 2003.)
- **Member, Election Center National Task Force on Voting Accessibility.**
- **Board Member, Whittier League of Women Voters, 1997-2003.**
- **Board Member, Annapolis League of Women Voters, November 2004-Present.**
- **Primary author, "Pollworker Connections: Specialty Recruitment for Student, County Employee and Bilingual Pollworkers,"** Los Angeles County, 2003.

## **TRAINING AND SPEAKING EXPERIENCE**

### **The Election Center:**

- **Instructor, "Services for Voters with Specific Needs"** California Association of Clerks and Election Officials Credential Program (Sonoma, CA, July 2005)
- **Instructor, "Services for Voters with Specific Needs"** (Nashville, TN, April 2004)
- **Speaker, "Recruiting, Retaining and Training Pollworkers"** (Charleston, SC, February 2002)
- **Speaker, "Services for Voters with Specific Needs"** (New Orleans, LA, August 2001)

**Washington, DC Board of Elections and Ethics, Pollworker Training, Summer 2004.**

**Michigan Association of Election Officials, Speaker at Annual Meeting, November 2004.**

**League of Women Voters: Moderator, Congressional Candidates Forum (2004)**

**Moderator, Forum on Civil Liberties (2002, 2005).**

**Rotary Club, Speaker, Fredericksburg, VA, May 2005.**

References available upon request

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TECHNICAL PROPOSAL

- 1. PROVIDE A PROPOSED PROJECT WORK PLAN THAT DESCRIBES HOW ACCOMPLISH EACH OF THE PROJECT TASKS, INCLUDING A PERT C MAJOR ACTIVITIES AND MILESTONES. ASSUME A PROJECT START DISCUSS EACH TASK IN THE STATEMENT OF WORK.

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I added*

The project work plan is outlined in the Excel chart in Attachment A. The major activities proposed to accomplish tasks specified by the Statement of Work from September 20, 2005, the project's start date, to December 31, 2006, the deadline for the final project report. The matrix in Attachment B shows the number of hours that have been allocated for the proposed activities to each member of the project team. The section details how the IFES-PI team will approach the required tasks: conducting a series of focus groups, developing an extensive manual, implementing pilot programs using strategies and materials from the manual, providing recommendations for revisions to the manual and for future activities to benefit efforts to recruit, train, and retain pollworkers. The discussion of the work plan concludes with summaries of the work experience of senior members of the proposed project team.

Project milestones are the deadlines for delivery of the following items:

Summary of State requirements (4.5)	January 6, 2006
Summary of Focus Groups (4.7)	February 3, 2006
Outline of Manual (4.8)	February 24, 2006
First draft of Manual (4.8)	April 14, 2006
Version 1.0 of Manual (4.8)	June 1, 2006
Written Reports of Pilot Programs (4.9)	As agreed with COR
Draft project report and recommendations	December 4, 2006
Final project report and recommendations	December 31, 2006

**Discussion of Specific Tasks**

The discussion of specific tasks begins with Task 4.4 and includes a description of each task outlined in the RFP's Statement of Work and how the IFES-PI team proposes to accomplish each task.

**Task 4.4 – Develop a Project Working Group**

Task 4.4 requires the Contractor to develop a working group composed of 5 individuals considered experts in the fields of elections, training, education, or possess other experience deemed relevant that would assist in the administration of the project. To accomplish this task, the IFES-PI team proposes to form a Working Group composed of five members, including the following:

- An experienced state election administrator who has demonstrated a commitment to innovative pollworker recruiting and training development programs. Recommendation: Sarah Ball Johnson, Executive Director

- An experienced local election administrator with a demonstrated a commitment to innovative recruiting and training programs. Two recommendations are: Sara Harris, Deputy Director of the Montgomery County Board of Elections, or Beverly Kaufman, County Clerk in Harris County, Texas.
- An adult learning expert. Recommendation: professional trainer for the American Red Cross or trainer for the new U.S. Department of Homeland Security.
- A representative from a public interest organization dedicated to protecting the rights of voters with limited English proficiency, e.g., the Mexican American Legal Defense Fund (MALDEF), National Association of Latino Elected Officials (NALEO) or voters with disabilities, e.g., The Access Board, the American Association of People with Disabilities or Paralyzed Veterans of America.
- An experienced researcher in the area of elections. Recommendations: Stephen Ansolabehere at MIT, Henry Brady at the University of California-Berkeley, Michael Alvarez at CalTech, or Thad Hall at the University of Utah.

The Working Group will be asked to undertake the following:

- assist in identifying current research on State requirements relevant to pollworker programs; identifying best practices for pollworker recruitment, retention and training; encourage colleagues to respond to requests for information, particularly responding to a survey that will be developed to gather models and samples.
- review summary of best practices from jurisdictions already implementing innovative or cost-saving programs and make recommendations for how to effectively share these practices in the manual
- assist in designing questions for the focus group discussions
- advise on the outline of the manual and review the final draft of the manual
- review the results of the pilot programs
- review the final report to the EAC

The Working Group will meet three times, initially in Washington, D.C., and, subsequently, at other locations around the country, preferably in conjunction with another event such as an EAC hearing or project focus group. Each meeting is scheduled to last a day. In addition, and to minimize costs, a monthly telephone conference will be conducted to brief members and solicit their feedback. Documents, including reports requiring the Working Groups review and comment such as drafts of the manual, will be submitted electronically. Members will be encouraged to return comments electronically as well.

*Additional Pro Bono Advisors.* Additionally, the IFES-PI team will benefit from the extensive pro bono contributions from the Pollworker Institute Board of Directors and Board of Advisors.

The Pollworker Institute Board of Directors includes:

- Beverly Kaufman, County Clerk, Harris County, Texas
- Conny B. McCormack, Los Angeles County Registrar-Recorder/County Clerk



**U.S. ELECTION ASSISTANCE COMMISSION**  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005

August 2, 2006

Ms. Amy S. Abramson  
Financial Manager  
Transcend  
2043 Anderson Road  
Suite C  
Davis, California 95616-0672

Dear Ms. Abramson:

This letter is in response to your Freedom of Information Act (FOIA) request received by the U. S. Election Assistance Commission (EAC) on July 3, 2006. The request sought certain agency records concerning the agency contract awarded to The Cresston Company, LLC. Specifically, the request sought records pertaining to:

1. The full proposal submitted by the Cresston Company, LLC d.b.a. Compass Languages for RFP 06-02 (RFQ 142611);
2. A list of all offerers and the costs proposed for each; and
3. Our scores on each component of the evaluation criteria for the technical proposal and the scores of the Cresston Company technical proposal. The criteria includes:
  - a. Relevant organizational experience
  - b. Quality and look of samples
  - c. Compliance with proposal instructions
  - d. Results of reference checks

**Responsive Records.** The EAC has found records responsive to item # 1 above. Please find the responsive document attached. Some of the information has been redacted. The removed portions contain confidential commercial information, such as bank account information and the names of subcontractors that must be withheld pursuant to FOIA exemption 4.

**No Records.** After a review of its files the EAC has determined that it has no list of all offerers and the costs proposed for each, in reference to item #2 noted above. However, the EAC does have an incomplete list of offerers, which does not include the Cresston Company, that we have provided.

**Withheld Records.** The four pages of documents responsive to item # 3, your scores on each component of the evaluation criteria for the technical proposal and the scores of the Cresston Company technical proposal, are protected by the Deliberative Process Privilege and exempted from release under 5 U.S.C. §522(b)(5). The documents sought are pre-decisional



policy recommendations. Such documents are exempt from release (1) to encourage open and frank discussions on policy matters between agency subordinates and superiors, (2) protect against premature disclosure of proposed policies and (3) to protect against public confusion that might result from disclosure of rationales that were not in fact the ultimate basis for agency action.

The EAC has decided to waive the processing fees for your request. If you interpret any portion of this response as an adverse action, you may appeal it to the Election Assistance Commission. Your appeal must be in writing and sent to the address noted on the above letterhead. Any appeal submitted, must be postmarked no later than 60 calendar days from the date of this letter. Please include your reasons for reconsideration and attach a copy of this letter.

Sincerely,



Jeannie Layson  
Director of Communications  
U.S. Election Assistance Commission

**Attachments:**

1. Your Request Letter (received July 3, 2006)
2. Responsive Document
3. Partial List of Offerers



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U.S. ELECTION ASSISTANCE  
COMMISSION

2006 JUL -3 PM 3:42

2043 Anderson Road, Suite C  
Davis, California 95616-0672

Phone: (530) 756-5834

Fax: (530) 756-4810

end@transcend.net

www.transcend.net

June 28, 2006

Ms. Jeannie Layson, FOIA Officer  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005

re: Freedom of Information Act Request

Dear Ms. Layson,

Transcend recently submitted an offer in response to RFP 06-02 (RFQ142611). The contract was awarded to The Cresston Company, LLC d.b.a. Compass Languages.

Under the Freedom of Information Act 5 U.S.C. § 552, I would like to request copies of the following documents:

- The full proposal submitted by The Cresston Company, LLC d.b.a. Compass Languages for RFP 06-02 (RFQ142611).
- A list of all offerors and the costs proposed for each.
- Our scores on each component of the evaluation criteria for the technical proposal and the scores of the Cresston Company technical proposal. The criteria includes
  - Relevant organizational experience (max 65 points)
  - Quality & look of samples (max 10 points)
  - Compliance with proposal instructions (max 5 points)
  - Results of reference checks (max 20 points)

In order to help to determine my status to assess fees, you should know Transcend is a commercial business. Transcend is willing to pay fees for this request up to \$100. If you estimate that the fees will exceed this limit, please inform me first.

Thank you for your assistance.

Sincerely yours,

Amy S. Abramson  
Financial Manager  
amy@transcend.net

020486

**TRANSCEND**<sup>®</sup>  
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2043 Anderson Road, Suite C  
Davis, California 95616-0672

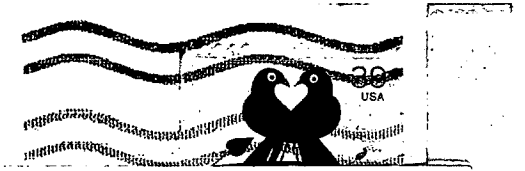


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U.S. ELECTION ASSISTANCE  
COMMISSION

2006 JUL -3 PM 3:43

SACRAMENTO CA 957

29 JUN 2006 PM 1 T



Ms. Jeannie Layson, FOIA Officer  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 11  
Washington, DC 20005

20005+6400



*Requested  
info from  
staff on  
7/17*

020487

# COMPASS LANGUAGES

## Senior Production Experience Summary



Name: Leo Brenninkmeyer

Position: President of Compass Languages

### Experience:

#### 1. General Translation Experience

- a. 21 years of translation and/or cross-cultural communication work.
- b. Creator of the SME based translation system (*Subject Matter Expert* profiling)
- c. Fluent in 4 languages

#### 2. Multi-language Translation Experience (example from last 3 months)

- a. Project Manager for Goodyear's Safety Pieces in 13 Languages.
- b. Project Manager for Eastman Chemical technical PR releases in 7 languages.
- c. Project Manager for WR Grace technical documents in 6 languages.

#### 3. Formatting/Graphics Translation Experience

- a. **Cingular Wireless** – Successful development of the Cingular Wireless Spanish Bill for 5.0m Hispanic clients. Technical limitation of field size and zero layout changes permitted.
- b. **GBS** – Health Insurance forms – zero changes permitted in layout – translated and layout integrity safeguarded.
- c. **HomeBanc** – Real Estate and Mortgage forms translated within the very strict form layout constraints.

#### 4. Deadline Project Management

- Has maintained a 100% on time delivery record in 2004, 2005 and 2006 YTD

020488

# COMPASS LANGUAGES

## Matrix of the Translation Team

Name	Political/Legal Work	Experience/Certification	Language
[REDACTED]	<ul style="list-style-type: none"> <li>Voter Guide – NYC 2001</li> </ul>	15 years US State Dept	Chinese Native
[REDACTED]	<ul style="list-style-type: none"> <li>State Primary and General Election Materials*</li> <li>Legal Documents for Honda Auto Mfg (Ohio)</li> </ul>	21 years Master (MA) – International Studies (University of Denver)	Japanese Native
[REDACTED]	<ul style="list-style-type: none"> <li>Legal translations for California Judicial Council</li> </ul>	23 years PhD - Politics (New York State University)	Korean Native
[REDACTED]	<ul style="list-style-type: none"> <li>California Local Elections Campaign</li> </ul>	10 years experience	Vietnamese Native
[REDACTED]	<ul style="list-style-type: none"> <li>Tagalog Immigration Translations - Cornwall</li> </ul>	20 years experience	Tagalog Native

*\* There is a confidentiality agreement on this project. Should it be required a request will be made to the State commission to release Susan Koyama from this, solely for the purposes of providing details on this project for the purposes of supporting the experience claims.*

## Proofreading Team

Each project will be proofread by an independent proofreader. There is a pool of proofreaders that are used and the specific profile will be submitted once the project has started. Each proofreader must comply with the following:

- Minimum 15 years experience
- Native speaker
- MA or PhD from Native country or BA from US college.
- In good standing with ATA or national association of translators.

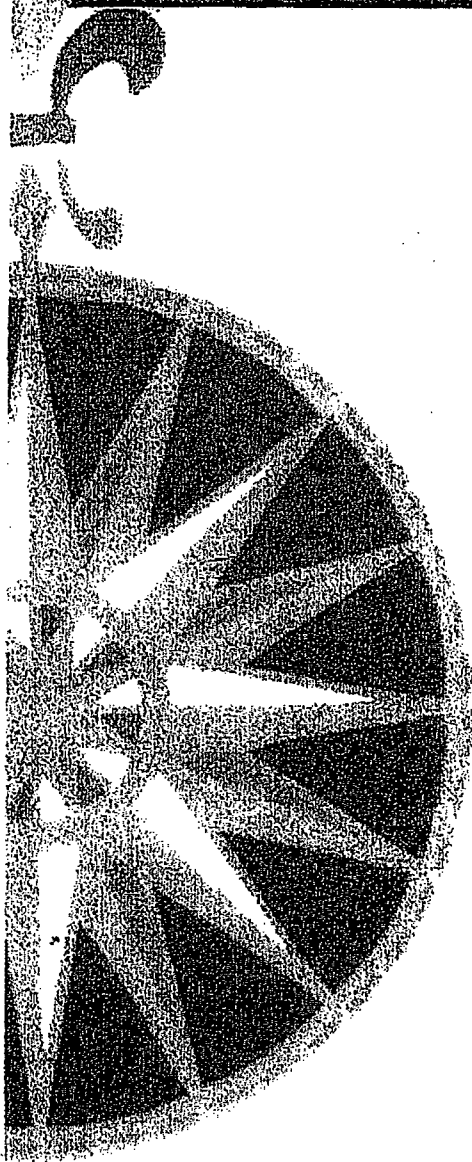
A few examples of our proofreader pool:

020489

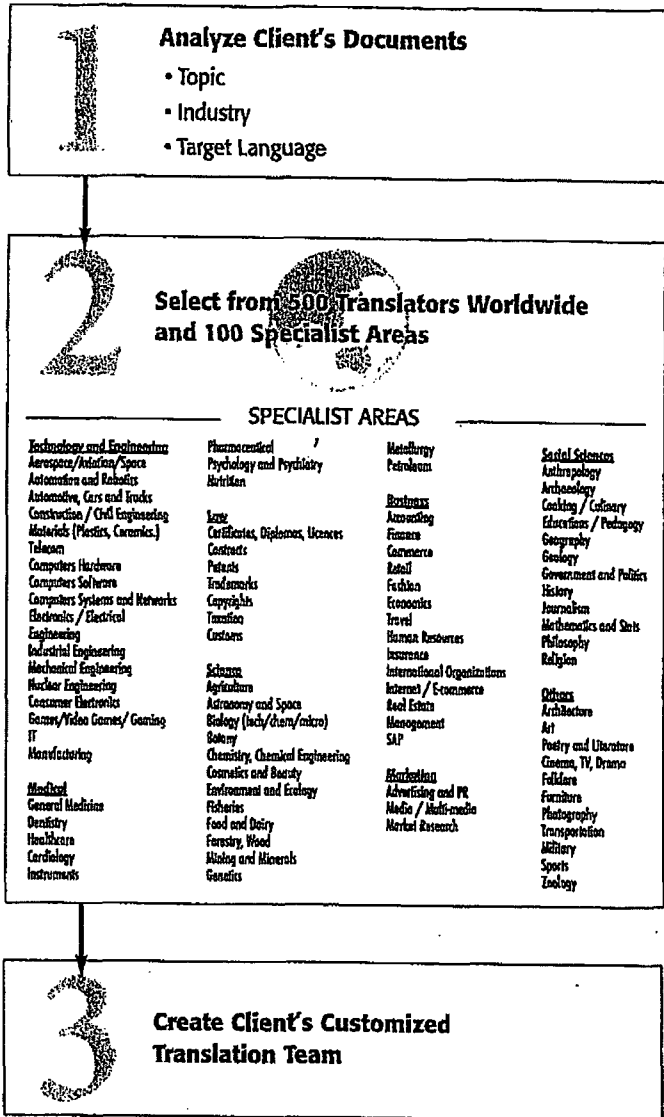
- Vietnamese – Pham Tuan Anh, Princeton University (Woodrow Wilson School of Public and International Affairs)
- Tagalog – Dia Alibo – PhD Chemistry – TYU
- Korean - Chul Lee - PhD Computer Science - Texas A&M

**Matrix of the DTP Team**

Name	Graphics in multi-languages	Experience	Indesign software
[REDACTED]	<ul style="list-style-type: none"> <li>• Legal contracts</li> <li>• Consumer contracts</li> <li>• Brochures</li> </ul>	15 years	yes
[REDACTED]	<ul style="list-style-type: none"> <li>• Rebate Forms for commercial products</li> <li>• Brochures</li> </ul>	18 years	yes



## SUBJECT MATTER EXPERTS



Your document needs to be translated by a translator who knows your business. We have a network of over 500 translators who meet the Compass Languages Quality standard and who have shown expertise in a key industry or speciality.

Quality begins with finding the right translator.

## Mission

To enable quality communication through excellence in translations.

## Vision

To be the leader in serving clients throughout the world who need highly accurate, culturally sensitive and punctual translations in any media that their communication strategy requires and to do so in a very friendly and easy to use manner.

## Media

**ALL MEDIA** – Compass Languages can translate from and into all media including: Html, Illustrator, In-Design, Publisher, Quark, Visio, Excel, Word, Powerpoint, MPEG, Voice and other major media formats.

## Languages

**100+ LANGUAGES** – Compass Languages has developed a speciality in Spanish (10+dialects, culturally neutral Spanish) but also offers ALL the major world languages (European, Eastern Bloc, Asian and Latin American).

## Specialties

**HISPANIC MARKET** – Compass Languages can adapt the content to suit the specific Hispanic target : by country of origin (Mexico, Cuba, Puerto Rico, etc.), by demographics (income, educational level, age) and by other specific factors (ex. 1st, 2nd, 3rd generation ).

## Company Profile

Established in 2001, Compass Languages is a private company founded by Leo Brenninkmeyer who has extensive international experience with 20 years in cross-cultural communication. The Compass Languages team is comprised of 22 specialists involved in various areas of the translation process. We are a small business (< \$5 million gross revenues) but have experienced strong growth in the last 2 years. Compass Languages maintains all professional liability insurances.

## Clients Include (not a complete list)

Cingular Wireless (Atlanta, USA)  
 Harper Collins (NY, USA)  
 JDB Designs (Chester, UK)  
 Catholic Relief Services (Baltimore, USA)  
 Henderson Shapiro (Atlanta, USA)  
 Pelikan (Mexico City, Mexico)  
 HomeBanc (Atlanta, USA)  
 MasterMind Marketing (Atlanta, USA)  
 ALMAA Organization (Annapolis, USA)  
 SB & Company (Baltimore, USA)  
 MForma (Atlanta, USA)  
 D Todo Trading (Los Angeles, USA)

Verizon SuperPages (Coppell, Texas)  
 London Marketing (London)  
 Cystic Fibrosis Foundation (Bethesda, USA)  
 Digital Chocolate (Los Angeles, USA)  
 Midas Enterprises (HongKong, China)  
 AgroSevilla (Reston, Virginia)  
 Stone Cosmetic Surgery (Los Angeles, USA)  
 Allpro (Millersville, USA)  
 Group Benefit Services (Baltimore, USA)  
 ITS (Atlanta, USA)  
 Catapult Learning {Sylvan Learning} (Baltimore, USA)

**COMPASS**  
LANGUAGES

1666 CROFTON PARKWAY  
 THE VILLAGE GREEN  
 CROFTON MARYLAND 21115  
 PHONE 410-451-4297  
 FAX 443-782-0215

WWW.COMPASSLANGUAGES.COM



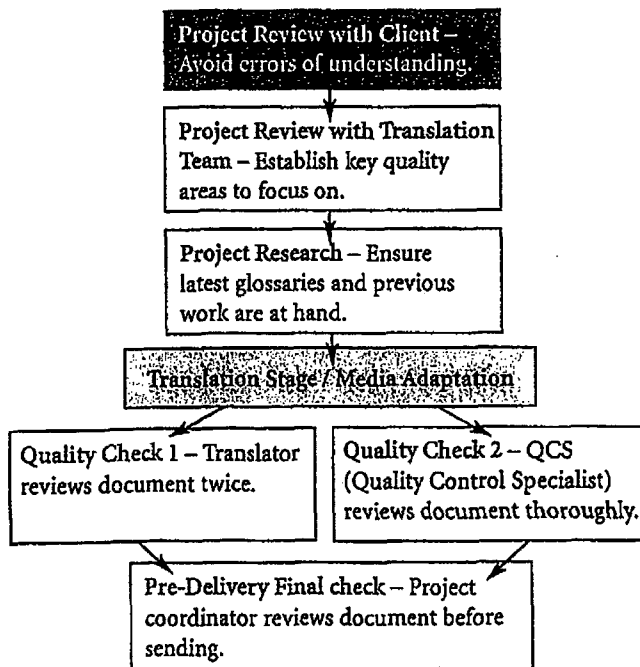
*"We are only as good as the quality of our last translation."*

—Leo Brenninkmeyer, president and founder  
Compass Languages

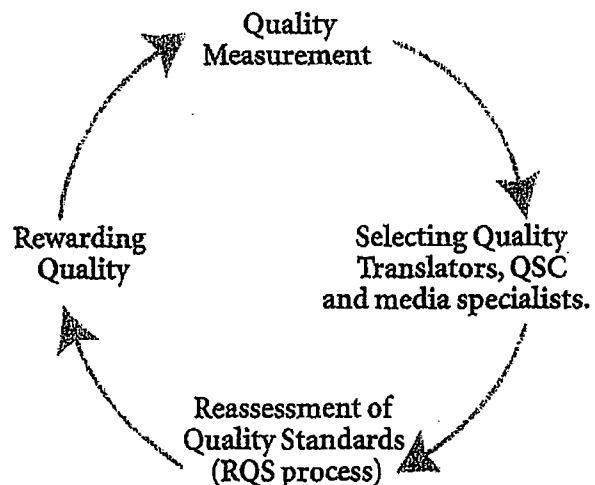
## Quality Control Standards:

- |  |   |
|--|---|
| <p><input checked="" type="checkbox"/> <b>1. Accuracy:</b> Is it an accurate reflection of the original piece?</p> <ul style="list-style-type: none"> <li>✓ Are all key messages reflected?</li> <li>✓ Are all details (numbers, dates, etc.) accurate?</li> <li>✓ Are all subtleties and nuances included?</li> </ul> <p><input checked="" type="checkbox"/> <b>2. Readability:</b> Is the text easy to read?</p> <ul style="list-style-type: none"> <li>✓ Is there clear sentence structure?</li> <li>✓ Has the correct terminology been used?</li> <li>✓ Has the appropriate style and dialect been used?</li> </ul> <p><input checked="" type="checkbox"/> <b>3. Grammar:</b> Have all grammar rules been followed?</p> <ul style="list-style-type: none"> <li>✓ Spelling and Orthography</li> <li>✓ Punctuation and Accentuation</li> <li>✓ Word order and Syntax</li> <li>✓ Capitalization</li> <li>✓ Conjunctions</li> <li>✓ Idioms</li> <li>✓ Agreement</li> </ul> | <p><input checked="" type="checkbox"/> <b>4. Consistency:</b></p> <ul style="list-style-type: none"> <li>✓ Have all glossary terms been used?</li> <li>✓ Is the style consistent throughout?</li> <li>✓ Is this document consistent with previous work done?</li> </ul> <p><input checked="" type="checkbox"/> <b>5. Cultural Sensitivity:</b></p> <ul style="list-style-type: none"> <li>✓ Has the appropriate language dialect been used?</li> </ul> <p><input checked="" type="checkbox"/> <b>6. Media Issues:</b></p> <ul style="list-style-type: none"> <li>✓ Is the layout the same?</li> <li>✓ Graphically the same?</li> <li>✓ Chromatically the same?</li> <li>✓ Usability (Web sites)</li> </ul> <p><input checked="" type="checkbox"/> <b>7. Other Quality Issues:</b></p> <ul style="list-style-type: none"> <li>✓ Have we handled superscripts correctly (©™)?</li> <li>✓ Have we left any words in the original text for marketing or legal reasons?</li> </ul> |
|--|---|

## The Quality Process:



## Ongoing Quality Circle:



*"Only when we can say that we provided the friendliest, fastest and most effective service to our clients can we claim to be true professionals."*

—Leo Brenninkmeyer, founder

Turnkey Translation Services

Proof Reading Services

Copy Writing Services

Terminology Development

Company In-house Translation  
Department Consulting

Localization Support

HC Q3

Cultural Sensitivity Testing

**Com-mu-ni-ca-tion** (kə-myoo'ni-ka'shən) *n.* 1. technique for expressing ideas effectively (as in speech)  
2. The technology of the transmission of information (as by print or telecommunication)

## Major Languages:

### Spanish

(including 8 major Latin American  
Dialects and culturally sensitive Spanish)

### Chinese

(including Mandarin/Cantonese/Wu)

### Korean

### Vietnamese

### Arabic

### German

### Portuguese

### French

### English

### Italian

### Japanese

### Russian

**Other Languages:** Finnish ♦ Greek ♦ Cambodian ♦ Mandarin ♦ Cantonese  
Armenian ♦ Bulgarian ♦ Czech ♦ Dutch ♦ Estonian ♦ Flemish ♦ Latvian ♦ Tagalog ♦ Tongan  
Cajun ♦ Hebrew ♦ Haitian Creole ♦ Serbian ♦ Papiamento ♦ Urdu ♦ Cebuano ♦ Amharic  
Flemish ♦ Hmong ♦ Bengali ♦ American Sign Language ♦ Croatian ♦ Latvian ♦ Indonesian  
Lithuanian ♦ Macedonian ♦ Taiwanese ♦ Nepalese ♦ Estonian ♦ Kurdish ♦ Malay ♦ Icelandic  
Slovene ♦ Navajo ♦ Slovak ♦ Somali ♦ Punjabi ♦ Telugu ♦ Thai ♦ Yiddish ♦ Zulu  
And over 50 other world languages ♦

# COMPASS LANGUAGES

## Sample work contact info:

### **Sample 1 :** Illustrates : Legal text

This document shows how a complex legal document was translated in to traditional Chinese.

Contact: John Chiochetti  
Ambiron Trust Wave, Annapolis MD  
Tel: 410 573 6910  
e-mail: [jchiochetti@atwcorp.com](mailto:jchiochetti@atwcorp.com)

### **Sample 2 :** Illustrates : Formatting and Japanese characters

This document shows how a format was translated and maintained from English in to Japanese.

Contact: Susan Koyama Steele  
Tel 928 536 5861  
e-mail: [greenturquoise@frontiernet.net](mailto:greenturquoise@frontiernet.net)  
(due to confidentiality agreements , the translator will provide you directly with the contact information on this project )

### **Sample 3 :** Illustrates : Formatting and complex application forms

This document shows a translation of a high density application forms where the translated text is 20% longer but still had to fit.

Contact Bonnie Johnson  
Group Benefit Services  
Hunt Valley , MD  
Tel: 410 832 1300  
e-mail: [bjohnson@gbsio.net](mailto:bjohnson@gbsio.net)

### **Sample 4:** Illustrates: Complex graphics capability

This shows the recreation of a complex marketing piece maintaining the original format.

Contact Mary Grace Deas

020496

## Cingular Media\*

Servicios adicionales para aprovechar al máximo tu teléfono. Consulta el folleto Media, ve a la página [www.cingular.com/media](http://www.cingular.com/media) o lláma al 1-866-CINGULAR para mayores detalles.

Mensajes de Texto y Mensajes Instantáneos	
pago por uso	10¢ por mensaje
50 mensajes	\$2.99 al mes
200 mensajes	\$4.99 al mes
1000 mensajes	\$9.99 al mes
2500 mensajes	\$19.99 al mes

(Mensajes adicionales: 10¢ por cada paquete de 50 y 200 mensajes, 5¢ por cada paquete de 1000 mensajes y 3¢ por cada paquete de 2500 mensajes. Los Mensajes de Texto enviados a números de teléfonos internacionales desde los Estados Unidos se cobran a 20¢ por mensaje enviado. Se aplican las tarifas estándar a los Mensajes de Texto Internacionales entrantes.)

### Mensajes Multimedia

pago por uso	25¢ por mensaje
20 mensajes	\$4.99 al mes
10 mensajes	\$4.99 al mes

(Mensajes adicionales: 25¢ por cada paquete de 20 mensajes, y 20¢ por cada paquete de 40 mensajes.)

### Media\* Net

(Para navegar con Internet Móvil en tu teléfono)	
pago por uso	1¢ por kilobyte
1 MB	\$1.99 al mes
5 MB	\$9.99 al mes
10 MB	\$14.99 al mes
1¢ límite	\$19.99 al mes

(Kilobyte adicional: 1¢ por cada paquete de 1MB, 5MB y 10MB.)

## Cingular Media\*

También disponible con Media Net:

- Tomas de Tintes y Láseres que se pueden bajar de Internet desde \$1.99
- Juegos que se pueden bajar de Internet desde \$3.99
- Aplicaciones y Contratos Premium, los precios varían

Se aplican las tarifas de roaming internacionales a todos los servicios de Cingular Media utilizados fuera de E.E.U.U.

Ahora más del 30% con un Paquete Media.

Cingular Media Basic	\$9.99 al mes
Cingular Media Works	\$19.99 al mes

## Cingular Media\*

Se requiere un teléfono compatible. Los paquetes Media y Media Net son disponibles en la FTA, en las zonas 94 y en las zonas para líneas de PC. Los paquetes Media permiten hasta 200 de texto en comparación con un paquete con límites independientes. Los límites de Mensajes de Texto Internacionales, Media Net y Mensajes Multimedia están incluidos automáticamente en el precio de cada mes. Se pagan en la medida en que se utilizan. Puedes recibir estos servicios en cualquier momento llamando al 111 de cambio de datos desde tu teléfono móvil. Se cobra por cada mensaje enviado o recibido, independientemente de que los leas o no y de que los recibas o no. Los Mensajes de Texto Internacionales pueden ser cobrados en las zonas indicadas. Si cancelas el servicio de Mensajes de Texto Internacionales, se podrá recibir el móvil aunque para Cingular no garantizamos el tiempo de entrega que ocurre. Se aplican las tarifas de Mensajes de Texto Internacionales para Media Net y Mensajes Multimedia. La activación del servicio Media Net en cada región de facturación se ejecutará al siguiente día hábil. En algunas zonas puede ser necesario pagar de forma anticipada un cargo completo. Se cobrará por cada paquete mensual. Cingular se reserva el derecho a suspender el servicio o detener los paquetes Media Net por el uso de un teléfono móvil como fuente para otros teléfonos o redes, según determine Cingular, incluido pero no limitado a la conexión directa (sin cable) inalámbrica. Los Mensajes Multimedia de correo de 1 kilobyte, y los mensajes multimedia de otro tamaño, se cobran como mensajes de texto con la tarifa por Mensajes de Texto Internacionales actual y no son incluidos dentro de la actual promoción Media Net. Mensajes de Texto y Mensajes Multimedia hasta el 200, como parte del paquete Media Net y como parte del primer mes de mensajes de textos recibidos en el paquete de Mensajes Multimedia. La activación que surge de los servicios de Mensajes de Texto Internacionales, Media Net y Mensajes Multimedia requiere la aceptación de estos términos. Se pueden aplicar otras restricciones. Los juegos y la lista de "Amigos" son servicios independientes. Los Mensajes de Texto Internacionales están disponibles en México y Canadá. Otras opciones de Cingular Media también están disponibles en algunas zonas. Oferta Especial: La oferta aplica al 31 de septiembre de 2005. La promoción de uso de texto por minuto está disponible por un año para los clientes que se suscriben a un paquete de Mensajes de Texto Internacionales, Mensajes Multimedia o Media Net, cualquiera de pago por uso. El uso limitado está disponible durante algunos meses, después del cual el paquete deberá ser reemplazado por un paquete de pago por uso. El servicio de Mensajes Multimedia de Línea de Media Basic está disponible para los clientes por un año y se aplica a los mensajes multimedia enviados y recibidos hasta el 31 de diciembre de 2005, fecha después de la cual el paquete ofrece el número mensual de mensajes multimedia indicado y se aplica los cargos siguientes por paquete. No se incluyen mensajes internacionales.

### cómo contactarnos

[www.cingular.com](http://www.cingular.com)  
1-866-CINGULAR (1-866-246-4852)  
o 1-800-321-0500  
para Clientes de Cingular

Para clientes sordos o con problemas auditivos:  
(TTY) 1-866-241-6567  
Preguntas sobre este anuncio para personas discapacitadas: 1-866-241-6568

## Condiciones del Plan

Términos Aplicables a los Planes Cingular World America GSM. Se requiere un teléfono GSM de doble banda (con capacidad mínima de ISO y 11520MHz). El servicio móvil está sujeto a la aprobación del servicio. El Cargo por Terminación Anticipada Depende de Tu Estado. Se cobra un cargo de \$240 por terminación anticipada pagando a la hora del corte de servicio de las suscripciones en las siguientes zonas: AL, GA, FL, IA, MI, NC, SC, TN, NY y partes de NY, NJ. Se cobra un cargo no prorrateado de \$150 por terminación anticipada en todas las demás áreas. Si el teléfono es devuelto en 1 día se reembolsa el cargo de activación. Si el teléfono es devuelto dentro del plazo de 30 días en perfectas condiciones y con todos los componentes, no se cobrará el cargo por terminación anticipada. Se aplican todos los demás cargos. Los cobros se descuentan de acuerdo a la ubicación en el siguiente orden: Minutos (Nocturno) y de Fin de Semana, Minutos Móvil a Móvil, Minutos a Cualquier Hora y Minutos Roamer. Incremento de Minutos para Facturación y Uso: Para efectos de facturación, el tiempo de uso y cualquier otra actividad que sea realizada se cobra por incrementos de minutos completos y el tiempo y la actividad real se aproximan al siguiente incremento de minutos completos al final de cada llamada. Cingular cobra un minuto completo de tiempo utilizado por cada fracción del último minuto utilizado en cada llamada móvil. Los minutos que se logran a través de redes inalámbricas por otras proveedores pueden tener más tiempo para ser procesados y la facturación de dichas llamadas se puede retrasar. Esto cubre los descuentos de los minutos a cualquier hora en el mes en que las llamadas aparecen en tu factura. Aparece Bateria que no sea conectada y tengan 30 segundos de duración o más, guran tiempo de uso. Proceso de Recuperación de Previsión: No se procesan los cargos del último mes. Los cobros están sujetos a cambios. Los cobros no incluyen impuestos. Cargas de Activación: El cargo de activación para líneas nuevas es de \$35. Cingular no garantiza la disponibilidad de los red. Noches y Fines de Semana: Los Minutos comienzan a las 20:00 p.m. y terminan a las 06:00 a.m. Los Fines de Semana comienzan a las 12:00 p.m. del viernes y terminan a las 06:00 a.m. del lunes (con base en la hora del día del punto que comienza el servicio). Las llamadas de larga distancia incluidas se pueden realizar desde las 50 estados de los Estados Unidos, Puerto Rico y las Islas Vírgenes Estados Unidos y a las 50 estados de los Estados Unidos, Puerto Rico, las Islas Vírgenes Estados Unidos, Guam y el Norte de las Islas Marianas. No se cobran cargos por roaming al hacer un roaming desde los días de servicio de los minutos con base a hora en las 50 estados de los Estados Unidos, Puerto Rico y las Islas Vírgenes Estados Unidos (al ir a Guam y Norte de las Islas Marianas, incluye un roaming). Las tarifas de larga distancia internacional varían. Se aplican cargos adicionales a los servicios utilizados fuera de los límites de los Estados Unidos y los territorios incluidos. Cingular se reserva el derecho a detener o limitar el servicio de la activación de los minutos de propiedad de Cingular durante tres días consecutivos de facturación e iniciar el 15 de febrero de 2005. El cliente debe: (1) utilizar un teléfono Cingular GSM de doble banda con frecuencia de ISO MHz y 11520 MHz programado con la base de datos enviada por Cingular; (2) tener una dirección postal y un e-mail en el área geográfica inmediata al área en la cual se haya realizado la activación del servicio. No hay cargos adicionales por roaming en llamadas que se originan dentro de las 50 estados de los Estados Unidos, Puerto Rico, las Islas Vírgenes Estados Unidos, Canadá y México cuando en la Red Cingular North America. Se aplican las tarifas adicionales por roaming fuera de la Red Cingular North America. Se requieren las opciones adicionales. Una vez que se agrupan los minutos a cualquier hora, los minutos recibidos desde la Red Cingular North America serán facturados según se indica en el cuadro con los planes de llamadas. Estos planes no pueden aplicar a descuentos promocionales, minutos a cualquier hora agregados o otros servicios agregados incluidos minutos móvil a móvil, FamilyTalk y Hoops y Fines de Semana estándar. Número del Identificador de Llamadas: El número de la llamada puede aparecer con tu número móvil en las llamadas que originan a otros teléfonos móviles y de línea fijo que tengan Identificador de Llamadas. Para obtener información acerca de cómo bloquear tu nombre y tu número en la pantalla, ponte en contacto con el Departamento de Servicio al Cliente. Es posible que se te

cobren tanto la llamada entrante como la llamada saliente si las llamadas entrantes están dirigidas al correo de voz, aun cuando no se diga un mensaje. Es el evento de cobro de las condiciones del plan descrito. Cingular puede cambiar el servicio y otro plan de llamadas a dar por terminado el servicio. Se aplican Términos y Condiciones adicionales. Para información acerca de los límites de facturación y restricciones, consulta el Contrato de Servicio Móvil, Minutos Roamer. Los Minutos Roamer se acumulan y se ven en la hora de los 12 períodos de facturación (facturación) no se acumulan. Los Minutos a Cualquier Hora no utilizados en el 1er Período de Facturación (facturación) no se acumulan. Los Minutos Roamer acumulados a partir del 2º Período de Facturación se ven cuando se cada período de facturación a medida que se van cumpliendo los 12 períodos de facturación. Los Minutos Roamer también se ven cuando se cancela en el evento de incumplimiento o en caso de que el cliente se cambie a un plan sin Minutos Roamer. Los Minutos Roamer no se cargan por actividad o tráfico y no son transferibles. Los Minutos Nocturno y de Fin de Semana y los Minutos Móvil a Móvil son acumulables. Minutos Móvil a Móvil: Los Minutos Móvil a Móvil pueden ser utilizados al llamar directamente a ciertos números desde cualquier otro número de teléfono Cingular desde tu área de llamadas. Los Minutos Móvil a Móvil no se pueden usar para interacción con otros números. Voice Connect: Se cobran los cargos asociados de tiempo de uso. No se aplican los Minutos Móvil a Móvil. Las llamadas a los números 911, 411, 811, 711 y la activación internacional no pueden realizarse con los Servicios de Voice Connect. No se puede bloquear el Identificador de Llamadas. El servicio de Identificador de Llamadas se presta para todas las llamadas, aun cuando haya bloqueado permanentemente tu nombre y tu número. Los Servicios de Voice Connect son suministrados por BellSouth. Para suspender el Servicio de Voice Connect sin incurrir en cargos, debes llamar a la línea 611 desde tu teléfono móvil durante los 30 días del período de prueba.

Términos Aplicables a los Opciones: Ciertas opciones se están disponibles de manera permanente en todas las áreas. Consulta al folleto que corresponde a cada opción móvil para ver cuáles son los términos aplicables incluyendo los límites de Cobro de Uso, Cobro de Uso Adicional, Servicio de Activación en Carreteras suministrado por BellSouth. Ver toda la información acerca de las opciones y condiciones en la carta de bienvenida y/o en las folletos de bienvenida en Cingular. Mensajes de Texto Internacionales, Servicio de Información, Llamadas Móvil a Móvil y Media Net. La tarifa regular por minuto de tiempo de uso y otros cargos se aplican a cualquier llamada en la que se utilicen las opciones incluidas. Cingular y el correo electrónico son marcas registradas de Cingular Wireless, LLC. Microsoft el estándar es una marca comercial de Cingular Wireless, LLC. © 2005 Cingular Wireless, LLC. Todos los derechos reservados.



NAP BR T 0605 0020 S  
California/Nevada



## Cingular North America\*

Planes de Llamadas para teléfonos de Doble Banda GSM en E.E.U.U., Puerto Rico, Islas Vírgenes Estados Unidos, México y Canadá

## Desde Montreal a Ciudad de México

Sin cargos por larga distancia ni roaming

Puedes hacer llamadas milas y milas y milas...



020497

## Soluciones Inteligentes

Servicios para ampliar tu Plan Cingular. Consulta los folletos de Servicios Inteligentes o de los productos, ve a la página [www.cingular.com](http://www.cingular.com) o lláma al 1-866-CINGULAR para mayores detalles.

Aplicación en Carretera 33 días de prueba (GSM)  
Después de 30 días de prueba \$2.99 al mes

Voz Connect 33 días de prueba (GSM)  
Después de 30 días de prueba \$4.99 al mes

Cingular 411  
Servicio de Información \$1.50 por llamada

FastForward \$2.99 al mes

Correo de Voz Ampliado \$1.99 al mes

\*NOW

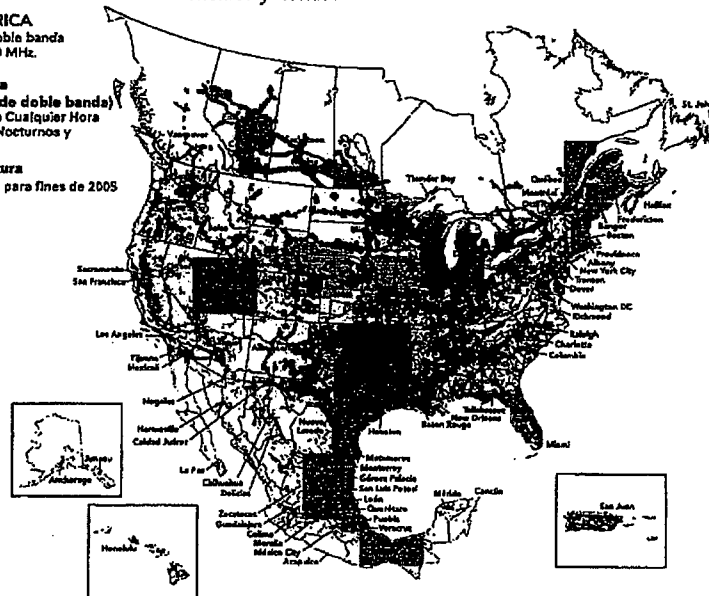
## Sin Cargos de Roaming ni de Larga Distancia en E.E.U.U., Puerto Rico, Islas Vírgenes (Estados Unidos), México y Canadá

**CINGULAR NORTH AMERICA**  
Se requiere teléfonos GSM de doble banda con frecuencias de 850MHz/1900 MHz.

**Cingular North America (con un teléfono GSM de doble banda)**  
- Se aplican los Minutos a Cualquiera Hora  
- Se aplican los Minutos Nocturnos y de Fin de Semana

**Área de Futura Cobertura**  
- Disponibilidad estimada para fines de 2008

**Área sin Servicio**



En la pantalla de tu teléfono no aparece la tarifa que se te va a cobrar. Por favor revisa tu mapa de cobertura para saber cuáles son las áreas incluidas y fuera del plan. El mapa muestra una aproximación de cobertura externa. El mapa puede incluir áreas atendidas por proveedores no afiliados y mostrar las áreas en las que éstos operan con licencia, en lugar de la aproximación de cobertura de las mismas. El área real de cobertura puede ser sustancialmente diferente a la gráfica que aparece en el mapa y la cobertura se puede ver afectada por aspectos tales como el terreno, el clima, la vegetación, las edificaciones y demás construcciones, la fortaleza de la señal, el equipo del cliente y otros factores. Cingular no garantiza la cobertura. Los cargos se cobrarán con base a la ubicación del sitio que recibe y transmite la llamada en vez de la ubicación del suscriptor. La Futura Cobertura, si aparece en el mapa, se basa en los actuales supuestos de planeación pero está sujeta a cambios y aún no ha sido confirmada.

Planes Cingular North America - GSM				
	450 Rollover	850 Rollover	1700 Rollover	2700 Rollover
Minutos Nocturnos y de Fin de Semana	1000 Minutos Nocturnos y de Fin de Semana			
Minutos de Larga Distancia	45¢ por min	39¢ por min	35¢ por min	35¢ por min

\*Cingular también cobra los siguientes cargos: Un Cargo Reglamentario por Costo de Recuperación hasta de \$1.25 para contribuir a subsidiar los costos incurridos para cumplir con las obligaciones y cargos impuestos por la reglamentación estatal y federal de telecomunicaciones, un recargo a los ingresos brutos y los Cargos de Servicio Universal Federal y Estatal. El Cargo Reglamentario por Costo de Recuperación no es un impuesto ni un cargo exigido por el gobierno.

Servicios Internacionales

Autoservicios

Mis minutos se acumulan ¿Los tuyos?

**Minutos Rollover**

Exclusivamente en Cingular

020498



**U.S. ELECTION ASSISTANCE COMMISSION**  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005

**DRAFT**

August 1, 2006

Ms. Amy S. Abramson  
Financial Manager  
Transcend  
2043 Anderson Road  
Suite C  
Davis, California 95616-0672

Dear Ms. Abramson:

This letter is in response to your Freedom of Information Act (FOIA) request received by the U. S. Election Assistance Commission (EAC) on July 3, 2006. The request sought certain agency records concerning the agency contract awarded to The Cresston Company, LLC. Specifically, the request sought records pertaining to:

1. The full proposal submitted by the Cresston Company, LLC d.b.a. Compass Languages for RFP 06-02 (RFQ 142611);
2. A list of all offerers and the costs proposed for each; and
3. Our scores on each component of the evaluation criteria for the technical proposal and the scores of the Cresston Company technical proposal. The criteria includes:
  - a. Relevant organizational experience
  - b. Quality and look of samples
  - c. Compliance with proposal instructions
  - d. Results of reference checks

*Response* → **No Records.** After a review of its files the EAC has determined that it has no list of all offerers and the costs proposed for each, in reference to item #2 noted above. However, the EAC does have an incomplete list of offerers, which does not include the Cresston Company, that we have provided.

**Withheld Records.** The <sup>?</sup>four pages of documents responsive to item # 3, your scores on each component of the evaluation criteria for the technical proposal and the scores of the Cresston Company technical proposal, are protected by the Deliberative Process Privilege and exempted from release under 5 U.S.C. §522(b)(5). The documents sought are pre-decisional policy recommendations. Such documents are exempt from release (1) to encourage open and frank discussions on policy matters between agency subordinates and superiors, (2) protect against premature disclosure of proposed policies and (3) to protect against public confusion that might result from disclosure of rationales that were not in fact the ultimate basis for agency

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action. ~~The score sheets are predecisional, created before the contract was awarded. The score sheets are deliberative, created as part of the process in the selection of a Contractor.~~

**Responsive Records.** The EAC has found responsive records to item # 1 requested above. Please find responsive document attached. Some of the information in this has been redacted. The removed portions contain financial information, such as banking account information and the names of subcontractors, based on a FOIA exemption that covers confidential commercial information. *+ but must be withheld based to FOIA Exemption 4*

The EAC has decided to waive the processing fees for your request. If you interpret any portion of this response as an adverse action, you may appeal it to the Election Assistance Commission. Your appeal must be in writing and sent to the address noted on the above letterhead. Any appeal submitted, must be postmarked no later than 60 calendar days from the date of this letter. Please include your reasons for reconsideration and attach a copy of this letter.

Sincerely,

Jeannie Layson  
Director of Communications  
U.S. Election Assistance Commission

Attachments:

1. Your Request Letter (received July 3, 2006)
2. Responsive Document
3. Partial List of Offerers

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## **AmbironTrustWave Overview**

ATW is the leading provider of data security and compliance services to all businesses in the payment industry including acquirers, service providers, third-party providers, and merchants. ATW is headquartered in Chicago, Illinois and has 12 offices throughout North America and 1 in London. A summary of our payment industry credentials and information security experience is outlined below:

- **Leading Assessor** - ATW has performed more than 1,000 Level 1, 2, and 3 assessments for Merchants and Service Providers since the Visa CISP program was launched in June 2001. ATW is the only company authorized by all of the major card associations (American Express, Discover, MasterCard and Visa) to validate compliance, scan merchants, and provide computer forensic services. To date, the majority of Visa's Payment Application Best Practices (PABP) compliant application vendors were validated by ATW's *TrustedApp*® service.
- **Innovative Solutions** - ATW's enterprise compliance suite, *TrustKeeper*®, has been approved by all of the card associations to validate PCI compliance and is endorsed by over 30 Merchant Acquiring Banks. TrustKeeper currently supports over 25,000 merchants in their efforts to achieve and maintain compliance. TrustKeeper is accessible through a secure easy-to-use portal backed by a multi-lingual 12x5 (12 hrs a day, five days a week) help desk. TrustKeeper can also be leveraged to validate compliance against HIPAA, GLBA, SOX, FISMA and ISO17799.
- **Data Security Experts** - For more than 10 years ATW professionals have been delivering information technology solutions to the Fortune 1000 and government agencies. ATW's *TrustSentry*® suite offers customers a comprehensive array of managed security services including intrusion detection, firewall management or monitoring, VPN, anti-virus, authentication, and vulnerability scanning. The TrustSentry management console provides integrated trouble-ticketing, online help, and real-time reporting.

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## SERVICES AGREEMENT

This Compliance Validation Services Agreement ("Agreement"), is made by and between AmbironTrustWave operating under TrustWave Holdings, Inc, a Delaware Corporation ("ATW") and Comlink, a \_\_\_\_\_ Corporation ("Comlink"), and shall be effective as of the date of execution by both parties. ATW desires to provide Compliance Validation Services to Comlink to address the PCI Payment Application Security Standard (PASS) and Comlink wishes to receive such services.

### Statement of Work

The ATW TrustedApp® Program consists of many distinct components that are described below.

### Application Assessment

For each application, ATW leverages its application best practices methodology to properly address the review of the payment-based application. This methodology reviews the PCI Payment Application Security Standard (PASS) assessment requirements listed below:

1. Do not retain full magnetic stripe or CVV2 data
2. Protect stored data
3. Provide secure password features
4. Log application activity
5. Develop secure applications
6. Protect wireless transmissions
7. Test applications to address vulnerabilities
8. Facilitate secure network implementation
9. For Internet-based applications, store cardholder data in internal network only
10. Facilitate secure remote software updates
11. Facilitate secure remote access to application
12. Encrypt sensitive traffic over public networks
13. Encrypt internal administrative access

The TrustedApp® process can consist of a both remote and onsite assessment activities. The following is an overview of the TrustedApp® process. A more detailed description of each step is provided after this summary.

**Kickoff Meeting** - The ATW security consultant provides an overview of the TrustedApp® process and answers questions regarding the application assessment process.

**Information Gathering** - Remote process to gather and analyze application design and implementation information prior to the formal application review. Application architecture, coding, and development practices will be examined.

**Application Review** - Remote (or on-site, if applicable) review of the application by an ATW security consultant following the PCI PASS assessment procedures dictated by the credit card associations.

**Application Penetration Test** - As required by PCI PASS, ATW will perform an ethical hacking exercise of the application(s) being reviewed.

**Reporting** - ATW will develop the assessment report and identify areas of Compliance/Non-compliance with the program's best-practices. If the report is found

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to be fully compliant, then it will be submitted to the card association for review and acceptance as a PCI PASS compliant application.

**Client Debrief** – The compliance report is delivered to Comlink. Comlink then has the opportunity to comment on findings, request clarifications, or provide additional documentation on areas of non-compliance or remedied issues.

**Remediation Assistance**– In the event that the application is found to be non-compliant in any number of PCI PASS areas, ATW can provide remediation assistance. Using the experience in assisting a large number of application vendors to meet PCI PASS compliance, ATW will work with Comlink to address each non-compliant item and prepare for a second round of review.

**2<sup>nd</sup> Application Review**– The Remote (or on-site, if applicable) review of the application by an ATW security consultant following the PCI PASS assessment procedures dictated by the credit card associations.

**Final Reporting**– ATW will develop the assessment report and identify areas of Compliance/Non-compliance with the program's best-practices. If the report is found to be fully compliant, then it will be submitted to the card association for review and acceptance as a PCI PASS compliant application.

### ***Kickoff Meeting***

ATW will schedule a kickoff meeting. The kickoff meeting is typically a short, targeted call intended to explain the goals of the assessment to the participants, as well as to describe the assessment methodology and final deliverables. Typical client participants in this meeting will include the primary point of contact, lead developer(s), and a senior level representative. During the kickoff meeting, ATW will discuss the TrustedApp® process, arrange for copies of software or specialized hardware to be shipped to the testing labs, and receive a preliminary overview of the application from Comlink.

### ***Information Gathering***

ATW will work with Comlink to gather and analyze information on Comlink's application. During this phase of the assessment, ATW will conduct telephone interviews with system architects, application developers, database developers, and other members of the application team. ATW will examine applicable documentation, and may request a remote demonstration of application capabilities. The goal of this phase of work is to maximize our understanding of the application's functionality, data handling processes, and design parameters, before conducting application review portion of the assessment. Specific questions to be answered during this phase of work include the following:

- Brief description of the application - to be made available to the credit card associations upon completion of the PCI PASS assessment.
- Application Name and Version Number, Operating Systems supported, Operating Systems used for development and testing
- List of dependent third-party applications and development tools used during design, code development and application integration
- Functional design and technical design documentation including description of application's data handling processes, design schema(s), data logging and error handling behavior
- Data encryption implementation technique including integration with any 3<sup>rd</sup> party secure payment card database encryption application
- Payment card application interface document illustrating application interaction and data flow exchange with 3<sup>rd</sup> parties and merchant data networks

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- Transaction flow diagram illustrating the payment application's inputs, outputs to and from a merchant's network for payment card processing
- Description of payment application components that become part of the merchant's network or applications
- List of lab application testing tools, description of payment application test scripts and application test environment documentation for card processing and settlement
- Client implementation documentation including secure application integration procedures and recommendations for application integration in to merchant environment

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Sample 2 – Chinese Legal work  
Documented truncated due to RFP requirements

## AmbironTrustWave 概况

ATW 是付款行业数据安全和一致性服务的主要提供商，面向各企业，包括兼并商、服务提供商、第三方提供商和零售商。ATW 总部设在伊利诺州芝加哥市，北美有 12 个办事处，伦敦 1 个。我们在付款行业的资历和信息安全性方面的经验总结如下：

- **主要评估者**——自 2001 年 6 月启动 Visa 卡 CISP 计划以来，ATW 已经为零售商和服务提供商进行了 1000 余宗一、二、三级评估。ATW 是唯一取得所有主要信用卡公司（美国运通、Discover、万事达和 Visa）授权的公司，验证合规情况、审查零售商，并提供电脑犯罪调查服务。目前为止，大多数 Visa 付款程序最优做法（PABP）合规应用厂商都是由 ATW 的 *TrustedAppR* 进行的验证。
- **创新的解决方案**——ATW 的企业合规性服务 *TrustKeeper*® 已经获得所有信用卡业协会的批准，验证 PCI 合规情况，并且得到 30 多家商业兼并银行的认可。当前 TrustKeeper 对 25000 个零售商给予支持，帮助他们实现合规。用户可以通过安全易用的端口进入 TrustKeeper，同时备有多种语言支持的 12×5（1 周 5 天，每天 12 个小时）的帮助界面。TrustKeeper 还可以用来验证 HIPAA、GLBA、SOX、FISMA 和 ISO17799 的合规情况。
- **数据安全专家**——在这 10 多年的时间里，ATW 的专家们一直致力于为《财富》1000 强企业和政府部门提供信息技术解决方案。*TrustSentry*® 项目为客户提供一套全面的管理安全服务，包括侵入检测、防火墙管理或监控、VPN、反病毒、验证和漏洞扫描。TrustSentry 管理控制台提供集问题检测、在线帮助和实时报告的一条龙服务。

## 服务协议

本合规验证服务协议（简称“协议”）由 TrustWave 控股有限公司旗下的 AmbironTrustWave 经营公司——特拉华州公司（即“ATW”）与康联——\_\_\_\_\_公司（即“<CLIENT\_NAME>”）共同制定，双方执行之日即为生效日。ATW 愿意向<CLIENT\_NAME> 提供合规验证服务，使其符合 PCI 付款程序安全标准（PASS），同时<CLIENT\_NAME> 希望获得此项服务。

### 工作说明

ATW TrustedApp®计划由许多特色要素组成，如下所述：

#### 程序评估

对于每个程序，ATW 都会利用它的最优实践方法来恰当地审查付款程序。该方法审查以下 PCI 付款程序安全标准（PASS）评估要求：

1. 不保留完整磁条或 CVV2 数据
2. 保护储存的资料
3. 提供安全密码功能
4. 记录程序活动
5. 开发安全程序
6. 保护无线传输
7. 测试程序找出漏洞
8. 方便安全网络运用
9. 对于网上程序，仅在内部网保存持卡人资料
10. 促进安全远程软件更新
11. 促进对程序的安全远程访问
12. 公共网络敏感信息传输加密
13. 给内部管理员的进入加密

TrustedApp®流程可以包括远程和现场评估。以下是此流程的概况，本摘要之后还有对各步骤更为详细的描述。

**启动会议**——ATW 安全顾问提供 TrustedApp®流程概况，并就程序评估流程回答问题。

**信息采集**——正式审查之前，搜集和分析程序设计和实施信息的远程流程。对程序结构，代码和开发活动进行检测。

**程序审查**——应信用卡协会的要求，ATW 安全顾问按照 PCI PASS 评估程序对程序进行远程（如果适用的话，也可能是现场）审查。

**程序渗透测试**——根据 PCI PASS 的要求，ATW 将会对正在接受审查的程序进行道德黑客测试。

<CLIENT\_NAME>

版本 1.2 (2006 年 1 月)

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AMBIRONTRUSTWAVE 公司专有信息

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<CLIENT\_NAME>

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Cingular Wireless  
Atlanta , GA  
Tel: 404 236 6341  
mary.grace.deas@cingular.com

Cut by  
EAC  
only wanted  
2-3  
examples

*Important Notice: Please note that all sample work is confidential and submitted for reference-verification only. Under no circumstances can this information be reused for any commercial purpose.*



**Sample 1:**

This is a Japanese translation of a survey questionnaire

**Purpose of sample:** To show layout integrity in a Japanese translation.

**Contact info:** Susan @

**SECTION 1: Customer Perceptions**

1. Please rate the significance of the following factors when considering the need to provide continuous business operations. Rate on a "1" to "5" scale where "5" is "Very significant" and "1" is "Not at all significant."

IS NOTE: ROTATE LIST.  
DO NOT SHOW NUMBERING.

	Very Significant	4	3	2	Not at all significant	Don't Know/Refused
A. Cost of downtime (e.g. loss of worker productivity)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
B. Regulatory compliance	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
C. Natural disasters	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
D. Threat of terrorism	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
E. Maintaining supply chain productivity of suppliers and distributors	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
F. Maintaining business processes (e.g. Finance & Accounting, Customer Care, Procurement, HR)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
G. Maintaining application performance (e.g. ERP, supply chain, messaging)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
H. Maintaining online business	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I. Security breaches	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

[You are 15% Completed]

2. Please rate the importance of ensuring availability in each of the following areas. Rate on a "1" to "5" scale where "5" is "Very important" and "1" is "Not at all important."

IS NOTE: ROTATE LIST.  
DO NOT SHOW NUMBERING.

	Very important	4	3	2	Not at all important	Don't Know/Refused
A. Business processes (e.g. Finance and accounting, Customer care, procurement, human resources)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
B. Enterprise applications (e.g. ERP, supply chain, sales force automation, CRM)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
C. Systems environment (e.g. midrange, mainframes)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
D. Storage environment (e.g. tapes, disks)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
E. Network infrastructure (e.g. LAN, WAN)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

- F. Distributed environment (e.g. PCs, laptops, PDAs)
- G. Data center environment (includes facility, systems, storage, applications)

[You are 19% Completed]

3. For each of the elements listed in the table below, please select if you consider it to be a key component of a Business Continuity solution, a Recovery solution, both or neither, when procuring from an external provider.

	Key component of <u>Business Continuity</u> solution	Key component of <u>Recovery</u> solution	Both	Neither	Don't Know/Refused
A. Risk Assessment(s)	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
B. Business Impact Analysis	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
C. Crisis Planning	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
D. Site Facility Design/Redesign Services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
E. Availability (Systems and Network)	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
F. Back up Services (data, content, etc.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
G. Replication (mirroring, remote copy technologies)	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
H. Electronic Vaulting/Data Archiving	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I. Virtualization (storage, server, etc.)	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>

[You are 23% Completed]

4a. Please indicate the greatest amount of downtime that you associate with the term "high availability"  
(Number of hours indicate amount of "acceptable downtime").

By "High Availability," we mean, systems or applications requiring a very high level of reliability and availability. High availability systems typically operate 24 hours a day, seven days a week and usually require built-in redundancy to minimize the risk of downtime due to hardware and/or telecommunications failures.

- 0 hours (No Downtime) (1)
- More than 0 hours and up to 1 hour (2)
- More than 1 hour and up to 2 hours (3)
- More than 2 hours and up to 4 hours (4)
- More than 4 hours and up to 8 hours (5)
- More than 8 hours and up to 12 hours (6)
- More than 12 hours and up to 24 hours (7)
- More than 24 and up to 48 hours (8)
- More than 48 to and up 72 hours (9)
- More than 72 hours (10)
- Don't Know

4b. Please indicate the greatest amount of downtime that you associate with the term "disaster recovery"  
(Number of hours indicate amount of "acceptable downtime").

- 0 hours (No Downtime) (1)
- More than 0 hours and up to 1 hour (2)
- More than 1 hour and up to 2 hours (3)
- More than 2 hours and up to 4 hours (4)
- More than 4 hours and up to 8 hours (5)
- More than 8 hours and up to 12 hours (6)
- More than 12 hours and up to 24 hours (7)
- More than 24 and up to 48 hours (8)
- More than 48 to and up 72 hours (9)
- More than 72 hours (10)
- Don't Know

[You are 27% Completed]

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**SECTION 2: IT Budget and Overall Business Continuity Spending Patterns**

5. Approximately what was your organization's IT budget for fiscal 2005? What will it be for 2006? IT budget includes the spending for your entire company on computing and IT, including hardware, software, maintenance, outsourcing and other external services (Please do not include in-house personnel costs, traditional voice telecommunications, or costs for supplies like diskettes, tapes, paper, and ink.)

	2005	2006
IT Budget	<input type="radio"/> Don't Know/Refused	<input type="radio"/> Don't Know/Refused

6. What percent of your overall IT budget was spent on business continuity and recovery services in 2005? (Percent should reflect total internal and external (third-party) spending. What percent is this expected to be for 2006?)

	2005	2006
% of IT Budget on Continuity Services	<input type="radio"/> Don't Know/Refused	<input type="radio"/> Don't Know/Refused

[You are 34% Completed]

7. In the table below, please provide the percentage of internal (insourced) and external (outsourced) business continuity spending for 2005 and 2006.

[IS NOTE: DO NOT SHOW NUMBERING]

Business Continuity Spending	2005	2006
a. Internal share of spending (insourced)		
b. External share of spending (outsourced)		
Total	100%	100%
	<input type="radio"/> Don't Know/Refused	<input type="radio"/> Don't Know/Refused

[IF FOR 2005 AND 2006; Q7B=0 (NO OUTSOURCING), SKIP TO SECTION 3 (Q13), ELSE CONTINUE]

[You are 42% Completed]

8. When purchasing business continuity services from a third party, which most closely represents the manner in which the services are currently purchased and how they will be purchased in the future?  
 [SELECT ONE FROM EACH COLUMN]

IS NOTE: ROTATE LIST.  
 DO NOT SHOW NUMBERING.

Type of Business Continuity Package Purchased	Current	Future
A. Procured as a stand-alone set of business continuity/disaster recovery services	<input type="radio"/>	<input type="radio"/>
B. Procured as part of a larger bundle of services that include non-business continuity/disaster recovery services as well	<input type="radio"/>	<input type="radio"/>
C. Procured as part of a larger bundle of hardware, software and services	<input type="radio"/>	<input type="radio"/>
D. Don't know/Refused	<input type="radio"/>	<input type="radio"/>

[You are 46% Completed]

9. Please indicate in the table below, the percentage of each type of business continuity services purchased from a third party in 2005 and 2006.

Type of Business Continuity Service Purchased	2005	2006
Consulting services: As just a set of standalone, discrete set of consulting services		
Build, integration, and/or implementation services		
Outsourced/Managed or Out-tasked service: As part of an ongoing set of operational services		
<b>TOTAL</b>	<b>100%</b>	<b>100%</b>
	<input type="radio"/> Don't Know/Refused	<input type="radio"/> Don't Know/Refused

[You are 49% Completed]

020513

第1項顧客認識

1. 事業の継続操業上の必要を考慮するうえで、つぎにあげる諸点がどこまで重要かを評価してください。その際“1”から“5”の評価段階をあてはめますが“5”は“非常に重要”、“1”は“全然重要でない”を意味します。

注意: リストを回転させる番号順を示さないこと。

	非常に重要	4	3	2	全然重要でない	わからない/ 回答拒否
A. システムの稼働 (労働生産力損失など)	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
B. 法規制遵守	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
C. 自然災害	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
D. テロ襲撃の脅威	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
E. 供給流通におけるサプライチェーン能力の維持	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
F. 事業過程の維持 (たとえば財務経理、消費者サービス、調達、人事など)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
G. アプリケーション性能の維持 (たとえばERP、サプライチェーン、インセンティブなど)	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
H. オンライン事業を維持してゆくこと	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I. 顧客保護違反	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>

[完了度 15%]

2. つぎの諸点において、アベイラビリティ(可用性)を確保することの重要性を評価してください。その際“1”から“5”の評価段階をあてはめますが“5”は“非常に重要だ”、“1”は“全く重要でない”を意味します。

注意: リストを回転させる番号順を示さないこと。

	非常に重要	4	3	2	全く重要でない	わからない/ 回答拒否
A. 事業過程 (たとえば財務と経理、顧客サービス、調達、人事など)	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
B. エンタプライズ・アプリケーション (たとえばERP、サプライチェーン、販売力のオートメ化、CRM)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
C. システム環境 (たとえば、ソフトウェア、ハードウェア)	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
D. ストレージ環境 (たとえばテープ、ディスク)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
E. ネットワーク環境 (たとえばLAN、WAN)	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
F. 分散環境 (たとえばPC、ラップトップ、PDA)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
G. データセンタ環境 (施設、システム、ストレージ、ネットワーク、アプリケーションを含む)	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>

[完了度 19%]

3. 下記の表に外部のプロバイダーから入手する際のさまざまな要素をあげましたが、そのなかから、あなたが事業継続性ソリューション、復旧ソリューションとして選ぶとき、この双方にとって鍵となるコンポーネントとお考えのもの、あるいは逆にいずれでもないとお考えのものをお選びください。

	鍵となるコンポーネントの事業継続ソリューション	鍵となるコンポーネントの復旧ソリューション	双方にとり	いずれでもない	わからない/回答拒否
A. リスク評価	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
B. 事業への影響分析	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
C. 危機計画立案	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
D. サイトの施設デザイン/再デザインサービス	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
E. データレプリケーション (システムとネットワーク)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
F. バックアップサービス (データ、コンテンツなど)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
G. 複製 (ミラーリング、遠隔コピーテクノロジー)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
H. 電子的ボールドアップ/データアーカイブ	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I. バーチャル化 (ストレージ、サーバーなど)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

[完了度 23%]

4a. “ハイアベラビリティ” という言葉からあなたが連想する、最大のダウンタイムを教えてください (時間数は “許容できるダウンタイム” を示します)。

ちなみに “ハイアベラビリティ” という言葉を私どもは、非常に高度の依存性と可用性を持つシステムまたはアプリケーションと意味づけています。ハイアベラビリティ・システムとは、典型的なものは週7日、1日24時間動き、通常はハードおよび/あるいは遠隔通信の途絶によるダウンタイムのリスクを軽減するための冗長性がビルトインされています。

- ゼロ時間 (ダウンタイム皆無) (1)
- ゼロ時間以上だが最大1時間まで (2)
- 1時間以上2時間まで (3)
- 2時間以上4時間まで (4)
- 4時間以上8時間まで (5)
- 8時間以上12時間まで (6)

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- 12 時間以上 24 時間まで(7)
- 24 時間以上 48 時間まで(8)
- 48 時間以上 72 時間まで(9)
- 72 時間以上(10)
- わからない

4b. “災害時復帰”という言葉からあなたが連想する、最大のダウンタイムを教えてください（時間数は“許容できるダウンタイム”を示します）。

- ゼロ時間（ダウンタイム皆無）(1)
- ゼロ時間以上だが最大1時間まで(2)
- 1 時間以上 2 時間まで(3)
- 2 時間以上 4 時間まで(4)
- 4 時間以上 8 時間まで(5)
- 8 時間以上 12 時間まで(6)
- 12 時間以上 24 時間まで(7)
- 24 時間以上 48 時間まで(8)
- 48 時間以上 72 時間まで(9)
- 72 時間以上(10)
- わからない

[完了度 27%]

第2項IT 予算と事業継続に関する全体的支出パターン

5. 2005会計年度における貴社のおよそのIT 予算はどれほどでしたか?2006年度はどうでしょうか?IT 予算には貴社全体のコンピュータおよびIT関係の支出が含まれますが、これはハード、ソフト、メンテ、アウトソーシングその他、外部からのサービスを指します（したがって社内人件費、従来型音声コミュニケーション、あるいはディスクレットとかテープ、紙やインクにかかった経費はここには含まぬようお願いします）。

	2005	2006
IT 予算	<input type="radio"/> わからない/回答拒否	<input type="radio"/> わからない/回答拒否

6. 2005年度中の貴社のIT 予算全体のうち、事業継続および復帰サービスに費やされたものの割合はどれほどですか?（このパーセンテージには内部および外部-第三者-支出の総計が反映されるようにしてください）。このうちどれくらいが2006年度用として期待できるでしょうか?



	2005	2006
継続サービスに費やされる IT 予算のパーセンテージ		
	○ わからない/回答拒否	○ わからない/回答拒否

[完了度 34%]

7. 2005年度および2006年度に事業継続に費やされた内部（インソース）と外部（アウトソース）のパーセンテージを下表に示してください。

ご注意:番号順を示さないこと。

事業継続支出	2005	2006
a. 内部支出の部分（インソース）		
b. 外部支出の部分（アウトソース）		
合計	100%	100%
	○ わからない/回答拒否	○ わからない/回答拒否

[質問7のbが2005年度および2006年度において0（アウトソースなし）の場合は第3項（質問13）に飛んでください。そうでない場合はこのままお続けください]

[完了度 42%]

8. 事業継続サービスを第三者から入手している場合、そのサービスが現在、そして将来入手されるべきの状況をもっともよく表しているのは下記のうちどれでしょうか? [それぞれの欄からひとつだけお選びください]

ご注意:リストを回転させる番号順を示さないこと。

購入した事業継続パッケージの種類	現在	将来
A. 事業継続/災害時復旧サービスのスタンダードアローン・セットとして入手した	○	◎
B. 事業継続/災害時復旧以外のサービスも含めた、大きくまとめられたものとして調達した	○	○
C. ハード、ソフト、サービスをひとつにまとめた大きなものの一部として調達した	◎	◎

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D. わからない/回答拒否

○ ○

[完了度 46%]


9. 2005年と2006年度に第三者から購入した事業継続サービスのおおのの種類が全体に占める割合を  
下表に示してください。

購入した事業継続パッケージの種類	2005	2006
コンサルトのサービスで単なるセットのスタンダードアローンとしてコンサルトサービスの離散的セット		
ビルド、インテグレーションおよび/あるいはインプラメンテーションのサービス		
アウトソースした/マネージした、あるいはアウトタスクしたサービス現行一連の作業サービスの一部として		
合計	100%	100%
	○ わからない/回答拒否	○ わからない/回答拒否

[完了度 49%]

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- New Enrollee       Coverage Change       Waiver (See Section 5)  
 COBRA/MSE Enrollee     Information Update


**GROUP BENEFIT SERVICES, INC.**  
 6 North Park Drive, Suite 310  
 Hunt Valley, MD 21030  
 (410) 832-1300 (410) 832-1316 - F

## EMPLOYEE ELECTION FORM

(This is not an application for insurance)

Every Item  
Must Be Completed

1. EMPLOYEE INFORMATION (Your employer will complete the shaded boxes in this section)							Employer Section				
Last Name			First Name		M.I.	Social Security Number		Effective Date(s): Medical: _____ Dental: _____ Vision: _____ Life/STD: _____ LTD: _____			
Street Address						Date of Hire		GBS Account Number			
City		State		Zip Code		Hours Worked Per Week		Annual Salary			
Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	Date of Birth		Home Phone #		Business Phone #		Extension		Benefit Class/Occupation		
Marital Status <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed		Date of Marriage		Name of Employer							
2. GENERAL INFORMATION (Complete entire line for all listed)							IF HMO OR POS PLAN				
	Last Name	First Name	M.I.	Date of Birth	Social Security #	Sex	Primary Care Provider #	Current Patient (Y/N)	GYN Provider #	Disabled (Y/N)	Full-Time Student (Y/N)
Self											
Dependent											
Child											
Child											
Child											
Participating Dentist or Facility:							Dental Office Provider Code:				
3. OTHER HEALTH/DENTAL INSURANCE INFORMATION (You must complete this section or claims may be denied)											
Do you or your dependents described on this form have "health" or "dental" coverage with another insurer? <input type="checkbox"/> Yes <input type="checkbox"/> No Effective Date: _____ Term Date: _____											
Who is covered? <input type="checkbox"/> Self <input type="checkbox"/> Spouse <input type="checkbox"/> All Other Carrier Name: _____ Policy # _____											
Will you or your dependents continue coverage with other insurer? <input type="checkbox"/> Yes <input type="checkbox"/> No Other coverage is through <input type="checkbox"/> Individual Policy <input type="checkbox"/> Spouse's Employer											
Are you covered by Medicare: <input type="checkbox"/> No <input type="checkbox"/> Yes Effective Date (Part A) _____ (Part B) _____ Medicare # _____											
Are any of your dependents covered by Medicare: <input type="checkbox"/> No <input type="checkbox"/> Yes Effective Date (Part A) _____ (Part B) _____ Medicare # _____											
4. BENEFIT ELECTION (Indicate level of coverage elected for each benefit offered by your employer)											
MEDICAL PLAN		DENTAL PLAN		VISION PLAN		LIFE INSURANCE		SHORT TERM DISABILITY		LONG TERM DISABILITY	
Carrier: _____ Plan: _____ Group# _____		Carrier: _____ Plan: _____ Group# _____		Carrier: _____ Plan: _____ Group# _____		Carrier: _____ Plan: _____ Group# _____		Carrier: _____ Plan: _____ Group# _____		Carrier: _____ Plan: _____ Group# _____	
<input type="checkbox"/> Individual <input type="checkbox"/> Individual & 1 Child <input type="checkbox"/> Individual & Adult <input type="checkbox"/> Individual & Children <input type="checkbox"/> Family <input type="checkbox"/> Over 65 & Full-Time <input type="checkbox"/> Over 65 & Retired <input type="checkbox"/> NONE		<input type="checkbox"/> Individual <input type="checkbox"/> Individual & 1 Child <input type="checkbox"/> Individual & Adult <input type="checkbox"/> Individual & Children <input type="checkbox"/> Family <input type="checkbox"/> NONE		<input type="checkbox"/> Individual <input type="checkbox"/> Individual & 1 Child <input type="checkbox"/> Individual & Adult <input type="checkbox"/> Individual & Children <input type="checkbox"/> Family <input type="checkbox"/> NONE		<input type="checkbox"/> Life Insurance/AD&D <input type="checkbox"/> Supplemental Life Benefit: _____ <input type="checkbox"/> Dependent Life <input type="checkbox"/> NONE		<input type="checkbox"/> Short Term Disability <input type="checkbox"/> Voluntary STD Benefit: _____ <input type="checkbox"/> NONE		<input type="checkbox"/> Long Term Disability <input type="checkbox"/> Voluntary LTD <input type="checkbox"/> NONE	
LIFE INSURANCE BENEFICIARY:						RELATIONSHIP:					
5. WAIVER											
I hereby certify that the benefits provided by my Employer have been explained to me, that I have been given an opportunity to elect coverage and that I voluntarily decline to participate in the benefits checked "NONE" at this time. I understand that I may be required to wait until the next open enrollment period (if applicable) or until a Special Enrollment event for medical or dental coverage, or be required to provide evidence of insurability of insurability for life or disability benefits.											
EMPLOYEE SIGNATURE (Waiver Only): _____ Date: _____											
Reason for Waiver: <input type="checkbox"/> Coverage Elsewhere    Carrier Name: _____ <input type="checkbox"/> Not Interested											

**CERTIFICATION:** The foregoing statements and answers are true and complete to the best of my knowledge, information and belief. I certify that I am the spouse, parent, legal guardian (or the dependent has been placed in my home for adoption) of the dependents listed above and they are dependent upon me for primary support by the IRS.

EMPLOYEE SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EMPLOYER SIGNATURE/VERIFICATION: \_\_\_\_\_ DATE: \_\_\_\_\_

White: GBS Copy

Canary: Carrier Copy

Pink: Employer Copy

Gold: Employee Copy

EEFORM Rev. 7/05

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- Nuevo Participante       Cambio de Cobertura       Documento de Renuncia  
 Participante de COBRA/MSE     Actualización de Información    (Vea la Sección 5)



**GROUP BENEFIT SERVICES, INC.**  
 6 North Park Drive, Suite 310  
 Hunt Valley, MD 21030  
 (410) 832-1300 (410) 832-1316 - F

## FORMULARIO DE ELECCIÓN DEL EMPLEADO

(Esto no es una solicitud de seguro)

Cada Dato  
Debe Llenarse

1. INFORMACIÓN DEL EMPLEADO (Sin empleador, llenar las casillas sombreadas en esta sección)										Sección del Empleador				
Apellido			Nombre			Inicial 2do. Nombre		Número de Seguro Social			Fecha(s) de Vigencia: Médico: _____ Dental: _____ Vida: _____ Vida/Discapacidad Corto Plazo: _____ Discapacidad Largo Plazo: _____			
Dirección						Fecha de Contratación								
Ciudad			Estado		Código Postal		Horas Trabajadas a la Semana			Número de Cuenta GBS				
Sexo <input type="checkbox"/> Masculino <input type="checkbox"/> Femenino		Fecha de Nacimiento		Teléfono Particular		Teléfono del Trabajo		Extensión		Salario Anual				
Estado Civil <input type="checkbox"/> Soltero(a) <input type="checkbox"/> Divorciado(a)		<input type="checkbox"/> Casado(a) <input type="checkbox"/> Viudo(a)		Fecha de Casamiento		Nombre del Empleador			Clase de Beneficio/Ocupación					
2. INFORMACIÓN GENERAL (Llene la línea entera para todo lo listado)										SI PLAN HMO O POS		Estudiante de Tiempo Completo (S/N)		
	Apellido	Nombre	Inicial 2do. Nombre	Fecha de Nacimiento	Nro. de Seguro Social	Sexo	# Proveedor Cuidado Primario	Paciente Actual (S/N)	# Proveedor GINEC	Discapacitado (S/N)				
Usted														
Dependiente														
Niño														
Niño														
Niño														
Dentista o Centro Participante								Código de Proveedor de Consultorio de Dentista:						
3. OTRA INFORMACIÓN DE SEGURO MÉDICO/DENTAL (Usted debe llenar esta sección o las reclamaciones pueden ser denegadas)														
¿Ud. o sus dependientes descritos en este formulario tienen una cobertura "médica" o "dental" con otro seguro? <input type="checkbox"/> Sí <input type="checkbox"/> No Fecha de Vigencia: _____ Término: Fecha: _____														
¿Quién está cubierto? <input type="checkbox"/> Usted <input type="checkbox"/> Cónyuge <input type="checkbox"/> Todos Nombre del Otro Seguro: _____ # Póliza _____														
¿Continuará Ud. o sus dependientes la cobertura con otro seguro? <input type="checkbox"/> Sí <input type="checkbox"/> No Otra cobertura es a través de: <input type="checkbox"/> Póliza Individual <input type="checkbox"/> Empleador del Cónyuge														
¿Está Ud. cubierto(a) por Medicare? <input type="checkbox"/> No <input type="checkbox"/> Sí Fecha de Vigencia (Parte A) _____ / _____ / _____ (Parte B) _____ / _____ / _____ # Medicare _____														
¿Está uno de sus dependientes cubiertos por Medicare? <input type="checkbox"/> No <input type="checkbox"/> Sí Fecha Vigencia (Parte A) _____ / _____ / _____ (Parte B) _____ / _____ / _____ # Medicare _____														
4. ELECCIÓN DE BENEFICIOS (Indique el nivel de cobertura elegida para cada beneficio ofrecido por su empleador)														
PLAN MÉDICO			PLAN DENTAL			PLAN DE VISIÓN			SEGURO DE VIDA		DISC CORTO PLAZO		DISC LARGO PLAZO	
Seguro: _____ Plan: _____ # Grupo _____			Seguro: _____ Plan: _____ # Grupo _____			Seguro: _____ Plan: _____ # Grupo _____			Seguro: _____ Plan: _____ # Grupo _____		Seguro: _____ Plan: _____ # Grupo _____		Seguro: _____ Plan: _____ # Grupo _____	
<input type="checkbox"/> Individual <input type="checkbox"/> Individual y un (1) niño <input type="checkbox"/> Individual y adulto <input type="checkbox"/> Individual y niños <input type="checkbox"/> Familia <input type="checkbox"/> Mayor de 65 años y tiempo completo <input type="checkbox"/> Mayor de 65 años y retirado(a) <input type="checkbox"/> NINGUNO			<input type="checkbox"/> Individual <input type="checkbox"/> Individual y un (1) niño <input type="checkbox"/> Individual y adulto <input type="checkbox"/> Individual y niños <input type="checkbox"/> Familia <input type="checkbox"/> NINGUNO			<input type="checkbox"/> Individual <input type="checkbox"/> Individual y un (1) niño <input type="checkbox"/> Individual y adulto <input type="checkbox"/> Individual y niños <input type="checkbox"/> Familia <input type="checkbox"/> NINGUNO			<input type="checkbox"/> Seguro de Vida/Muerte Accidental y Desembarramiento (AD&D) <input type="checkbox"/> Beneficio de Vida Suplementario: _____ <input type="checkbox"/> Vida de Dependiente <input type="checkbox"/> NINGUNO		<input type="checkbox"/> Discapacidad a Corto Plazo <input type="checkbox"/> Beneficio de Discapacidad Corto Plazo Voluntaria: _____ <input type="checkbox"/> NINGUNO		<input type="checkbox"/> Discapacidad a Largo Plazo <input type="checkbox"/> Discapacidad a Largo Plazo Voluntaria <input type="checkbox"/> NINGUNO	
BENEFICIARIO(A) DEL SEGURO DE VIDA:								RELACIÓN:						
5. DOCUMENTO DE RENUNCIA														
Con el presente documento certifico que los beneficios que mi Empleador ofrece se me han explicado, que se me ha dado la oportunidad de elegir la cobertura y que yo voluntariamente rechazo participar en los beneficios marcados con "NINGUNO" en este momento. Comprendo que puede que se me exija esperar hasta el siguiente período de inscripción (si se aplica) o hasta que haya un evento de inscripción Especial para la cobertura médica o dental, o que se me exija entregar pruebas o capacidad de aseguramiento para los beneficios de vida o discapacidad.														
FIRMA DEL EMPLEADO (Solo para la renuncia): _____ Fecha: _____														
Razón para la Renuncia: <input type="checkbox"/> Tiene otra Cobertura    Nombre del Seguro: _____ <input type="checkbox"/> No está interesado(a)														
CERTIFICACIÓN: Las declaraciones y respuestas dadas anteriormente son ciertas y están completas de acuerdo con lo mejor de mis conocimientos, la información de que dispongo y mi creencia. Certifico que soy el cónyuge, padre/madre, guardián legal (o el dependiente ha sido puesto en mi hogar para la adopción) de los dependientes indicados arriba y que ellos dependen de mí para su manutención básica según el IRS.														
FIRMA DEL EMPLEADO: _____ FECHA: _____														
FIRMA/VERIFICACIÓN DEL EMPLEADOR: _____ FECHA: _____														

Blanca: Copia de GBS

Amarillo Clara: Copia del Seguro

Rosadas: Copia del Empleador

Dorada: Copia del Empleado

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020520



U.S. Election Assistance Commission

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### Technical Evaluation Criteria

For:

Translating and graphical layout of the national mail in voter registration form

Evaluator: Christine Chin (APIAvote), Adam Ambrogi, Edgardo Cortes and Gaylin Vogel

Date: June 14, 2006

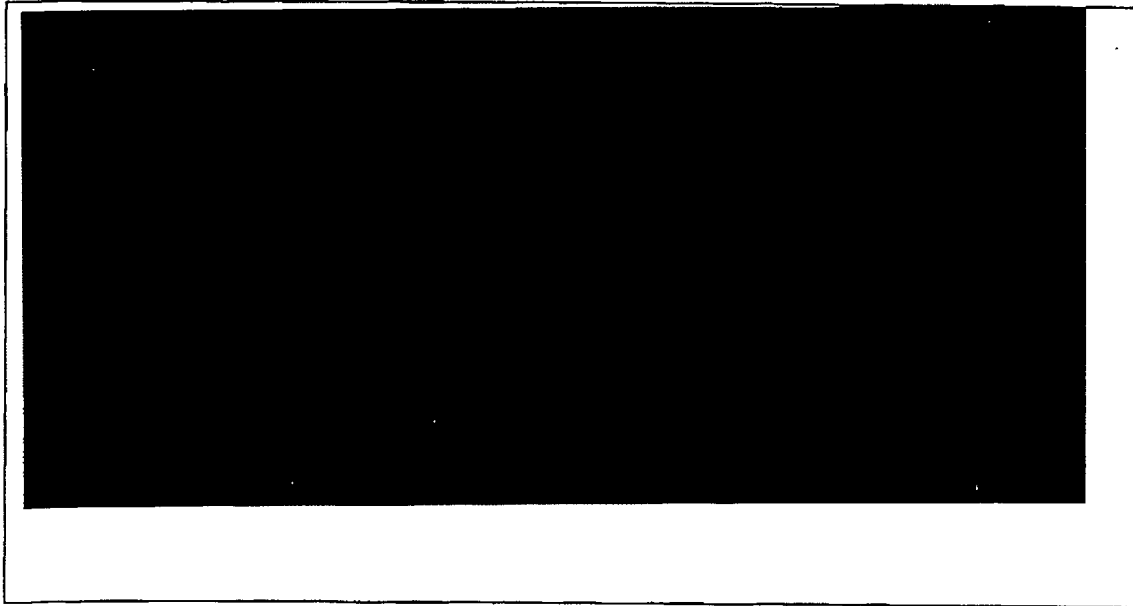
Bidder: Compass Languages

1. Relevant organizational experience. (65 points)

Factors: 1. Experience, 2. Risks to success, 3. Best qualified team. Reviewers should consider elements such as:

1) Does the bidder appear to have an in depth comprehension of the project; 2) Does the proposal indicate an awareness of the practical realities of deadlines?

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2. Quality and look of samples. (10 points)

Factors: Similar work and complexity



9

**3. Compliance with proposal instructions. (5 points)**

4

Factors: followed instructions (1 point), presented a clear proposal (2 points), overall quality of the proposal (2 points)

**4. Results of reference checks. (20 points)**

19

- a. Was work done on schedule?
- b. Was work done within budget?
- c. Describe quality of work product.
- d. Describe working relationship.
- e. Describe unique insights, value-added results that contractor produced.



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### Technical Evaluation Criteria

For:

Translating and graphical layout of the national mail in voter registration form

Evaluator: Christine Chin (APIA vote), Adam Ambrogi, Edgardo Cortes and Gaylin Vogel

Date: June 14, 2006

Bidder: Compass Languages

1. Relevant organizational experience. (65 points)

Factors: 1. Experience, 2. Risks to success, 3. Best qualified team. Reviewers should consider elements such as:

1) Does the bidder appear to have an in depth comprehension of the project; 2) Does the proposal indicate an awareness of the practical realities of deadlines?

58

- Almost everyone had election experience  
- like the independent reviewers  
- like the dialect issues  
- like understand the word for word or can alter for culture. understand cd to legal must be exact  
- lot experience

2. Quality and look of samples. (10 points)

Factors: Similar work and complexity



9

- liked the form (asian lang wd have been better)  
 - showed the sensitivity to culture

**3. Compliance with proposal instructions. (5 points)**

4

Factors: followed instructions (1 point), presented a clear proposal (2 points), overall quality of the proposal (2 points)

extra sample

**4. Results of reference checks. (20 points)**

19

- a. Was work done on schedule?
- b. Was work done within budget?
- c. Describe quality of work product.
- d. Describe working relationship.
- e. Describe unique insights, value-added results that contractor produced.





U.S. Election Assistance Commission

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### Technical Evaluation Criteria

For:

**Translating and graphical layout of the national mail in voter registration form**

Evaluator: Christine Chin (APIA vote), Adam Ambrogi, Edgardo Cortes and Gaylin Vogel

Date: June 14, 2006

Bidder: Transcend

1. Relevant organizational experience. (65 points)

Factors: 1. Experience, 2. Risks to success, 3. Best qualified team. Reviewers should consider elements such as:

1) Does the bidder appear to have an in depth comprehension of the project; 2) Does the proposal indicate an awareness of the practical realities of deadlines?

48

- Contractor on past project
- want more bio info on
- significant election experience
- no mention of review process
- no discussion of the project
- lacked detail on how going to provide services

2. Quality and look of samples. (10 points)

Factors: Similar work and complexity



8

- why not include past NVRA or other elections forms  
- Form - good that format matched

**3. Compliance with proposal instructions. (5 points)**

Factors: followed instructions (1 point), presented a clear proposal (2 points), overall quality of the proposal (2 points)

4

[Empty rectangular box for response]

**4. Results of reference checks. (20 points)**

- a. Was work done on schedule? 4
- b. Was work done within budget? 4
- c. Describe quality of work product. 4
- d. Describe working relationship. 4
- e. Describe unique insights, value-added results that contractor produced. 1

17



U.S. Election Assistance Commission

77

**Technical Evaluation Criteria**

**For:**

**Translating and graphical layout of the national mail in voter registration form**

Evaluator: Christine Chin (APIAvote), Adam Ambrogi, Edgardo Cortes and Gaylin Vogel

Date: June 14, 2006

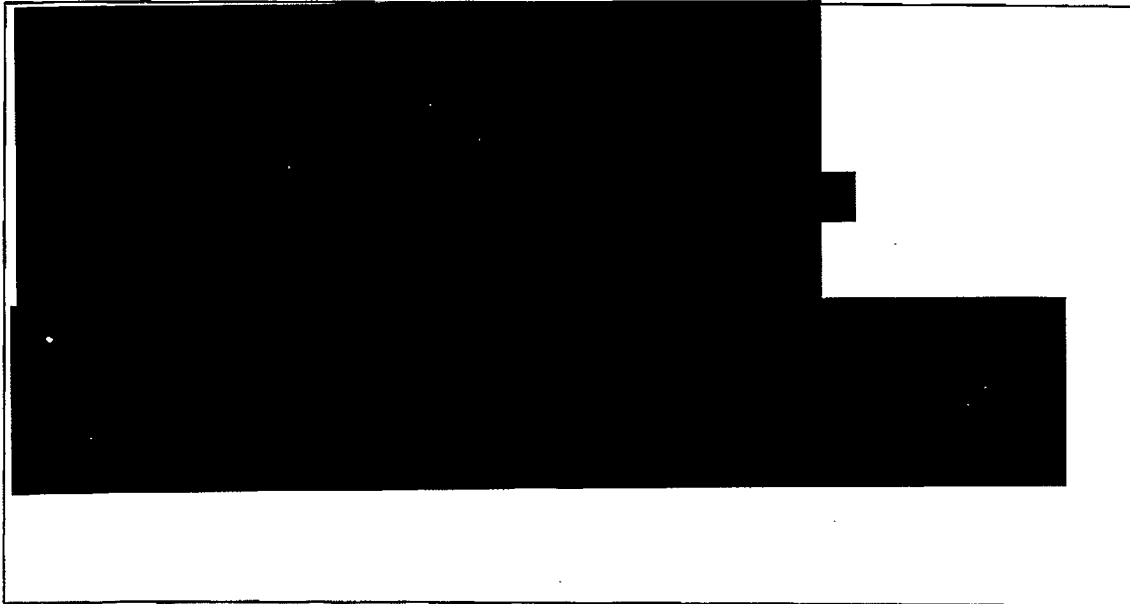
Bidder: Transcend

1. Relevant organizational experience. (65 points)

Factors: 1. Experience, 2. Risks to success, 3. Best qualified team. Reviewers should consider elements such as:

- 1) Does the bidder appear to have an in depth comprehension of the project; 2) Does the proposal indicate an awareness of the practical realities of deadlines?

48



2. Quality and look of samples. (10 points)

Factors: Similar work and complexity



8

**3. Compliance with proposal instructions. (5 points)**

Factors: followed instructions (1 point), presented a clear proposal (2 points), overall quality of the proposal (2 points)

4

**4. Results of reference checks. (20 points)**

- a. Was work done on schedule? 4
- b. Was work done within budget? 4
- c. Describe quality of work product. 4
- d. Describe working relationship. 4
- e. Describe unique insights, value-added results that contractor produced. 1

17

# ELECTRONIC FUNDS TRANSFER (EFT) ENROLLMENT FORM

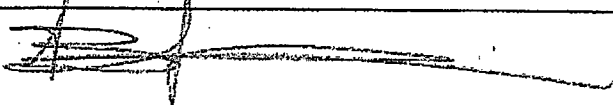
Use this form to enroll in Direct Deposit of your federal payment from the General Services Administration

Privacy Act Statement Collection of this information is authorized by 31 U.S.C. 3332(g), 3325(d) and 7701(c) The information will be used by the Government to make payments by EFT to a vendor. This information may also be used for income reporting and for collecting and reporting on any delinquent amounts arising out of a vendor's relationship with the Government. Disclosure of the information by the vendor is mandatory. Failure to provide the requested information may result in the delay or withholding of payment to the vendor.

Company/Payee Name		The Cresston Company LLC d.b.a Compass Languages			
Address	1666 Crofton Parkway				
City	Crofton	State	Maryland	Zip	21114
Taxpayer ID Number (TIN)	13 419 4307				

Financial Institution Name	Wachovia				
Financial Institution Phone Number	410 451 6184				
Financial Institution Routing Transit Number (RTN)	055003201				
Depositor Account Title	Cresston Company LLC				
Depositor Account Number	2000010650257				
Account Type	<input checked="" type="checkbox"/> Checking		<input type="checkbox"/> Savings		

Company/Payee Contact Person	Leo Brenninkmeyer				
Phone	( 410 ) 451-4297				

<b>MUST HAVE SIGNATURE</b> Company/Payee Authorized Signature	
--	--

020525



**U.S. ELECTION ASSISTANCE COMMISSION  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005**

July 24, 2006

To: Jeannie Layson, FOIA Officer

From: Gaylin Vogel, Law Clerk

RE: Freedom of Information Act request from Transcend dated June 28, 2006

The memo covers recommendations on documents that should be released to Transcend, the justification for the redaction of certain information contained in the responsive documents, and justification for withholding certain documents.

**Background**

The EAC received a Freedom of Information Act (FOIA) request from Transcend on July 3, 2006; the letter is dated June 28, 2006. Transcend requested (1) the full proposal submitted by The Creston Company, LLC d.b.a. Compass Languages for RFP 06-02 (RFQ 142611); (2) list of all offerors and the costs proposed for each; (3) Transcend's scores on each component of the evaluation criteria for the technical proposal and the scores of the Creston Company technical proposal.

**Approach**

In order to locate the responsive documents you sent an e-mail to all EAC staff on July 7, 2006. In the e-mail you asked for all responsive documents mentioned above. As a response to the e-mail I turned over a copy of the technical evaluations for Creston and Transcend, a copy of Creston's proposal to RFP 06-02 and a list of submitters to RFP 06-02.

**Responsive Documents**

A Federal agency cannot disclose proposals submitted to it in response to a solicitation request unless the proposal is incorporated by reference into a contract.<sup>1</sup> In this case the EAC issued a purchase order against a GSA Schedule contract. In a telephone discussion with Linda Dunbar at GSA on or about July 9, 2006; she explained that if the proposal is mentioned as part of the purchase order then it is "incorporated". On review of the SF 300

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<sup>1</sup> FAR Part 24.202 Prohibitions.

(a) A proposal in the possession or control of the Government, submitted in response to a competitive solicitation, shall not be made available to any person under the Freedom of Information Act. This prohibition does not apply to a proposal, or any part of a proposal, that is set forth or incorporated by reference in a contract between the Government and the contractor that submitted the proposal. (See 10 U.S.C. 2305(g) and 41 U.S.C. 253b(m).)

form for Creston it states "see attached for further description". A copy of the Creston proposal was attached, as such it is deemed incorporated. The FAR exception to release of proposals applies and the proposal (item 1) should be released.

RFP 06-02 was limited to GSA schedule vendors and the order for translation services was placed against the GSA schedule. I called the National GSA Information Center 800 number on July 21, 2006 and spoke to Nancy and was told that all vendors have access to other vendors postings. Creston's posting on the e-buy system is not working properly, but Leo Brinnkinmeyer of Creston reconfirmed that the prices Creston charged the EAC for the translation are the GSA schedule contract prices. The cost proposal should be released.

The EAC does not have a document responsive to Transcends second request but it does have an incomplete list of offerors, the winner Creston Company is not of the list. This list does not contain the price quotes. In a call to Deon, a Department of Justice FOIA Counselor, on July 21, 2006, she stated that as long as there is no competitive harm to releasing the incomplete list then the EAC can release the list. I do not see any competitive harm to releasing the list. This partial list (item 2) should be disclosed. The EAC is not required to create a document in response to a FOIA request, meaning the EAC does not have to add Creston or the price information to the list.

#### **Redaction**

The subcontractors names in the Creston proposal (item 1) should be redacted from the responsive documents based on FOIA exemption 4, which covers confidential commercial information such as names of key personnel and suppliers<sup>2</sup>. When Creston Company was informed about the FOIA request they asked that the names of their subcontractors not be revealed. Creston puts significant time and effort into evaluating and selecting their subcontractors. Divulging the names would put them at a disadvantage as other translating companies may attempt to steal their human capital. Creston makes a compelling argument. I recommend that the names of the translators be redacted to protect Creston's interest.

#### **Withheld**

The technical evaluations (item 3) should be withheld based on FOIA exemption 5, the deliberative process privilege. The privilege is designed to "prevent injury to the quality of agency decisions."<sup>3</sup> One of the goals of this exemption is to encourage open, frank discussions on matters of policy between subordinates and superiors.<sup>4</sup> In order for a document to be withheld as predecisional it must be "antecedent to the adoption of an agency policy."<sup>5</sup> It must be "a direct part of the deliberative process in that it makes recommendations or expresses opinions on legal or policy matters."<sup>6</sup> Technical evaluations of a Source Selection Board, a Board which does not have authority to make a final decision, are predecisional if the results are given to a Source Selection Authority

<sup>2</sup> RMS Indus. V. DOD, No. C-92-1545, slip op at 6 (N.D. Cal. Nov 21, 1992)

<sup>3</sup> NLRB v. Sears, Roebuck & Co., 421 U.S. 132, 151 (1975)

<sup>4</sup> Russell v. Dep't of the Air Force, 682 F.2d 1045, 1048 (D.C. Cir. 1982)

<sup>5</sup> Jordan v. United States Dep't of Justice, 591 F.2d 753, 774 (D.C. Cir. 1978)

<sup>6</sup> Vaughn v. Rosen, 523 F.2d 1136, 1143-44 (D.C. Cir. 1975)

who makes the final decision.<sup>7</sup> The evaluations in question are predecisional and make recommendations to a decisions maker, as such should not be released.

- Technical Evaluation of Creston's proposal in response to RFP 06-02 (2 pages)
- Technical Evaluation of Transcend's proposal in response to RFP 06-02 (2 pages)

**Recommendation**

The responsive documents identified should be turned over to Transcend with the recommended redactions; with exception for the documents identified under the deliberative process exception discussed above.

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<sup>7</sup> SMS Data Products Group, Inc. v. United States Air Force, 1989 WL 201031 (D.D.C.), 35 Cont.Cas.Fed. (CCH) P 75,644 (D.D.C. My 11, 1989)



# ELECTRONIC FUNDS TRANSFER (EFT) ENROLLMENT FORM

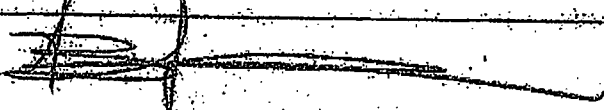
Use this form to enroll in Direct Deposit of your federal payment from the General Services Administration

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Company/Payee Name		The Cresston Company LLC d.b.a Compass Languages			
Address	1666 Crofton Parkway				
City	Crofton	State	Maryland	Zip	21114
Taxpayer ID Number (TIN)	[REDACTED]				

Financial Institution Name	[REDACTED]				
Financial Institution Phone Number	[REDACTED]				
Financial Institution Routing Transit Number (RTN)	[REDACTED]				
Depositor Account Title	Cresston Company LLC				
Depositor Account Number	[REDACTED]				
Account Type	<input checked="" type="checkbox"/> Checking	<input type="checkbox"/> Savings			

Company/Payee Contact Person	[REDACTED]				
Phone	( [REDACTED] ) [REDACTED]				

<b>MUST HAVE SIGNATURE</b> Company/Payee Authorized Signature	
--	--

020533

Contact F	Contact L	Firm	Address 1	Address 2	City	State	Zip	FAX
Elaine	Lazar	Lazar & Associates	1516 South Bundy Drive,		Los Angeles	CA	90025	310-453-6002
Kimberly	Silverman	LanguageUSA	440 Louisiana, Suite 900		Houston	TX	77002	866-700-0008
Erika	Nobel Hen	ASET International Services Cc	2009 N. 14th Street, Suite		Arlington	VA	22201	703-516-9269
Amy	Abramson	Transcend Translations	2043 Anderson Road, Sui		Davis	CA	95616	530-756-4810
Wendy	Pease	Rapport International	93 Moore Road		Sudbury	MA	01776	206-339-7160
Monique-P	Tubb	ACT	4332 Montgomery Avenue		Bethesda	MD	20814	301-654-2891
Jiri	Stejskal	CERTA Inc.	7408 Montgomery Avenue		Elkins Park	PA	19027	215-635-6610
Andreas	Zierold	The Language Doctors	500 H Street, NE		Washington	DC	20002	202-544-3953
Deborah	Brinksman	Academy of Languages	20 S. Charles Street, #40		Baltimore	MD	21201	410-510-1651
James	Baucom	Language Learning Enterprises	1627 K Street, NW Suite		Washington	DC	20006	202-785-5584
Patricia	Coates	Geneva Worldwide	261 West 35th Street		New York	NY	10001-190	212-255-8409

020534

# COMPASS LANGUAGES

**Proposal for the EAC translation and graphical layout of the national mail in voter registration form.**

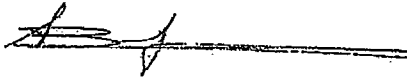
**Contact: Gaylin Vogel**

1. RFP Number: 06-02 (RFQ: 142611)
2. Date of submission: June 8<sup>th</sup> 2006
3. Name and Address:  
Compass Languages  
1666 Crofton Parkway  
Crofton  
MD21114
4. Employers Identification Number: 13 419 4307
5. Point of contact information:  
Leo Brenninkmeyer  
410 451 4297 or 410 703 5630  
Fax: 1-443-782-0215  
leo@compasslanguages.com
6. Remittance address: same as above
7. Classification of business: SBA designated as "small business"
8. Type of business organization: LLC
9. Cognizant Federal Contract  
Audit Agency: not applicable
10. Cost accounting standards: no
11. Payment Terms: 30 days net (EFT form attached)
12. Proposed price  
hundred) \$23,500 (twenty-three thousand five

020535

Authorized by:

Name: Leo Brenninkmeyer

Signature:  \_\_\_\_\_

Title: President

**Breakdown of Cost Elements:**

<b>15,000 words</b>	<b>Translation</b>	<b>Proofreading</b>	<b>Graphics</b>	<b>Total</b>
Japanese	\$ 2800	\$ 1200	\$ 700	\$ 4700
Chinese	\$ 2800	\$ 1200	\$ 700	\$ 4700
Korean	\$ 2800	\$ 1200	\$ 700	\$ 4700
Tagalog	\$ 2800	\$ 1200	\$ 700	\$ 4700
Vietamese	\$ 2800	\$ 1200	\$ 700	\$ 4700
TOTAL				\$23500

020536



U.S. ELECTION ASSISTANCE COMMISSION  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005

March 10, 2006

Ms. Lillie Coney  
Associate Director  
Electronic Privacy Information Center (EPIC)  
1718 Connecticut Ave, NW  
Washington, DC 20009

Dear Ms. Coney:

This letter is in response to your two Freedom of Information Act (FOIA) requests received by the U. S. Election Assistance Commission (EAC) on February 3, 2006.

FOIA Request Number One

The first request sought records pertaining to all agency records concerning agency contracts awarded between July 9, 2004 and the date of your FOIA request, specifically documents regarding contracts involving employment of:

1. Britain Williams
2. Paul Craft
3. Current or former members of the Technical Guidelines Development Committee (TGDC)

**No Records.** After a review of its files the EAC has determined that it has no records pertaining to item 2.

**Responsive records.** Please find the responsive documents attached regarding Britain Williams (item 1). One three page document has been withheld. This document is covered by the Deliberative Process Privilege and exempted from release under 5 U.S.C. §522(b)(5). The document sought was a pre-decisional policy recommendation from EAC Counsel. Responsive records regarding item 3 (members of the TGDC), are similarly attached. The responsive records relate to Mr. Stephen Berger. Please note that your previous FOIA submissions also requested information pertaining to Stephen Berger, which EAC provided. Therefore, the information attached includes only new materials related to Stephen Berger that have been generated since your prior FOIA requests. Some of the communications responsive to request number one have been redacted in part. The removed portions contain personal information (such as home and e-mail addresses,

bank accounts and Social Security Numbers). This redaction is required by 5 U.S.C. §522(b)(6).

**FOIA Request Number Two**

The second request you submitted sought records concerning the EAC contract with Kennesaw State University, and the Voluntary Voting System Guidelines (VVSG) public comment process. Specifically, you requested the following:

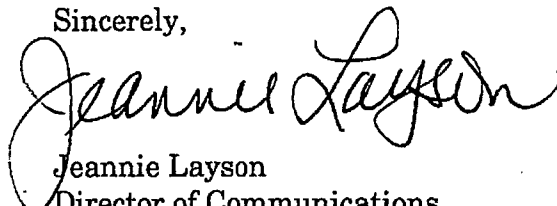
1. Database of comments filed with the EAC on the Voluntary Voting System Guidelines tracking and management system.
2. The individuals or organizations and their comments on the Voluntary Voting System Guidelines.
3. The records related to the assignment of reference numbers as listed in the Tracking Management System.
4. Records that define or explain the meaning of the "Accept/Reject" designation in the Section Comments Sorted by Section Number document EAC provided under an earlier FOIA request.

**No Records.** EAC has determined that it has no documents related to items 3 and 4. However, even though it is not required by FOIA, we would like to take the opportunity to provide an explanation for items 3 and 4. In regards to the assignment of reference numbers, they were assigned in chronological order automatically by the database system as the comments were received. Regarding the meaning of "Accept/Reject," every comment received was reviewed. If a comment was labeled "accept," the entire comment or part of the comment was incorporated into the formation of the final VVSG. If a comment was labeled "reject," it was because it was not germane to the VVSG, or it was the same or similar to other comments. There was a third category of comments, labeled "carry-over." These comments were not incorporated into the 2005 VVSG, but were considered germane to ongoing voting system guidelines work, and were submitted to the National Institute of Standards and Technology and the Technical Guidelines Development Committee for future consideration.

**Responsive Records.** Regarding items 1 and 2, this information is available to the public on the EAC website at [www.eac.gov](http://www.eac.gov) by clicking on the VVSG link.

The EAC has decided to waive the processing fees for your request. If you interpret any portion of this response as an adverse action, you may appeal it to the Election Assistance Commission. Your appeal must be in writing and sent to the address noted on the above letterhead. Any appeal submitted, must be postmarked no later than 60 calendar days from the date of this letter. Please include your reasons for reconsideration and attach a copy of this letter.

Sincerely,



Jeannie Layson  
Director of Communications  
U.S. Election Assistance Commission

**Attachments:**

1. Your Request Letter (February 3, 2006);
2. Your Request Letter (February 3, 2006);
3. Responsive Documents

Received 2/3/06



# Electronic Privacy Information Center (EPIC)

1718 Connecticut Avenue, NW,  
Suite 200  
Washington, DC 20009  
USA

Phone: 202-483-1140  
Fax: 202-483-1248  
<http://www.epic.org>  
Email: [coney@epic.org](mailto:coney@epic.org)

## Fax Cover Sheet

Send to:	<i>Election Assistance Comm.</i>	From:	<i>Lilla Coney</i>
Attention:	<i>Julie Thompson</i>	Office Location:	<i>1718 Connecticut Avenue, NW</i>
Office location:		Date:	<i>2/3/06</i>
Fax number:	<i>202-566-3127</i>	Phone number:	<i>202-483-1140 Ext. 111</i>

- URGENT     
  REPLY ASAP     
  PLEASE COMMENT     
  PLEASE REVIEW     
  FOR YOUR INFORMATION

TOTAL PAGES, INCLUDING COVER: *2*

Comments:



Organization

020540



ELECTRONIC PRIVACY INFORMATION CENTER



February 3, 2006

1718 Connecticut Ave NW  
Suite 200  
Washington DC 20009  
USA  
+1 202 483 1140 (tel)  
+1 202 483 1248 (fax)  
www.epic.org

Fax 202-566-3127

Julie Thompson  
FOIA Officer  
United States Election Assistance Commission  
1225 New York Avenue N.W., Suite - 1100  
Washington, DC 20005

RE: Freedom of Information Act Request

Dear Ms. Thompson,

This letter constitutes a request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and is submitted on behalf of the Electronic Privacy Information Center (EPIC).

We are seeking all agency records concerning agency contracts awarded between July 9, 2004 and the date of the receipt of this letter. The documents sought include, but are not limited to, documents regarding contracts, memoranda of understanding, and fee-for-service agreements in the employment of Brittain "Brit" Williams and Paul Craft by the U.S. Election Assistance Commission (EAC). We also seek documents regarding contracts, memoranda of understanding, fee-for-service agreements, and employment of other current or former members of EAC's Technical Guidelines Development Committee (TGDC).

For purposes of FOIA fee assessments, we request that EPIC be placed in the category of "news media" requester. The U.S. District Court for the District of Columbia has determined that EPIC qualifies for "news media," fee status, *EPIC v. Department of Defense*, 241 F.Supp.2d 5 (D.D.C. 2003). We also request a waiver of all processing fees, as release of this information will contribute significantly to the public's understanding of the activities and operation of the government.

Thank you for your consideration of this FOIA request. As the FOIA regulations provide, I look forward to your response within 20 working days. Should you require additional information, please contact me at 202-483-1140 x 111 or by e-mail at [coney@epic.org](mailto:coney@epic.org).

Sincerely,

  
Lillie Coney  
Associate Director

020541

Received 2/3/06



# Electronic Privacy Information Center (EPIC)

1718 Connecticut Avenue, NW,  
Suite 200  
Washington, DC 20009  
USA

Phone: 202-483-1140  
Ffax: 202-483-1248  
<http://www.epic.org>  
Email: [coney@epic.org](mailto:coney@epic.org)

## Fax Cover Sheet

Send to: <b>Election Assistance Commr</b>	From: <b>Lillie Coney</b>
Attention: <b>Julie Thompson</b>	Office Location <b>1718 Connecticut Avenue, NW</b>
Office location:	Date: <b>2/3/06</b>
Fax number: <b>202-566-3127</b>	Phone number: <b>202-483-1140 Ext. 111</b>

- URGENT    
  REPLY ASAP    
  PLEASE COMMENT    
  PLEASE REVIEW    
  FOR YOUR INFORMATION

TOTAL PAGES, INCLUDING COVER: **4**

Comments:



Organization

020542

ELECTRONIC PRIVACY INFORMATION CENTER



February 3, 2006

1718 Connecticut Ave NW  
Suite 200  
Washington DC 20009  
USA  
+1 202 483 1140 (tel)  
+1 202 483 1248 (fax)  
www.epic.org

Fax 202-566-3127

Julie Thompson  
FOIA Officer  
United States Election Assistance Commission  
1225 New York Avenue N.W., Suite - 1100  
Washington, DC 20005

RE: Freedom of Information Act Request

Dear Ms. Thompson,

This letter constitutes a request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and is submitted on behalf of the Electronic Privacy Information Center (EPIC).

We are seeking the following records concerning the performance of the Election Assistance Commission's (EAC) agency contract number EAC-0544 awarded under no-bid circumstances to Kennecaw State University. The documents sought include:

- Database of Comments filed with the EAC on the Voluntary Voting System Guidelines found in the EAC's Voluntary Voting System Guidelines Tracking & Management System (see attachments). If possible, we request that you provide this on CD-Rom.
- The individuals or organizations and their comments on the Voluntary Voting System Guideline and the records related to the assignment of reference numbers as listed in the "Tracking Management System." (See attachment A).
- Records that define or explain the meaning of the "Accept/Reject" designation in the "Section Comments Sorted by Section Number" document provided by the agency under a FOIA request. (See attachment B).

For purposes of FOIA fee assessments, we request that EPIC be placed in the category of "news media" requester. The U.S. District Court for the District of Columbia has determined that EPIC qualifies for "news media," fee status, *EPIC v. Department of Defense*, 241 F.Supp.2d 5 (D.D.C. 2003). We also request a waiver of all processing fees, as release of this information will contribute significantly to the public's understanding of the activities and operation of the government.

Thank you for your consideration of this FOIA request. As the FOIA regulations provide, I look forward to your response within 20 working days. Should you require additional information, please contact me at 202-483-1140 x 111 or by e-mail at [coney@epic.org](mailto:coney@epic.org).

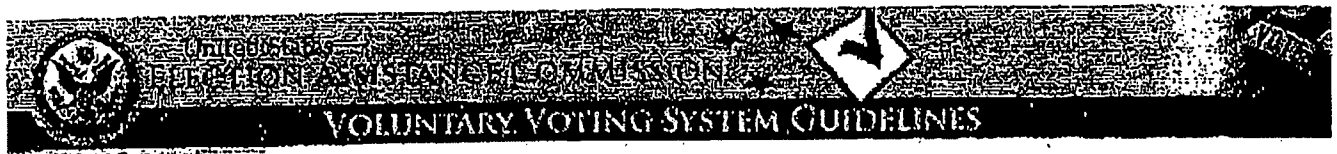
Sincerely,

Lillie Coney  
Associate Director

020543

(A)

EAC - Voluntary Voting System Guidelines



★ Tracking & Management System

View All Comment Recommendations

Record 1 - 100 of 2380

Previous Page  Next Page

Goto Page 1 2 3 4 5 6 7 8 9 10 11 12  
13 14 15 16 17 18 19 20 21 22 23 24

Lines per page  100

Reference Number	Classification	Section Number (or Glossary or General)	Recommended Resolution	KSU Signoff	Working Group Signoff	EAC Signoff	Status
<u>259</u>	Non-Extensive	Undervote		✓	✓	✓	Closed
<u>260</u>	Non-Extensive	Phantom Vote		✓		✓	Closed
<u>261</u>	Non-Extensive	Blank Ballot		✓		✓	Closed
<u>262</u>	Extensive	3		✓	✓		Closed
<u>263</u>	Non-Extensive	6.8.1		✓		✓	Closed
<u>264</u>	Non-Extensive	6.8		✓		✓	Closed
<u>265</u>	Extensive			✓	✓	✓	Closed
<u>266</u>	Extensive	6.6		✓	✓	*	Closed
<u>267</u>	Extensive	6.5.5		✓	✓	*	Closed
<u>268</u>	Non-Extensive	Undervote		✓		✓	Closed
<u>269</u>	Extensive	2.2.7.1.2.1.8		✓	✓		Closed
<u>270</u>	Extensive	2.2.7.1.2.1.9		✓	✓		Open
<u>271</u>	Extensive	2.2.7.1.3.4		✓			Open
<u>272</u>	Extensive	2.2.7.1.2.2.6		✓	✓		Closed
<u>273</u>	Extensive	2.2.7.1.2.2.6		✓			Open
<u>274</u>	Extensive	6.8.2.2		✓	✓		Closed
<u>275</u>	Extensive	6.8.3.5		✓	✓		Closed
<u>276</u>	Extensive	6.8.4.3		✓	✓		Closed
<u>277</u>	Extensive	6.8.4.7		✓	✓		Closed
<u>278</u>	Non-Extensive	6.8.4.7		✓		✓	Closed
<u>279</u>	Non-Extensive	6.8.4.7		✓		✓	Closed
<u>280</u>	Extensive	6.8		✓	✓	*	Closed
<u>281</u>	Extensive	6.8.2.2		✓	✓		Closed

(B)

## Section Comments Sorted by Section Number

Section Comments - Sorted by Section Number							
Reference Number	Section	Page Number	Line Number	Attach File	Comment	Accept/Reject	By
617	...	4		NULL	[Volume I, Appendix C] 6.0.2.2 Usability There is a spacing error, too much space, just above this	Accepted	Merle King
620	...	E-2		NULL	[Volume 1, Appendix E] Vol 1, appendix e Page 2, spacing error between 1 & 2	Accepted	Merle King
677	...	4		NULL	[Volume II, Appendix C] On your page, there are spacing errors between 4-7 lines [Note* comment included chart that cannot be displayed here. Correction is for extra lines below lines 4,5,6 of the chart.]	Accepted	Merle King
678	...	1		NULL	[Note* Actually Volume II, Appendix A] Vol 25, appendix a A.1.1. references The test lab shall list all documents that contain material used in preparing the test plan. This list shall include specific references to applicable portions of the "g	Accepted	Merle King
681	...	8		NULL	[Volume II, Section A] Page A 8 • Stress tests: These tests investigate the system's response to transient overload conditions. Polling place devices shall be subjected to ballot processing at the high volume rates at which the equipment can be opera	Accepted	Merle King
882	...	9		NULL	[Volume II, Section A] a.5.1 data recording The test lab shall identify all data recording requirements (e.g.; what is to be measured, how tests and results are to be recorded). The test lab shall also design or approve the Wrong punctuation e.g.,	Accepted	Merle King
467	...			NULL	[Volume I, Appendix D] Comments on Section 1.2.2 End to End Cryptographic IDV Systems The general description of End to End Cryptographic IDV systems included in Appendix D is based on a specific implementation of these systems: the receipt-based system	Accepted	Merle King
473	...			NULL	[Volume I, Appendix D] Section D.5 End to End (Cryptographic) IDV Systems Comments on End to End IDV Systems Characteristics In Section 3.1.2 of this document, we proposed to divide the End to End IDV systems in two subcategories: receipt-based systems	Accepted	Merle King
572	...			Comments o	See attached document.	Accepted	Merle King
818	...	D-9	13	NULL	[Volume I, Appendix D] (Note* Actually section 2.1, not 1.1) 1.1 An independent dual verification voting system produces two distinct sets of records of ballot choices via interactions with the voter such that one set of records can be compared again	Accepted	Merle King

020545

Jeannie Layson /EAC/GOV  
02/03/2006 02:51 PM

To coney@epic.org  
cc  
bcc  
Subject Your Feb. 3, 2006 FOIA requests

Ms. Coney,  
The U.S. Election Assistance Commission has received the two FOIA requests you submitted on February 3, 2006. We are working to comply with your requests within 20 working days.

Please note that I am the commission's FOIA officer, and you should send any future FOIA requests to me via mail at the address below, or by using this email address, or faxing it to my attention at 202-566-3127. If you have questions, please contact me at 202-566-3103. Thank you.

Jeannie Layson  
U.S. Election Assistance Commission  
1225 New York Ave., NW  
Suite 1100  
Washington, DC 20005  
Phone: 202-566-3100  
[www.eac.gov](http://www.eac.gov)

020546



U.S. ELECTION ASSISTANCE COMMISSION  
1225 NEW YORK AVENUE, N.W., SUITE 1100  
WASHINGTON, D.C. 20005

January 26, 2006

Mr. Stephen Berger  
TEM Consulting, LP

Via Federal Express

RE: Personal Services Contract 06-03

Dear Mr. Berger:

Enclosed are two copies of a proposed personal services agreement whereby you would provide expert services to the United States Election Assistance Commission regarding the development and implementation of a voting system certification and testing program. Please review this document. If you agree to the terms of the proposed contract, please execute both copies. Retain one copy for your files and return the other signed original to Diana Scott, EAC, 1225 New York Avenue, NW, Suite 1100, Washington, DC 20005 in the enclosed envelope.

We look forward to working with you. If you have any questions regarding this agreement, please feel free to contact Julie Thompson or Brian Hancock at 202-566-3100.

Sincerely,

Thomas R. Wilkey  
Executive Director & Contracting Officer

020547

## EAC 06-003

### Personal Services Contract for Intermittent Expert Services

#### Background

The Help America Vote Act of 2002 (HAVA) (42 U.S.C. §15301, *et seq.*), requires the U.S. Election Assistance Commission (EAC) to provide for the testing, certification, decertification, and recertification of voting systems. This mandate requires the Commission to create and manage a certification program for voting technologies. Moreover, HAVA requires the Commission to develop a program for accrediting independent, non-Federal testing laboratories. These accredited laboratories will test voting systems in accordance with the applicable Voluntary Voting Systems Guidelines and create a report which vendors will provide to the EAC for use in its system certification program.

Consistent with the HAVA requirements, above, the Commission is required to create a program that certifies voting systems. This program will be the first of its kind in the Federal government. The creation of this program is highly technical and specialized. Its development requires a high-level understanding of various technologies, standard setting, election administration and the certification process and procedure. Given these requirements, the EAC seeks an expert to assist the agency in creating its certification program.

#### Nature of the Appointment

The EAC enters into this contract pursuant to its authority to contract for consultants and experts under 5 U.S.C. §3109 (See 42 U.S.C. §15324(b)). As such, this contract is for personal services and creates a limited employment relationship. (See 5 C.F.R. §304). The initial appointment under this agreement shall be for the intermittent employment of an expert as defined by 5 C.F.R. §304.102(d) and (e). The expert (hereinafter "contractor") shall work as required by the EAC, without a regularly scheduled tour of duty. Under no circumstances may contractor work more than 858 hours during the one year term of this agreement (5 C.F.R. §304.103(c)(2)(i)).

#### Supervision and Management.

The EAC Manager and Contracting Officer's Representative (COR) for this effort is EAC Research Specialist Brian Hancock. Mr. Hancock will provide taskings, and authorize, supervise, review and approve all work and performance. He will also approve all labor hours on invoices and travel vouchers submitted for compensation under this agreement.

#### Period of Appointment.

The appointment under this contract is temporary and shall be for a period of one year.

020548



The contract period shall begin the first Sunday after the date of award. The contract may be extended and contractor reappointed for an additional year upon agreement of both parties. (See 5 C.F.R. §304.103(c)).

### **Compensation**

The consultant shall be paid at a rate of \$135 per hour. Contractor shall perform the services prescribed by this agreement as directed by the COR on an intermittent basis. **However, in any event, the contractor shall not work more than [33 hours] in either of the 2 two week periods that make up each four week pay period.** Further, as aforementioned, the contractor may not work more than 858 hours within the one year appointment. The dates of performance are flexible but shall be based upon the needs of the project and the EAC. COR shall provide contractor notice and authorization when performance under this agreement is required.

The consultant shall not incur overtime and is not eligible for premium pay under subchapter V of chapter 55 of title 5, United States Code. (5 C.F.R. §304.106(b)). The contractor, as an intermittent appointee, is also not entitled to sick or annual leave. Contractor will not receive compensation for Federal holidays when no work is performed. (5 C.F.R. §304.106(b)). The contractor shall not receive automatic adjustments of pay based upon 5 U.S.C. §5303. Contractor's pay rate may be increased at the sole discretion of the Contracting Officer, consistent with Federal regulations. Contractor may be reimbursed for other costs, such as local travel, consistent with this agreement if approved by the COR and submitted in writing via invoice.

### **Travel**

The contractor may be required to travel on a periodic, as needed basis, throughout the duration of their appointment. All travel must be pre-approved by the EAC COR. The contractor will be reimbursed for hotel and ground transportation costs, proper incidental expenses, and per diem while on official, pre-approved EAC travel. Compensation for travel shall be made in accordance with the rates set forth in the Federal Travel Regulation.

### **Release of Information**

As a result of the limited employment relationship created by this agreement, and pursuant to this agreement, you are required to follow all Federal laws and regulations as they relate to the release of agency documents and information. All research, information, documents and any other intellectual property (including but not limited to policies, procedures, manuals, and other work created at the request or otherwise while laboring for the EAC) shall be owned exclusively by the EAC, including copyright. All such work product shall be turned over to the EAC upon completion of your appointment term or as directed by the EAC. The EAC shall have exclusive rights over this material. You may not release government information or documents without the express written

permission of the EAC.

### **Compensation Procedures**

Compensation shall be made for work done (labor hours) by submitting invoices. (Model Invoice Attached). Invoices shall be submitted every four weeks from the date of award. A week shall be from Sunday to Saturday. The first pay period shall begin the Sunday after the date of award. As such, there will be 13 invoice periods. Invoices must be submitted every 4 weeks when compensable work under this contract has been performed. The COR will provide the contractor with an invoice schedule, identifying each of the 13 invoice periods. Invoices shall be delivered to the COR for review and approval. Each invoice shall:

- (1) Identify each day (by date) that work was performed and the number of labor hours performed that day. Briefly describe the nature of the work performed for that day;
- (2) State the total number of labor hours that have been expended under the agreement for the invoice period;
- (3) State the total number of hours worked for each of the two week periods that make up the total invoice time;
- (4) Provide a cumulative total of hours worked during the entire contract performance period (one year);
- (5) Submit, as a separate line item, all reimbursable travel costs for approval. The submission must provide dates of travel, receipts and other information as required by the Federal Travel Regulation.
- (6) Include the contractor's signature, affirming that information contained in the invoice is accurate.

### **Duty Location**

Contractor's duty station shall be his/her home or place of business. The contractor has access to and shall supply common office equipment to include telecommunications, internet access, a computer, office supplies, facsimile machine and common workplace software (including Microsoft Word, Project and Excel). All other resources will be provided by the EAC as needed and at its discretion.

### **Notices**

Any notice, given by any of the parties hereunder, shall be sufficient only if in writing and delivered in person or sent by telegraph, telegram, registered, or regular mail as follows:

To EAC: 1225 New York Avenue, Suite 1100, Washington, DC 20005,  
Attention: Contracting Officer Representative, Brian Hancock.

To Contractor: At EAC and at the Contractor's address shown on the Cover Page of this contract or to such other address as either of such parties shall designate by

notice given as herein required. Notices hereunder shall be effective in accordance with this clause or on the effective date of the notice whichever is later.

### **Areas of Responsibility (Statement of Work)**

Generally, contractor will provide EAC with technical advice and products based upon his or her expertise and experience with similar conformity assessment programs towards the goal of implementing the EAC Voting System Testing and Certification Program following, as closely as possible, all applicable ISO guidelines as adapted to the unique needs and resources of the EAC.

The contractor will work with EAC staff to identify and develop all necessary components of a voting system Certification and Testing Program. This program is expected to include the following components: Application procedure and processes; test plan review procedures and policy; testing report review procedures and policy; policies regarding qualified test review personnel; Manufacturer (Vendor) Qualification policies; Detailed procedures and processes for appeals, formal interpretations and the granting or revocation of certifications; and Procedures for expedited testing of component parts of a previously certified voting system. Contractor will be responsible for identifying any additional polices or procedures the certification program may require.

Contractor is also responsible for assisting EAC staff in the development of materials necessary for the successful implementation of the program. These materials must include all necessary applications, forms, letters, certification notices, tracking documents and any other documents deemed necessary to allow the EAC to effectively manage and implement all phases of this program.

### **Terms and Conditions**

The following additional terms and conditions shall apply to this personal services contract:

a. Federal Acquisition Regulation Clauses Incorporated by Reference:

This contract incorporates the following clauses by reference with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. These clauses may be obtained on the internet at <http://farsite.hill.af.mil/>.

- 52.203-7      Anti-Kickback Procedures (JUL 1995)
- 52.203-12    Limitation on Payments to Influence Certain Federal Transactions (Sept 2005)
- 52.215-2      Audit and Records -- Negotiation (Jun 1999)
- 52.224-1      Privacy Act Notification (APR 1984)

52.224-2	Privacy Act (APR 1984)
52.232-17	Interest (JUN 1996)
52.246-25	Limitation of Liability-Services (FEB 1997)
52.252-4	Alterations in Contract (APR 1984)

b. Federal Acquisition Regulation Clauses in Full Text:

*Contract Termination (FAR 52.249-12)*

The Government may terminate this contract at any time upon at least 15 days' written notice by the Contracting Officer to the Contractor. The Contractor, with the written consent of the Contracting Officer, may terminate this contract upon at least 15 days' written notice to the Contracting Officer. (End of Clause)

*Site Visit (FAR 52.237-1)*

Offerors or quoters are urged and expected to inspect the site where services are to be performed and to satisfy themselves regarding all general and local conditions that may affect the cost of contract performance, to the extent that the information is reasonably obtainable. In no event shall failure to inspect the site constitute grounds for a claim after contract award. (End of Clause)

*Protection of Government Buildings, Equipment, and Vegetation (FAR 52.237-2)*

The Contractor shall use reasonable care to avoid damaging existing buildings, equipment, and vegetation on the Government installation. If the Contractor's failure to use reasonable care causes damage to any of this property, the Contractor shall replace or repair the damage at no expense to the Government as the Contracting Officer directs. If the Contractor fails or refuses to make such repair or replacement, the Contractor shall be liable for the cost, which may be deducted from the contract price. (End of Clause)

*Covenant Against Contingent Fees (FAR 52.203-5)*

(a) The Contractor warrants that no person or agency has been employed or retained to solicit or obtain this contract upon an agreement or understanding for a contingent fee, except a bona fide employee or agency. For breach or violation of this warranty, the Government shall have the right to annul this contract without liability or, in its discretion, to deduct from the contract price or consideration, or otherwise recover, the full amount of the contingent fee.

(b) "Bona fide agency," as used in this clause, means an established commercial or selling agency, maintained by a contractor for the purpose of securing business, that neither exerts nor proposes to exert improper influence to solicit or obtain Government contracts nor holds itself out as being able to obtain any Government contract or contracts through improper influence.

"Bona fide employee," as used in this clause, means a person, employed by a contractor and subject to the contractor's supervision and control as to time, place, and manner of performance, who neither exerts nor proposes to exert improper influence to solicit or obtain Government contracts nor holds itself out as being able to obtain any Government contract or contracts through improper influence.

"Contingent Fee," as used in this clause, means any commission, percentage, brokerage, or other fee that is contingent upon the success that a person or concern has in securing a Government contract.

"Improper influence," as used in this clause, means any influence that induces or tends to induce a Government employee or officer to give consideration or to act regarding a Government contract on any basis other than the merits of the matter.  
(End of Clause)

*Disputes (FAR 52.233-1), Alternate I*

(a) This contract is subject to the Contract Disputes Act of 1978, as amended (41 U.S.C. 601-613).

(b) Except as provided in the Act, all disputes arising under or relating to this contract shall be resolved under this clause.

(c) "Claim," as used in this clause, means a written demand or written assertion by one of the contracting parties seeking, as a matter of right, the payment of money in a sum certain, the adjustment or interpretation of contract terms, or other relief arising under or relating to this contract. However, a written demand or written assertion by the Contractor seeking the payment of money exceeding \$100,000 is not a claim under the Act until certified. A voucher, invoice, or other routine request for payment that is not in dispute when submitted is not a claim under the Act. The submission may be converted to a claim under the Act, by complying with the submission and certification requirements of this clause, if it is disputed either as to liability or amount or is not acted upon in a reasonable time.

(d) (1) A claim by the Contractor shall be made in writing and, unless otherwise stated in this contract, submitted within 6 years after accrual of the claim to the Contracting Officer for a written decision. A claim by the Government against the Contractor shall be subject to a written decision by the Contracting Officer.

(2)

(i) The contractor shall provide the certification specified in paragraph (d)(2)(iii) of this clause when submitting any claim exceeding \$100,000.

(ii) The certification requirement does not apply to issues in controversy that have not been submitted as all or part of a claim.

(iii) The certification shall state as follows: "I certify that the claim is made in good faith; that the supporting data are accurate and complete to the best of my knowledge and belief; that the amount requested accurately reflects the contract adjustment for which the Contractor believes the Government is liable; and that I am duly authorized to certify the claim on behalf of the Contractor."

(3) The certification may be executed by any person duly authorized to bind the Contractor with respect to the claim.

(e) For Contractor claims of \$100,000 or less, the Contracting Officer must, if requested in writing by the Contractor, render a decision within 60 days of the request. For Contractor-certified claims over \$100,000, the Contracting Officer must, within 60 days, decide the claim or notify the Contractor of the date by which the decision will be made.

(f) The Contracting Officer's decision shall be final unless the Contractor appeals or files a suit as provided in the Act.

(g) If the claim by the Contractor is submitted to the Contracting Officer or a claim by the Government is presented to the Contractor, the parties, by mutual consent, may agree to use alternative dispute resolution (ADR). If the Contractor refuses an offer for ADR, the Contractor shall inform the Contracting Officer, in writing, of the Contractor's specific reasons for rejecting the offer.

(h) The Government shall pay interest on the amount found due and unpaid from

(1) the date that the Contracting Officer receives the claim (certified, if required); or

(2) the date that payment otherwise would be due, if that date is later, until the date of payment.

With regard to claims having defective certifications, as defined in FAR 33.201, interest shall be paid from the date that the Contracting Officer initially receives the claim. Simple interest on claims shall be paid at the rate, fixed by the Secretary of the Treasury as provided in the Act, which is applicable to the period during which the Contracting Officer receives the claim and then at the rate applicable for each 6-month period as fixed by the Treasury Secretary during the pendency of the claim.

- (i) The Contractor shall proceed diligently with performance of this contract, pending final resolution of any request for relief, claim, appeal, or action arising under or relating to the contract, and comply with any decision of the Contracting Officer. (End of Clause)

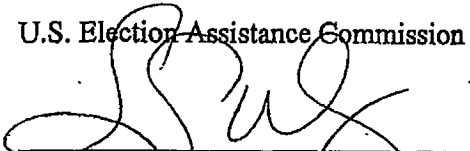
*Availability of Funds for the Next Fiscal Year*

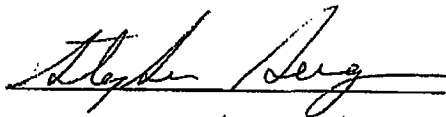
Funds are not presently available for performance under this contract beyond September 30, 2006. The Government's obligation for performance of this contract beyond that date is contingent upon the availability of appropriated funds from which payment for contract purposes can be made. No legal liability on the part of the Government for any payment may arise for performance under this contract beyond September 30, 2006, until funds are made available to the Contracting Officer for performance and until the Contractor receives notice of availability, to be confirmed in writing by the Contracting Officer. (End of clause)

THUS agreed to and signed on the dates and in the locations specified below:

U.S. Election Assistance Commission

Stephen Berger

  
By: Thomas R. Wilkey  
Executive Director & Contracting Officer



Date: 2-1-06

Date: 2/1/06

Location: Washington DC

Location: WASHINGTON, DC

**ORDER FOR SUPPLIES AND SERVICES**

IMPORTANT: See instructions in GSAR 553.370-300-4 for distribution

PAGE 1 OF 1 PAGES

1. DATE OF ORDER  
11/23/05

2. ORDER NUMBER

3. CONTRACT NUMBER  
EAC 05-57

4. A

E4019688

FOR GOVERNMENT USE ONLY	5. ACCOUNTING CLASSIFICATION				6. FINANCE DIVISION		
	FUND 8035	ORG CODE T2M91100	B/A CODE 10	O/C CODE 25	AC	SS	VENDOR NAME
	FUNC CODE 000	C/E CODE 516	PROJ./PROS. NO.	CC-A	MDL	FI	GA/ DEBT
	W/ITEM	CC-B	PRT./CRFT		AI	LC	DISCOUNT

7. TO: CONTRACTOR (Name, address and zip code)

Britain J. Williams III

Contact: Britain Williams

B. TYPE OF ORDER REFERENCE YOUR

A. PURCHASE

Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including delivery as indicated.

B. DELIVERY  
This delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract

C. MODIFICATION NO. AUTHORITY FOR ISSUING

9A. EMPLOYER'S IDENTIFICATION NUMBER

9B. CHECK, IF APPROP  
WITHHOLD  
20%

Except as provided herein, all terms and conditions of the original order, as heretofore modified, remain unchanged.

10A. CLASSIFICATION

A. SMALL BUSINESS  
 B. OTHER THAN SMALL BUSINESS  
 C. SMALL DISADVANTAGED  
 D. SMALL WOMEN-OWNED

10B. TYPE OF BUSINESS ORGANIZATION

A. CORPORATION  
 B. PARTNER-SHIP  
 C. SOLE

11. ISSUING OFFICE (Address, zip code, and telephone no.)

Election Assistance Commission  
1225 New York Ave., N.W., Suite 1100  
Washington, DC 20005

12. REMITTANCE ADDRESS (MANDATORY)

Remittance via EFT

13. SHIP TO (Consignee address, zip code and telephone no.)

Same as block 11

14. PLACE OF INSPECTION AND ACCEPTANCE

EAC, 1225 New York Ave., NW, #1100, Wash. DC 20005

15. REQUISITION OFFICE (Name, symbol and telephone no.)

Election Assistance Commission

16. F.O.B. POINT

Destination

17. GOVERNMENT B/L NO.

18. DELIVERY F.O.B. POINT ON OR BEFORE 09/19/05

19. PAYMENT/DISCOUNT TERMS

Net 30

**20. SCHEDULE**

ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Under the authority of Public Law 107-252, dated October 29, 2002, establishing the U.S. Election Assistance Commission (EAC). Request to provide the EAC and NASED with project management services in the development of election management guidelines which will update and augment the 2002 Voting Systems Standards for use by state and local election administrators. See the attached personal services contract for a description of the specifics.  COST OF CONTRACT: \$126,000.00				

21. RECEIVING OFFICE (Name, symbol and telephone no.)

U.S. Election Assistance Commission (202) 566-3100

TOTAL FROM 300-A(s)

\$126,000.00

22. SHIPPING POINT

23. GROSS SHIP WT.

GRAND TOTAL

126,000.00

24. MAIL INVOICE TO: (include zip code)

General Services Administration (FUND)  
Election Assistance Commission  
1225 New York Ave., NW Suite 1100  
Washington, DC 20005

25A. FOR INQUIRIES REGARDING PAYMENT CONTACT:

Diana Scott

25B. TELEPHONE NO.

202-566-3100

26A. NAME OF CONTRACTING/ORDERING OFFICER (Type)

Gracia Hillman, Chair

26B. TELEPHONE NO.

202-566-3100

26C. SIGNATURE

*Gracia M. Hillman*

GENERAL SERVICES ADMINISTRATION

1. PAYING OFFICE

GSA FORM 300 (REV. 2-99)

020556



# PURCHASE ORDER TERMS AND CONDITIONS

## 552.229-70 FEDERAL, STATE, AND LOCAL TAXES (APR 1984)

The contract price includes all applicable Federal, State, and local taxes. No adjustment will be made to cover taxes which may subsequently be imposed on this transaction or changes in the rates of currently applicable taxes. However, the Government will, upon the request of the Contractor, furnish evidence appropriate to establish exemption from any tax from which the Government is exempt and which was not included in the contract price.

## 552.210-79 PACKING LIST (DEC 1989)

(a) A packing list or other suitable shipping document shall accompany each shipment and shall indicate (1) Name and address of consignor; (2) Name and address of consignee; (3) Government order or requisition number; (4) Government bill of lading number covering the shipment (if any); and (5) Description of the material shipped, including item number, quantity, number of containers, and package number (if any).

(b) When payment will be made by Government commercial credit card, in addition to the information in (a) above, the packing list or shipping document shall include: (1) Cardholder name and telephone number and (2) the term "Credit Card".

## 52.232-1 PAYMENTS (APR 1984)

The Government shall pay the Contractor, upon the submission of proper invoices or vouchers, the prices stipulated in this contract for supplies delivered and accepted or services rendered and accepted, less any deductions provided in this contract. Unless otherwise specified in this contract, payment shall be made on partial deliveries accepted by the Government if: (a) The amount due on the deliveries warrants it; or (b) The Contractor requests it and the amount due on the deliveries is at least \$1,000 or 50 percent of the total contract price.

## 52.232-8 DISCOUNTS FOR PROMPT PAYMENT (APR 1989)

(a) Discounts for prompt payment will not be considered in the evaluation of offers. However, any offered discount will form a part of the award, and will be taken if payment is made within the discount period indicated in the offer by the offeror. As an alternative to offering a prompt payment discount in conjunction with the offer, offerors awarded contracts may include prompt payment discounts on individual invoices.

(b) In connection with any discount offered for prompt payment, time shall be computed from the date of the invoice. For the purpose of computing the discount earned, payment shall be considered to have been made on the date which appears on the payment check or the date on which an electronic funds transfer was made.

## PROMPT PAYMENT

Prompt Payment clause 52.232-25 is incorporated in this contract by reference. The clause contains information on payment due date, invoice requirements, constructive acceptance and interest penalties. Certain portions of the clause regarding payment due date, invoice requirements, and constructive acceptance have been extracted for your convenience. All days referred to in the extracts below are calendar days.

(a)(2) . . . The due date for making invoice payments by the designated payment office shall be the later of the following two events:

- (i) The 30th day after the designated billing office has received a proper invoice from the Contractor.
- (ii) The 30th day after Government acceptance of supplies delivered or services performed by the Contractor . . .

(a)(4) . . . An invoice shall be prepared and submitted to the designated billing office specified in the contract. A proper invoice must include the items listed in . . . (i) through . . . (viii) . . . If the invoice does not comply with these requirements, then the Contractor will be notified of the defect within 7 days after receipt of the invoice at the designated billing office . . . Untimely notification will be taken into account in the computation of any interest penalty owed the Contractor . . .

(i) Name and address of the Contractor.

(ii) Invoice date.

(iii) Contract number or other authorization for supplies delivered or services performed (including order number and contract line item number).

(iv) Description, quantity, unit of measure, unit price, and extended price of supplies delivered or services performed.

(v) Shipping and payment terms (e.g., shipment number and date of shipment, prompt payment discount terms), Bill of lading number and weight of shipment will be shown for shipments on Government bills of lading.

(vi) Name and address of Contractor official to whom payment is to be sent (must be the same as that in the contract or in a proper notice of assignment).

(vii) Name (where practicable), title, phone number, and mailing address of person to be notified in event of a defective invoice.

NOTE: Invoices must include the ACT number (block 4) and shall be submitted in an original only, unless otherwise specified, to the billing office designated in block 24 to receive invoices. The "remittance address" must correspond to the remittance address in block 12.

(a)(6)(i) For the sole purpose of computing an interest penalty that might be due the Contractor, Government acceptance shall be deemed to have occurred constructively on the 7th day (unless otherwise specified in block 20) after the Contractor delivered the supplies or performed the services in accordance with the terms and conditions of the contract, unless there is a disagreement over quantity, quality or contractor compliance with a contract provision . . .

## 52.222-40 SERVICE CONTRACT ACT OF 1965, AS AMENDED -- CONTRACTS OF \$2,500 OR LESS (MAY 1989)

Except to the extent that an exception, variation, or tolerance would apply if this contract were in excess of \$2,500, the Contractor and any subcontractor shall pay all employees working on the contract not less than the minimum wage specified under Section 6 a) (1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-208). Regulations and interpretations of the Service Contract Act of 1965 are contained in 29 CFR Part 4.

## 52.222-41 SERVICE CONTRACT ACT OF 1965, AS AMENDED (MAY 1989)

## 52.222-42 STATEMENT OF EQUIVALENT RATES FOR FEDERAL HIRES (MAY 1989)

(52.222-41 and 52.222-42 apply to service contracts when the amount exceeds \$2,500).

The GSA Form 2166, Service Contract Act of 1965 and Statement of Equivalent Rates for Federal Hires is attached hereto and made a part hereof.

## 52.252-2 CLAUSES INCORPORATED BY REFERENCE (JUN 1988)

This contract incorporates the following clauses by reference with the same force and effect as if they were given in full text. Upon request the Contracting Officer will make their full text available:

## FEDERAL ACQUISITION REGULATION (48 CFR CHAPTER 1) CLAUSES

Applicable to purchase orders for supplies or services:

- 52.203-1 Officials Not to Benefit (APR 84)
- 52.203-3 Gratuities (APR 84)
- 52.203-5 Covenant Against Contingent Fees (APR 84)
- 52.203-6 Restriction on Subcontractor Sales to the Government (JUL 86)
- 52.203-7 Anti-Kickback Procedures (OCT 88)
- 52.212-9 Variation in Quantity (APR 84)  
(In the preceding clause, the permissible variations are stated in the schedule.)
- 52.222-3 Convict Labor (APR 84)
- 52.222-26 Equal Opportunity (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-36 Affirmative Action for Special Disabled and Vietnam Era Veterans (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-36 Affirmative Action for Handicapped Workers (APR 84)(Applies when amount exceeds \$2,500.)
- 52.222-37 Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era (JAN 88)(Applies whenever clause 52.222-36 is included.)
- 52.223-6 Drug Free Workplace (JUL 90)(Applies if contract is awarded to an individual.)
- 52.225-3 Buy American Act - Supplies (JAN 89)
- 52.225-11 Restrictions on Certain Foreign Purchases (MAY 92)
- 52.232-25 Prompt Payment (SEP 92)
- 52.233-1 Disputes (DEC 91)
- 52.233-3 Protest After Award (AUG 89)
- 52.248-1 Contractor Inspection Requirements (APR 84)
- 52.249-8 Default (Fixed-Price Supply and Service)(APR 84)

Applicable to purchase orders for supplies:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR '86)(Applies when amount is between \$2,500 and \$10,000.)
- 52.222-20 Walsh-Healey Public Contracts Act (APR 84)(Applies when amount exceeds \$10,000.)
- 52.243-1 Changes - Fixed Price (AUG 87)
- 52.249-1 Termination for Convenience of the Government (Fixed Price)(Short Form)(APR 84)

Applicable to purchase orders for services:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR '86)(Applies when amount exceeds \$2,500.)
- 52.243-1 Changes - Fixed Price (APR 84) - Alt. II
- 52.249-4 Termination for Convenience of the Government (Services)(Short Form)(APR 84)

020557



U.S. ELECTION ASSISTANCE COMMISSION  
1225 NEW YORK AVENUE, N.W., SUITE 1100  
WASHINGTON, D.C. 20005

DEC 08 2005

OFFICE OF THE CHAIR

November 30, 2005

Dr. Britain J. Williams

Via U.S. Mail and Facsimile Transmission



Dear Dr. Williams:

Enclosed is a signed personal services contract (EAC 05-57) for the provision of services to the U.S. Election Assistance Commission (EAC) in providing project management for the EAC's Election Management Guidelines program. EAC has reviewed the contract and concluded that ratification of this agreement is appropriate. EAC has ratified the agreement made with you on September 19, 2005. This date remains the award date of your contract.

To acknowledge receipt of this ratification action, please countersign and date below and return the original to the EAC "attention of Nicole Mortellito."

We appreciate your work on these important efforts.

Sincerely,

Gracia Hillman  
Chair

Dr. Britain J. Williams

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U.S. ELECTION ASSISTANCE COMMISSION  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005

TALLY VOTE MEMORANDUM

September 15, 2005

TO: EAC Commissioners

FROM:  Tom Wilkey, Executive Director  
U.S. Election Assistance Commission

SUBJECT: Election Management Guidelines Contracts

BACKGROUND

On June 29 the Election Assistance Commission published its proposed 2005 Voluntary Voting System Guidelines for public comment. These guidelines update and augment the 2002 Voting Systems Standards. The first set of standards for voting machines was promulgated in 1990. While there have been three editions so far of guidelines for voting equipment, there is no companion document that covers the election administration and management aspects of the registration and voting process. It is well known that deficiencies in procedures can have just as much impact on the enfranchisement of voters and the outcome of elections as the functioning of the voting machines.

For many years, the Voting Systems Board of the National Association of State Election Directors (NASED) has been calling for the development of election management guidelines to complement the technical standards. EAC and NASED have agreed to cooperatively undertake this effort over the course of the next two to three years to create a comprehensive set of guidelines for use by local and state election officials. The approach will be to develop a comprehensive set of topics, and then to develop materials on a modular basis so that products can be distributed to the election community as they are completed. We have targeted the 2008 election cycle for completion of the effort.

To get this process underway, EAC is entering into three contracts: one with NASED for the purpose of providing administrative support for the project; one with Ms. Connie Schmidt, a former county election administrator now consulting on election administration issues, to serve as a project Co-Manager; and one with Dr. Britain Williams, member of the NASED Voting Systems Board and voting systems certification consultant to the States of Georgia, Maryland, Virginia, and Pennsylvania, to serve as a

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project Co-Manager. The period of performance for this initial set of contracts is from September 2005 through December 2006. Prior to this date, an assessment of the work effort remaining to be completed will be performed and follow-on contracts scoped appropriately.

#### ROLES AND RESPONSIBILITIES

NASED will assemble a Management Guidelines Working Group of experienced state and local election officials to provide subject matter expertise to carry out this effort. EAC is contracting with NASED to provide overall direction and management oversight for this project in coordination with the EAC. NASED will also provide administrative support to the Working Group and to the two Co-Managers of the project, and to reimburse travel and other authorized for Working Group participants. The NASED funding may also be used for technical writing services and minor research activities that might be required to support the project.

#### RECOMMENDATION

Approve the award of contracts EAC 05-56, EAC 05-57, and EAC 05-58 to Ms. Connie Schmidt, Dr. Britain Williams, and NASED respectively. The amount of each Co-Manager contract is \$126,000. The amount of the NASED contract is \$100,000. Copies of these contracts are attached along with the resumes of Ms. Schmidt and Dr. Williams.

Contract # EAC 05-56 for Ms. Schmidt  
Contract # EAC 05-57 for Dr. Williams  
Contract # EAC 05-58 for NASED



U.S. ELECTION ASSISTANCE COMMISSION  
 1225 NEW YORK AVENUE, N.W., SUITE 1100  
 WASHINGTON, D.C. 20005

BEFORE THE ELECTION ASSISTANCE COMMISSION

In the Matter of )  
 )  
 Ratification of Personal Service Contract with )  
 Dr. Britain Williams (EAC 05-57) )

CERTIFICATION

I, Gracia M. Hillman, Chair of the Election Assistance Commission, do hereby certify that on November 14, 2005, the Commission decided by a vote of 3-0 to take the following action(s):

1.

Ratification of Personal Service Contract with Dr. Britain Williams (EAC 05-57).

Commissioners Davidson, DeGregorio, and Hillman voted affirmatively for the decision.

Attest:

11-18-05  
 Date

Gracia M. Hillman  
 Chair



**U.S. ELECTION ASSISTANCE COMMISSION**  
1225 New York Ave, NW - Suite 1100  
Washington, DC 20005

**MEMORANDUM FOR THE RECORD**

**Date: November 17, 2005**

**From: Gracia Hillman, Chair**  
**On Behalf of the Commission**

**Re: Ratification of Personal Services Contract with Dr. Britain Williams (EAC Contract No. 05-57)**

The purpose of this memorandum is to document the ratification of the above referenced personal services agreement. Ratification is the process proscribed to approve, by an official with the authority to do so, an agreement that was not binding on an agency because the Government representative who made it lacked authority to enter into the agreement on behalf of the government (unauthorized commitment). (FAR 1.602-3(a)). While personal services agreements are based upon EAC's authority to contract for consultants per 5 U.S.C. §3109 (See 42 U.S.C. §15324(b)) and not the Federal Acquisition Regulation (FAR), the FAR's ratification provisions provide useful guidance for the action and its documentation.

**Background.** Information was brought to the attention of the Commission late in the week of October 10. This information suggested that communication of award for the above referenced agreement may not have been made by an individual with authority to bind the government. As such, the agreement may be viewed as an unauthorized commitment. The above referenced personal services agreement was to obtain project management services to plan for the development and create election management guidelines. For many years, the Voting Systems Board of the National Association of State Election Directors (NASSED) has been calling for the development of election management guidelines to complement the technical standards. EAC and NASSED have agreed to cooperatively undertake this effort over the course of the next two to three years to create a comprehensive set of guidelines for use by local and state election officials.

The Commission has considered Dr. Britain William's qualifications and found him to be uniquely qualified through experience and education. (Attachment "1", Resume; and Attachment "2", Administrative Appointment Memorandum). The original agreement between the parties is evidence by the original statement of work and e-mails between the contractor and EAC employees (Attachment "3", Statement of Work and e-mails). The decision to award the contract was made by full vote of the EAC

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Commissioners on September 19, 2005 (Attachment "4", Tally Vote Certification and Memorandum).

Award was communicated by an EAC employee immediately following the Commission's vote to award the contract. (Attachment "5", Statement from Brian Hancock). The award was announced by the Commission on the record at a public meeting on September 27, 2005. Work began on the contract following award notification. This was evidenced by a kickoff meeting between EAC employees and the contractor which took place on September 22, 2005. (Attachment "6", Conference Call Notes). Also, the contractor coordinated with NASED Voting Systems Board members to identify state and local election officials qualified to serve on a working group. The consultant has similarly begun work to develop an outline of topics for the management guidelines. (Attachment "5", Statement from Brian Hancock). Ultimately, ratification of this agreement will result in the Commission receiving all of the deliverables identified in the Statement of Work.

Funding was available in fiscal year 2005 (FY 05) for the services at issue. These FY 05 funds remain available. The funds were in fact obligated to the agreement, in the amount of \$126,000.00 on September 21, 2005. This was done under the belief that a legal obligation had been created. The agreement approved for award by the Commissioners had a total estimated cost of \$126,000.00.

**Requirements.** FAR 1.602-3 (b) and (c) set federal ratification policy and requirements. These sections note:

- (1) Agencies should take action to prevent the need for ratification actions. Ratification procedures should not be used in a manner that encourages unauthorized commitments being made by government personnel. (FAR 1.602-3(b)(1)).
- (2) The head of an agency's contracting activity, unless the authority is designated higher, may ratify an unauthorized agreement. This authority may be delegated with limitations. (FAR 1.602-3(b)(2) & (3)).
- (3) Agencies should process unauthorized commitments consistent with FAR 1.602-3. Such actions should not be forwarded to the General Accounting Office for resolution unless they are subject to a Contracts Dispute Act Claim or are not otherwise ratifiable under the subsection. (FAR 1.602-3(b)(4)-(5) & (d)).
- (4) Consistent with FAR 1.602-3(c)(1)-(7), ratification authority may be exercised only when:
  - a. *Supplies or services have been provided to and accepted by the Government, or the Government otherwise has obtained or will obtain a benefit resulting from performance of the unauthorized commitment;*
  - b. *The ratifying official has the authority to enter into a contractual commitment;*

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- c. *The resulting contract would otherwise have been proper if made by an appropriate contracting officer;*
- d. *The contracting officer reviewing the unauthorized commitment determines the price to be fair and reasonable;*
- e. *The contracting officer recommends payment and legal counsel concurs in the recommendation, unless agency procedures expressly do not require such concurrence; and*
- f. *Funds are available and were available at the time the unauthorized commitment was made.*

**Analysis.** The commitment at issue began as a routine contracting effort. EAC is an agency specifically authorized by statute to enter into personal services contracts under 5 U.S.C. §3109. See HAVA Section 204(b). Issues regarding the agreement's unauthorized nature arose near the end of the award process. While the contract authority (Commissioners) properly took action to make an award determination, they relied on EAC employees to communicate this fact to the contractor. In doing so, the Commission failed to realize that it is the communication of acceptance and award by the appropriate person that serves to obligate the government. EAC personnel seem to have viewed the Commissioners' recorded vote as granting them the authority to communicate award in a manner that would obligate the agency. The bottom line is that the EAC employee believed his efforts to notify the contractor of award obligated the EAC by accepting the contractor's proposal. Based upon this, the contractor began performance on the agreement and the EAC has and will receive benefit.

Looking specifically at the requirements for ratification noted in FAR 1.602-3(c) and the facts outlined, above, the Commission finds:

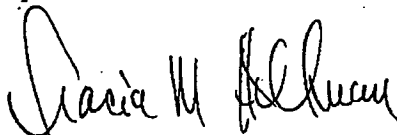
- a. Services Accepted or Benefit Received. Services under this agreement have been accepted by the government. Moreover the government has and will obtain needed benefit from the services provided and upon completion of the unauthorized agreement.
- b. Contract Authority. The undersigned, as the chair of the EAC, has the authority to contract on behalf of the agency. Furthermore, the Chair's signature represents the decision of the full Commission to take this ratification action. This is documented by the attached Tally Vote. (Attachment "7", Tally Vote). EAC's four Commissioners have the legal authority to contract and otherwise bind the agency per the specific authority of the Help America Vote Act (42 U.S.C. §15325(e)) and, generally, as agency heads (see FAR 1.601).
- c. Contract Otherwise Proper. This agreement, having previously been initiated, processed, and awarded by full vote of the Commission was proper, but for the unauthorized communication of award made by an individual without authority to bind the agency. As stated previously, EAC is specifically authorized by statute to enter into personal services contracts. HAVA Section 204(b). This agreement



falls within the statute and regulations governing personal services contracts. See specifically 5 U.S.C. 3109 and 5 CFR Part 304.

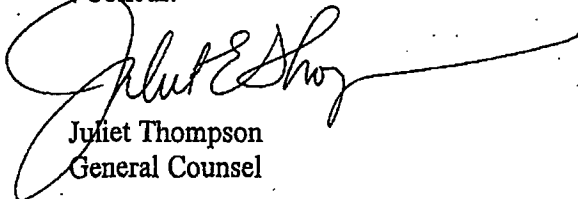
- d. Price Fair and Reasonable. The rate at which this contractor is providing services is within the amount allowable under 5 CFR Part 304.105. In addition, the rate provided in the agreement is lower than his regular rate of billing. (Attachment "2", Administrative Appointment Memorandum).
- e. Payment of Funds Recommended. After consultation with the General Counsel, the Commission recommends payment of funds.
- f. Funds Available. Consistent with the facts noted above, the Commission finds that funds are available and were available at the time of the unauthorized commitment.

**Prevention.** Unfortunately, there are a number of agreements which have suffered from the same deficiencies as discussed above. FAR 1.602(b)(1) makes it clear that agencies should take steps to prevent the need for ratifications and avoid using the process in a way that would encourage unauthorized commitments. The EAC must determine why these unauthorized commitments occurred and how to prevent them in the future. An initial review of EAC's contract process showed deficiencies in (1) the contracting procedure, (2) training of employees on contracting process and procedure, (3) coordination with the General Counsel's office, and (4) communication amongst contracting officers and staff that resulted in an unauthorized commitment. No new contracting should occur until issues surrounding the process have been resolved. EAC is in the process of negotiating with another government agency to handle its procurement process, thereby relieving the EAC staff of the responsibility of processing these procurements.



Gracia Hillman  
Chair  
On Behalf of the Commission

I Concur.



Juliet Thompson  
General Counsel

020565

**Contract # EAC 05-57 - Project Management Services to Assist EAC and NASED with the Development of Election Management Guidelines**

**Background**

On June 29 the Election Assistance Commission published its proposed 2005 Voluntary Voting System Guidelines for public comment. These guidelines update and augment the 2002 Voting Systems Standards. The first set of standards for voting machines was promulgated in 1990. While there have been three editions so far of guidelines for voting equipment, there is no companion document that covers the election administration and management aspects of the registration and voting process. It is well known that deficiencies in procedures can have just as much impact on the enfranchisement of voters and the outcome of elections as the functioning of the voting machines.

For many years, the Voting Systems Board of the National Association of State Election Directors (NASED) has been calling for the development of election management guidelines to complement the technical standards. EAC and NASED have agreed to cooperatively undertake this effort over the course of the next two to three years to create a comprehensive set of guidelines for use by local and state election officials.

**Roles and Responsibilities**

Project management of the Election Management Guidelines effort will be shared by two Co-Managers. It is the responsibility of these individuals to devise a division of labor so that it is clear which areas each Co-Manager will have lead responsibility for, and the workload is approximately evenly divided. NASED will assemble a Working Group of experienced state and local election officials to provide subject matter expertise and work under the direction of the Co-Managers. NASED will provide administrative support services for the Co-Managers and the Working Group. NASED will cover reimbursement for travel and other authorized expenses for the Working Group members. The expenses of the Co-Managers will be paid through their individual contracts. The following tasks will be performed by the Co-Managers.

**Tasks**

1. Develop a comprehensive outline of topics. Drawing on their own knowledge and experience, and in consultation with the NASED Management Guidelines Working Group, the Co-Managers will develop a comprehensive outline for the Management Guidelines document. This outline should appropriately integrate with the 2005 EAC Voluntary Voting System Guidelines. This outline shall be coordinated with the NASED Executive Committee and the approved outline provided to the EAC.

2. Prioritize topics and create work plan. The Co-Managers will prioritize the topics based on degree of perceived existing deficiencies, anticipated high return in administration improvement, and other relevant criteria. The NASED Executive

Attachment 3

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Committee will recommend criteria for use in prioritizing topics. In particular EAC suggests that topics that could be completed in time for use in the 2006 elections be given a top priority rating.

Following approval of the prioritized list by EAC and the NASED Executive Committee, the Co-Managers will create a work plan, including a timeline for the development of guidelines for each topic. While this effort is expected to take several years to complete, it is EAC's intention to proceed with the work on a modular basis, so that products on particular topics can be distributed to the election community as soon as they are completed. The work plan should be structured to accommodate this approach. The work plan should be provided to EAC following NASED Executive Committee review.

**3. Manage the guidelines development effort.** Following approval of the work plan by EAC and the NASED Executive Committee, the Co-Managers shall make work assignments to members of the Working Group and oversee the development of guidelines for each of the identified topics. It is anticipated that this work will draw heavily on documented best practices and procedures already in use in election jurisdictions around the country. The Co-Managers can request NASED to draw on their project funds to cover expenses to convene Working Group meetings and teleconferences; reimburse Working Group members for expenses associated with meetings, conduct limited research efforts, acquire technical writing services to assist with documentation, and other supporting services as required.

**4. Report status of work effort to EAC Executive Director and NASED Executive Committee.** The Co-Managers shall provide a monthly progress report that briefly describes the work performed, identifies issues and their resolution, indicates progress against the timeline, and reports on funds utilized. Periodically, the Co-Managers and the Working Group will be expected to meet with the Commission and the NASED Executive Committee to brief their activities and progress. There is also a requirement to make periodic presentations to the EAC Board of Advisors and Standards Board.

#### **Period of Performance**

The period of performance for this initial work effort is from the date of award until December 31, 2006. It is EAC's view that it will require a longer period to complete a comprehensive set of management guidelines. A program review will be conducted three months before the end date of this contract to evaluate the progress made in this initial work effort along with an assessment of the work remaining. It is anticipated that a follow-on contract will be awarded after this review, when more information is available to scope the completion of the effort.

#### **Schedule of Deliverables**

- |                            |                                      |
|----------------------------|--------------------------------------|
| 1. Draft outline of topics | 1 month after contract award         |
| 2. Final outline of topics | 1 week after EAC/NASED comments      |
| 3. Project work plan       | 1 month after final outline approved |

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4. Management Guidelines modules
5. Progress reports
6. Briefings
7. Program review

As specified in project work plan  
Monthly  
As required, at least quarterly  
October 2006

#### **Compensation**

Consultant shall be paid at the rate of \$120.00 per hour. Consultant shall be reimbursed for any required travel at the standard Federal government rate for airfare, hotel, ground transportation, per diem, and other allowable travel expenses. A budget of \$6000.00 has been allocated for travel.

#### **Invoicing**

Consultant shall invoice monthly for all hours worked and any reimbursable expenses incurred during the month. Expenses claimed for reimbursement shall be itemized with appropriate receipts provided. Invoices shall be delivered to Ms. Diana Scott, Administrative Officer, U.S. Election Assistance Commission, 1225 New York Ave., N.W., Suite 1100, Washington DC 20005.

#### **Contract Termination**

This contract shall terminate at the end of the period of performance unless extended in writing by mutual agreement of the parties. The contract can be terminated in advance of the current end date by two weeks' notice in writing by either of the parties.

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NOTES FROM CONFERENCE CALL - September 22, 2005

**EAC VOTING SYSTEMS ADMINISTRATIVE MANAGEMENT GUIDELINES**

Attendance: Brian Hancock, Carol Paquette, Linda Lamone, Connie Schmidt

Carol indicated that final contracts will be sent out next week. Any questions, please contact Brian.

The EAC's timeline extends to 2008 for this project. The current contract is through December 2006. The program will be reviewed around October 2006. They will look at what work has been accomplished at that point and what remains and then new contracts for completion of the management guidelines will be discussed.

The goal is completion of the guidelines prior to the 2008 election.

First step is the appointment of the working group members. That group will develop an outline of topics. From that list, any "burning" issues for 2006 will be developed first. The priority is best practices or guidelines for 2006 elections.

Final product will probably be completed in chapters. If there is a relationship to the Voting Systems Guidelines, it should be noted.

The existing Voting Systems Guidelines have an appendix with miscellaneous best practices regarding accessibility and security. They would like all best practices taken from the VSG relating to election administration and placed within the administrative management guideline document.

The project work document includes dollars for NASED to provide administrative support to the project co-managers and the working group.

There is a need to develop a budget for the NASED dollars as it must be allocated for travel expenses for the working group, administrative support and any necessary research projects.

Tom Wilkey will be briefing the TGDC members on this project at their upcoming meeting in Boulder.

Connie and Brit will pull together a draft outline for the first working group meeting. Linda will communicate with Sandy for confirmation of working group members. Potential meeting dates discussed were 10/13-14; 10/20-21; or 10/27-28. The meeting will last 1 ½ days. Brian will email the availability of the EAC office as the meeting location.

020569



U.S. ELECTION ASSISTANCE COMMISSION  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005

MEMORANDUM FOR THE RECORD

Date: October 28, 2005

From: Brian Hancock

A handwritten signature in black ink, appearing to read "B Hancock", with a long horizontal stroke extending to the right.

Re: Contract with Dr. Britain Williams (EAC Contract No. 05-57) and Connie Schmidt (EAC Contract No. 05-56): Election Management Guidelines Project

My name is Brian Hancock and I serve as an Election Research Manager at the Election Assistance Commission (EAC). I manage the above referenced project. In the summer of 2005, the Commission determined that the creation of Election Management Guidelines was an agency priority. The management guidelines are needed to compliment the Voluntary Voting System Guidelines that were in development. For many years, the Voting Systems Board of the National Association of State Election Directors (NASED) has been calling for the development of election management guidelines to complement the technical standards. EAC and NASED have agreed to cooperatively undertake this effort over the course of the next two to three years to create a comprehensive set of guidelines for use by local and state election officials. EAC management determined that two consultants with relevant education and experience would be needed to manage the project. The individuals would report to me as the research manager overseeing the project.

Dr. Britain Williams and Ms. Connie Schmidt were soon identified as project managers due to their excellent qualifications, experience and desire to be a part of the project. A contract was drafted and agreed to Dr. Williams and Ms. Schmidt. The Commission voted to appoint the two as personal Services Contractors on September 16, 2005. Following the Commissioner's vote and pursuant to instruction, I contacted Dr. Williams and Ms. Schmidt to inform them that they had been awarded the contract.

The two began work on the project immediately. We held a kick-off meeting on September 22, 2005 to discuss the project, set short-term goals and assign duties. Ms. Schmidt documented the meeting and sent copies to all parties via email. Further, Dr. Williams and Ms. Schmidt coordinated with NASED Voting Systems Board members to identify state and local election officials potentially qualified to serve on a working group. The consultants have also begun work to develop and outline of topics for the management guidelines.

Attachment 5

020570

# ELECTRONIC FUNDS TRANSFER (EFT) ENROLLMENT FORM

Use this form to enroll in Direct Deposit of your federal payment from the General Services Administration

Privacy Act Statement Collection of this information is authorized by 31 U.S.C. 3332(g), 3325(d) and 7701(c) The information will be used by the Government to make payments by EFT to a vendor. This information may also be used for income reporting and for collecting and reporting on any delinquent amounts arising out of a vendor's relationship with the Government. Disclosure of the information by the vendor is mandatory. Failure to provide the requested information may result in the delay or withholding of payment to the vendor.

Company/Payee Name		BRITAIN J. WILLIAMS, III			
Address	[REDACTED]				
City	[REDACTED]	State	[REDACTED]	Zip	[REDACTED]
Taxpayer ID Number (TIN)		[REDACTED]			

Financial Institution Name		[REDACTED]			
Financial Institution Phone Number		[REDACTED]			
Financial Institution Routing Transit Number (RTN)		[REDACTED]			
Depositor Account Title		BRITAIN JOE WILLIAMS, III			
Depositor Account Number		[REDACTED]			
A		[REDACTED]			

Company/Payee Contact Person		BRITAIN J. WILLIAMS, III			
Phone	[REDACTED]				

<b>MUST HAVE SIGNATURE</b> Company/Payee Authorized Signature	[REDACTED]
--	------------

Print

Account Number: [REDACTED]

To the customer:

- **Employer Payroll:** Simply print this form and provide it to your employer's payroll administrator. You may have to transfer some of this information to a form used by your employer.
- **Social Security or Supplemental Security Income:** Please print this form, then call the Social Security Administration at 1-800-772-1213 and ask to speak to a representative who can help you set up Direct Deposit. They can enroll you on the phone. Provide the account and routing information below.
- **Other payments:** For other recurring payments (pensions, annuities, Federal Benefits, etc.), please print this form, then contact the payor to request Direct Deposit and provide the account and routing information below.

If you have any questions, please call [REDACTED]

To the Employer, Government Agency, or other Payor:

Please use this information in lieu of a voided check to establish Direct Deposit for our customer:

**BRITAIN JOEL WILLIAMS III & PENELOPE HOLSTUN WILLIAMS**

Account number: [REDACTED]

*(The account number for Direct Deposit consists of the nine digits 593853800 followed by the customer's eight-digit Schwab account number referenced above.)*

ABA / Routing & Transit Number: [REDACTED]

Account Type: [REDACTED]

*(For proper processing, account type must be designated as "checking" regardless of the type of account held at Schwab.)*

Please do not use a voided check or its MICR information to establish Direct Deposit; use the information above instead.

Name of the Financial Institution:  
[REDACTED]

Questions: Please call [REDACTED]

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Brokerage Products: Not FDIC Insured • No Bank Guarantee • May Lose Value

[REDACTED]

[REDACTED]

Viewed as of: September 7, 2005

020572  
9/7/2005



COPY

ORDER FOR SUPPLIES AND SERVICES

IMPORTANT: See instructions in GSAR 553.370-300-1 for distribution

PAGE 1 OF 1 PAGES

1. DATE OF ORDER 02/27/06	2. ORDER NUMBER	3. CONTRACT NUMBER EAC 06-003	4. AGENCY SYMBOL E4019909
------------------------------	-----------------	----------------------------------	------------------------------

FOR GOVERNMENT USE ONLY	5. ACCOUNTING CLASSIFICATION				6. FINANCE DIVISION		
	FUND 8036	ORG CODE TQM91100	B/A CODE 10	O/C CODE 25	AC	SS	VENDOR NAME
	FUNC CODE 000	C/E CODE 516	PROJ./PROS. NO.	CC-A	MDL	FI	G/L DEBT
	W/ITEM	CC-B	PRT./CRFT		AI	LC	DISCOUNT

7. TO: CONTRACTOR (Name, address and zip code)  
**Stephen Berger**  
 [REDACTED]

POC: Stephen Berger Phone: [REDACTED]

8. TYPE OF ORDER REFERENCE YOUR

A. PURCHASE

Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including delivery as indicated.

B. DELIVERY  
 This delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract

C. MODIFICATION NO. AUTHORITY FOR ISSUING

9A. EMPLOYER'S IDENTIFICATION NUMBER  
 [REDACTED]

9B. CHECK, IF APPROP  
 WITHHOLD 20%

10A. CLASSIFICATION

A. SMALL BUSINESS  
 B. OTHER THAN SMALL BUSINESS  
 C. SMALL DISADVANTAGED  
 D. SMALL WOMEN-OWNED

11. ISSUING OFFICE (Address, zip code, and telephone no.)  
 U.S. Election Assistance Commission  
 1225 New York Avenue, NW, Suite 1100  
 Washington, DC 20005

12. REMITTANCE ADDRESS (MANDATORY)  
 Remittance via EFT

Except as provided herein, all terms and conditions of the original order, as heretofore modified, remain unchanged.

10B. TYPE OF BUSINESS ORGANIZATION

A. CORPORATION  
 B. PARTNER-SHIP  
 C. SOLE

13. SHIP TO (Consignee address, zip code and telephone no.)  
 Same as block 11

14. PLACE OF INSPECTION AND ACCEPTANCE  
 U.S. EAC, 1225 NY Ave., NW, Suite 1100, Wash., DC 20005

15. REQUISITION OFFICE (Name, symbol and telephone no.)  
 U.S. Election Assistance Commission

16. F.O.B. POINT  
 Destination

17. GOVERNMENT B/L NO.

18. DELIVERY F.O.B. POINT ON OR BEFORE  
 02/01/2006

19. PAYMENT/DISCOUNT TERMS  
 Net 30

20. SCHEDULE

ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Under the authority of Public Law 107-252, dated October 29, 2002, establishing the U.S. Election Assistance Commission (EAC). Request to provide technical assistance in defining EAC system certification and lab accreditation processes. See attached consulting agreement. FY 2006: Labor: \$80,190.00; Travel: \$6,500.00 FY 2007: Subject to availability of funds Labor: \$35,640.00; Travel: \$1,500.00  TOTAL COST OF CONTRACT: \$123,830.00				

21. RECEIVING OFFICE (Name, symbol and telephone no.)  
 U.S. Election Assistance Commission (202) 566-3100

22. SHIPPING POINT

23. GROSS SHIP WT.

TOTAL FROM 300-A(s) \$123,830.00

GRAND TOTAL 123,830.00

24. MAIL INVOICE TO: (Include zip code)  
 General Services Administration (FUND)  
 U.S. Election Assistance Commission  
 1225 New York Avenue, NW, Suite 1100  
 Washington, DC 20005

25A. FOR INQUIRIES REGARDING PAYMENT CONTACT:  
 Diana M. Scott

25B. TELEPHONE NO.  
 (202) 566-3100

26A. NAME OF CONTRACTING/ORDERING OFFICER (Type)  
 Thomas R. Wilkey, Executive Director

26B. TELEPHONE NO.  
 (202) 566-3100

26C. SIGNATURE  
 [Signature]

020573

# PURCHASE ORDER TERMS AND CONDITIONS

## 52.210-70 FEDERAL, STATE, AND LOCAL TAXES (APR 1984)

Contract price includes all applicable Federal, State, and local taxes. No adjustment will be made to cover taxes which may subsequently be imposed on this transaction or changes in the rates of currently applicable taxes. However, the Government will, upon the request of the Contractor, furnish evidence appropriate to establish exemption from any tax from which the Government is exempt and which was not included in the contract price.

## 52.210-79 PACKING LIST (DEC 1989)

(a) A packing list or other suitable shipping document shall accompany each shipment and shall indicate (1) Name and address of consignor; (2) Name and address of consignee; (3) Government order or requisition number; (4) Government bill of lading number covering the shipment (if any); and (5) Description of the material shipped, including item number, quantity, number of containers, and package number (if any).

(b) When payment will be made by Government commercial credit card, in addition to the information in (a) above, the packing list or shipping document shall include: (1) Cardholder name and telephone number and (2) the term "Credit Card".

## 52.232-1 PAYMENTS (APR 1984)

The Government shall pay the Contractor, upon the submission of proper invoices or vouchers, the prices stipulated in this contract for supplies delivered and accepted or services rendered and accepted, less any deductions provided in this contract. Unless otherwise specified in this contract, payment shall be made on partial deliveries accepted by the Government if: (a) The amount due on the deliveries warrants it; or (b) The Contractor requests it and the amount due on the deliveries is at least \$1,000 or 50 percent of the total contract price.

## 52.232-8 DISCOUNTS FOR PROMPT PAYMENT (APR 1989)

(a) Discounts for prompt payment will not be considered in the evaluation of offers. However, any offered discount will form a part of the award, and will be taken if payment is made within the discount period indicated in the offer by the offeror. As an alternative to offering a prompt payment discount in conjunction with the offer, offerors awarded contracts may include prompt payment discounts on individual invoices.

(b) In connection with any discount offered for prompt payment, time shall be computed from the date of the invoice. For the purpose of computing the discount earned, payment shall be considered to have been made on the date which appears on the payment check or the date on which an electronic funds transfer was made.

## PROMPT PAYMENT

Prompt Payment clause 52.232-25 is incorporated in this contract by reference. The clause contains information on payment due date, invoice requirements, constructive acceptance and interest penalties. Certain portions of the clause regarding payment due date, invoice requirements, and constructive acceptance have been extracted for your convenience. All days referred to in the extracts below are calendar days.

(a)(2) . . . The due date for making invoice payments by the designated payment office shall be the later of the following two events:

- (i) The 30th day after the designated billing office has received a proper invoice from the Contractor.
- (ii) The 30th day after Government acceptance of supplies delivered or services performed by the Contractor . . .

(a)(4) . . . An invoice shall be prepared and submitted to the designated billing office specified in the contract. A proper invoice must include the items listed in . . . (i) through . . . (viii) . . . If the invoice does not comply with these requirements, then the Contractor will be notified of the defect within 7 days after receipt of the invoice at the designated billing office . . . Untimely notification will be taken into account in the computation of any interest penalty owed the Contractor . . .

- (i) Name and address of the Contractor.
- (ii) Invoice date.
- (iii) Contract number or other authorization for supplies delivered or services performed (including order number and contract line item number).
- (iv) Description, quantity, unit of measure, unit price, and extended price of supplies delivered or services performed.
- (v) Shipping and payment terms (e.g., shipment number and date of shipment, prompt payment discount terms), Bill of lading number and weight of shipment will be shown for shipments on Government bills of lading.
- (vi) Name and address of Contractor official to whom payment is to be sent (must be the same as that in the contract or in a proper notice of assignment).
- (vii) Name (where practicable), title, phone number, and mailing address of person to be notified in event of a defective invoice.

NOTE: Invoices must include the ACT number (block 4) and shall be submitted in an original only, unless otherwise specified, to the billing office designated in block 24 to receive invoices. The "remittance to" address must correspond to the remittance address in block 12.

(a)(6)(i) For the sole purpose of computing an interest penalty that might be due the Contractor, Government acceptance shall be deemed to have occurred constructively on the 7th day (unless otherwise specified in block 20) after the Contractor delivered the supplies or performed the services in accordance with the terms and conditions of the contract, unless there is a disagreement over quantity, quality or contractor compliance with a contract provision . . .

## 52.222-40 SERVICE CONTRACT ACT OF 1966, AS AMENDED - - CONTRACTS OF \$2,500 OR LESS (MAY 1989)

Except to the extent that an exception, variation, or tolerance would apply if this contract were in excess of \$2,500, the Contractor and any subcontractor shall pay all employees working on the contract not less than the minimum wage specified under Section 6 a) (1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-208). Regulations and interpretations of the Service Contract Act of 1966 are contained in 29 CFR Part 4.

## 52.222-41 SERVICE CONTRACT ACT OF 1966, AS AMENDED (MAY 1989)

52.222-42 STATEMENT OF EQUIVALENT RATES FOR FEDERAL HIRES (MAY 1989)  
(52.222-41 and 52.222-42 apply to service contracts when the amount exceeds \$2,500.)

The GSA Form 2166, Service Contract Act of 1966 and Statement of Equivalent Rates for Federal Hires is attached hereto and made a part hereof.

## 52.252-2 CLAUSES INCORPORATED BY REFERENCE (JUN 1988)

This contract incorporates the following clauses by reference with the same force and effect as if they were given in full text. Upon request the Contracting Officer will make their full text available:

## FEDERAL ACQUISITION REGULATION (48 CFR CHAPTER 1) CLAUSES

Applicable to purchase orders for supplies or services:

- 52.203-1 Officials Not to Benefit (APR 84)
- 52.203-3 Gratuities (APR 84)
- 52.203-6 Covenant Against Contingent Fees (APR 84)
- 52.203-8 Restriction on Subcontractor Sales to the Government (JUL 86)
- 52.203-7 Anti-Kickback Procedures (OCT 88)
- 52.212-9 Variation in Quantity (APR 84)  
(In the preceding clause, the permissible variations are stated in the schedule.)
- 52.222-3 Convict Labor (APR 84)
- 52.222-26 Equal Opportunity (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-35 Affirmative Action for Special Disabled and Vietnam Era Veterans (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-36 Affirmative Action for Handicapped Workers (APR 84)(Applies when amount exceeds \$2,500.)
- 52.222-37 Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era (JAN 88)(Applies whenever clause 52.222-35 is included.)
- 52.223-8 Drug Free Workplace (JUL 90)(Applies if contract is awarded to an individual.)
- 52.225-3 Buy American Act - Supplies (JAN 89)
- 52.226-11 Restrictions on Certain Foreign Purchases (MAY 92)
- 52.232-25 Prompt Payment (SEP 92)
- 52.233-1 Disputes (DEC 91)
- 52.233-3 Protest After Award (AUG 89)
- 52.248-1 Contractor Inspection Requirements (APR 84)
- 52.249-8 Default (Fixed-Price Supply and Service)(APR 84)

Applicable to purchase orders for supplies:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount is between \$2,500 and \$10,000.)
- 52.222-20 Walsh-Healey Public Contracts Act (APR 84)(Applies when amount exceeds \$10,000.)
- 52.243-1 Changes - Fixed Price (AUG 87)
- 52.249-1 Termination for Convenience of the Government (Fixed Price)(Short Form)(APR 84)

Applicable to purchase orders for services:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount exceeds \$2,500.)
- 52.243-1 Changes - Fixed Price (APR 84) - Alt. II
- 52.249-4 Termination for Convenience of the Government (Services)(Short Form)(APR 84)

**U.S. ELECTION ASSISTANCE COMMISSION**  
**ADMINISTRATIVE DETERMINATION: SELECTION OF PERSONAL**  
**SERVICES CONTRACTORS AND THEIR RATE OF PAY**  
*(Contracts EAC 05-56 & 57)*

Background

On June 29, 2005, the Election Assistance Commission (EAC) published its proposed 2005 Voluntary Voting System Guidelines for public comment. These guidelines update and augment the 2002 Voting Systems Standards. The first set of standards for voting machines was promulgated in 1990. While there have been three editions of guidelines for voting equipment in the past 15 years, there is no companion document that covers the election administration and management aspects of the registration and voting process. It is well known that deficiencies in procedures can have just as much impact on the enfranchisement of voters and the outcome of elections as the functioning of the voting machines.

For many years, the Voting Systems Board of the National Association of State Election Directors (NASED) has called for the development of a set of election management guidelines to complement the technical standards for voting equipment. The EAC has also identified this activity as a high priority agency requirement. Among the stated purposes in the preamble to the Help America Vote Act (HAVA) is "... to establish the Election Assistance Commission ... to establish minimum election administration standards for States and units of local government responsible for the administration of Federal elections ...". In addition, Subtitle C of the Act, "Studies and Other Activities to Promote Effective Administration of Federal Elections," charges the Commission with conducting a wide variety of studies having to do with the administration of elections.

Consequently, EAC and NASED have agreed to cooperatively undertake the development of a comprehensive set of election management guidelines that will be promulgated for use by local and state election officials. NASED will work with the EAC to identify qualified state and local election officials who are willing to serve on a working group. These individuals will provide technical expertise and share various state best practices with the EAC. To manage this project, the EAC needs two experienced consultants to serve as Co-Managers for the project.

Qualifications

In order for this work to have credibility and be accepted by the election community, it needs to be carried out by members of that community, who possess the requisite knowledge and experience. In addition, there is no established academic or commercial source of supply for this work. The administration of elections is very specialized subject matter, knowledge of which is mostly gained through on-the-job training. This management guidelines effort is the first attempt to comprehensively document best practices and procedures for this field of endeavor.

To manage this project, The EAC needs two consultants to serve as Co-Project Managers for the project: one to focus on procedures related to the use of voting equipment, and one to focus on procedures for all other aspects of election administration. The individuals identified by the Commission to meet these needs are Dr. Britain Williams and Ms. Connie Schmidt, respectively. These individuals possess the unique mix of professional services required to meet EAC's needs, including: subject matter expertise regarding state and local election practices and procedures; State and Federal laws, regulations, administrative guidelines, etc. governing election administration in the 55 jurisdictions covered by HAVA; election administration customs and practices; the development of election management best practices; knowledge of the proposed EAC Voluntary Voting Systems Guidelines, and project management experience. This work also requires a demonstrated ability to work effectively with federal, state and local election officials.

Ms. Schmidt instituted many nationally-recognized and award-winning innovations and best practices as Election Commissioner of Johnson County, Kansas. These include the 1998 Digital Government Award of Excellence, the 1999 NACO Achievement Award for its bi-state public/private partnership program to recruit election workers, 2001 NACO Achievement Award for Civic Education and Public Information, 2002 NACIO Superior Award for her Congressional testimony on national election reform, and several NACIO Meritorious Awards in 2004 for publications on a variety of election administration topics. She has chaired the Professional Education Program Certification Board for The Election Center and served as a member of the NASED Voting Systems Standards Board. In December 2004 she received the National Association of Secretaries of State Medallion Award for outstanding service to American democracy. Her focus will be election management practices other than those associated with voting systems.

Dr. Williams has served on many national-level committees and boards including the Technical Guidelines Development Committee for the Voluntary Voting System Guidelines and the NASED Voting Systems Board. He chairs the ITA (test lab) Technical Subcommittee of the latter. From 1984 to the present he has worked as a consultant to the State of Georgia Secretary of State, the State Election Director, and local election officials to conduct certification and acceptance testing of electronic voting systems. He played a central role in establishing the State of Georgia's process for voting system acquisition, acceptance, operations and maintenance, which evolved into the Center for Election Systems, the only institution of its kind in the country. His focus will be the election management practices associated with the use of voting systems.

#### Determination that Pay Rate is Fair and Reasonable

Each of the Co-Managers will be compensated at an hourly rate of \$120 and reimbursed for travel and other appropriate expenses. This is the rate at which Ms. Schmidt has recently been paid for comparable work on two projects for the State of Maryland. This is a discounted rate from Dr. Williams' established rate of \$150 per hour. These hourly rates are in line with the rates being paid by EAC for consultants with comparable levels of experience and education.

Conclusion

Dr. Williams and Ms. Schmidt are well and uniquely qualified to serve as EAC consultants on the Election Management Guidelines Project. Further, their labor rate is fair and reasonable.

A handwritten signature in cursive script that reads "Gracia M. Hillman". The signature is written in black ink and is positioned above the printed name.

Gracia Hillman  
Chair

Election Vita for  
Britain J. Williams, III

**Election Activities**

Election Assistance Commission, 2003 – Present, Member of the Technical Guidelines Development Committee.

Federal Election Commission, 1984 – 2003, Consultant to the Director, Clearinghouse on Election Administration.

National Association of State Election Directors, 1986 – present, member of the NASED Voting Systems Board. The Voting Systems Board is responsible for the maintenance and implementation of the FEC Voting Systems Standards.

National Association of State Election Directors, 1996 – present, Chairman of the ITA Technical Sub-committee of the NASED Voting Systems Board. The Technical Committee is responsible for evaluating and monitoring the Independent Test Agencies that examine voting systems for compliance with the FEC Voting System Standards.

State of Georgia, 1984 – present, Consultant to the Secretary of State, State Election Director, and local election officials. Conduct State certification tests of electronic voting systems and provide consulting services to State and County Election Officials.

State of Maryland, 1996 – 2001, Consultant to the State Election Director.

Commonwealth of Virginia, 1994 – present, Consultant to the State Election Director.

Commonwealth of Pennsylvania, 1998 - 2003, Consultant to the Commissioner of Elections.

**Education**

<u>Degree</u>	<u>Institution</u>	<u>Year</u>	<u>Major</u>
B.S.	University of Georgia	1959	Mathematics
M.A.	University of Georgia	1961	Mathematics
Ph.D.	University of Georgia	1964	Statistics

**Academic Positions**

Kennesaw State University, 2001-present, Professor Emeritus  
Kennesaw State University, 1996-2001; Professor of Information Systems and Computer Science.

Kennesaw State University, 1990-1996, Associate Professor of Information Systems and Computer Science.

Georgia State University, 1976-1979, Adjunct Professor of Information Systems.

University of Georgia, 1967-1972, Assistant Professor of Statistics and Computer Science.

Florida Institute of Technology, 1964-1967, Adjunct Professor of Statistics.

**Administrative Positions (In Education and State Government)**

Georgia Institute of Technology, 1988 - 1990, Assistant to the Vice President, Office of Information Technology.

Georgia Tech Research Institute, Georgia Institute of Technology, 1987 - 1988, Senior Research Scientist.

Georgia Tech Research Institute, 1984 - 1987, Chief, Computer Technology and Applications Division.

State of Georgia, 1972 - 1974, Director, Division of Information and Computer Services, Department of Administrative Services.

University of Georgia, 1969 - 1972, Associate Director, University of Georgia Computer Center.

University of Georgia, 1961 - 1964, Assistant Statistician, Department of Experimental Statistics.

**Business and Professional Experience**

Scientific-Atlanta, Atlanta Georgia, 1981 - 1984, Director, Information Management.  
Battelle Memorial Institute, Columbus, Ohio, 1979 - 1981, General Manager, Battelle Southern Operations.  
Southern Airways, Atlanta, Georgia, 1976 - 1979, Manager, Computer Operations and Data Communications.  
Management Consultant, 1974 - 1976.  
RCA Service Company, Patrick AFB, Florida, 1964 - 1967, Senior Systems Analyst

**Membership in Professional and Honor Societies**

Certified Data Processor Certificate  
Pi Mu Epsilon  
Sigma Xi  
Association for the Advancement of Computing in Education  
Institute of Electrical and Electronic Engineers  
International Association of Clerks, Recorders, Election Officials and Treasurers

**Personal Information**

Name: Britain Joel Williams, III

Home Address: [REDACTED]

Business Address: [REDACTED]

SSN: [REDACTED]

Phone: [REDACTED]

E-mail: [REDACTED]





U.S. ELECTION ASSISTANCE COMMISSION  
 1225 NEW YORK AVENUE, N.W., SUITE 1100  
 WASHINGTON, D.C. 20005

BEFORE THE ELECTION ASSISTANCE COMMISSION

In the Matter of )  
 Management Guidelines )

CERTIFICATION

I, Gracia M. Hillman, Chair of the Election Assistance Commission, do hereby certify that on September 19, 2005, the Commission decided by a vote of 4-0 to take the following action(s):

1.

Approve the award of contracts EAC 05-56, EAC 05-57, and EAC 05-58 to Ms. Connie Schmidt, Dr. Britain Williams, and NASED respectively. The amount of each Co-Manager contract is \$126,000. The amount of the NASED contract is \$100,000.

Commissioners Davidson, DeGregorio, Hillman and Martinez voted affirmatively for the decision.

NOTE: The Chair approves the recommendation despite her strong objection to the high hourly rate EAC is paying the consultants.

Attest:

20 September 2005  
 Date

Gracia M. Hillman  
 Chair

Wms

**Contract # EAC 05-57 - Project Management Services to Plan for the Development and Create Election Management Guidelines**

**Background**

On June 29 the Election Assistance Commission published its proposed 2005 Voluntary Voting System Guidelines for public comment. These guidelines update and augment the 2002 Voting Systems Standards. The first set of standards for voting machines were promulgated in 1990. While there have been three editions so far of guidelines for voting equipment, there is no companion document that covers the election administration and management aspects of the registration and voting process. It is well known that deficiencies in procedures can have just as much impact on the enfranchisement of voters and the outcome of elections as the functioning of the voting machines.

For many years, the Voting Systems Board of the National Association of State Election Directors (NASED) has been calling for the development of election management guidelines to complement the technical standards. EAC and NASED have agreed to cooperatively undertake this effort over the course of the next two to three years to create a comprehensive set of guidelines for use by local and state election officials. The purpose of the personal services contract is to obtain a project manager with significant experience in election administration to oversee the process of developing guidelines on Federal election management. This consultant will be required to manage the process and develop the guidelines in cooperation with another consultant (co-manager) and a working group of election officials from NASED.

**Nature of the Appointment**

The EAC enters into this contract pursuant to its authority to contract for consultants under 5 U.S.C. §3109 (See 42 U.S.C. §15324(b)). As such, this contract is for personal services and creates a limited employment relationship. (See 5 C.F.R. §304). As a result of this unique relationship, and pursuant to this agreement, you are required to follow all Federal laws and regulations as they relate to the release of agency documents and information. All research, information, documents and any other intellectual property (including but not limited to policies, procedures, manuals, and other work created at the request or otherwise while laboring for the EAC) shall be owned exclusively by the EAC, including copyright. All such work product shall be turned over to the EAC upon completion of your appointment term or as directed by the EAC. The EAC shall have exclusive rights over this material. You may not release government information or documents without the express permission of the EAC.

**Supervision and Management.**

The EAC Manager for this effort is Brian Hancock, EAC Research Specialist. Mr. Hancock will provide taskings, and supervise, review and approve all work and performance. He will also approve all labor hours on invoices and travel vouchers

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## Areas of Responsibility

Consultant will share project management of the Election Management Guidelines effort with another consultant selected by the EAC. The consultant will be responsible for working with and sharing responsibility with this co-manager. The consultant will also be required to work with a working group of election officials. NASED will be responsible, under separate agreement with the EAC, to assemble working groups of experienced state and local election officials as required to provide EAC subject matter expertise. The consultants shall work with NASED to create a working group(s), lead the group(s), collect and document its work product and use this work product to create the Management Guidelines. Consultants will be responsible for:

1. Developing a comprehensive outline of topics. Drawing on consultant's own knowledge and experience, and in consultation with the NASED Working Group, develop a comprehensive subject matter outline for the Election Management Guidelines document. This outline should appropriately integrate with the 2005 EAC Voluntary Voting System Guidelines.

2. Prioritizing topics and creating a work plan. The consultants will prioritize the topics based on degree of perceived existing deficiencies, anticipated high return in administration improvement, and other relevant criteria. Topics that could be completed in time for use in the 2006 elections should be given a top priority rating.

Based upon the priorities developed, consultants will create a work plan, including a timeline for the development of guidelines for each topic. This work plan and timeline are essential products as they will set forth the long-term plan for the completion of the entire guidelines project. As such, the work plan and timeline are expected to project efforts well into the future. Given the long term nature of this process, it is EAC's intention to focus efforts on subject matter modules so that products on particular topics can be completed piecemeal and be distributed to the election community as soon as they are completed. The work plan will be structured to accommodate this approach.

3. Developing draft guidelines. Following approval of the work plan, the Consultants/EAC shall coordinate with NASED to convene a subject matter Working Group. The EAC can request NASED to convene Working Group meetings and teleconferences and conduct limited research efforts. The Consultants shall manage, lead and task these working groups. Ultimately, the Consultants shall be responsible for creating draft guideline sections for subject matters identified in the working plan. These important drafts shall be presented to the EAC for review and adoption as guidance to state election officials. It is anticipated that this work will draw heavily on documented best practices and procedures already in use in election jurisdictions around the country.

4. Creating a final work plan and report. An import objective in this agreement is the creation of a final, practical work plan that may be used by the EAC as a long-term tool to complete its Election Management Guidelines. Given this fact, prior to the end of the

submitted for compensation under this agreement.

### **Period of Appointment, Compensation and Travel.**

The period of appointment under this contract shall be one year. The appointment shall constitute intermittent appointment (without a regularly scheduled tour of duty) per 5 C.F.R. §340.401(b). The consultant shall not incur overtime. The consultant shall not receive automatic adjustments of pay based upon 5 U.S.C. 5303. The consultant is not eligible for sick and annual leave, nor compensation for work performed on federal holidays. The consultant shall be paid at a rate of \$120 per hour. The consultant is expected to work as needed during the one year appointment period, however, the consultant shall not work more than 37 hours in any given two week period. Further, the consultant may not work more than 1,040 hours within the one year appointment. The dates of performance are flexible but shall be based upon the needs of the project and the EAC.

Consultant's duty station shall be his/her home or place of business. The consultant has access to and shall supply common office equipment to include telecommunications, internet access, a computer, office supplies, facsimile machine and common workplace software (including Microsoft Word, Project and Excel). Other resources will be provided by the EAC as needed and at its discretion.

The consultant is required to travel on a periodic, as needed basis, throughout the duration of their appointment. Travel and compensation shall be in accordance with Federal Travel Regulations. All travel must be pre-approved by the EAC per Federal Travel Regulations and EAC policy. The consultant will be reimbursed, at the Federal government rates, for hotel and ground transportation costs, proper incidental expenses, and per diem while on official, pre-approved EAC travel.

### **Compensation Procedures**

Compensation shall be made for work done (labor hours) by submitting invoices. Invoices shall be submitted every four weeks from the date of award. A week shall be from Sunday to Saturday. The first pay period shall begin the Sunday prior to the date of award. As such, there will be 14 invoice periods. Invoices must be submitted every 4 weeks even if no work was performed. Invoices shall state the number of labor hours that have been expended under the agreement. The invoice must show the number of hours worked for each of the two week periods that make up the total invoice time. It must also note the total number of days on which the work was done. As noted above, the contractor may not invoice more than 37 labor hours per two week period. Furthermore, invoices shall report a cumulative total of hours worked during the contract performance period (one year). Invoices shall be delivered to Mr. Brian Hancock for review and approval, U.S. Election Assistance Commission, 1225 New York Avenue, N.W., Suite 1100, Washington DC 20005. Compensation for travel shall be submitted by travel voucher consistent with Federal Travel Regulation and EAC requirements.

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agreement, consultant will be tasked with creating a report and a final version of the work plan. Using their experiences over the last year, consultants will amend the initial work plan and timeline to reflect realities inherent in the project. The goals are to provide a plan and timeline that are realistic and as accurate as possible. The final report will provide guidance to the EAC regarding the most effective and efficient processes and practices to use in researching and developing Guidelines in the future. The report will recommend a Guidelines development process. Ultimately, the plan, timeline and report will be used by the EAC to set long-term project goals and allocate staff and resources.

### **Project Requirements**

1. Draft outline of topics
2. Final outline of topics
3. Project Timeline
4. Management Guidelines Work Plan
5. Draft of Management Guideline Sections
6. Monthly progress reports
7. Briefings
8. Program Report and Final Work Plan

### **Contract Termination**

This contract shall terminate at the end of the period of performance unless extended in writing by mutual agreement of the parties. The contract can be terminated in advance of the current end date by two weeks' notice in writing by either of the parties.

020585

COPY



U.S. ELECTION ASSISTANCE COMMISSION  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005

**FILE**

**MEMORANDUM**

**TO:** Diana Scott  
**FROM:** Brian Hancock *BH*  
**RE:** Personal Services Contract - ~~Stephen Berger~~  
**DATE:** January 25, 2006

Attached is the justification document for a proposed personal services contract with Stephen Berger as well as the draft agreement. Please review the justification document. If money is available in the FY06 budget sufficient to fulfill the FY06 obligation under this agreement, please sign the justification document and forward it along with the draft agreement to Tom for approval.

I have made arrangements with Bert to send this to Tom via Federal Express. I have asked that all documents be returned to you upon approval and signature for processing the needed financial paperwork to fund this agreement.

Thank you for your assistance. If you have any questions, please let me know.

020586

**U.S. ELECTION ASSISTANCE COMMISSION**  
**ADMINISTRATIVE DETERMINATION: SELECTION OF PERSONAL SERVICES**  
**CONTRACTORS AND THEIR RATE OF PAY**  
*(Contract 06-03, H. Stephen Berger)*

**Background**

Section 231 of HAVA requires EAC to provide for the testing, certification, decertification and recertification of voting system hardware and software by accredited test laboratories. To carry out this mandate, EAC must define the laboratory accreditation process that will follow receipt of NIST recommendation for accreditation, and the EAC certification process. The system certification process should include the following elements: 1) submission and technical review of both voting system test plans and test reports, 2) qualification, application and training requirements for technical reviewers, 3) evaluation criteria for test plans and test reports, 4) forms and documentation requirements, 5) procedures for interpretation and clarification of the voluntary voting system guidelines, 6) procedures for the resolution of test lab and vendor disagreements on the interpretation and application of the voting system guidelines. Concurrent with assuming these responsibilities, EAC will also be responsible for appropriate record keeping and information dissemination related to these programs.

**Position Description and Qualifications**

The appointment related to this determination shall be for the intermittent employment of a contracted expert (contractor). The contractor will review existing EAC drafts of work processes, evaluation criteria, documentation requirements and other materials to become familiar with the current status of the work. The contractor will review technical issues identified by EAC staff related to the testing and certification program and provide recommendations for resolution. The contractor will call upon past experience with conformity assessment programs in other industries and provide an analysis of alternative methodologies and criteria and make recommendations regarding the appropriate process for application to the EAC certification model. Contractor will also assist EAC staff in completion of procedures and associated materials based on the appropriate methodology.

To complete development of the EAC testing and certification program, the project can be broken down into several discreet phases in 2006.

Phase 1 will include the development of documents and written procedures addressing manufacturer (vendor) registration, and application and evaluation criteria for technical reviewers as well as the development of training scenarios for these reviewers.

Phase 2 will include final drafting of all procedures, forms and documentation related to the actual voting system certification, decertification and recertification process, to include options for program transparency and overall public information and education initiatives.

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Phase 3 will address the development of an appeal process and an interpretation and petition process related to the testing and certification program. This phase should also develop processes and procedures to address changes (both normal and expedited) to previously certified voting systems.

To accomplish these goals, the contractor must have prior experience dealing with government conformity assessment programs, and knowledge of standards, standards setting bodies and the practical applications of those standards when testing a specific product. More specifically, the contractor must have an intimate working knowledge of the FEC's 2002 Voluntary Voting Systems Standards and the EAC's recently adopted 2005 Voluntary Voting System Guidelines. The contractor should also have extensive knowledge of election administration in the U. S. and the interplay of voting systems in the larger election process.

### **Selection Process**

As stated above, the needed expertise is unique in that the contractor must have experience and expertise in standard setting and testing as well as demonstrated knowledge of election systems and the election process. While there are a number of persons experienced in standards setting and testing, there is only one uniquely qualified individual who has experience and expertise in applying that experience to testing and certification of election systems for use in this nation's election process.

After review and research of available and qualified individuals, H. Stephen Berger was deemed by EAC as singularly qualified to assist EAC with completing and implementing the Voting System Testing and certification program required by the HAVA because of his unique combination of experience with standards setting and testing, knowledge of the election process, experience with election system standards and testing, and other related experience and technical skills.

Mr. Berger has over 20 years of experience with product development, technology planning and conformity assessment programs. Mr. Berger's resume is attached for reference. That document shows that as director for Field Sensing Products for EMCO, Mr. Berger worked with the test department and accomplished improving throughput of that program by five times, with no increase in personnel. This was accomplished by extensive automation and the invention of new, patented test technology. While working as a Senior Engineer in Wireless Terminals Compliance and as Project Manager for Standards and Regulations for Siemens Corporation, Mr. Berger had extensive experience interacting with all aspects of the conformance assessment program developed by the Federal Communications Commission (FCC) relating to the testing of various wireless communications devices.

Mr. Berger also has unique and extensive experience with election systems and the election process. Mr. Berger is a member of the IEEE Standards Board and chair of the IEEE EMC Society Standards Development Committee and of the IEEE Project 1583 standards for voting equipment. From 2000 to 2002, Mr. Berger assisted the Federal Election Commission (FEC) in the development of the 2002 Voluntary Voting System Standards as a member of IEEE, and currently serves on the EAC Technical Guidelines Development Committee which guided NIST



and EAC in the development of the 2005 Voluntary Voting System Guidelines. Mr. Berger has the unique experience of working on the EAC certification program. In 2005, he worked to assist the EAC in the initial conception and initial phases of development of the voting system testing and certification program.

**Determination that Pay Rate is Fair and Reasonable**

The pay rate of \$135 per hour is fair and reasonable given Mr. Berger's experience, expertise and unique qualifications. This rate is below the rate generally charged in the private sector for experts with Mr. Berger's background and technical expertise. Similarly qualified individuals routinely charge between \$125 and \$175 per hour for similar services as required by EAC. Furthermore, the rate contemplated for this contract is a 10% reduction in Mr. Berger's regular hourly rate.

**Determination of Funds Availability**

The proposed contract would span two federal fiscal years, FY06 and FY07. After review of the FY06 budget, it has been determined that \$78,000 is available in FY06 to fund the proposed contract. Furthermore, the proposed contract will be made subject to the availability of funding in FY07. The funding needed in FY07 to fulfill obligations under the proposed contract is \$38,000.

**Conclusion**

Given the reasons listed above, H. Stephen Berger is the one individual in the United States that can provide the EAC with the necessary skill sets to complete the task of developing the EAC lab accreditation and voting system testing and certification program in an expedited and cost effective manner.

Submitted by:

Funding Availability Confirmed by:

*Brian Hancock, by permission*  
\_\_\_\_\_  
Brian Hancock *Julie Thompson*  
Date 1/25/06

*Diana Scott*  
\_\_\_\_\_  
Diana Scott  
Date 1/25/2006

Approved by:

*Thomas R. Wilkey*  
\_\_\_\_\_  
Thomas R. Wilkey, Contracting Officer  
Date 1-31-06



Brian Hancock/EAC/GOV  
01/25/2006 11:01 AM

To Diana Scott/EAC/GOV@EAC  
cc  
bcc  
Subject Stephen Berger Contract information

Diana,

Gavin will very shortly be transmitting contract documents for Stephen Berger who we are hiring as an expert to assist us in completing the implementation of the testing and certification program. Funding is available in my budget for this contract. Since the contract goes over the end of this fiscal year, the budget breakdown is below.

FY '06 compensation approx. \$71, 280  
FY '07 compensation Approx. \$35, 640 (assuming available funding)  
FY '06 travel approx. \$6,500  
FY 07 travel, approx. \$1,500

Stephen's information is:

Stephen Berger



**FILE**

Brian

Brian Hancock  
U.S. Election Assistance Commission  
1225 New York Avenue, NW, Ste. 1100  
Washington, DC 20005  
202-566-3100  
www.eac.gov

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020590



Brian Hancock /EAC/GOV  
01/25/2006 11:23 AM

To Thomas R. Wilkey/EAC/GOV@EAC  
cc Juliet E. Thompson/EAC/GOV@EAC, Gavin S. Gilmour/EAC/GOV@EAC  
bcc  
Subject Contract with Stephen Berger to complete implementation of EAC testing and certification program

Tom,  
You will shortly receive documentation which would allow us to enter into a contract with Stephen Berger. We need to enter into this contract with Mr. Berger so EAC can use his expert assistance to expeditiously complete the implementation of our voting system testing and certification program.

As you are likely aware, Mr. Berger is uniquely qualified for this task given his background in working with the FCC testing and certification program for wireless phones, as well as for his wealth of experience with the IEEE 1583 voting standards project, the FEC's 2002 Voting system Standards project, and through his role as a TGDC member in the development of our recently released 2005 VVSG. As you are also aware, Mr. Berger assisted the EAC in FY 2005 during drafting of the outlines and objectives of our testing and certification program.

Funding is available in FY 2006 to cover the cost of this contract. For FY 2006, labor and travel costs will be approximately \$77,780. Subject to the availability of funds in FY 2007, the remainder of Mr. Berger's labor and travel during our next fiscal year would be approximately \$37,140.

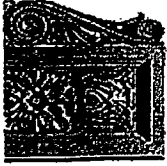
Given the above information, I recommend that we go forward and enter into this contractual agreement with Stephen Berger.

Brian

Brian Hancock  
U.S. Election Assistance Commission  
1225 New York Avenue, NW, Ste. 1100  
Washington, DC 20005  
202-566-3100  
[www.eac.gov](http://www.eac.gov)

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020591



Brian Hancock/EAC/GOV

01/24/2006 04:44 PM

To

cc

bcc

Subject Draft EAC contract

Steve,

The attached contract should be signed by Tom tomorrow. Just wanted to give you a heads-up since we have changed our contracting procedures (mostly internal changes) significantly from last year. The major change from your end will be that we are contracting with you as an individual expert and not TEM Consulting as a whole. Your hourly rate is the same as that established last year, and, of course, the task is essentially the same.

Please review this as you have time and let me know if you have any questions. Thanks.

See you soon.

Brian



Certification Expert FINAL.doc

Brian Hancock  
U.S. Election Assistance Commission  
1225 New York Avenue, NW, Ste. 1100  
Washington, DC 20005  
202-566-3100  
[www.eac.gov](http://www.eac.gov)

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020592



"Stephen Berger"

To bhancock@eac.gov

cc

bcc

01/25/2006 09:53 AM

Please respond to

Subject RE: Draft EAC contract

Brian,

Thank you very much. I am looking forward to working with you in the year ahead.

Best Regards,

Stephen Berger

TEM Consulting, LP

Web Site - [www.temconsulting.com](http://www.temconsulting.com)

E-MAIL -

Phone -

Mobile -

FAX -

---

**From:** bhancock@eac.gov [mailto:bhancock@eac.gov]

**Sent:** Tuesday, January 24, 2006 3:45 PM

**To:** stephen.berger@cox-internet.com

**Subject:** Draft EAC contract

Steve,

The attached contract should be signed by Tom tomorrow. Just wanted to give you a heads-up since we have changed our contracting procedures (mostly internal changes) significantly from last year. The major change from your end will be that we are contracting with you as an individual expert and not TEM Consulting as a whole. Your hourly rate is the same as that established last year, and, of course, the task is essentially the same.

Please review this as you have time and let me know if you have any questions. Thanks.

See you soon.

Brian

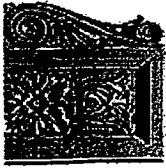
Brian Hancock  
U.S. Election Assistance Commission  
1225 New York Avenue, NW, Ste. 1100  
Washington, DC 20005  
202-566-3100

020593

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020594



Brian Hancock/EAC/GOV

01/30/2006 09:36 AM

To

cc

bcc

Subject Contract update, EAC Meeting

Steve,

Just a quick note to let you know that the contract is now in our finance office and will be forwarded to you via fax, with a hard copy to follow in the mail. Also, if you have a brief outline of what you plan to say at the EAC Meeting on Thursday, our General Counsel would like a copy for the Commissioner Briefing Books as soon as possible. This does not have to be extensive or exhaustive. You can simply email this to me when you have a moment. Thanks. See you on Wednesday.

Brian

Brian Hancock  
U.S. Election Assistance Commission  
1225 New York Avenue, NW, Ste. 1100  
Washington, DC 20005  
202-566-3100  
[www.eac.gov](http://www.eac.gov)

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020595



[REDACTED]  
09/26/2005 10:17 AM

To bhancock@eac.gov, LLamone@elections.state.md.us,  
sandy@sos.state.la.us [REDACTED]  
cc cpaquette@eac.gov

bcc

Subject Re: Project Meeting

Excellent! I will mark my calendar. If we can begin the meeting around noon on the 27th, it will allow for working group members to arrive in the morning on the 27th, and possibly return home in the evening on the 28th.

Brit - when you have some time, let's begin discussion on a draft project outline to get the discussion started at our first working group meeting.

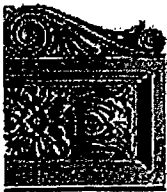
Sandy and Linda - let us know as soon as you have confirmed the membership of the working group.

Connie

---

020596





Brian Hancock/EAC/GOV

09/20/2005 11:32 AM

To [REDACTED] sandy@sos.state.ia.us

LLamone@elections.state.md.u [REDACTED]

cc

bcc

Subject Teleconference for Kickoff of Management Guidelines Contract

Linda, Connie, Brit, Sandy,

Would you all be available sometime Thursday morning for a relatively brief teleconference to officially kick-off the contract for the management guidelines work. We need to have this conversation as early as possible before the end of the fiscal year, and with the TDGC Plenary Meeting next week, time is limited.

Please let me know if you can do a conference around mid-morning, say 10:00am?

Myself, Carol and perhaps Tom will be here on the EAC end of the phone.

Thanks.

Brian

Brian Hancock  
U.S. Election Assistance Commission  
1225 New York Avenue, NW, Ste. 1100  
Washington, DC 20005  
202-566-3100  
www.eac.gov

020597



Scjschmidt@aol.com  
09/20/2005 01:29 PM

To bhancock@eac.gov [REDACTED]  
[REDACTED] LLamone@elections.state.md.us

cc

bcc  
Subject Re: Teleconference for Kickoff of Management Guidelines  
Contract

Brian,

Can we do the conference call at 11 a.m.? I forgot that I have another conference call already scheduled for 9 a.m. Kansas City time.

Thanks..Connie

020598



"Linda Lamone"  
<LLamone@elections.state.m  
d.us>

09/20/2005 01:43 PM

To bhancock@eac.gov [redacted]  
sandy@sos.state.ia.us [redacted]  
cc  
bcc

Subject RE: Teleconference for Kickoff of Management Guidelines Contract

I am fine for any time on Thursday except around lunch (I have a lunch meeting). However, I am not sure Sandy will be in her office (she indicated yesterday that she had to go out of town).

-----Original Message-----

**From:** bhancock@eac.gov [mailto:bhancock@eac.gov]  
**Sent:** Tuesday, September 20, 2005 11:33 AM  
**To:** britw@bellsouth.net; sandy@sos.state.ia.us; Linda Lamone; scjschmidt@aol.com  
**Subject:** Teleconference for Kickoff of Management Guidelines Contract

Linda, Connie, Brit, Sandy,

Would you all be available sometime Thursday morning for a relatively brief teleconference to officially kick-off the contract for the management guidelines work. We need to have this conversation as early as possible before the end of the fiscal year, and with the TDGC Plenary Meeting next week, time is limited.

Please let me know if you can do a conference around mid-morning, say 10:00am?

Myself, Carol and perhaps Tom will be here on the EAC end of the phone.

Thanks.

Brian

Brian Hancock  
U.S. Election Assistance Commission  
1225 New York Avenue, NW, Ste. 1100  
Washington, DC 20005  
202-566-3100  
www.eac.gov

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020599



**Brian Hancock/EAC/GOV**

09/21/2005 08:58 AM

To [REDACTED] sandy@sos.state.ia.us,

LLamone@elections.state.md.us [REDACTED]

cc

bcc

Subject Thursday Teleconference Kickoff Meeting

All,

It looks like we will do the conference at 11:00am tomorrow. I'll call each of you and conference you together at that time.

Thanks.

Brian

Brian Hancock  
U.S. Election Assistance Commission  
1225 New York Avenue, NW, Ste. 1100  
Washington, DC 20005  
202-566-3100  
[www.eac.gov](http://www.eac.gov)

020600



[REDACTED]  
09/22/2005 01:47 PM

To bhancock@eac.gov, cpaquette@eac.gov,  
[REDACTED] andy@sos.state.la.us,  
LLamone@elections.state.md.us  
cc  
bcc  
Subject Conference Call notes

Everyone,

Attached is a brief summary of our conference call this morning. Brit - when you can, please give me a call to discuss the draft outline.



Connie NOTES FROM CONFERENCE CALL.doc

020601



**U.S. ELECTION ASSISTANCE COMMISSION**  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005

May 8, 2007

Ms. Susan Pynchon  
Florida Fair Elections Coalition  
P.O. Box 317  
DeLand, FL 32721

Dear Ms. Pynchon:

This letter is in response to your Freedom of Information Act (FOIA) request received by the U. S. Election Assistance Commission (EAC) on April 11, 2007. The request sought "copies of all letters and/or emails to or from the state of Florida regarding what is available to the state in 2007 through 2008 and beyond for funding for voting systems or voting system components, including but not limited to any voting equipment for disabled voters. These inquiry letters may have been received from the state of Florida in 2006 and/or 2007."

The responsive records are attached. For your information, I have also attached a copy of a letter from EAC to the State of Florida regarding HAVA funds usage that was sent after your request.

The EAC has decided to waive the processing fees for your request. If you interpret any portion of this response as an adverse action, you will have an opportunity to appeal it to the Election Assistance Commission. Your appeal must be in writing and sent to the address noted on the above letterhead. Any appeal submitted, must be postmarked no later than 60 calendar days from the date of EAC's final response letter. Please include your reasons for reconsideration and attach a copy of this and subsequent EAC responses.

Sincerely,

  
Jeannie Layson  
Director of Communications  
U.S. Election Assistance Commission

Attachments:

1. Your Request (received April 11, 2007)
2. Responsive Documents

020602

Thomas R. Wilkey/EAC/GOV  
04/16/2007 01:27 PM

To Juliet E. Hodgkins/EAC/GOV@EAC, Edgardo  
Cortes/EAC/GOV@EAC

cc

bcc

Subject Fw: Florida HAVA Funding

History

This message has been replied to

Thomas R. Wilkey  
Executive Director  
US Election Assistance Commission  
1225 New York Ave, NW - Suite 1100  
Washington, DC 20005  
(202) 566-3109 phone  
TWilkey@eac.gov  
— Forwarded by Thomas R. Wilkey/EAC/GOV on 04/16/2007 01:25 PM —



"Woodward, Amy"  
<AWoodward@dos.state.fl.us  
>

To twilkey@eac.gov

cc "Browning, Kurt S." <KSBrowning@dos.state.fl.us>

04/16/2007 01:18 PM

Subject Florida HAVA Funding

*Attached is the information from the conference call this morning.*

*Thank you,*

*Amy Woodward  
Executive Assistant  
Office of the Secretary*



FL. HAVA Funding.pdf

020603

## HAVA FUNDING

May, 2001 Florida Legislature passes the Florida Election Reform Act that required replacement of punchcard or lever voting systems

August, 2001 Contracts sent to counties for partial payment from state general revenue fund to replace or reimburse punchcard and lever voting systems  
Payment formula: \$3750 for large counties, \$7500 for smaller counties (per polling place as reported by counties)  
Total to counties from the state: \$12,046,875.00  
*(See Attachment A for county by county breakdown)*  
*Please note: County contracts to replace punchcard and lever voting systems were well in excess of this state funded formula.*

July, 2002 Contracts sent to counties for partial payment from state general revenue fund to replace or reimburse punchcard and lever voting systems  
Payment formula: \$3750 for large counties, \$7500 for smaller counties (per polling place as reported by counties)  
Total to counties from the state: \$12,046,875.00  
*(See Attachment B for county by county breakdown)*  
*Please note: County contracts to replace punchcard and lever voting systems were well in excess of this state funded formula.*

Total state payout for the replacement of punchcard or lever voting systems: \$24,093,750.00

October, 2002 HAVA is passed by Congress

April, 2003 Receipt of HAVA Funding  
Initial Payment  
101: \$5,000,000.00  
102: \$0  
251: \$0

June, 2003 Receipt of HAVA Funding  
Balance of Section 101  
102 Funds  
101: \$9,447,580.00  
102: \$ 11,581,377.00

July, 2003 Distribution of HAVA funding to the state for section 102 purchases (replacement of punchcard or lever voting systems)  
Total: \$11,500,000.00

020604



Total HAVA funding from section 102 to replace punchcard or lever voting systems: \$11,500,000.00

June, 2004

Receipt of HAVA Funding  
Year 2003 Title II Funding  
251: \$47,416,833.00

September, 2004

Distribution of HAVA funding to counties for compliance with Section 251 (ADA) for accessible machines at polling places  
Grant award to 51 counties to get in to compliance  
Total: \$11,600,000.00 from 251 funding  
*(See Attachment C for county by county breakdown)*

December, 2004

Receipt of HAVA Funding  
Year 2004 Title II Funding  
251: \$85,085,258.00

May, 2006

Final distribution of HAVA funding to counties for compliance with Section 251 (ADA) for accessible machines at polling places  
Grant award to 16 counties that were already in compliance  
Total: \$13,469,378.54 from 251 funding  
*(See Attachment D for county by county breakdown)*

Total distribution for Section 301 purposes for accessible voting systems from Section 251 funding: \$25,069,378.54

April, 2007

Discussion regarding payment of Governor's proposed legislation with HAVA funding

Governor's proposal:

1. Optical scan in all precincts and early voting sites  
Estimated cost to state: \$22,861,850.00
2. One VVPAT at each precinct for ADA purposes  
Estimated cost to state: \$7,511,360.00
3. One VVPAT at each early voting site for ADA purposes  
Estimated cost to state: \$304,850.00
4. Ballot on demand grant to counties that were 100% touchscreen at early voting sites in 2006 general election (to be funded per voter)  
Grant amount: \$5,000,000.00

Total: \$35,678,060.00\*

*\*Please note that counties will have additional costs.*

020605

**FLORIDA DEPARTMENT OF STATE  
DIVISION OF ELECTIONS  
VOTING SYSTEMS AGREEMENTS  
FY 2001-02**

<b>FY 2001-02 Voting Systems Agreements</b>	
<b>County</b>	<b>Amount</b>
Alachua	99,375
Baker	30,000
Bay	88,125
Bradford	75,000
Brevard	331,875
Broward	1,158,750
Calhoun	48,750
Charlotte	118,125
Citrus	65,625
Clay	95,625
Collier	180,000
Columbia	116,250
DeSoto	56,250
Dixie	45,000
Duval	502,500
Escambia	202,500
Flagler	101,250
Franklin	30,000
Gadsden	60,000
Gilchrist	45,000
Glades	48,750
Gulf	52,500
Hamilton	30,000
Hardee	45,000
Hendry	82,500
Hernando	95,625
Highlands	45,000
Hillsborough	600,000
Holmes	60,000
Indian River	71,250
Jackson	101,250
Jefferson	48,750
Lafayette	18,750
Lake	161,250
Lee	281,250
Leon	178,125
Levy	78,750
Liberty	30,000
Madison	41,250
Manatee	253,125

**FLORIDA DEPARTMENT OF STATE  
DIVISION OF ELECTIONS  
VOTING SYSTEMS AGREEMENTS  
FY 2001-02**

<b>FY 2001-02 Voting Systems Agreements</b>	
<b>County</b>	<b>Amount</b>
Marion	180,000
Martin	75,000
Miami-Dade	1,156,875
Monroe	61,875
Nassau	78,750
Okaloosa	90,000
Okeechobee	67,500
Orange	433,125
Osceola	123,750
Palm Beach	995,625
Pasco	247,500
Pinellas	646,875
Polk	305,625
Putnam	187,500
St. Johns	106,875
St. Lucie	146,250
Santa Rosa	67,500
Sarasota	266,250
Seminole	249,375
Sumter	90,000
Suwannee	60,000
Taylor	52,500
Union	41,250
Volusia	322,500
Wakulla	45,000
Walton	120,000
Washington	56,250

**TOTAL** **12,046,875**

**FLORIDA DEPARTMENT OF STATE  
DIVISION OF ELECTIONS  
VOTING SYSTEMS AGREEMENTS  
FY 2002-03**

<b>Voting Systems Agreements</b>	
<b>County</b>	<b>Amount</b>
Alachua	99,375
Baker	30,000
Bay	88,125
Bradford	75,000
Brevard	331,875
Broward	1,158,750
Calhoun	48,750
Charlotte	118,125
Citrus	65,625
Clay	95,625
Collier	180,000
Columbia	116,250
DeSoto	56,250
Dixie	45,000
Duval	502,500
Escambia	202,500
Flagler	101,250
Franklin	30,000
Gadsden	60,000
Gilchrist	45,000
Glades	48,750
Gulf	52,500
Hamilton	30,000
Hardee	45,000
Hendry	82,500
Hernando	95,625
Highlands	45,000
Hillsborough	600,000
Holmes	60,000
Indian River	71,250
Jackson	101,250
Jefferson	48,750
Lafayette	18,750
Lake	161,250
Lee	281,250
Leon	178,125
Levy	78,750
Liberty	30,000
Madison	41,250
Manatee	253,125

**FLORIDA DEPARTMENT OF STATE  
DIVISION OF ELECTIONS  
VOTING SYSTEMS AGREEMENTS  
FY 2002-03**

<b>Voting Systems Agreements</b>	
<b>County</b>	<b>Amount</b>
Marion	180,000
Martin	75,000
Miami-Dade	1,156,875
Monroe	61,875
Nassau	78,750
Okaloosa	90,000
Okeechobee	67,500
Orange	433,125
Osceola	123,750
Palm Beach	995,625
Pasco	247,500
Pinellas	646,875
Polk	305,625
Putnam	187,500
St. Johns	106,875
St. Lucie	146,250
Santa Rosa	67,500
Sarasota	266,250
Seminole	249,375
Sumter	90,000
Suwannee	60,000
Taylor	52,500
Union	41,250
Volusia	322,500
Wakulla	45,000
Walton	120,000
Washington	56,250

**TOTAL** **12,046,875**

DEPARTMENT OF STATE  
DIVISION OF ELECTIONS  
VOTING SYSTEMS ASSISTANCE GRANT  
FY 2004-05

COUNTY	POLLING PLACES *	EXISTING SYSTEMS - COMPLIANT	REQUIRED	FUNDING PER COUNTY
Alachua	70	0	70	\$ 316,076.29
Baker	10	0	10	45,153.76
Bay	55	2	53	239,314.91
Bradford	17	2	15	67,730.63
Brevard	139	0	139	627,637.21
Calhoun	12	0	12	54,184.51
Citrus	41	0	41	185,130.40
Clay	59	0	59	266,407.16
Columbia	24	0	24	108,369.02
DeSoto	15	0	15	67,730.63
Dixie	11	0	11	49,669.13
Duval	266	3	263	1,187,543.79
Escambia	85	0	85	383,806.93
Flagler	32	0	32	144,492.02
Franklin	8	1	7	31,607.63
Gadsden	25	0	25	112,884.39
Gilchrist	10	0	10	45,153.76
Glades	12	0	12	54,184.51
Gulf	13	0	13	58,699.88
Hamilton	9	0	9	40,638.38
Hardee	12	0	12	54,184.51
Hendry	22	2	20	90,307.51
Hernando	52	0	52	234,799.53
Holmes	16	0	16	72,246.01
Jackson	27	2	25	112,884.39
Jefferson	15	0	15	67,730.63
Lafayette	6	0	6	27,092.25
Leon	125	0	125	564,421.95
Levy	14	0	14	63,215.26
Liberty	8	1	7	31,607.63
Madison	11	0	11	49,669.13
Manatee	136	0	136	614,091.09
Marion	110	0	110	496,691.32
Monroe	33	0	33	149,007.40
Okaloosa	52	0	52	234,799.53
Okeechobee	17	0	17	76,761.39
Orange	253	0	253	1,142,390.04
Osceola	67	0	67	302,530.17
Polk	148	0	148	668,275.59
Putnam	33	1	32	144,492.02
Santa Rosa	40	0	40	180,615.03
Seminole	99	0	99	447,022.19
St. Johns	57	0	57	257,376.41
St. Lucie	59	0	59	266,407.16
Suwannee	16	0	16	72,246.01

**DEPARTMENT OF STATE  
DIVISION OF ELECTIONS  
VOTING SYSTEMS ASSISTANCE GRANT  
FY 2004-05**

COUNTY	POLLING PLACES *	EXISTING SYSTEMS - COMPLIANT	REQUIRED	FUNDING PER COUNTY
Taylor	14	0	14	63,215.26
Union	11	0	11	49,669.13
Volusia	155	0	155	699,883.22
Wakulla	12	0	12	54,184.51
Walton	32	0	32	144,492.02
Washington	18	0	18	81,276.76
<b>TOTAL</b>	<b>2,583</b>	<b>14</b>	<b>2,569</b>	<b>\$ 11,600,000.00</b>

**FY 2004-05 Appropriation for Voting Systems Assistance** **11,600,000**

**Average cost per machine** **4,515.38**

From funds in Specific Appropriation 28711, \$11,600,000 shall be distributed by the Department of State to county supervisors of elections for the purchase of Direct Recording Equipment (DRE) or other state approved equipment that meets the standards for disability requirements which is accessible to persons with disabilities to ensure that each county has one accessible voting system for each polling place. The funds are to be distributed according to the number of machines that are accessible for persons with disabilities that are needed in order for each county to have one per polling place. No supervisor of elections shall receive any funds until the county supervisor of elections certifies to the Department of State: 1) the number of precincts in the county; 2) the number of polling places in the county; 3) the number of voting machines the county has that meet the disability requirement; 4) the county's plan for purchasing the DRE's; and 5) the date that the county anticipates being in compliance.

The Department of State will determine the number of DRE's needed in each county based on the certifications provided by the supervisors of elections. Any county that receives funds from Specific Appropriation 28711 that is not in compliance with the accessibility requirements in Section 301(a)(3) Title III of the Help America Vote Act by January 1, 2006, shall be required to return those funds to the State.

\*Polling places on Election Day

## Help America Vote Act (HAVA) Voting Systems Assistance Grants

**Reimbursement to counties with  
polling places that were unfunded in FY 2004-05  
due to existing DRE equipment  
FY 05-06**

Bay	\$9,030.76
Bradford	\$9,030.76
Duval	\$13,546.14
Franklin	\$4,515.38
Hendry	\$9,030.76
Jackson	\$9,030.76
Liberty	\$4,515.38
Putnam	<u>\$4,515.38</u>
<b>TOTAL</b>	<b><u>\$63,215.32</u></b>

**Reimbursement to Counties  
With at least one DRE per polling place  
prior to 7-1-2004  
FY 05-06**

Broward	\$2,298,328.42
Charlotte	\$293,499.70
Collier	\$370,261.16
Highlands	\$112,884.50
Hillsborough	\$1,490,075.40
Indian River	\$216,738.24
Lake	\$451,538.00
Lee	\$731,491.56
Martin	\$221,253.62
Miami-Dade	\$2,524,097.42
Nassau	\$99,338.36
Palm Beach	\$1,896,459.60
Pasco	\$645,699.34
Pinellas	\$1,309,460.20
Sarasota	\$605,060.92
Sumter	<u>\$139,976.78</u>
<b>TOTAL</b>	<b><u>\$13,406,163.22</u></b>

<b>GRAND TOTAL</b>	<b><u>\$13,469,378.54</u></b>
--------------------	-------------------------------



Thomas R. Wilkey/EAC/GOV  
04/16/2007 02:25 PM

To Juliet E. Hodgkins/EAC/GOV@EAC  
cc  
bcc  
Subject Fw: Florida HAVA Funding

Thomas R. Wilkey  
Executive Director  
US Election Assistance Commission  
1225 New York Ave, NW - Suite 1100  
Washington, DC 20005  
(202) 566-3109 phone  
TWilkey@eac.gov

— Forwarded by Thomas R. Wilkey/EAC/GOV on 04/16/2007 02:24 PM —



"Tuck, Amy K."  
<AKTuck@dos.state.fl.us>  
04/16/2007 02:23 PM

To twilkey@eac.gov  
cc  
Subject RE: Florida HAVA Funding

Tom,

Here are the counties:

100% Touch Screen

Charlotte  
Collier  
Hillsborough  
Indian River  
Lake  
Lee  
Martin  
Nassau  
Palm Beach  
Pasco  
Pinellas  
Broward  
Miami-Dade  
Sarasota  
Sumter

Let me know if you need anything else.

**Amy K. Tuck, Esq.**  
Director, Division of Elections  
Florida Department of State  
The R.A. Gray Building  
500 South Bronough Street, Room 316

020613

Tallahassee, Florida 32399  
850.245.6200 phone  
850.245.6217 fax

---

**From:** Woodward, Amy  
**Sent:** Monday, April 16, 2007 2:11 PM  
**To:** Kennedy, Jennifer L.  
**Cc:** Tuck, Amy K.  
**Subject:** FW: Florida HAVA Funding

---

**From:** twilkey@eac.gov [mailto:twilkey@eac.gov]  
**Sent:** Monday, April 16, 2007 2:10 PM  
**To:** Woodward, Amy  
**Subject:** Re: Florida HAVA Funding

Amy;  
Thanks for the information.  
We need you to identify which 15 counties have DRE which need to be replaced.  
Thanks  
Tom

Thomas R. Wilkey  
Executive Director  
US Election Assistance Commission  
1225 New York Ave, NW - Suite 1100  
Washington, DC 20005  
(202) 566-3109 phone  
TWilkey@eac.gov

"Woodward, Amy" <AWoodward@dos.state.fl.us>

04/16/2007 01:18 PM

To: twilkey@eac.gov  
Cc: "Browning, Kurt S." <KSBrowning@dos.state.fl.us>  
Subject: Florida HAVA Funding

020614

*Attached is the information from the conference call this morning.*

*Thank you,*

*Amy Woodward  
Executive Assistant  
Office of the Secretary*

020615



"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>

To ecortes@eac.gov

cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>

bcc

03/30/2007 04:15 PM

Subject Question Regarding Section 101 Funds

History:

✉ This message has been replied to

Hi Edgardo,

Would you please give me a call. We have a question regarding the use of HAVA Section 101 funds.

Thanks,  
Barbara Leonard  
Florida Division of Elections  
850-245-6201

This response is provided for reference only and does not constitute legal advice or representation. As applied to a particular set of facts or circumstances, interested parties should refer to the Florida Statutes and applicable case law, and/or consult a private attorney before drawing any legal conclusions or relying upon the information provided.

Please note: Florida has a very broad public records law. Written communications to or from state officials regarding state business constitute public records and are available to the public and media upon request unless the information is subject to a specific statutory exemption. Therefore, your e-mail message may be subject to public disclosure.

020616



"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>

To ecortes@eac.gov

cc

bcc

03/21/2007 08:14 AM

Subject RE: HAVA Funding for Voter Verifiable Paper Audit Records

History:

☞ This message has been replied to.

Edgardo,

The legislative budget issue requesting additional funds for state match was inadvertently scanned twice. It is only one page.

Thanks,  
Barbara

-----Original Message-----

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]

**Sent:** Tuesday, March 20, 2007 4:03 PM

**To:** Leonard, Barbara M.

**Subject:** RE: HAVA Funding for Voter Verifiable Paper Audit Records

No problem, let me know in the morn. Thanks!

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

020617



"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>

To ecortes@eac.gov

cc

bcc

03/20/2007 04:01 PM

Subject RE: HAVA Funding for Voter Verifiable Paper Audit Records

History: This message has been replied to

Edgardo,

The person who forwarded the file to me is not in the office this afternoon. I'll let you know in the morning. Sorry for the confusion.

Barbara

-----Original Message-----

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]

**Sent:** Tuesday, March 20, 2007 3:24 PM

**To:** Leonard, Barbara M.

**Subject:** RE: HAVA Funding for Voter Verifiable Paper Audit Records

Barbara,

Both pages in the PDF that shows the legislative budget request appear to be the same. Are the pages different or was the same page copied twice?

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>

03/20/2007 01:40 PM

To ecortes@eac.gov

cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>, "Bradshaw, Sarah"

<SBradshaw@dos.state.fl.us>

Subject RE: HAVA Funding for Voter Verifiable Paper Audit Records

t

020618

Edgardo,

Attached are the following documents providing updated information regarding the findings included in the Florida Auditor General's Operational Audit Report # 2006-194:

Department of State Inspector General's Follow-up Review to Auditor General Report  
Number 2006-194

Letter dated December 13, 2006 from Inspector General to Secretary of State Cobb  
Budget issue included in the FY 2007-08 Legislative Budget Request regarding additional  
funds for State Match

Florida Voting Systems Certification Checklist & Test Record

If you have any questions, please let us know.

Thanks,  
Barbara

-----Original Message-----

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]

**Sent:** Friday, March 16, 2007 11:36 AM

**To:** Tuck, Amy K.

**Cc:** Leonard, Barbara M.

**Subject:** Re: HAVA Funding for Voter Verifiable Paper Audit Records

Amy and Barbara,

Do you have any additional documentation for the issues identified during your state single audit. I have a copy of your response letter to the state auditor dated June 15, 2006 but many of the items are planned actions. Do you have supporting documentation to show you've completed those things? I am trying to write our audit resolution report and would prefer it show as much completed as possible rather than using the report to ask for this info. Let me know. Thanks.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

020619



"Leonard, Barbara M."  
<BMLEonard@dos.state.fl.us>

03/20/2007 01:40 PM

To ecortes@eac.gov  
cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>, "Bradshaw, Sarah" <SBradshaw@dos.state.fl.us>  
bcc

Subject RE: HAVA Funding for Voter Verifiable Paper Audit Records

History: This message has been replied to

Edgardo,

Attached are the following documents providing updated information regarding the findings included in the Florida Auditor General's Operational Audit Report # 2006-194:

- Department of State Inspector General's Follow-up Review to Auditor General Report Number 2006-194
- Letter dated December 13, 2006 from Inspector General to Secretary of State Cobb
- Budget issue included in the FY 2007-08 Legislative Budget Request regarding additional funds for State Match
- Florida Voting Systems Certification Checklist & Test Record

If you have any questions, please let us know.

Thanks,  
Barbara

-----Original Message-----

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]  
**Sent:** Friday, March 16, 2007 11:36 AM  
**To:** Tuck, Amy K.  
**Cc:** Leonard, Barbara M.  
**Subject:** Re: HAVA Funding for Voter Verifiable Paper Audit Records

Amy and Barbara,  
Do you have any additional documentation for the issues identified during your state single audit. I have a copy of your response letter to the state auditor dated June 15, 2006 but many of the items are planned actions. Do you have supporting documentation to show you've completed those things? I am trying to write our audit resolution report and would prefer it show as much completed as possible rather than using the report to ask for this info. Let me know. Thanks.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax



ecortes@eac.gov 2007-005 AG follow up HAVA FVRS dr final.doc 2007-005 Cover Letter HAVA FVRS.doc





BVSC-010 Florida Voting Systems Certification Checklist and Test Record.doc FY 2007-08 LBR HAVA State Match.pdf

020621



"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>

03/16/2007 03:35 PM

To ecortes@eac.gov

cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>

bcc

Subject RE: HAVA Funding for Voter Verifiable Paper Audit Records

History

This message has been replied to

Edgardo,

How about Monday about 1:30 pm? I'll give you a call if that time is agreeable.

Barbara

-----Original Message-----

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]

**Sent:** Friday, March 16, 2007 2:18 PM

**To:** Leonard, Barbara M.

**Subject:** RE: HAVA Funding for Voter Verifiable Paper Audit Records

Great! Can we set up a time to chat on Monday? I'm available anytime after 10am.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>

03/16/2007 02:00 PM

To ecortes@eac.gov

cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>

Subject RE: HAVA Funding for Voter Verifiable Paper Audit Records

020622

Edgardo,

We should be able to forward something to you next week to document the steps that have been taken. We'll check with you first to be sure we're getting the information you need for your report.

Thanks,  
Barbara

-----Original Message-----

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]

**Sent:** Friday, March 16, 2007 11:36 AM

**To:** Tuck, Amy K.

**Cc:** Leonard, Barbara M.

**Subject:** Re: HAVA Funding for Voter Verifiable Paper Audit Records

Amy and Barbara,

Do you have any additional documentation for the issues identified during your state single audit. I have a copy of your response letter to the state auditor dated June 15, 2006 but many of the items are planned actions. Do you have supporting documentation to show you've completed those things? I am trying to write our audit resolution report and would prefer it show as much completed as possible rather than using the report to ask for this info. Let me know. Thanks.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

020623



"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>

03/16/2007 02:00 PM

To ecortes@eac.gov

cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>

bcc

Subject RE: HAVA Funding for Voter Verifiable Paper Audit Records

History:

✉ This message has been replied to.

Edgardo,

We should be able to forward something to you next week to document the steps that have been taken. We'll check with you first to be sure we're getting the information you need for your report.

Thanks,  
Barbara

-----Original Message-----

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]

**Sent:** Friday, March 16, 2007 11:36 AM

**To:** Tuck, Amy K.

**Cc:** Leonard, Barbara M.

**Subject:** Re: HAVA Funding for Voter Verifiable Paper Audit Records

Amy and Barbara,

Do you have any additional documentation for the issues identified during your state single audit. I have a copy of your response letter to the state auditor dated June 15, 2006 but many of the items are planned actions. Do you have supporting documentation to show you've completed those things? I am trying to write our audit resolution report and would prefer it show as much completed as possible rather than using the report to ask for this info. Let me know. Thanks.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

020624



"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>

02/16/2007 05:08 PM

To ecortes@eac.gov  
cc  
bcc  
Subject RE: FW: Guidance Regarding Use of HAVA Funds

Edgardo,

Thank you so much for the response. I know you've been very busy and also knew of the bad weather. Hopefully the weather has cleared up a little by now. Have a great week-end.

Thanks,  
Barbara

-----Original Message-----

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]  
**Sent:** Friday, February 16, 2007 4:45 PM  
**To:** Leonard, Barbara M.  
**Subject:** Re: FW: Guidance Regarding Use of HAVA Funds

Barbara,

Sorry for the delay but I was at the NASS and NASED conference over the weekend and then we had some bad weather that kept me from coming in. In regards to question #2, this is a purchase that is solely related to the statewide voter registration and therefore does not require pre-approval from the EAC. Just make sure to keep the proper records for audit purposes. Hope this helps. Thanks.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

"Leonard, Barbara M." <BMLeonard@dos.state.fl.us>

02/13/2007 02:02 PM

To ecortes@eac.gov  
cc  
SubjectFW: Guidance Regarding Use of HAVA Funds

020625

Edgardo,

Have you had a chance to review question #2 in our request below regarding the purchase of additional memory for our statewide voter registration system?

Thanks,  
Barbara

-----Original Message-----

**From:** Leonard, Barbara M.  
**Sent:** Friday, January 26, 2007 11:48 AM  
**To:** 'ecortes@eac.gov'  
**Cc:** Tuck, Amy K.; Bradshaw, Sarah  
**Subject:** RE: Guidance Regarding Use of HAVA Funds

Edgardo,

I believe that question #3 is related to the state single audit findings. It was included in the Operational Audit conducted by the Florida Auditor General's Office. I will forward you the original request for guidance that we sent to Peggy Sims last summer in case you don't have access to it.

Thanks,  
Barbara

-----Original Message-----

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]  
**Sent:** Friday, January 26, 2007 10:03 AM  
**To:** Leonard, Barbara M.  
**Subject:** Re: Guidance Regarding Use of HAVA Funds

Barbara,

Just a quick question about #3. Is this question related to the state single audit findings? I am working on some audit resolutions and wanted to make sure its the same issue.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct

020626

202-566-3127 fax  
ecortes@eac.gov

"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>

01/10/2007 04:08 PM

To ecortes@eac.gov  
cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>, "Bradshaw, Sarah"  
<SBradshaw@dos.state.fl.us>  
Subject Guidance Regarding Use of HAVA Funds

Edgardo,

The Florida Department of State is requesting guidance regarding the use of HAVA funds for several items:

1. The computer equipment used to operate Florida's statewide voter registration system is currently housed in a state-owned facility that is in the process of being sold. As a result, the Department is moving its computer operations to a private facility.

Following our conversation this morning, the Department has determined that State funds will be used to pay for the expenses associated with moving all of the equipment (including the statewide voter registration system equipment) to the new location.

However, after the Department has completed its relocation of the computer room to another facility, it will be necessary to make rental payments to the owner of the building. Is it possible for the Department to use HAVA funds to pay a portion of the rent for the space occupied by computer equipment used to support the statewide voter registration system?

2. The Department needs to purchase additional memory in order to provide an identical back-up computer for the statewide voter registration system in case of a disaster. We have received quotes from three contractors on the State Purchasing Contract with the lowest quote being from

020627

Hewlett Packard at \$81,760. We are requesting EAC approval to use HAVA Section 251 funds for this purchase.

3. During the summer of 2006 the Department requested guidance from the EAC regarding the use of HAVA funds for annual and/or sick leave payments to employees filling HAVA-funded positions who terminated employment with the State. Could you check on the status of a response regarding this issue. If you need additional information, please let us know and we'll forward the original questions.

If you need any additional information regarding these items, please let us know. Thank you very much for your assistance.

Thanks,  
Barbara Leonard  
Florida Division of Elections  
HAVA Unit  
850-245-6201

020628





"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>

To ecortes@eac.gov

cc

02/13/2007 02:02 PM

bcc

Subject FW: Guidance Regarding Use of HAVA Funds

History:

✉ This message has been replied to

Edgardo,

Have you had a chance to review question #2 in our request below regarding the purchase of additional memory for our statewide voter registration system?

Thanks,  
Barbara

-----Original Message-----

**From:** Leonard, Barbara M.

**Sent:** Friday, January 26, 2007 11:48 AM

**To:** 'ecortes@eac.gov'

**Cc:** Tuck, Amy K.; Bradshaw, Sarah

**Subject:** RE: Guidance Regarding Use of HAVA Funds

Edgardo,

I believe that question #3 is related to the state single audit findings. It was included in the Operational Audit conducted by the Florida Auditor General's Office. I will forward you the original request for guidance that we sent to Peggy Sims last summer in case you don't have access to it.

Thanks,  
Barbara

-----Original Message-----

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]

**Sent:** Friday, January 26, 2007 10:03 AM

**To:** Leonard, Barbara M.

**Subject:** Re: Guidance Regarding Use of HAVA Funds

Barbara,

Just a quick question about #3. Is this question related to the state single audit findings? I am working on some audit resolutions and wanted to make sure its the same issue.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax

020629

ecortes@eac.gov

"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>

01/10/2007 04:08 PM

To ecortes@eac.gov  
cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>, "Bradshaw, Sarah"  
<SBradshaw@dos.state.fl.us>  
Subject Guidance Regarding Use of HAVA Funds

Edgardo,

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1. The computer equipment used to operate Florida's statewide voter registration system is currently housed in a state-owned facility that is in the process of being sold. As a result, the Department is moving its computer operations to a private facility.

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3. During the summer of 2006 the Department requested guidance from the EAC regarding the use of HAVA funds for annual and/or sick leave payments to employees filling HAVA-funded positions who terminated employment with the State. Could you check on the status of a response regarding this issue. If you need additional information, please let us know and we'll forward the original questions.

020630

If you need any additional information regarding these items, please let us know. Thank you very much for your assistance.

Thanks,  
Barbara Leonard  
Florida Division of Elections  
HAVA Unit  
850-245-6201

020631



"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>

01/26/2007 03:04 PM

To ecortes@eac.gov

cc

bcc

Subject RE: Guidance Regarding Use of HAVA Funds

Edgardo,

Thanks for your help with this.

Barbara

-----Original Message-----

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]

**Sent:** Friday, January 26, 2007 2:31 PM

**To:** Leonard, Barbara M.

**Cc:** Tuck, Amy K.; Bradshaw, Sarah

**Subject:** RE: Guidance Regarding Use of HAVA Funds

Barbara,

This was great information. This is the same issue I am working on in relation to the single audit. Just so you know, this means you will get the answer from me, but then it will also be addressed in an audit resolution report. That resolution report will cover this issue and the other issues identified during the single audit. Since EAC oversees HAVA funds, we are responsible for resolving issues identified during audits conducted by our Inspector General and also single audits conducted by each state. I'll keep you posted as we move forward in that process. Let me know if you have any questions. Thanks.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>

01/26/2007 11:48 AM

To ecortes@eac.gov

cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>, "Bradshaw, Sarah"

<SBradshaw@dos.state.fl.us>

Subject RE: Guidance Regarding Use of HAVA Funds

020632

Edgardo,

I believe that question #3 is related to the state single audit findings. It was included in the Operational Audit conducted by the Florida Auditor General's Office. I will forward you the original request for guidance that we sent to Peggy Sims last summer in case you don't have access to it.

Thanks,  
Barbara

-----Original Message-----

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]  
**Sent:** Friday, January 26, 2007 10:03 AM  
**To:** Leonard, Barbara M.  
**Subject:** Re: Guidance Regarding Use of HAVA Funds

Barbara,  
Just a quick question about #3. Is this question related to the state single audit findings? I am working on some audit resolutions and wanted to make sure its the same issue.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>

01/10/2007 04:08 PM

To ecortes@eac.gov  
cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>, "Bradshaw, Sarah"  
<SBradshaw@dos.state.fl.us>  
Subject Guidance Regarding Use of HAVA Funds

020633

Edgardo,

The Florida Department of State is requesting guidance regarding the use of HAVA funds for several items:

1. The computer equipment used to operate Florida's statewide voter registration system is currently housed in a state-owned facility that is in the process of being sold. As a result, the Department is moving its computer operations to a private facility.

Following our conversation this morning, the Department has determined that State funds will be used to pay for the expenses associated with moving all of the equipment (including the statewide voter registration system equipment) to the new location.

However, after the Department has completed its relocation of the computer room to another facility, it will be necessary to make rental payments to the owner of the building. Is it possible for the Department to use HAVA funds to pay a portion of the rent for the space occupied by computer equipment used to support the statewide voter registration system?

2. The Department needs to purchase additional memory in order to provide an identical back-up computer for the statewide voter registration system in case of a disaster. We have received quotes from three contractors on the State Purchasing Contract with the lowest quote being from Hewlett Packard at \$81,760. We are requesting EAC approval to use HAVA Section 251 funds for this purchase.

3. During the summer of 2006 the Department requested guidance from the EAC regarding the use of HAVA funds for annual and/or sick leave payments to employees filling HAVA-funded positions who terminated employment with the State. Could you check on the status of a response regarding this issue. If you need additional information, please let us know and we'll forward the original questions.

If you need any additional information regarding these items, please let us know. Thank you very much for your assistance.

Thanks,  
Barbara Leonard

020634

Florida Division of Elections  
HAVA Unit  
850-245-6201

020635



"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>

01/26/2007 11:51 AM

To ecortes@eac.gov

cc

bcc

Subject FW: Leave Payments to Terminating Employees

Edgardo,

This is the initial request regarding leave payments to terminating employees.

Thanks,  
Barbara

-----Original Message-----

**From:** Leonard, Barbara

**Sent:** Friday, June 23, 2006 9:57 AM

**To:** 'psims@eac.gov'

**Cc:** Roberts, Dawn K.; Bradshaw, Sarah; Gomez, Mike; Durbin, Joyce A.

**Subject:** Leave Payments to Terminating Employees

Peggy,

The Florida Department of State is requesting guidance from the EAC regarding leave payments to employees who have resigned from the Department of State and terminated employment in state government. Upon termination from the Department, these individuals have/will be paid for annual leave hours that were accrued during their tenure as state employees. During their employment with the Department of State, each employee was assigned to a position that worked exclusively on HAVA-related activities and was funded with HAVA dollars.

One individual was employed by the Department of State for eight months. However, he had been in state government for several years and transferred to the Department of State from another state agency. During that time he accrued 386 hours of annual leave. He accrued an additional 83 hours while employed at the Department of State. Upon termination from the Department, he was paid for 470 annual leave hours.

The other employee has been employed by the Department of State since mid-September 2003 and has worked exclusively in a HAVA-funded position during this period. He will be eligible for annual leave payments upon termination from state government at the end of June 2006. All of the annual leave hours were earned while he was working on HAVA activities.

In reviewing the language in federal OMB Circular A-87, it appears that it will be necessary for the Department of State to use state funds rather than HAVA funds for the leave payments to each of these individuals. However, since one individual was employed exclusively in a HAVA-funded position and earned the leave during this time, is it possible to use HAVA funds to pay for the accrued annual leave that will be paid to the individual upon termination from state government?

The situations referenced above relate to accrued annual leave. However, the same questions will apply when an employee filling a HAVA-funded position terminates from state government and is eligible to receive payment for sick leave.

We appreciate your assistance in determining the appropriate funding source when processing leave payments to individuals who worked in a HAVA-funded position at the time of termination from state

020636



government.

Thanks,  
Barbara Leonard  
Florida Division of Elections  
850-245-6201

020637



"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>

01/26/2007 11:48 AM

To ecortes@eac.gov

cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>, "Bradshaw, Sarah" <SBradshaw@dos.state.fl.us>

bcc

Subject RE: Guidance Regarding Use of HAVA Funds

History This message has been replied to

Edgardo,

I believe that question #3 is related to the state single audit findings. It was included in the Operational Audit conducted by the Florida Auditor General's Office. I will forward you the original request for guidance that we sent to Peggy Sims last summer in case you don't have access to it.

Thanks,  
Barbara

-----Original Message-----

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]  
**Sent:** Friday, January 26, 2007 10:03 AM  
**To:** Leonard, Barbara M.  
**Subject:** Re: Guidance Regarding Use of HAVA Funds

Barbara,  
Just a quick question about #3. Is this question related to the state single audit findings? I am working on some audit resolutions and wanted to make sure its the same issue.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
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202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>

01/10/2007 04:08 PM

To ecortes@eac.gov  
cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>, "Bradshaw, Sarah" <SBradshaw@dos.state.fl.us>  
Subject Guidance Regarding Use of HAVA Funds

020638

Edgardo,

The Florida Department of State is requesting guidance regarding the use of HAVA funds for several items:

1. The computer equipment used to operate Florida's statewide voter registration system is currently housed in a state-owned facility that is in the process of being sold. As a result, the Department is moving its computer operations to a private facility.

Following our conversation this morning, the Department has determined that State funds will be used to pay for the expenses associated with moving all of the equipment (including the statewide voter registration system equipment) to the new location.

However, after the Department has completed its relocation of the computer room to another facility, it will be necessary to make rental payments to the owner of the building. Is it possible for the Department to use HAVA funds to pay a portion of the rent for the space occupied by computer equipment used to support the statewide voter registration system?

2. The Department needs to purchase additional memory in order to provide an identical back-up computer for the statewide voter registration system in case of a disaster. We have received quotes from three contractors on the State Purchasing Contract with the lowest quote being from Hewlett Packard at \$81,760. We are requesting EAC approval to use HAVA Section 251 funds for this purchase.

3. During the summer of 2006 the Department requested guidance from the EAC regarding the use of HAVA funds for annual and/or sick leave payments to employees filling HAVA-funded positions who terminated employment with the State. Could you check on the status of a response regarding this issue. If you need additional information, please let us know and we'll forward the original questions.

If you need any additional information regarding these items, please let us know. Thank you very much for your assistance.

Thanks,  
Barbara Leonard  
Florida Division of Elections  
HAVA Unit  
850-245-6201

020639



"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>

01/10/2007 04:08 PM

To ecortes@eac.gov

cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>, "Bradshaw, Sarah" <SBradshaw@dos.state.fl.us>

bcc

Subject Guidance Regarding Use of HAVA Funds

History:

This message has been replied to and forwarded

Edgardo,

The Florida Department of State is requesting guidance regarding the use of HAVA funds for several items:

1. The computer equipment used to operate Florida's statewide voter registration system is currently housed in a state-owned facility that is in the process of being sold. As a result, the Department is moving its computer operations to a private facility.

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If you need any additional information regarding these items, please let us know. Thank you very much for your assistance.

Thanks,  
Barbara Leonard  
Florida Division of Elections  
HAVA Unit  
850-245-6201

020640



"Tuck, Amy K."  
<AKTuck@dos.state.fl.us>  
04/05/2007 06:11 PM

To ecortes@eac.gov, "Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>  
cc "Browning, Kurt S." <KSBrowning@dos.state.fl.us>,  
"Kennedy, Jennifer L." <JLKennedy@dos.state.fl.us>,  
twilkey@eac.gov

bcc

Subject RE: Question Regarding Section 101 Funds

History

 This message has been replied to

Edgardo,

It is the same question that I posed before regarding moving to optical scan systems and voter verifiable paper audit records. This also includes using ballot on demand and Automark. Jennifer Kennedy (Deputy Secretary of State) spoke with Tom Wilkey on Tuesday and I spoke with him on Tuesday as well. From what I understand, the decision that you previously gave me stands. However, we need something more formal in writing. As you know, we are in legislative session and this is a request not only from us, but from both of our legislative houses. I would really appreciate getting it as soon as possible.

Thank you again for all your help on this. I know you guys are busy. Please let me know if there is anything I can do to help.

Amy Tuck

---

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]  
**Sent:** Thursday, April 05, 2007 4:16 PM  
**To:** Leonard, Barbara M.  
**Cc:** Tuck, Amy K.  
**Subject:** Re: Question Regarding Section 101 Funds

Barbara,

Sorry for the delay in getting back to you - we have been swamped this week. I won't be in the office tomorrow but if you can email me the question, I can work on it over the weekend to get you a response for Monday. Thanks.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

"Leonard, Barbara M." <BMLeonard@dos.state.fl.us>

03/30/2007 04:15 PM

To ecortes@eac.gov

020641

CC: "Tuck, Amy K." <AKTuck@dos.state.fl.us>  
Subject: Question Regarding Section 101 Funds

Hi Edgardo,

Would you please give me a call. We have a question regarding the use of HAVA Section 101 funds.

Thanks,  
Barbara Leonard  
Florida Division of Elections  
850-245-6201

This response is provided for reference only and does not constitute legal advice or representation. As applied to a particular set of facts or circumstances, interested parties should refer to the Florida Statutes and applicable case law, and/or consult a private attorney before drawing any legal conclusions or relying upon the information provided.

Please note: Florida has a very broad public records law. Written communications to or from state officials regarding state business constitute public records and are available to the public and media upon request unless the information is subject to a specific statutory exemption. Therefore, your e-mail message may be subject to public disclosure.

020642



"Tuck, Amy K."  
<AKTuck@dos.state.fl.us>  
03/21/2007 11:12 AM

To ecortes@eac.gov  
cc  
bcc  
Subject RE: HAVA Funding

Edgardo,

Again, thanks for your quick response on all of this. One more question... If counties used a ballot on demand system, which is basically just a ballot "printing" service at the early voting sites, could HAVA funding be used? Let me know if you need me to call or explain further.

Thank you,  
Amy

---

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]  
**Sent:** Wednesday, March 14, 2007 4:54 PM  
**To:** Tuck, Amy K.  
**Cc:** jhodgkins@eac.gov  
**Subject:** RE: HAVA Funding

Amy,

Sorry for the longer response on this email. Its been a pretty busy day.

With question 1, I forgot that Florida did file a certification under HAVA section 251(b)(2)(A). This means you are correct, Florida can use any remaining requirements payments for the improvement of administration of elections for federal office. No additional certification is needed. VVPAR would fall under this category. Section 101 funds can be used for this purpose without any certification.

With #2, you are correct. Replacement of newly purchased equipment that is HAVA compliant and in good working order does not appear to meet the test of reasonableness for using federal funds. Our initial take on the automark system is that it would fall into this category because you would be replacing the current DREs with a new system.

Again, this is our general take on this without having reviewed any detailed information about Florida's particular situation. Let me know if you need any more info. Thanks.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

"Tuck, Amy K." <AKTuck@dos.state.fl.us>

03/14/2007 11:30 AM

To ecortes@eac.gov

020643

cc

SubjectRE: HAVA Funding

Sorry – one more issue. There is some consideration of using an “AutoMARK” system instead of the VVPAR. I would assume this would follow along the same lines as the considerations for the VVPAR. Let me know if you need more information on that before responding.

Thanks again.

---

**From:** Tuck, Amy K.  
**Sent:** Wednesday, March 14, 2007 11:25 AM  
**To:** ecortes@eac.gov  
**Subject:** HAVA Funding  
**Importance:** High

Edgardo,

I wanted to summarize our earlier conversation to make sure I am clear on how to proceed on this issue.

1. VVPAR (Voter verifiable paper audit record)

These can be paid for from HAVA funding under certain circumstances although this is not a requirement in HAVA and does not meet Title 3 requirements.

Section 251 funding can be used for Title 3 activities or for improving the administration of elections for federal office. Under this guideline, Florida can do the following:

- a. Certify that we have met the requirements of Title 3 and use the remaining 251 funds for improving federal elections.
- b. Or if we have not met the requirements for Title 3, we can certify that we will not use more than the minimum payment (est. 11.6m) for “non-Title 3” activities.

As a state, we did certify in August, 2006 that we have met the requirements for Title 3, so we would be in position a. (above). I would assume that we could then use the Section 251 funds to provide voter verifiable paper audit record devices for touchscreens under the argument that it is to improve federal elections.

020644



Section 101 funding can be used to improve administration of elections for federal office. If Florida decided to use this funding, we would not have to certify to the EAC.

2. Optical Scan

If the touchscreens that are being replaced were purchased with HAVA funding, then further HAVA funding may not be used for this purpose. If the touchscreens were purchased from state funding, then HAVA funding could be used for this purpose. I would assume we would follow the same guidelines in #1 concerning both the 251 and 101 funding.

And, of course, we are free to use state funding (or funding from the purchase of the systems) to upgrade as long as we remain in compliance with federal and state guidelines.

Thank you (and Julie) for taking the time to speak with me today. I appreciate the time and quick response. I look forward to hearing back from you.

Sincerely,

**Amy K. Tuck, Esq.**

Director, Division of Elections  
Florida Department of State  
The R.A. Gray Building  
500 South Bronough Street, Room 316  
Tallahassee, Florida 32399  
850.245.6200 phone  
850.245.6217 fax



"Tuck, Amy K."  
<AKTuck@dos.state.fl.us>  
03/14/2007 10:04 PM

To ecortes@eac.gov  
cc  
bcc  
Subject RE: HAVA Funding

Thank you for the response. We might have some additional questions. But, again, thank you for taking the time. I appreciate it. Amy

---

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]  
**Sent:** Wednesday, March 14, 2007 4:54 PM  
**To:** Tuck, Amy K.  
**Cc:** jhodgkins@eac.gov  
**Subject:** RE: HAVA Funding

Amy,

Sorry for the longer response on this email. Its been a pretty busy day. With question 1, I forgot that Florida did file a certification under HAVA section 251(b)(2)(A). This means you are correct, Florida can use any remaining requirements payments for the improvement of administration of elections for federal office. No additional certification is needed. VVPAR would fall under this category. Section 101 funds can be used for this purpose without any certification. With #2, you are correct. Replacement of newly purchased equipment that is HAVA compliant and in good working order does not appear to meet the test of reasonableness for using federal funds. Our initial take on the automark system is that it would fall into this category because you would be replacing the current DREs with a new system. Again, this is our general take on this without having reviewed any detailed information about Florida's particular situation. Let me know if you need any more info. Thanks.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

"Tuck, Amy K." <AKTuck@dos.state.fl.us>

03/14/2007 11:30 AM

To ecortes@eac.gov  
cc  
Subject RE: HAVA Funding

020646

Sorry – one more issue. There is some consideration of using an “AutoMARK” system instead of the VVPAR. I would assume this would follow along the same lines as the considerations for the VVPAR. Let me know if you need more information on that before responding.

Thanks again.

---

**From:** Tuck, Amy K.  
**Sent:** Wednesday, March 14, 2007 11:25 AM  
**To:** ecortes@eac.gov  
**Subject:** HAVA Funding  
**Importance:** High

Edgardo,

I wanted to summarize our earlier conversation to make sure I am clear on how to proceed on this issue.

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- a. Certify that we have met the requirements of Title 3 and use the remaining 251 funds for improving federal elections.
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As a state, we did certify in August, 2006 that we have met the requirements for Title 3, so we would be in position a. (above). I would assume that we could then use the Section 251 funds to provide voter verifiable paper audit record devices for touchscreens under the argument that it is to improve federal elections.

Section 101 funding can be used to improve administration of elections for federal office. If Florida decided to use this funding, we would not have to certify to the EAC.

2. Optical Scan

020647

If the touchscreens that are being replaced were purchased with HAVA funding, then further HAVA funding may not be used for this purpose. If the touchscreens were purchased from state funding, then HAVA funding could be used for this purpose. I would assume we would follow the same guidelines in #1 concerning both the 251 and 101 funding.

And, of course, we are free to use state funding (or funding from the purchase of the systems) to upgrade as long as we remain in compliance with federal and state guidelines.

Thank you (and Julie) for taking the time to speak with me today. I appreciate the time and quick response. I look forward to hearing back from you.

Sincerely,

**Amy K. Tuck, Esq.**

Director, Division of Elections

Florida Department of State

The R.A. Gray Building

500 South Bronough Street, Room 316

Tallahassee, Florida 32399

850.245.6200 phone

850.245.6217 fax

020648



"Tuck, Amy K."  
<AKTuck@dos.state.fl.us>  
03/14/2007 11:30 AM

To ecortes@eac.gov  
cc  
bcc

Subject RE: HAVA Funding

History

This message has been replied to and forwarded.

Sorry – one more issue. There is some consideration of using an “AutoMARK” system instead of the VVPAR. I would assume this would follow along the same lines as the considerations for the VVPAR. Let me know if you need more information on that before responding.

Thanks again.

---

**From:** Tuck, Amy K.  
**Sent:** Wednesday, March 14, 2007 11:25 AM  
**To:** ecortes@eac.gov  
**Subject:** HAVA Funding  
**Importance:** High

Edgardo,

I wanted to summarize our earlier conversation to make sure I am clear on how to proceed on this issue.

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As a state, we did certify in August, 2006 that we have met the requirements for Title 3, so we would be in position a. (above). I would assume that we could then use the Section 251 funds to provide voter verifiable paper audit record devices for touchscreens under the argument that it is to improve federal elections.

Section 101 funding can be used to improve administration of elections for federal office. If Florida decided to use this funding, we would not have to certify to the EAC.

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And, of course, we are free to use state funding (or funding from the purchase of the systems) to upgrade as long as we remain in compliance with federal and state guidelines.

020649

Thank you (and Julie) for taking the time to speak with me today. I appreciate the time and quick response. I look forward to hearing back from you.

Sincerely,

**Amy K. Tuck, Esq.**

Director, Division of Elections

Florida Department of State

The R.A. Gray Building

500 South Bronough Street, Room 316

Tallahassee, Florida 32399

850.245.6200 phone

850.245.6217 fax

020650



"Tuck, Amy K."  
<AKTuck@dos.state.fl.us>  
03/14/2007 11:25 AM

To ecortes@eac.gov  
cc  
bcc  
Subject HAVA Funding

Edgardo,

I wanted to summarize our earlier conversation to make sure I am clear on how to proceed on this issue.

1. VVPAR (Voter verifiable paper audit record)

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Sincerely,

**Amy K. Tuck, Esq.**  
Director, Division of Elections  
Florida Department of State  
The R.A. Gray Building  
500 South Bronough Street, Room 316  
Tallahassee, Florida 32399  
850.245.6200 phone  
850.245.6217 fax

020651



"Tuck, Amy K."  
<AKTuck@dos.state.fl.us>  
03/14/2007 10:42 AM

To ecortes@eac.gov  
cc  
bcc

Subject RE: Response: Using HAVA funds to replace voting equipment

History

 This message has been replied to.

I'm in the office now – meeting got moved to 12. If you have time, I can give you a call right now.

---

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]  
**Sent:** Wednesday, March 14, 2007 10:13 AM  
**To:** Tuck, Amy K.  
**Subject:** RE: Response: Using HAVA funds to replace voting equipment

I have a meeting at noon but we can do it after your 11am, depending on when that is over. If not, we can schedule for sometime this afternoon. Our general counsel will be joining us on the call.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

"Tuck, Amy K." <AKTuck@dos.state.fl.us>

03/14/2007 08:43 AM

To ecortes@eac.gov  
cc

Subject RE: Response: Using HAVA funds to replace voting equipment

That would be great. I have a meeting at 11 but am otherwise here this

020652



morning. Let me know your schedule and we'll call you.

-----Original Message-----

From: ecortes@eac.gov [mailto:ecortes@eac.gov]  
Sent: Wednesday, March 14, 2007 8:36 AM  
To: Tuck, Amy K.  
Subject: Re: Response: Using HAVA funds to replace voting equipment

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----- Original Message -----

From: "Tuck, Amy K." [AKTuck@dos.state.fl.us]  
Sent: 03/14/2007 08:30 AM AST  
To: Edgardo Cortes  
Subject: RE: Response: Using HAVA funds to replace voting equipment

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Sent: Wednesday, March 14, 2007 8:14 AM  
To: Tuck, Amy K.  
Cc: Leonard, Barbara M.  
Subject: Fw: Response: Using HAVA funds to replace voting equipment  
Importance: High

Amy,

I am on my way to work but am delayed due to traffic. However, I am forwarding you this response I sent to Bob West from the FL legislature who asked this question on Monday. Please read this over and let me know if it helps. Thanks.

----- Original Message -----

From: Edgardo Cortes  
Sent: 03/12/2007 02:41 PM EDT  
To: bob.west@myfloridahouse.gov  
Subject: Response: Using HAVA funds to replace voting equipment

Mr. West,

You requested information this morning via telephone on whether Florida could use its remaining HAVA \$251 funds to replace DREs previously purchased with HAVA funds with optical scan voting systems. Since you have requested an answer by this afternoon to assist in your legislative session and a specific answer to your question would require us to collect additional information and would take additional time, I am including a response sent to Washington State regarding a similar question. Please review this and see if it is sufficient for what you need. I have also included an explanation of acceptable uses of HAVA funds as well as other federal rules and regulations that are applicable to the use of HAVA funds. I have highlighted the sections most closely related to your request. Please let me know if you have any additional questions or if you need further clarification. Thank you.

020653

## Sources and Uses of HAVA Funds

There are three sources of funding provided by HAVA for use to improve the administration of federal elections and to meet the requirements of Title III of HAVA (specifically to implement provisional voting, to improve voting technology, to develop and implement a statewide voter registration database, to provide information to voters, and to verify and identify voters according to the procedures set forth in HAVA). Those sources are Section 101, Section 102 and Section 251 funds.

The funds received by a state under Section 101 can be used for the following purposes:

- A. Complying with the requirements under title III.
- B. Improving the administration of elections for Federal office.
- C. Educating voters concerning voting procedures, voting rights, and voting technology.
- D. Training election officials, poll workers, and election volunteers.
- E. Developing the State plan for requirements payments to be submitted under part 1 of subtitle D of title II.
- F. Improving, acquiring, leasing, modifying, or replacing voting systems and technology and methods for casting and counting votes.
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- H. Establishing toll-free telephone hotlines that voters may use to report possible voting fraud and voting rights violations, to obtain general election information, and to access detailed automated information on their own voter registration status, specific polling place locations, and other relevant information.

Section 102 funds can be used ONLY for the purposes of replacing punch card and lever voting systems with voting systems that comply with Section 301(a) of HAVA.

Section 251 funds can be used to implement any of the Title III requirements, including purchasing compliant voting systems, implementing provisional voting, providing information to voters in the polling place, developing and implementing a statewide voter registration list, and identifying voters. In addition, states and local governments can use HAVA funds to improve the administration of elections for Federal office when one of two conditions is met: (1) the state has met the requirements of Title III; or (2) the state notifies EAC of its intention to use an amount not to exceed the amount of the minimum payment that the state either did or could have received under the Section 252 formula for that purpose.

The uses of Section 251 funds (and Section 101 funds, when used to meet the requirements of Title III) must be accounted for in the state's plan as originally submitted or later amended. Any material change in the use of 251 funds (and Section 101 funds as specified above) from the approved state plan will require the state to revise its plan and submit the revisions to the EAC for publication and approval.

Costs must be Allowable, Allocable and Reasonable

In addition to the restrictions on the uses of funds imposed by HAVA, when these funds were distributed by either the General Services

Administration (GSA) or the EAC, those funds were made subject to several circulars developed by the Office of Management and Budget, specifically OMB Circulars A-87 (governs the use of federal funds to purchase goods for state and local governments), A-102 (governs the management of federal funds for state and local governments), A-122 (governs the use of federal funds to purchase goods for non-profits) and A-133 (dealing with audits). These circulars further restrict the appropriate uses of Federal funds requiring generally that costs paid for by HAVA funds are allowable, allocable (directly or through an indirect cost rate), and reasonable.

#### Allowable Costs

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#### Allocable Costs

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#### Indirect Costs

In some circumstances, the expense may be an indirect one that can be covered by an indirect cost rate. In that instance, the state may submit an indirect cost rate proposal in which it identifies and supplies information regarding direct and indirect costs of operation. Circular A-87 and ASMB C-10, Cost Principles and Procedures for Developing Cost Allocation Plans and Indirect Cost Allocation Plans and Indirect Cost Rates for Agreements with the Federal Government, provide guidance on negotiating indirect costs rates.

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A state must do some assessment as to whether the costs are reasonable. This is done by determining that the cost is justified based upon factors such as the frequency of use, leasing versus purchasing, and actual cost for the good or service.

Excerpt from response to Washington State, sent August 10, 2006:

"The question of the Snohomish County audio units brings up several issues. The issue as I understand it is that Snohomish County bought some accessible voting systems with HAVA funds that do not meet the 2002 requirements. Although it is possible, it is also unlikely that a voting system could be compliant with HAVA Section 301(a) and not meet the 2002 FEC Voting System Standards (particularly in regards to the tested error rate). Please see EAC Advisory 2005-004 for more information on helping to determine whether a particular system meets the standards of Section 301(a).

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Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

020656



"Tuck, Amy K."  
<AKTuck@dos.state.fl.us>  
03/14/2007 08:43 AM

To ecortes@eac.gov  
cc  
bcc  
Subject RE: Response: Using HAVA funds to replace voting equipment

History

✉ This message has been replied to

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020657

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020658

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020660



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020661



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To ecortes@eac.gov  
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 Subject RE: Response: Using HAVA funds to replace voting equipment

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020662

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020664

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03/13/2007 11:00 PM

To ecortes@eac.gov  
cc "Leonard, Barbara M." <BMLeonard@dos.state.fl.us>  
bcc

Subject HAVA Funding for Voter Verifiable Paper Audit Records

History:

 This message has been replied to.

Mr. Cortes,

Florida is requesting guidance on whether HAVA Section 251 funds can be used to purchase optical scan voting systems to replace existing touchscreen voting systems that are compliant with HAVA Section 301(a).

Prior to passage of the Help America Vote Act, during the 2001 Legislative Session, the Florida Legislature passed the Florida Election Reform Act of 2001, Chapter 2001-40, Laws of Florida. The legislation included an appropriation of funds to be distributed to counties for voting systems assistance.

The funds were distributed to counties in equal installments over a two year period to assist with purchasing voting systems to replace lever and punch cards machines as well as paper ballot voting systems. Florida distributed \$24,093,750 to assist counties with purchasing new voting systems.

At the time that counties were replacing voting systems to comply with changes to Florida law, fifteen counties opted to purchase touchscreen voting systems and the remaining counties either purchased or already had precinct-based optical scan voting systems.

We are currently in the 2007 Legislative Session. The Governor has some proposed legislation that would provide the following:

1. A precinct-based optical scan in all precincts.
2. One touchscreen with voter verifiable paper audit record in each precinct (ADA)
3. Allow for counties to either use an optical scan or touchscreen (retrofitted) for use for early voting.

In reviewing this legislation, the question has been asked as to what HAVA funds, if any, we can use to pay for these changes. Although I know we've been working off the FAQ and advice you've given other states, I thought it was important to ask based on our circumstances as to what we can and cannot fund with HAVA funds.

I realize this is late notice, but we do need an answer sooner rather than later. If you need to call to discuss further, please feel free to do so. My direct line is 850.245.6285 and my cell is 850.294.5298. I apologize for the urgency but as we move through session, it has become an issue that we need to be able to answer definitively. I look forward to hearing from you.

Thank you.

Amy K. Tuck  
Director  
Division of Elections  
Florida Department of State

020666



"West, Bob"  
<Bob.West@myfloridahouse.gov>

04/02/2007 03:26 PM

To ecortes@eac.gov

cc

bcc

Subject RE: Response: Using HAVA funds to replace voting equipment

History: This message has been replied to and forwarded

Edgardo,

What are the restrictions on the use of the interest from the HAVA money and were do I find those rules. Can we use the interest to replace Florida DRE's with optical scan?

Thanks

Bob West - Legislative Analyst  
Florida House of Representatives  
Ethics and Elections  
402 HOB  
Tallahassee, FL 32399-1300  
Office 850-488-9204  
Direct 850-922-9457

---

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]  
**Sent:** Monday, March 12, 2007 2:41 PM  
**To:** West, Bob  
**Subject:** Response: Using HAVA funds to replace voting equipment  
**Importance:** High

Mr. West,

You requested information this morning via telephone on whether Florida could use its remaining HAVA §251 funds to replace DREs previously purchased with HAVA funds with optical scan voting systems. Since you have requested an answer by this afternoon to assist in your legislative session and a specific answer to your question would require us to collect additional information and would take additional time, I am including a response sent to Washington State regarding a similar question. Please review this and see if it is sufficient for what you need. I have also included an explanation of acceptable uses of HAVA funds as well as other federal rules and regulations that are applicable to the use of HAVA funds. I have highlighted the sections most closely related to your request. Please let me know if you have any additional questions or if you need further clarification. Thank you.

**Sources and Uses of HAVA Funds**

There are three sources of funding provided by HAVA for use to improve the administration of federal elections and to meet the requirements of Title III of HAVA (specifically to implement provisional voting, to improve voting technology, to develop and implement a statewide voter

020667

registration database, to provide information to voters, and to verify and identify voters according to the procedures set forth in HAVA). Those sources are Section 101, Section 102 and Section 251 funds.

The funds received by a state under Section 101 can be used for the following purposes:

- A. Complying with the requirements under title III.
- B. Improving the administration of elections for Federal office.
- C. Educating voters concerning voting procedures, voting rights, and voting technology.
- D. Training election officials, poll workers, and election volunteers.
- E. Developing the State plan for requirements payments to be submitted under part 1 of subtitle D of title II.
- F. Improving, acquiring, leasing, modifying, or replacing voting systems and technology and methods for casting and counting votes.
- G. Improving the accessibility and quantity of polling places, including providing physical access for individuals with disabilities, providing non-visual access for individuals with visual impairments, and providing assistance to Native Americans, Alaska Native citizens, and to individuals with limited proficiency in the English language.
- H. Establishing toll-free telephone hotlines that voters may use to report possible voting fraud and voting rights violations, to obtain general election information, and to access detailed automated information on their own voter registration status, specific polling place locations, and other relevant information.

Section 102 funds can be used ONLY for the purposes of replacing punch card and lever voting systems with voting systems that comply with Section 301(a) of HAVA.

Section 251 funds can be used to implement any of the Title III requirements, including purchasing compliant voting systems, implementing provisional voting, providing information to voters in the polling place, developing and implementing a statewide voter registration list, and identifying voters. In addition, states and local governments can use HAVA funds to improve the administration of elections for Federal office when one of two conditions is met: (1) the state has met the requirements of Title III; or (2) the state notifies EAC of its intention to use an amount not to exceed the amount of the minimum payment that the state either did or could have received under the Section 252 formula for that purpose.

The uses of Section 251 funds (and Section 101 funds, when used to meet the requirements of Title III) must be accounted for in the state's plan as originally submitted or later amended. Any material change in the use of 251 funds (and Section 101 funds as specified above) from the approved state plan will require the state to revise its plan and submit the revisions to the EAC for publication and approval.

**Costs must be Allowable, Allocable and Reasonable**

In addition to the restrictions on the uses of funds imposed by HAVA, when these funds were distributed by either the General Services Administration (GSA) or the EAC, those funds were



made subject to several circulars developed by the Office of Management and Budget, specifically OMB Circulars A-87 (governs the use of federal funds to purchase goods for state and local governments), A-102 (governs the management of federal funds for state and local governments), A-122 (governs the use of federal funds to purchase goods for non-profits) and A-133 (dealing with audits). These circulars further restrict the appropriate uses of Federal funds requiring generally that costs paid for by HAVA funds are allowable, allocable (directly or through an indirect cost rate), and reasonable.

#### Allowable Costs

A cost is allowable if it is necessary for the proper and efficient performance and administration of the federally sponsored program. Costs that fall within the specifically identified uses of HAVA funds in either Sections 101, 102 or Title III are allowable.

#### Allocable Costs

A state can allocate an expense by charging only a portion equal to the percentage of use for HAVA related purposes to the HAVA grant. This can be accomplished by either using only that percentage of HAVA fund per unit cost or by seeking reimbursement from the other departments within the state for their portion of the usage. The question of allocability arises generally in one of two circumstances. First, is the cost allocable to the program to which it is billed? Just because a cost is allowable under one or more funding programs of HAVA do not mean that it is allocable to each and every program. For example, if an expense is not directly related to meeting any of the Title III requirements, it is allocable only to Section 101 funds and Section 251 funds pursuant to the provisions of Section 251(b) that allow for the use of Title II funds for the improvement of the administration of elections for federal office only up to the minimum payment amount. Second, is the cost allocable to benefit a Federal election? Most of the uses identified in HAVA require the funds to be used to benefit a Federal election. Thus, costs that strictly benefit a state or local election are not allocable to the HAVA funding programs.

#### Indirect Costs

In some circumstances, the expense may be an indirect one that can be covered by an indirect cost rate. In that instance, the state may submit an indirect cost rate proposal in which it identifies and supplies information regarding direct and indirect costs of operation. Circular A-87 and ASMB C-10, *Cost Principles and Procedures for Developing Cost Allocation Plans and Indirect Cost Allocation Plans and Indirect Cost Rates for Agreements with the Federal Government*, provide guidance on negotiating indirect costs rates.

An indirect cost rate provides a state with the basis for allocating administrative costs that are inextricably linked to other services provided by the Secretary of State such that they cannot easily be segregated into those costs that directly benefit the HAVA funding program and those that do not. For example, the cost of printers and copy machines that are used for both Federal and State election activities and that are below the State's threshold for capitalized equipment may be expensed and included in the indirect cost pool. On the other hand, if you include an asset

in the fixed capital assets section of your balance sheet and depreciate the asset, you should consider the asset as a capital expenditure and include only depreciation expense in the pool. [Click here](#) to see a power point presentation on indirect costs presented by KPMG on behalf of the EAC.

### Reasonable Costs

A state must do some assessment as to whether the costs are reasonable. This is done by determining that the cost is justified based upon factors such as the frequency of use, leasing versus purchasing, and actual cost for the good or service.

### **Excerpt from response to Washington State, sent August 10, 2006:**

“The question of the Snohomish County audio units brings up several issues. The issue as I understand it is that Snohomish County bought some accessible voting systems with HAVA funds that do not meet the 2002 requirements. Although it is possible, it is also unlikely that a voting system could be compliant with HAVA Section 301(a) and not meet the 2002 FEC Voting System Standards (particularly in regards to the tested error rate). Please see EAC Advisory 2005-004 for more information on helping to determine whether a particular system meets the standards of Section 301(a).

If the county purchased equipment which was not compliant with HAVA section 301(a), then HAVA funds could not be used to purchase these systems. Any use of HAVA funds for the purpose of purchasing voting equipment that is not compliant with 301(a) is a misuse of HAVA funds and should be reimbursed to the state Election Fund. While Snohomish County did take initiative to purchase equipment early, it turns out that this equipment is not usable. If this is the case, then HAVA funds can be used for the purchase of replacement voting systems.

If the county has already purchased a voting system which is compliant with Section 301(a) and are simply replacing the system because they are not happy with it or feel they could get something better, then this cannot be paid for using HAVA funds. Replacement of newly purchased equipment that is HAVA compliant and in good working order does not appear to meet the test of reasonableness for using federal funds.

Purchasing voting systems is an acceptable use of HAVA funds. You must determine which of the above scenarios Snohomish County falls into in order to decide which system HAVA funds will be used for. The other system should be paid for with non-HAVA funds. In either scenario, HAVA funds cannot be used to purchase both voting systems.”

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct

020670

202-566-3127 fax  
ecortes@eac.gov

020671



"Bradshaw, Sarah"  
<SBradshaw@dos.state.fl.us>

11/16/2006 11:28 AM

To psims@eac.gov, BLeonard@dos.state.fl.us  
cc ecortes@eac.gov, scogan@eac.gov  
bcc  
Subject RE: Permission to Use HAVA Report Narratives

Peggy:

Yes, it is fine with us. We're glad that our reports include what you are looking for.

Sarah Jane

---

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Thursday, November 16, 2006 10:34 AM  
**To:** BLeonard@dos.state.fl.us; Bradshaw, Sarah  
**Cc:** ecortes@eac.gov; scogan@eac.gov  
**Subject:** Permission to Use HAVA Report Narratives

Dear Barbara and Sarah Jane:

EAC would like to use portions of the good supporting narrative provided with your state's annual HAVA reports as an example for states that are having difficulty providing the supporting information sought by EAC and required by HAVA. Would this be OK with you?

Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

020672

Edgardo Cortes /EAC/GOV  
04/10/2007 10:18 AM

To "West, Bob"  
<Bob.West@myfloridahouse.gov>@GSAEXTERNAL  
cc  
bcc  
Subject RE: Response: Using HAVA funds to replace voting  
equipment

Bob,  
I apologize for the delayed response but I have been out of the office for a few days. We have also received an almost identical question from your Secretary of State's office and are preparing a formal response in coordination with our General Counsel's office. We realize you are in currently in legislative session and need these answers as soon as possible. Please let me know if there are additional questions you would like us to include in this response. Thanks.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov  
"West, Bob" <Bob.West@myfloridahouse.gov>



"West, Bob"  
<Bob.West@myfloridahouse.gov>  
04/02/2007 03:26 PM

To ecortes@eac.gov  
cc  
Subject RE: Response: Using HAVA funds to replace voting  
equipment

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Thanks

Bob West - Legislative Analyst  
Florida House of Representatives  
Ethics and Elections  
402 HOB  
Tallahassee, FL 32399-1300  
Office 850-488-9204  
Direct 850-922-9457

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]  
**Sent:** Monday, March 12, 2007 2:41 PM  
**To:** West, Bob

020673

**Subject:** Response: Using HAVA funds to replace voting equipment  
**Importance:** High

Mr. West,

You requested information this morning via telephone on whether Florida could use its remaining HAVA §251 funds to replace DREs previously purchased with HAVA funds with optical scan voting systems. Since you have requested an answer by this afternoon to assist in your legislative session and a specific answer to your question would require us to collect additional information and would take additional time, I am including a response sent to Washington State regarding a similar question. Please review this and see if it is sufficient for what you need. I have also included an explanation of acceptable uses of HAVA funds as well as other federal rules and regulations that are applicable to the use of HAVA funds. I have highlighted the sections most closely related to your request. Please let me know if you have any additional questions or if you need further clarification. Thank you.

**Sources and Uses of HAVA Funds**

There are three sources of funding provided by HAVA for use to improve the administration of federal elections and to meet the requirements of Title III of HAVA (specifically to implement provisional voting, to improve voting technology, to develop and implement a statewide voter registration database, to provide information to voters, and to verify and identify voters according to the procedures set forth in HAVA). Those sources are Section 101, Section 102 and Section 251 funds.

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020674

systems with voting systems that comply with Section 301(a) of HAVA.

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In addition to the restrictions on the uses of funds imposed by HAVA, when these funds were distributed by either the General Services Administration (GSA) or the EAC, those funds were made subject to several circulars developed by the Office of Management and Budget, specifically OMB Circulars A-87 (governs the use of federal funds to purchase goods for state and local governments), A-102 (governs the management of federal funds for state and local governments), A-122 (governs the use of federal funds to purchase goods for non-profits) and A-133 (dealing with audits). These circulars further restrict the appropriate uses of Federal funds requiring generally that costs paid for by HAVA funds are allowable, allocable (directly or through an indirect cost rate), and reasonable.

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1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

020677

Edgardo Cortes /EAC/GOV  
03/12/2007 02:41 PM

To bob.west@myfloridahouse.gov  
cc  
bcc Jeannie Layson/EAC/GOV; Juliet E. Hodgkins/EAC/GOV;  
Margaret Sims/EAC/GOV  
Subject Response: Using HAVA funds to replace voting equipment

Mr. West,

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020678

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020679

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Washington, DC 20005  
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202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

Edgardo Cortes /EAC/GOV  
03/14/2007 08:36 AM

To "Amy K. Tuck" <AKTuck@dos.state.fl.us>  
cc  
bcc  
Subject Re: Response: Using HAVA funds to replace voting  
equipment

I can be available for a call later this morning if you want. Let me know.

----- Original Message -----

From: "Tuck, Amy K." [AKTuck@dos.state.fl.us]  
Sent: 03/14/2007 08:30 AM AST  
To: Edgardo Cortes  
Subject: RE: Response: Using HAVA funds to replace voting equipment

Thank you. I guess we are all a little confused. We had originally thought we could use some funding for the optical scan part of the legislation but not for the vvpats. Based on this response it would seem that we could not use any of the funding for this legislation.

-----Original Message-----

From: ecortes@eac.gov [mailto:ecortes@eac.gov]  
Sent: Wednesday, March 14, 2007 8:14 AM  
To: Tuck, Amy K.  
Cc: Leonard, Barbara M.  
Subject: Fw: Response: Using HAVA funds to replace voting equipment  
Importance: High

Amy,

I am on my way to work but am delayed due to traffic. However, I am forwarding you this response I sent to Bob West from the FL legislature who asked this question on Monday. Please read this over and let me know if it helps. Thanks.

----- Original Message -----

From: Edgardo Cortes  
Sent: 03/12/2007 02:41 PM EDT  
To: bob.west@myfloridahouse.gov  
Subject: Response: Using HAVA funds to replace voting equipment

Mr. West,

You requested information this morning via telephone on whether Florida could use its remaining HAVA \$251 funds to replace DREs previously purchased with HAVA funds with optical scan voting systems. Since you have requested an answer by this afternoon to assist in your legislative session and a specific answer to your question would require us to collect additional information and would take additional time, I am including a response sent to Washington State regarding a similar question. Please review this and see if it is sufficient for what you need. I have also included an explanation of acceptable uses of HAVA funds as well as other federal rules and regulations that are applicable to the use of HAVA funds. I have highlighted the sections most closely related to your request. Please let me know if you have any additional questions or if you need

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further clarification. Thank you.

#### Sources and Uses of HAVA Funds

There are three sources of funding provided by HAVA for use to improve the administration of federal elections and to meet the requirements of Title III of HAVA (specifically to implement provisional voting, to improve voting technology, to develop and implement a statewide voter registration database, to provide information to voters, and to verify and identify voters according to the procedures set forth in HAVA). Those sources are Section 101, Section 102 and Section 251 funds.

The funds received by a state under Section 101 can be used for the following purposes:

- A. Complying with the requirements under title III.
- B. Improving the administration of elections for Federal office.
- C. Educating voters concerning voting procedures, voting rights, and voting technology.
- D. Training election officials, poll workers, and election volunteers.
- E. Developing the State plan for requirements payments to be submitted under part 1 of subtitle D of title II.
- F. Improving, acquiring, leasing, modifying, or replacing voting systems and technology and methods for casting and counting votes.
- G. Improving the accessibility and quantity of polling places, including providing physical access for individuals with disabilities, providing non-visual access for individuals with visual impairments, and providing assistance to Native Americans, Alaska Native citizens, and to individuals with limited proficiency in the English language.
- H. Establishing toll-free telephone hotlines that voters may use to report possible voting fraud and voting rights violations, to obtain general election information, and to access detailed automated information on their own voter registration status, specific polling place locations, and other relevant information.

Section 102 funds can be used ONLY for the purposes of replacing punch card and lever voting systems with voting systems that comply with Section 301(a) of HAVA.

Section 251 funds can be used to implement any of the Title III requirements, including purchasing compliant voting systems, implementing provisional voting, providing information to voters in the polling place, developing and implementing a statewide voter registration list, and identifying voters. In addition, states and local governments can use HAVA funds to improve the administration of elections for Federal office when one of two conditions is met: (1) the state has met the requirements of Title III; or (2) the state notifies EAC of its intention to use an amount not to exceed the amount of the minimum payment that the state either did or could have received under the Section 252 formula for that purpose.

The uses of Section 251 funds (and Section 101 funds, when used to meet the requirements of Title III) must be accounted for in the state's plan as originally submitted or later amended. Any material change in the use of 251 funds (and Section 101 funds as specified above) from the approved state plan will require the state to revise its plan and submit the revisions to the EAC for publication and approval.

Costs must be Allowable, Allocable and Reasonable

In addition to the restrictions on the uses of funds imposed by HAVA, when these funds were distributed by either the General Services Administration (GSA) or the EAC, those funds were made subject to several circulars developed by the Office of Management and Budget, specifically OMB Circulars A-87 (governs the use of federal funds to purchase goods for state and local governments), A-102 (governs the management of federal funds for state and local governments), A-122 (governs the use of federal funds to purchase goods for non-profits) and A-133 (dealing with audits). These circulars further restrict the appropriate uses of Federal funds requiring generally that costs paid for by HAVA funds are allowable, allocable (directly or through an indirect cost rate), and reasonable.

#### Allowable Costs

A cost is allowable if it is necessary for the proper and efficient performance and administration of the federally sponsored program. Costs that fall within the specifically identified uses of HAVA funds in either Sections 101, 102 or Title III are allowable.

#### Allocable Costs

A state can allocate an expense by charging only a portion equal to the percentage of use for HAVA related purposes to the HAVA grant. This can be accomplished by either using only that percentage of HAVA fund per unit cost or by seeking reimbursement from the other departments within the state for their portion of the usage. The question of allocability arises generally in one of two circumstances. First, is the cost allocable to the program to which it is billed? Just because a cost is allowable under one or more funding programs of HAVA do not mean that it is allocable to each and every program. For example, if an expense is not directly related to meeting any of the Title III requirements, it is allocable only to Section 101 funds and Section 251 funds pursuant to the provisions of Section 251(b) that allow for the use of Title II funds for the improvement of the administration of elections for federal office only up to the minimum payment amount. Second, is the cost allocable to benefit a Federal election? Most of the uses identified in HAVA require the funds to be used to benefit a Federal election. Thus, costs that strictly benefit a state or local election are not allocable to the HAVA funding programs.

#### Indirect Costs

In some circumstances, the expense may be an indirect one that can be covered by an indirect cost rate. In that instance, the state may submit an indirect cost rate proposal in which it identifies and supplies information regarding direct and indirect costs of operation. Circular A-87 and ASMB C-10, Cost Principles and Procedures for Developing Cost Allocation Plans and Indirect Cost Allocation Plans and Indirect Cost Rates for Agreements with the Federal Government, provide guidance on negotiating indirect costs rates.

An indirect cost rate provides a state with the basis for allocating administrative costs that are inextricably linked to other services provided by the Secretary of State such that they cannot easily be segregated into those costs that directly benefit the HAVA funding program and those that do not. For example, the cost of printers and copy machines that are used for both Federal and State election activities and that are below the State's threshold for capitalized equipment may be expensed and included in the indirect cost pool. On the other hand, if you include an asset in the fixed capital assets section of your balance sheet and depreciate the asset, you should consider the asset as a capital expenditure and include only depreciation expense in the pool. [Click here](#)



to see a power point presentation on indirect costs presented by KPMG on behalf of the EAC.

#### Reasonable Costs

A state must do some assessment as to whether the costs are reasonable. This is done by determining that the cost is justified based upon factors such as the frequency of use, leasing versus purchasing, and actual cost for the good or service.

Excerpt from response to Washington State, sent August 10, 2006:

"The question of the Snohomish County audio units brings up several issues. The issue as I understand it is that Snohomish County bought some accessible voting systems with HAVA funds that do not meet the 2002 requirements. Although it is possible, it is also unlikely that a voting system could be compliant with HAVA Section 301(a) and not meet the 2002 FEC Voting System Standards (particularly in regards to the tested error rate). Please see EAC Advisory 2005-004 for more information on helping to determine whether a particular system meets the standards of Section 301(a).

If the county purchased equipment which was not compliant with HAVA section 301(a), then HAVA funds could not be used to purchase these systems. Any use of HAVA funds for the purpose of purchasing voting equipment that is not compliant with 301(a) is a misuse of HAVA funds and should be reimbursed to the state Election Fund. While Snohomish County did take initiative to purchase equipment early, it turns out that this equipment is not usable. If this is the case, then HAVA funds can be used for the purchase of replacement voting systems.

If the county has already purchased a voting system which is compliant with Section 301(a) and are simply replacing the system because they are not happy with it or feel they could get something better, then this cannot be paid for using HAVA funds. Replacement of newly purchased equipment that is HAVA compliant and in good working order does not appear to meet the test of reasonableness for using federal funds.

Purchasing voting systems is an acceptable use of HAVA funds. You must determine which of the above scenarios Snohomish County falls into in order to decide which system HAVA funds will be used for. The other system should be paid for with non-HAVA funds. In either scenario, HAVA funds cannot be used to purchase both voting systems."

Edgardo Cortés  
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ecortes@eac.gov

020685

Edgardo Cortes /EAC/GOV  
03/14/2007 08:14 AM

To "Amy K. Tuck" <AKTuck@dos.state.fl.us>  
cc "Barbara M. Leonard" <BMLeonard@dos.state.fl.us>  
bcc  
Subject Fw: Response: Using HAVA funds to replace voting  
equipment

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**Sent:** 03/12/2007 02:41 PM EDT  
**To:** bob.west@myfloridahouse.gov  
**Subject:** Response: Using HAVA funds to replace voting equipment

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- E. Developing the State plan for requirements payments to be submitted

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F. Improving, acquiring, leasing, modifying, or replacing voting systems and technology and methods for casting and counting votes.

G. Improving the accessibility and quantity of polling places, including providing physical access for individuals with disabilities, providing non-visual access for individuals with visual impairments, and providing assistance to Native Americans, Alaska Native citizens, and to individuals with limited proficiency in the English language.

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Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

020689

Edgardo Cortes /EAC/GOV

03/16/2007 11:35 AM

To "Tuck, Amy K."

<AKTuck@dos.state.fl.us>@GSAEXTERNAL

cc "Leonard, Barbara M." <BMLeonard@dos.state.fl.us>

bcc

Subject Re: HAVA Funding for Voter Verifiable Paper Audit Records



Amy and Barbara,

Do you have any additional documentation for the issues identified during your state single audit. I have a copy of your response letter to the state auditor dated June 15, 2006 but many of the items are planned actions. Do you have supporting documentation to show you've completed those things? I am trying to write our audit resolution report and would prefer it show as much completed as possible rather than using the report to ask for this info. Let me know. Thanks.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

020690

Edgardo Cortes /EAC/GOV  
03/14/2007 04:54 PM

To "Tuck, Amy K."  
<AKTuck@dos.state.fl.us>@GSAEXTERNAL  
cc Juliet E. Hodgkins/EAC/GOV  
bcc Jeannie Layson/EAC/GOV  
Subject RE: HAVA Funding

Amy,

Sorry for the longer response on this email. Its been a pretty busy day.

With question 1, I forgot that Florida did file a certification under HAVA section 251(b)(2)(A). This means you are correct, Florida can use any remaining requirements payments for the improvement of administration of elections for federal office. No additional certification is needed. VVPAR would fall under this category. Section 101 funds can be used for this purpose without any certification.

With #2, you are correct. Replacement of newly purchased equipment that is HAVA compliant and in good working order does not appear to meet the test of reasonableness for using federal funds. Our initial take on the automark system is that it would fall into this category because you would be replacing the current DREs with a new system.

Again, this is our general take on this without having reviewed any detailed information about Florida's particular situation. Let me know if you need any more info. Thanks.

Edgardo Cortés  
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"Tuck, Amy K." <AKTuck@dos.state.fl.us>



"Tuck, Amy K."  
<AKTuck@dos.state.fl.us>  
03/14/2007 11:30 AM

To ecortes@eac.gov  
cc  
Subject RE: HAVA Funding

Sorry – one more issue. There is some consideration of using an "AutoMARK" system instead of the VVPAR. I would assume this would follow along the same lines as the considerations for the VVPAR. Let me know if you need more information on that before responding.

Thanks again.

---

**From:** Tuck, Amy K.  
**Sent:** Wednesday, March 14, 2007 11:25 AM  
**To:** ecortes@eac.gov  
**Subject:** HAVA Funding  
**Importance:** High

Edgardo,

020691

I wanted to summarize our earlier conversation to make sure I am clear on how to proceed on this issue.

1. VVPAR (Voter verifiable paper audit record)

These can be paid for from HAVA funding under certain circumstances although this is not a requirement in HAVA and does not meet Title 3 requirements.

Section 251 funding can be used for Title 3 activities or for improving the administration of elections for federal office. Under this guideline, Florida can do the following:

- a. Certify that we have met the requirements of Title 3 and use the remaining 251 funds for improving federal elections.
- b. Or if we have not met the requirements for Title 3, we can certify that we will not use more than the minimum payment (est. 11.6m) for "non-Title 3" activities.

As a state, we did certify in August, 2006 that we have met the requirements for Title 3, so we would be in position a. (above). I would assume that we could then use the Section 251 funds to provide voter verifiable paper audit record devices for touchscreens under the argument that it is to improve federal elections.

Section 101 funding can be used to improve administration of elections for federal office. If Florida decided to use this funding, we would not have to certify to the EAC.

2. Optical Scan

If the touchscreens that are being replaced were purchased with HAVA funding, then further HAVA funding may not be used for this purpose. If the touchscreens were purchased from state funding, then HAVA funding could be used for this purpose. I would assume we would follow the same guidelines in #1 concerning both the 251 and 101 funding.

And, of course, we are free to use state funding (or funding from the purchase of the systems) to upgrade as long as we remain in compliance with federal and state guidelines.

Thank you (and Julie) for taking the time to speak with me today. I appreciate the time and quick response. I look forward to hearing back from you.

Sincerely,

**Amy K. Tuck, Esq.**

Director, Division of Elections  
Florida Department of State  
The R.A. Gray Building  
500 South Bronough Street, Room 316  
Tallahassee, Florida 32399  
850.245.6200 phone  
850.245.6217 fax

020692



Edgardo Cortes /EAC/GOV  
03/14/2007 10:47 AM

To "Tuck, Amy K."  
<AKTuck@dos.state.fl.us>@GSAEXTERNAL  
cc  
bcc  
Subject RE: Response: Using HAVA funds to replace voting  
equipment

We can do 11am. Please call my direct line - 202-566-3126.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
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"Tuck, Amy K." <AKTuck@dos.state.fl.us>



"Tuck, Amy K."  
<AKTuck@dos.state.fl.us>  
03/14/2007 10:42 AM

To ecortes@eac.gov  
cc  
Subject RE: Response: Using HAVA funds to replace voting  
equipment

I'm in the office now – meeting got moved to 12. If you have time, I can give you a call right now.

---

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]  
**Sent:** Wednesday, March 14, 2007 10:13 AM  
**To:** Tuck, Amy K.  
**Subject:** RE: Response: Using HAVA funds to replace voting equipment

I have a meeting at noon but we can do it after your 11am, depending on when that is over. If not, we can schedule for sometime this afternoon. Our general counsel will be joining us on the call.

Edgardo Cortés  
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020693

"Tuck, Amy K." <AKTuck@dos.state.fl.us>

03/14/2007 08:43 AM

To: ecortes@eac.gov  
cc

Subject: RE: Response: Using HAVA funds to replace voting equipment

That would be great. I have a meeting at 11 but am otherwise here this morning. Let me know your schedule and we'll call you.

-----Original Message-----

From: ecortes@eac.gov [mailto:ecortes@eac.gov]  
Sent: Wednesday, March 14, 2007 8:36 AM  
To: Tuck, Amy K.  
Subject: Re: Response: Using HAVA funds to replace voting equipment

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----- Original Message -----

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Sent: 03/14/2007 08:30 AM AST  
To: Edgardo Cortes  
Subject: RE: Response: Using HAVA funds to replace voting equipment

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Sent: Wednesday, March 14, 2007 8:14 AM  
To: Tuck, Amy K.  
Cc: Leonard, Barbara M.  
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Importance: High

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020694

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020695

provisional voting, providing information to voters in the polling place, developing and implementing a statewide voter registration list, and identifying voters. In addition, states and local governments can use HAVA funds to improve the administration of elections for Federal office when one of two conditions is met: (1) the state has met the requirements of Title III; or (2) the state notifies EAC of its intention to use an amount not to exceed the amount of the minimum payment that the state either did or could have received under the Section 252 formula for that purpose.

The uses of Section 251 funds (and Section 101 funds, when used to meet the requirements of Title III) must be accounted for in the state's plan as originally submitted or later amended. Any material change in the use of 251 funds (and Section 101 funds as specified above) from the approved state plan will require the state to revise its plan and submit the revisions to the EAC for publication and approval.

#### Costs must be Allowable, Allocable and Reasonable

In addition to the restrictions on the uses of funds imposed by HAVA, when these funds were distributed by either the General Services Administration (GSA) or the EAC, those funds were made subject to several circulars developed by the Office of Management and Budget, specifically OMB Circulars A-87 (governs the use of federal funds to purchase goods for state and local governments), A-102 (governs the management of federal funds for state and local governments), A-122 (governs the use of federal funds to purchase goods for non-profits) and A-133 (dealing with audits). These circulars further restrict the appropriate uses of Federal funds requiring generally that costs paid for by HAVA funds are allowable, allocable (directly or through an indirect cost rate), and reasonable.

#### Allowable Costs

A cost is allowable if it is necessary for the proper and efficient performance and administration of the federally sponsored program. Costs that fall within the specifically identified uses of HAVA funds in either Sections 101, 102 or Title III are allowable.

#### Allocable Costs

A state can allocate an expense by charging only a portion equal to the percentage of use for HAVA related purposes to the HAVA grant. This can be accomplished by either using only that percentage of HAVA fund per unit cost or by seeking reimbursement from the other departments within the state for their portion of the usage. The question of allocability arises generally in one of two circumstances. First, is the cost allocable to the program to which it is billed? Just because a cost is allowable under one or more funding programs of HAVA do not mean that it is allocable to each and every program. For example, if an expense is not directly related to meeting any of the Title III requirements, it is allocable only to Section 101 funds and Section 251 funds pursuant to the provisions of Section 251(b) that allow for the use of Title II funds for the improvement of the administration of elections for federal office only up to the minimum payment amount. Second, is the cost allocable to benefit a Federal election? Most of the uses identified in HAVA require the funds to be used to benefit a Federal election. Thus, costs that strictly benefit a state or local election are not allocable to the HAVA funding programs.

#### Indirect Costs

In some circumstances, the expense may be an indirect one that can be covered by an indirect cost rate. In that instance, the state may submit

020696

an indirect cost rate proposal in which it identifies and supplies information regarding direct and indirect costs of operation. Circular A-87 and ASMB C-10, Cost Principles and Procedures for Developing Cost Allocation Plans and Indirect Cost Allocation Plans and Indirect Cost Rates for Agreements with the Federal Government, provide guidance on negotiating indirect costs rates.

An indirect cost rate provides a state with the basis for allocating administrative costs that are inextricably linked to other services provided by the Secretary of State such that they cannot easily be segregated into those costs that directly benefit the HAVA funding program and those that do not. For example, the cost of printers and copy machines that are used for both Federal and State election activities and that are below the State's threshold for capitalized equipment may be expensed and included in the indirect cost pool. On the other hand, if you include an asset in the fixed capital assets section of your balance sheet and depreciate the asset, you should consider the asset as a capital expenditure and include only depreciation expense in the pool. [Click here](#) to see a power point presentation on indirect costs presented by KPMG on behalf of the EAC.

#### Reasonable Costs

A state must do some assessment as to whether the costs are reasonable. This is done by determining that the cost is justified based upon factors such as the frequency of use, leasing versus purchasing, and actual cost for the good or service.

Excerpt from response to Washington State, sent August 10, 2006:

"The question of the Snohomish County audio units brings up several issues. The issue as I understand it is that Snohomish County bought some accessible voting systems with HAVA funds that do not meet the 2002 requirements. Although it is possible, it is also unlikely that a voting system could be compliant with HAVA Section 301(a) and not meet the 2002 FEC Voting System Standards (particularly in regards to the tested error rate). Please see EAC Advisory 2005-004 for more information on helping to determine whether a particular system meets the standards of Section 301(a).

If the county purchased equipment which was not compliant with HAVA section 301(a), then HAVA funds could not be used to purchase these systems. Any use of HAVA funds for the purpose of purchasing voting equipment that is not compliant with 301(a) is a misuse of HAVA funds and should be reimbursed to the state Election Fund. While Snohomish County did take initiative to purchase equipment early, it turns out that this equipment is not usable. If this is the case, then HAVA funds can be used for the purchase of replacement voting systems.

If the county has already purchased a voting system which is compliant with Section 301(a) and are simply replacing the system because they are not happy with it or feel they could get something better, then this cannot be paid for using HAVA funds. Replacement of newly purchased equipment that is HAVA compliant and in good working order does not appear to meet the test of reasonableness for using federal funds.

Purchasing voting systems is an acceptable use of HAVA funds. You must determine which of the above scenarios Snohomish County falls into in order to decide which system HAVA funds will be used for. The other system should be paid for with non-HAVA funds. In either scenario, HAVA funds cannot be used to purchase both voting systems."

020697

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

020698

Edgardo Cortes /EAC/GOV  
03/14/2007 10:12 AM

To "Tuck, Amy K."  
<AKTuck@dos.state.fl.us>@GSAEXTERNAL  
cc  
bcc  
Subject RE: Response: Using HAVA funds to replace voting  
equipment

I have a meeting at noon but we can do it after your 11am, depending on when that is over. If not, we can schedule for sometime this afternoon. Our general counsel will be joining us on the call.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
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202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov  
"Tuck, Amy K." <AKTuck@dos.state.fl.us>



"Tuck, Amy K."  
<AKTuck@dos.state.fl.us>  
03/14/2007 08:43 AM

To ecortes@eac.gov  
cc  
Subject RE: Response: Using HAVA funds to replace voting  
equipment

That would be great. I have a meeting at 11 but am otherwise here this morning. Let me know your schedule and we'll call you.

-----Original Message-----

From: ecortes@eac.gov [mailto:ecortes@eac.gov]  
Sent: Wednesday, March 14, 2007 8:36 AM  
To: Tuck, Amy K.  
Subject: Re: Response: Using HAVA funds to replace voting equipment

I can be available for a call later this morning if you want. Let me know.

----- Original Message -----

From: "Tuck, Amy K." [AKTuck@dos.state.fl.us]  
Sent: 03/14/2007 08:30 AM AST  
To: Edgardo Cortes  
Subject: RE: Response: Using HAVA funds to replace voting equipment

Thank you. I guess we are all a little confused. We had originally thought we could use some funding for the optical scan part of the legislation but not for the vvpats. Based on this response it would seem that we could not use any of the funding for this legislation.

020699

-----Original Message-----

From: ecortes@eac.gov [mailto:ecortes@eac.gov]  
Sent: Wednesday, March 14, 2007 8:14 AM  
To: Tuck, Amy K.  
Cc: Leonard, Barbara M.  
Subject: Fw: Response: Using HAVA funds to replace voting equipment  
Importance: High

Amy,

I am on my way to work but am delayed due to traffic. However, I am forwarding you this response I sent to Bob West from the FL legislature who asked this question on Monday. Please read this over and let me know if it helps. Thanks.

----- Original Message -----

From: Edgardo Cortes  
Sent: 03/12/2007 02:41 PM EDT  
To: bob.west@myfloridahouse.gov  
Subject: Response: Using HAVA funds to replace voting equipment

Mr. West,

You requested information this morning via telephone on whether Florida could use its remaining HAVA \$251 funds to replace DREs previously purchased with HAVA funds with optical scan voting systems. Since you have requested an answer by this afternoon to assist in your legislative session and a specific answer to your question would require us to collect additional information and would take additional time, I am including a response sent to Washington State regarding a similar question. Please review this and see if it is sufficient for what you need. I have also included an explanation of acceptable uses of HAVA funds as well as other federal rules and regulations that are applicable to the use of HAVA funds. I have highlighted the sections most closely related to your request. Please let me know if you have any additional questions or if you need further clarification. Thank you.

#### Sources and Uses of HAVA Funds

There are three sources of funding provided by HAVA for use to improve the administration of federal elections and to meet the requirements of Title III of HAVA (specifically to implement provisional voting, to improve voting technology, to develop and implement a statewide voter registration database, to provide information to voters, and to verify and identify voters according to the procedures set forth in HAVA). Those sources are Section 101, Section 102 and Section 251 funds.

The funds received by a state under Section 101 can be used for the following purposes:

- A. Complying with the requirements under title III.
- B. Improving the administration of elections for Federal office.
- C. Educating voters concerning voting procedures, voting rights, and voting technology.
- D. Training election officials, poll workers, and election volunteers.
- E. Developing the State plan for requirements payments to be submitted under part 1 of subtitle D of title II.
- F. Improving, acquiring, leasing, modifying, or replacing voting systems and technology and methods for casting and counting votes.
- G. Improving the accessibility and quantity of polling places,

020700



including providing physical access for individuals with disabilities, providing non-visual access for individuals with visual impairments, and providing assistance to Native Americans, Alaska Native citizens, and to individuals with limited proficiency in the English language.

H. Establishing toll-free telephone hotlines that voters may use to report possible voting fraud and voting rights violations, to obtain general election information, and to access detailed automated information on their own voter registration status, specific polling place locations, and other relevant information.

Section 102 funds can be used ONLY for the purposes of replacing punch card and lever voting systems with voting systems that comply with Section 301(a) of HAVA.

Section 251 funds can be used to implement any of the Title III requirements, including purchasing compliant voting systems, implementing provisional voting, providing information to voters in the polling place, developing and implementing a statewide voter registration list, and identifying voters. In addition, states and local governments can use HAVA funds to improve the administration of elections for Federal office when one of two conditions is met: (1) the state has met the requirements of Title III; or (2) the state notifies EAC of its intention to use an amount not to exceed the amount of the minimum payment that the state either did or could have received under the Section 252 formula for that purpose.

The uses of Section 251 funds (and Section 101 funds, when used to meet the requirements of Title III) must be accounted for in the state's plan as originally submitted or later amended. Any material change in the use of 251 funds (and Section 101 funds as specified above) from the approved state plan will require the state to revise its plan and submit the revisions to the EAC for publication and approval.

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020701

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020702

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If the county has already purchased a voting system which is compliant with Section 301(a) and are simply replacing the system because they are not happy with it or feel they could get something better, then this cannot be paid for using HAVA funds. Replacement of newly purchased equipment that is HAVA compliant and in good working order does not appear to meet the test of reasonableness for using federal funds.

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Edgardo Cortés  
Election Research Specialist  
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202-566-3126 direct  
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ecortes@eac.gov

020703

Edgardo Cortes /EAC/GOV  
04/05/2007 04:15 PM

To "Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>@GSAEXTERNAL  
cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>  
bcc  
Subject Re: Question Regarding Section 101 Funds

Barbara,  
Sorry for the delay in getting back to you - we have been swamped this week. I won't be in the office tomorrow but if you can email me the question, I can work on it over the weekend to get you a response for Monday. Thanks.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
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202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov  
"Leonard, Barbara M." <BMLeonard@dos.state.fl.us>



"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us  
>  
03/30/2007 04:15 PM

To ecortes@eac.gov  
cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>  
Subject Question Regarding Section 101 Funds

Hi Edgardo,

Would you please give me a call. We have a question regarding the use of HAVA Section 101 funds.

Thanks,  
Barbara Leonard  
Florida Division of Elections  
850-245-6201

This response is provided for reference only and does not constitute legal advice or representation. As applied to a particular set of facts or circumstances, interested parties should refer to the Florida Statutes and applicable case law, and/or consult a private attorney before drawing any legal conclusions or relying upon the information provided.

Please note: Florida has a very broad public records law. Written communications to or from state officials regarding state business constitute public records and are available to the public and media upon request unless the information is subject to a specific statutory exemption. Therefore, your e-mail message may be subject to public disclosure.

020704

Edgardo Cortes /EAC/GOV  
03/30/2007 03:19 PM

To "Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>@GSAEXTERNAL, "Tuck,  
Amy K." <AKTuck@dos.state.fl.us>  
cc Jeannie Layson/EAC/GOV

bcc

Subject FL Audit Resolution 

Amy and Barbara,  
Attached is a PDF of the audit resolution for the Florida single audit. The original is being mailed out to Secretary Browning today and this will be posted on our website Monday afternoon. As always, our communications director Jeannie Layson is available to assist with any media inquiries regarding our audit resolutions. Please let me know if you have any questions. Thanks.




Audit Resolution 3-30-07 FL 1.PDF

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
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202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

020705

Edgardo Cortes /EAC/GOV  
03/21/2007 09:12 AM

To "Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>@GSAEXTERNAL  
cc  
bcc  
Subject RE: HAVA Funding for Voter Verifiable Paper Audit Records  


Thanks so much. I'll forward you a copy of the resolution once its finished.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
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202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov  
"Leonard, Barbara M." <BMLeonard@dos.state.fl.us>



"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us  
>  
03/21/2007 08:14 AM

To ecortes@eac.gov  
cc  
Subject RE: HAVA Funding for Voter Verifiable Paper Audit Records

Edgardo,

The legislative budget issue requesting additional funds for state match was inadvertently scanned twice.  
It is only one page.

Thanks,  
Barbara

-----Original Message-----

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]  
**Sent:** Tuesday, March 20, 2007 4:03 PM  
**To:** Leonard, Barbara M.  
**Subject:** RE: HAVA Funding for Voter Verifiable Paper Audit Records

No problem, let me know in the morn. Thanks!


Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
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020706

202-566-3127 fax  
ecortes@eac.gov

020707

Edgardo Cortes /EAC/GOV  
03/20/2007 04:02 PM

To "Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>@GSAEXTERNAL  
cc  
bcc  
Subject RE: HAVA Funding for Voter Verifiable Paper Audit Records  



No problem, let me know in the morn. Thanks!

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
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202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

020708



Edgardo Cortes /EAC/GOV  
03/20/2007 03:24 PM

To "Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>@GSAEXTERNAL  
cc  
bcc  
Subject RE: HAVA Funding for Voter Verifiable Paper Audit Records  


Barbara,  
Both pages in the PDF that shows the legislative budget request appear to be the same. Are the pages different or was the same page copied twice?

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
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202-566-3127 fax  
ecortes@eac.gov  
"Leonard, Barbara M." <BMLeonard@dos.state.fl.us>



"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us  
>  
03/20/2007 01:40 PM

To ecortes@eac.gov  
cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>, "Bradshaw,  
Sarah" <SBradshaw@dos.state.fl.us>  
Subject RE: HAVA Funding for Voter Verifiable Paper Audit Records

Edgardo,

Attached are the following documents providing updated information regarding the findings included in the Florida Auditor General's Operational Audit Report # 2006-194:

Department of State Inspector General's Follow-up Review to Auditor General Report Number  
2006-194  
Letter dated December 13, 2006 from Inspector General to Secretary of State Cobb  
Budget issue included in the FY 2007-08 Legislative Budget Request regarding additional funds for  
State Match  
Florida Voting Systems Certification Checklist & Test Record

If you have any questions, please let us know.

Thanks,  
Barbara

-----Original Message-----

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]  
**Sent:** Friday, March 16, 2007 11:36 AM  
**To:** Tuck, Amy K.  
**Cc:** Leonard, Barbara M.

020709

**Subject:** Re: HAVA Funding for Voter Verifiable Paper Audit Records

Amy and Barbara,

Do you have any additional documentation for the issues identified during your state single audit. I have a copy of your response letter to the state auditor dated June 15, 2006 but many of the items are planned actions. Do you have supporting documentation to show you've completed those things? I am trying to write our audit resolution report and would prefer it show as much completed as possible rather than using the report to ask for this info. Let me know. Thanks.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
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ecortes@eac.gov 2007-005 AG follow up HAVA FVRS dr final.doc 2007-005 Cover Letter HAVA FVRS.doc



BVSC-010 Florida Voting Systems Certification Checklist and Test Record.doc FY 2007-08 LBR HAVA State Match.pdf

020710

Edgardo Cortes /EAC/GOV  
03/19/2007 01:36 PM


To "Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>@GSAEXTERNAL  
cc  
bcc  
Subject RE: HAVA Funding for Voter Verifiable Paper Audit Records  


I just got back to the office. I'm available whenever you're ready.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

020711

Edgardo Cortes /EAC/GOV  
03/16/2007 03:48 PM

To "Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>@GSAEXTERNAL  
cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>  
bcc  
Subject RE: HAVA Funding for Voter Verifiable Paper Audit Records  


1:30 sounds great. I'll be here.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
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866-747-1471 toll free  
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"Leonard, Barbara M." <BMLeonard@dos.state.fl.us>



"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us  
>  
03/16/2007 03:35 PM

To ecortes@eac.gov  
cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>  
Subject RE: HAVA Funding for Voter Verifiable Paper Audit Records

Edgardo,

How about Monday about 1:30 pm? I'll give you a call if that time is agreeable.

Barbara

-----Original Message-----

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]  
**Sent:** Friday, March 16, 2007 2:18 PM  
**To:** Leonard, Barbara M.  
**Subject:** RE: HAVA Funding for Voter Verifiable Paper Audit Records

Great! Can we set up a time to chat on Monday? I'm available anytime after 10am.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct

020712

202-566-3127 fax  
ecortes@eac.gov

"Leonard, Barbara M." <BMLeonard@dos.state.fl.us>

03/16/2007 02:00 PM

To: ecortes@eac.gov  
CC: "Tuck, Amy K." <AKTuck@dos.state.fl.us>  
Subject: RE: HAVA Funding for Voter Verifiable Paper Audit  
Records

Edgardo,

We should be able to forward something to you next week to document the steps that have been taken. We'll check with you first to be sure we're getting the information you need for your report.

Thanks,  
Barbara

-----Original Message-----


**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]  
**Sent:** Friday, March 16, 2007 11:36 AM  
**To:** Tuck, Amy K.  
**Cc:** Leonard, Barbara M.  
**Subject:** Re: HAVA Funding for Voter Verifiable Paper Audit Records

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020713

Edgardo Cortes /EAC/GOV  
03/16/2007 02:18 PM

To "Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>@GSAEXTERNAL  
cc  
bcc  
Subject RE: HAVA Funding for Voter Verifiable Paper Audit Records  


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Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov  
"Leonard, Barbara M." <BMLeonard@dos.state.fl.us>



"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>  
>  
03/16/2007 02:00 PM

To ecortes@eac.gov  
cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>  
Subject RE: HAVA Funding for Voter Verifiable Paper Audit Records

Edgardo,

We should be able to forward something to you next week to document the steps that have been taken. We'll check with you first to be sure we're getting the information you need for your report.

Thanks,  
Barbara

-----Original Message-----

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]  
**Sent:** Friday, March 16, 2007 11:36 AM  
**To:** Tuck, Amy K.  
**Cc:** Leonard, Barbara M.  
**Subject:** Re: HAVA Funding for Voter Verifiable Paper Audit Records

Amy and Barbara,  
Do you have any additional documentation for the issues identified during your state single audit. I have a copy of your response letter to the state auditor dated June 15, 2006 but many of the items are planned actions. Do you have supporting documentation to show you've completed those things? I am trying to write our audit resolution report and would prefer it show as much completed as possible rather than using the report to ask for this info. Let me know. Thanks.


Edgardo Cortés

020714

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U.S. Election Assistance Commission  
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202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

020715

Edgardo Cortes /EAC/GOV  
02/16/2007 04:45 PM

To "Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>@GSAEXTERNAL  
cc  
bcc  
Subject Re: FW: Guidance Regarding Use of HAVA Funds 

Barbara,  
Sorry for the delay but I was at the NASS and NASED conference over the weekend and then we had some bad weather that kept me from coming in. In regards to question #2, this is a purchase that is solely related to the statewide voter registration and therefore does not require pre-approval from the EAC. Just make sure to keep the proper records for audit purposes. Hope this helps. Thanks.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
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"Leonard, Barbara M." <BMLeonard@dos.state.fl.us>



"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us  
>

To ecortes@eac.gov  
cc  
Subject FW: Guidance Regarding Use of HAVA Funds

02/13/2007 02:02 PM

Edgardo,

Have you had a chance to review question #2 in our request below regarding the purchase of additional memory for our statewide voter registration system?

Thanks,  
Barbara

-----Original Message-----

**From:** Leonard, Barbara M.  
**Sent:** Friday, January 26, 2007 11:48 AM  
**To:** 'ecortes@eac.gov'  
**Cc:** Tuck, Amy K.; Bradshaw, Sarah  
**Subject:** RE: Guidance Regarding Use of HAVA Funds

Edgardo,

I believe that question #3 is related to the state single audit findings. It was included in the Operational Audit conducted by the Florida Auditor General's Office. I will forward you the original request for

020716



guidance that we sent to Peggy Sims last summer in case you don't have access to it.

Thanks,  
Barbara

-----Original Message-----

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]  
**Sent:** Friday, January 26, 2007 10:03 AM  
**To:** Leonard, Barbara M.  
**Subject:** Re: Guidance Regarding Use of HAVA Funds

Barbara,  
Just a quick question about #3. Is this question related to the state single audit findings? I am working on some audit resolutions and wanted to make sure its the same issue.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
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202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>

01/10/2007 04:08 PM

To ecortes@eac.gov  
cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>, "Bradshaw, Sarah"  
<SBradshaw@dos.state.fl.us>  
Subject Guidance Regarding Use of HAVA Funds

Edgardo,

The Florida Department of State is requesting guidance regarding the use of HAVA funds for several items:

1. The computer equipment used to operate Florida's statewide voter registration system is currently housed in a state-owned facility that is in the process of being sold. As a result, the Department is moving its computer operations to a private facility.

Following our conversation this morning, the Department has determined that State funds will be

020717

used to pay for the expenses associated with moving all of the equipment (including the statewide voter registration system equipment) to the new location.

However, after the Department has completed its relocation of the computer room to another facility, it will be necessary to make rental payments to the owner of the building. Is it possible for the Department to use HAVA funds to pay a portion of the rent for the space occupied by computer equipment used to support the statewide voter registration system?

2. The Department needs to purchase additional memory in order to provide an identical back-up computer for the statewide voter registration system in case of a disaster. We have received quotes from three contractors on the State Purchasing Contract with the lowest quote being from Hewlett Packard at \$81,760. We are requesting EAC approval to use HAVA Section 251 funds for this purchase.

3. During the summer of 2006 the Department requested guidance from the EAC regarding the use of HAVA funds for annual and/or sick leave payments to employees filling HAVA-funded positions who terminated employment with the State. Could you check on the status of a response regarding this issue. If you need additional information, please let us know and we'll forward the original questions.

If you need any additional information regarding these items, please let us know. Thank you very much for your assistance.

Thanks,  
Barbara Leonard  
Florida Division of Elections  
HAVA Unit  
850-245-6201

020718

Edgardo Cortes /EAC/GOV  
01/26/2007 02:31 PM

To "Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>@GSAEXTERNAL  
cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>, "Bradshaw,  
Sarah" <SBradshaw@dos.state.fl.us>  
bcc  
Subject RE: Guidance Regarding Use of HAVA Funds

Barbara,

This was great information. This is the same issue I am working on in relation to the single audit. Just so you know, this means you will get the answer from me, but then it will also be addressed in an audit resolution report. That resolution report will cover this issue and the other issues identified during the single audit. Since EAC oversees HAVA funds, we are responsible for resolving issues identified during audits conducted by our Inspector General and also single audits conducted by each state. I'll keep you posted as we move forward in that process. Let me know if you have any questions. Thanks.

Edgardo Cortés  
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U.S. Election Assistance Commission  
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202-566-3127 fax  
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"Leonard, Barbara M." <BMLeonard@dos.state.fl.us>



"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>  
>  
01/26/2007 11:48 AM

To ecortes@eac.gov  
cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>, "Bradshaw,  
Sarah" <SBradshaw@dos.state.fl.us>  
Subject RE: Guidance Regarding Use of HAVA Funds

Edgardo,

I believe that question #3 is related to the state single audit findings. It was included in the Operational Audit conducted by the Florida Auditor General's Office. I will forward you the original request for guidance that we sent to Peggy Sims last summer in case you don't have access to it.

Thanks,  
Barbara

-----Original Message-----

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]  
**Sent:** Friday, January 26, 2007 10:03 AM  
**To:** Leonard, Barbara M.  
**Subject:** Re: Guidance Regarding Use of HAVA Funds

Barbara,  
Just a quick question about #3. Is this question related to the state single audit findings? I am

020719

working on some audit resolutions and wanted to make sure its the same issue.

Edgardo Cortés  
Election Research Specialist  
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"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>

01/10/2007 04:08 PM

To ecortes@eac.gov  
cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>, "Bradshaw, Sarah"  
<SBradshaw@dos.state.fl.us>  
Subject Guidance Regarding Use of HAVA Funds

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1. The computer equipment used to operate Florida's statewide voter registration system is currently housed in a state-owned facility that is in the process of being sold. As a result, the Department is moving its computer operations to a private facility.

Following our conversation this morning, the Department has determined that State funds will be used to pay for the expenses associated with moving all of the equipment (including the statewide voter registration system equipment) to the new location.

However, after the Department has completed its relocation of the computer room to another facility, it will be necessary to make rental payments to the owner of the building. Is it possible for the Department to use HAVA funds to pay a portion of the rent for the space occupied by computer equipment used to support the statewide voter registration system?

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020720

for this purchase.

3. During the summer of 2006 the Department requested guidance from the EAC regarding the use of HAVA funds for annual and/or sick leave payments to employees filling HAVA-funded positions who terminated employment with the State. Could you check on the status of a response regarding this issue. If you need additional information, please let us know and we'll forward the original questions.

If you need any additional information regarding these items, please let us know. Thank you very much for your assistance.

Thanks,  
Barbara Leonard  
Florida Division of Elections  
HAVA Unit  
850-245-6201

020721

Edgardo Cortes /EAC/GOV  
01/26/2007 10:02 AM

To "Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>@GSAEXTERNAL  
cc  
bcc  
Subject Re: Guidance Regarding Use of HAVA Funds

Barbara,  
Just a quick question about #3. Is this question related to the state single audit findings? I am working on some audit resolutions and wanted to make sure its the same issue.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
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"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us  
>  
01/10/2007 04:08 PM

To ecortes@eac.gov  
cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>, "Bradshaw,  
Sarah" <SBradshaw@dos.state.fl.us>  
Subject Guidance Regarding Use of HAVA Funds

Edgardo,

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1. The computer equipment used to operate Florida's statewide voter registration system is currently housed in a state-owned facility that is in the process of being sold. As a result, the Department is moving its computer operations to a private facility.

Following our conversation this morning, the Department has determined that State funds will be used to pay for the expenses associated with moving all of the equipment (including the statewide voter registration system equipment) to the new location.

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020722


3. During the summer of 2006 the Department requested guidance from the EAC regarding the use of HAVA funds for annual and/or sick leave payments to employees filling HAVA-funded positions who terminated employment with the State. Could you check on the status of a response regarding this issue. If you need additional information, please let us know and we'll forward the original questions.

If you need any additional information regarding these items, please let us know. Thank you very much for your assistance.

Thanks,  
Barbara Leonard  
Florida Division of Elections  
HAVA Unit  
850-245-6201

020723

Edgardo Cortes /EAC/GOV  
01/16/2007 04:45 PM

To "Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>@GSAEXTERNAL  
cc Margaret Sims/EAC/GOV@EAC  
bcc  
Subject Amending HAVA Financial Reports 

Dear Barbara,

You have asked whether your state was sent a request for amended financial reports of HAVA funds. The EAC mailed a notice to your chief state election official on January 10, 2007. Attached are electronic copies of the letters that were sent regarding your state and copies of the attachments. Please let me know if you have any additional questions about this request. Thank you.



Florida 102.doc



Model 269 Title II final.pdf



Coordinator Memo final.pdf



FL Sample Narrative.pdf



HI Sample Narrative.pdf



Model 269 Title I final.pdf

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
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020724





U.S. ELECTION ASSISTANCE COMMISSION  
1225 NEW YORK AVENUE, N.W., SUITE 1100  
WASHINGTON, D.C. 20005

March 30, 2007

Kurt Browning  
Secretary of State  
R. A. Gray Building  
500 S. Bronough Street, Room 316  
Tallahassee, Florida 32399-0250

Dear Secretary Browning:

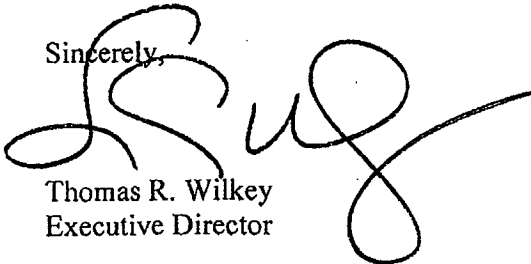
Attached is the final audit resolution report of the U.S. Election Assistance Commission (EAC) regarding the single audit of Help America Vote Act (HAVA) funds expended by the Florida Secretary of State's Office. The resolution is based upon the information provided by the audit conducted by the Auditor General of the State of Florida.

After careful consideration of all the facts presented, EAC has determined that the state must submit documentation that details the new state procedures to maintain an accurate and current list of voting systems in the state. The state must submit a timeline to the EAC indicating when the revised state plan will be submitted to EAC for publication in the *Federal Register*. The state must submit a copy of the new department policy indicating the requirement to sign salary certification statements.

If the state believes that anything in this final management decision is an adverse action and the state does not agree, the state shall have 30 days to appeal EAC's management decision. The appeal must be made in writing to the Chairman of the EAC. Within 30 days of receiving the appeal, the Commission may hold a hearing to consider the appeal, take evidence or testimony related to the appeal, and render a decision on the appeal, if appropriate at that time. The Commission will render a final and binding decision on the appeal no later than 60 days following the receipt of the appeal or the receipt of any requested additional information. If the state does not file an appeal, this decision will become final and binding at the expiration of the appeal period.

We appreciate your cooperation in this matter as we work together to ensure that HAVA funds are used in accordance with the law.

Sincerely,



Thomas R. Wilkey  
Executive Director



U.S. ELECTION ASSISTANCE COMMISSION  
1225 New York Ave. NW – Suite 1100  
Washington, DC 20005

**Final Audit Resolution Report**  
**Florida Single Audit – Assignment No. E-SA-FL-11-06**  
**Issued March 30, 2007**

**Summary of Decision**

The U.S. Election Assistance Commission (EAC or Commission) has determined that the state must submit documentation that details the new state procedures to maintain an accurate and current list of voting systems in the state. The state must submit a timeline to the EAC indicating when the revised state plan will be submitted to EAC for publication in the *Federal Register*. The state must submit a copy of the new department policy indicating the requirement to sign salary certification statements.

**Background**

The EAC is an independent, bipartisan agency created by Help of America Vote Act of 2002 (HAVA). It assists and guides state and local election administrators in improving the administration of elections for federal office. EAC provides assistance by dispersing federal funds to states to implement HAVA requirements, adopting the voluntary voting system guidelines, and serving as a national clearinghouse and resource of information regarding election administration. EAC is also responsible for the accreditation of testing laboratories and the certification, decertification, and recertification of voting systems.

In addition to EAC's role in distributing HAVA funds, the agency is responsible for monitoring the fiscally responsible use of HAVA funding by the states. The EAC seeks to ensure funds distributed under HAVA are being utilized for the purposes mandated by HAVA to ultimately improve the administration of federal elections. To fulfill this responsibility, the EAC conducts periodic fiscal audits of state HAVA fund expenditures and determines the any corrective actions necessary to resolve issues identified during audits. EAC is also responsible for resolving issues identified during state single audits conducted under the Single Audit Act. The EAC Office of Inspector General (OIG) has established a regular audit program in order to review the use of HAVA funds by states. The OIG's audit plan and audit findings can be found at [www.eac.gov](http://www.eac.gov).

The Audit Follow-up Policy approved by the Commission authorizes the EAC Executive Director to issue the management decision for external audits and single audits. The Executive Director has delegated the evaluation of final audit reports provided by the OIG and single audit reports issued by the states to the EAC Programs and Services Division. The Division provides a recommended course of action to the Executive Director for resolving questioned costs, administrative deficiencies, and other issues identified during an audit. The EAC Executive

Director issues a Final Audit Resolution (management decision) that addresses the findings of the audit and details corrective measures to be taken by the state.

When an audit identifies questioned costs, the EAC considers not only whether the state followed proper procurement procedures, but also whether the expenditures actually served to further the goals of HAVA. EAC has identified three methods of resolution regarding questioned costs: 1) Expenditures that were identified as permissible under HAVA and federal cost principles, but did not follow appropriate procedures do not have to be repaid; 2) Expenditures that may have been permissible under HAVA but lacked adequate documentation must be repaid to the state election fund, which was created in accordance with HAVA section 254(b)(1); and 3) Expenditures that were clearly not permissible under HAVA or federal cost principles must be repaid to the U.S. Treasury. In addition to repayment of funds, the EAC may require future reporting by a state to ensure that proper internal controls and procedures have been established to prevent future problems.

States may appeal the EAC management decision. The EAC Commissioners serve as the appeal authority. A state has 30 days to appeal EAC's management decision. All appeals must be made in writing to the Chair of the Commission. The Commission will render a decision on the appeal no later than 60 days following receipt of the appeal or, in the case where additional information is needed and requested, 60 days from the date that the information is received from the state. The appeal decision is final and binding.

## **Audit History**

The Auditor General of the State of Florida conducted an audit under the Single Audit Act that covered the use of HAVA funds provided to Florida. The single audit report (Assignment No. E-SA-FL-11-06) for the State of Florida identified six issues that require EAC resolution.

## **Audit Resolution**

The following categories explain the results of the audit outlined in the final audit report and how the EAC reached its final audit resolution regarding the issues identified by the OIG.

### **State did not maintain a current list of certified voting systems used by counties**

EAC agrees with the finding that the state did not maintain a current listing of voting systems certified and in use by the counties. The state is creating new procedures to update the state list of voting systems on a regular basis, updated the list of voting systems certified and in use by Florida counties, and made the list available on its website at <http://election.dos.state.fl.us>. Within 30 calendar days, the state must submit documentation that details the new state procedures to maintain an accurate and current list of voting systems in the state.

### **State incorrectly calculated Maintenance of Effort**

EAC agrees with the findings that the state did not properly calculate the required maintenance of effort and did not maintain this level of expenditure for the 2004-2005 fiscal year. The state must update its HAVA state plan to account for the maintenance of effort. The state has indicated it has begun the process of updating the state plan. The

updated state plan must include how the state will spend the \$7,630 shortfall in maintenance of effort spending during the 2004-2005 fiscal year in the future. Within 30 calendar days, the state must submit a timeline to the EAC indicating when the revised state plan will be submitted to EAC for publication in the *Federal Register*.

**Salaries were not properly supported**

We agree with the findings that the state did not maintain appropriate records to document employee time spent on HAVA activities. EAC has requested that the OIG conduct a more in-depth review of these salary expenses to determine if costs allocated to salaries should be questioned in addition to the finding on lack of supporting documentation. In response to the findings on supporting documentation for salary costs, Florida has implemented new policies and procedures to appropriately track employee time spent on HAVA related activities. Within 30 calendar days, the state must submit a copy of the new department policy indicating the requirement to sign salary certification statements.

**Payments for unused leave to terminated employees was charged as a direct cost**

The state has repaid the state election fund for all unused leave payments made to terminated employees and charged as a direct cost to HAVA funds. The state has also requested the EAC to issue guidance on this issue to assist states in appropriately paying out unused leave to terminated employees working on HAVA programs. EAC will issue guidance on this matter during the 2007 federal fiscal year. No further action is required by the state on this matter at this time.

**Proper supporting documentation for expenditures was not always maintained**

EAC agrees with the finding that the state did not always properly support expenditures made with HAVA programs. The amount of expenditures that were not properly supported was not quantified during the single audit and no expenditures made with HAVA funded contracts were questioned. EAC will not make any determinations on potential repayment of unsupported costs until the OIG conducts a full audit of Florida's usage of HAVA funds through the regular OIG audit program. The state has detailed the new procedures it has put in place to ensure that all future payments made with HAVA funds have all the necessary supporting documentation prior to payment by the state. No further action is required by the state on this matter at this time.

**State did not follow federal requirements for interagency agreements**

EAC agrees with the finding that the state did not follow federal requirements for interagency agreements financed with HAVA funds. The state has detailed the new procedures it has put in place to ensure that all future interagency agreements made with HAVA funds meet all the necessary federal requirements and that appropriate monitoring is conducted by the state. No further action is required by the state on this matter at this time.

## **Final Management Decision**

EAC has determined that the state must submit documentation that details the new state procedures to maintain an accurate and current list of voting systems in the state. The state must submit a timeline to the EAC indicating when the revised state plan will be submitted to EAC for publication in the *Federal Register*. The state must submit a copy of the new department policy indicating the requirement to sign salary certification statements. All additional information requested from the state must be submitted to the EAC within 30 calendar days.

Florida shall have 30 days to appeal EAC's management decision. The appeal must be made in writing to the Chairman of the EAC. Within 30 days of receiving the appeal, the Commission may hold a hearing to consider the appeal, take evidence or testimony related to the appeal, and render a decision on the appeal, if appropriate at that time. The Commission will render a final and binding decision on the appeal no later than 60 days following the receipt of the appeal or the receipt of any requested additional information. If the state does not file an appeal, this decision will become final and binding at the expiration of the appeal period.

**Final Audit Resolution Report**

**Florida Single Audit – Assignment No. E-SA-FL-11-06**

**Attachment 1**

020730



U.S. ELECTION ASSISTANCE COMMISSION  
OFFICE OF INSPECTOR GENERAL  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005

September 25, 2006

Memorandum

To: Thomas Wilkey  
Executive Director

From: Curtis W. Crider  
Inspector General

Subject: Findings in the State of Florida Auditor General Audit of the Department of State Help America Vote Act and the Florida Registration System  
(Assignment No. E-SA-FL-11-06)

The subject report (Attachment 1) contains several findings related to the Florida Department of State's (Department) administration of Help America Vote Act (HAVA) funds. The audit was performed by the Auditor General of the State of Florida, who is responsible for the report's findings.

The findings and recommendations are summarized below and presented in further detail in the attachment.

**Finding 3:** The Department did not maintain a current listing of voting systems certified and in use by the counties.

**Recommendation:** The Department should develop a current, reliable control listing; establish procedures to ensure that Supervisors of Elections submit all voting system information required by State law, and periodically confirm the accuracy of its listing with the Supervisor of Elections. Such confirmations should be made in connection with the Department's periodic reconciliation of its control listing to the voter systems information provided and on file at the Department.

**Proposed Corrective Actions:** The Department agreed that updated information was essential to determining whether the voting systems used by the counties met the requirements of the law. The Department indicated that it would institute a process to periodically confirm with the Supervisor of Elections that the information they have filed with the Department is accurate and that all information required by law is on file with the Department.

020731

**Finding 4:** The Department incorrectly calculated the required Maintenance of Effort (MOE) and did not maintain the required level of expenditures for the 2004-2005 fiscal year.

**Recommendation:** The Department should update the HAVA Plan to reflect the revised MOE amount. The Department should ensure that the required MOE level is met each fiscal year.

**Proposed Corrective Actions:** The Department agreed to update the State of Florida HAVA plan to reflect the revised required MOE amounts. In addition, the Department indicated that it will continue to review state expenditures in future years to ensure that the MOE threshold is exceeded. The Department indicated that in future years, the level of state effort should exceed the required threshold, compensating for the \$7,630 MOE shortfall for the 2004-2005 fiscal year.

**Finding 5:** Salary certifications required for employees who worked solely on HAVA were not maintained. Activity reports were not always maintained to support personnel costs charged to the HAVA program.

**Recommendation:** The Department's procedures should ensure that required documentation supporting charges to the HAVA Program (including certifications and personnel activity report) is properly and timely prepared and maintained. For any costs improperly charged to the HAVA Program, appropriate corrections should be made.

**Proposed Corrective Actions:** The Department indicated that it has instituted a procedure for obtaining time certifications from employees in HAVA funded positions. The certifications will be obtained on a semi-annual basis. If the Department becomes aware that any employee has worked on activities not related to the HAVA program, the costs associated with those other activities will be reimbursed to the HAVA program.

**Finding 6:** Contrary to Federal cost principles, payments for unused leave to terminated employees was charged as a direct cost instead of being allocated as a general administrative expense to all activities of the governmental unit.

**Recommendation:** The Department, in compliance with Federal cost principles; allocate as a general administrative expense unused leave payments. In addition, any costs improperly charged to the HAVA Program should be corrected.

**Proposed Corrective Actions:** The Department indicated that it would seek guidance from the Elections Assistance Commission on the proper disposition of unused leave payments.

**Finding 8:** HAVA program, expenditures were not always properly supported.

**Recommendation:** The Department should ensure that required contractual terms are met and services are received prior to payment. In addition, the Department should only pay contractors in amounts agreed upon by specific contract or purchase order.

020732



**Proposed Corrective Actions:** The Department indicated that the contract manager would review and certify that the requests for payment were properly supported and that contract requirements, milestones, and deliverables have been met prior to submitting the requests to Budget and Financial Services.

**Finding 9:** The Department did not always follow Federal requirements with regards to awards to other State agencies.

**Recommendation:** The Department should take steps to ensure that interagency agreements include all applicable Federal information and requirements and that appropriate monitoring is performed.

**Proposed Corrective Actions:** The Department indicated that it will ensure that interagency agreements with state agencies Utilizing HAVA funds include all of the information required by Federal standards. In addition, the Department would obtain the appropriate documentation to evidence expenditure of HAVA funds by the other State agencies.

Based on the findings, we recommend that the EAC ensure that the department completes its planned corrective actions. Please provide us with documentation of the action(s) taken to implement this recommendation by November 1, 2006. If you have any questions about this matter, please call me at (202) 566-3125.

cc: Chairman, U.S. Election Assistance  
Commission

Attachment

020733



# AUDITOR GENERAL

WILLIAM O. MONROE, CPA



## DEPARTMENT OF STATE HELP AMERICA VOTE ACT (HAVA) AND THE FLORIDA VOTER REGISTRATION SYSTEM (FVRS) Operational Audit

### SUMMARY

This operational audit focused on the Department of State's administration of the Federal Help America Vote Act of 2002 (HAVA) during the period July 1, 2004, through February 28, 2006, and selected actions taken through May 23, 2006. In addition, we evaluated the effectiveness of selected controls related to the Florida Voter Registration System, implemented to satisfy specific requirements of the Act for a computerized Statewide voter registration list. Through June 30, 2005, the Department has been awarded \$160 million in HAVA funding on behalf of Florida.

#### HELP AMERICA VOTE ACT

**Finding No. 1:** The Department did not have a procedure in place to evidence for the public record that voting systems being certified had met the requirements of Florida law.

**Finding No. 2:** The Department's established procedures did not prohibit the Secretary of State and any examiners from having a pecuniary (financial) interest in the examination of and approval of voting equipment.

**Finding No. 3:** The Department did not maintain a current, reliable control listing of voting systems certified and in use by the counties. In addition, the Department did not have a procedure in place to ensure that voting system information was on file with the Department.

**Finding No. 4:** The Department incorrectly calculated the required maintenance of effort that

was included in the State of Florida HAVA Plan and also did not maintain the required level of expenditures for the 2004-05 fiscal year.

**Finding No. 5:** Salary certifications required for employees who worked solely on the HAVA Program were not maintained. Also, personnel activity reports were not always maintained to support personnel costs charged to the HAVA Program.

**Finding No. 6:** Contrary to Federal cost principles, payment for unused leave to a terminating employee was charged as a direct cost to the Program instead of being allocated as a general administrative expense to all activities of the governmental unit.

**Finding No. 7:** Controls to ensure that voter education programs were in compliance with Florida law and Department rule were insufficient.

**Finding No. 8:** HAVA Program expenditures were not always properly supported.

**Finding No. 9:** The Department did not always follow Federal requirements with regards to awards to other State agencies.

#### FLORIDA VOTER REGISTRATION SYSTEM (FVRS)

**Finding No. 10:** Improvements were needed in the Department's Information Technology (IT) risk management practices.

**Finding No. 11:** The Department had not adopted a governance model addressing the management, use, and operation of FVRS commensurate with its authority and

responsibility to ensure the system's security, uniformity, and integrity.

Finding No. 12: Although the Department had put measures in place to help ensure the integrity of data in FVRS, improvements were needed in the processes for identifying duplicate registrations and ineligible voters.

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#### BACKGROUND

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With the passage and signing of the Help America Vote Act (HAVA) on October 29, 2002, election reform began throughout our nation. HAVA contains numerous requirements that every state must meet to improve election administration in many areas. The requirements, most of which were to take effect between January 1, 2004, and January 1, 2006, include replacing punch card and lever-operated voting machines, allowing voters to verify their votes before casting their ballots, providing voters with provisional ballots, providing access for voters with disabilities, and creating a Statewide voter registration list.

HAVA created the Election Assistance Commission (EAC) as an independent commission to administer the provisions of the Act. Specifically, HAVA charges the EAC with administering payments to states and developing guidance to meet HAVA requirements, implementing election administration improvements, adopting voluntary voting system guidelines, and developing a national certification program for voting systems. The EAC also serves as a national clearinghouse and resource of information regarding election administration.

Funding comes from four different HAVA programs. As shown on Appendix A, through June 30, 2005, the Department had been awarded \$160,207,602 in HAVA funding on behalf of Florida relating to Titles I and II. For each of the four programs, HAVA limits the use of funds to particular purposes as follows:

- Title I, Section 101 funding is available to improve the overall administration of elections, including the training of voters and election officials.
- Title I, Section 102 funding (fully expended as of July 2003) provides funding for the replacement of punch card and lever-operated voting machines.

- Title II, Section 251 funding allows states to meet uniform minimum voting system standards; provide a provisional voting mechanism, as well as minimal voter information requirements; and maintain a single computerized statewide voter registration list. However, states, once meeting these requirements, can use the funds to improve the administration of Federal elections.
- Title II, Section 261 funding supports efforts undertaken to make polling locations accessible for individuals with disabilities.

Appendix B shows for each of the four programs the funds received, amounts spent or obligated, and the available balances.

In response to audit inquiry, the Department provided us with a document titled *Funds Revenue and Usage Life of HAVA Grant* that projects HAVA funds being fully depleted sometime during the 2019-20 fiscal year. For the majority of the awarded funds, there is no deadline by which the Department must expend the funds received. However, included in the award total is \$1.676 million in Title II, Section 261 funds that are available for drawdown from the Federal Government as expended. These funds must be expended within five years of the original award year.

HAVA requires all states to develop and implement a Statewide plan that includes 13 primary elements. The State of Florida HAVA Plan incorporated these 13 primary elements, and Appendix C contains a listing of the elements. Florida enacted legislative and local reforms to ensure that the elements are consistent with and clearly outlined in Florida Statutes, *Florida System Voting Standards (Standards)*, rules, and regulations.

The administration of elections in Florida occurs at the State and local levels. The Secretary of State is the Chief Election Officer under Florida law.<sup>1</sup> As Chief Election Officer, the Secretary of State is responsible for the coordination of the State's responsibilities under HAVA.

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<sup>1</sup> Section 97.012, Florida Statutes.

## FINDINGS AND RECOMMENDATIONS

## Help America Vote Act (HAVA)

## Finding No. 1: Voting System Certification Checklist

In accordance with Florida law,<sup>2</sup> the Department is to examine all makes of electronic or electromechanical voting systems submitted to it by any person owning (such as vendors) or interested in an electronic or electromechanical voting system (such as boards of county commissioners of any county seeking approval of a given system) and determine whether such systems comply with the voting systems requirements provided in Section 101.5606, Florida Statutes. Additionally, the Department has developed *Standards* that provide information and guidance on the State's requirements and evaluation methods for voting system certification. Upon determining that the voting system complies with such requirements, the Department issues a certificate.

Our audit disclosed that the Department had implemented voter system certification procedures that incorporated the requirements included in Section 101.5606, Florida Statutes. However, we noted that a procedure was not in place to evidence for the public record that the voting systems being certified had met the requirements of Florida law. Therefore, a determination could not be made by us as to whether the requirements of Florida law had been met with regard to voter system certifications.

Department personnel indicated during our field work that a document titled *Florida Voting Systems Certification Checklist & Test Record (Checklist)* had been drafted that would provide a mechanism to document the Department's processes performed relating to Section 101.5606, Florida Statutes. However, this *Checklist* was not in use during the audit period and no other document was available for such purposes.

<sup>2</sup> Sections 101.5605(1) and (2), Florida Statutes.

**Recommendation:** We recommend that the Department finalize the *Checklist* and utilize it to document for the public record that its voting system certification procedures meet the requirements of Florida law.

## Finding No. 2: Pecuniary Interests

Florida law<sup>3</sup> states that neither the Secretary of State nor any examiner shall have any pecuniary (financial) interest in the examination and approval of voting equipment.

In response to audit inquiry as to Department procedures to ensure compliance with the above-noted Florida law, Department staff referred us to the section of the *Department of State Employee Handbook (Handbook)* titled "Relationships with Regulated Entities." This section of the *Handbook* requires employees to disclose in writing to the Secretary of State or his/her designee of a financial interest in a regulated entity. While the *Handbook* provision may provide some assurance of the disclosure of pecuniary interests should they exist, a procedure requiring an affirmation as to the absence of pecuniary interests may be more effective and responsive to the significant loss of credibility that would result should the existence of a conflict of interest go undisclosed.

**Recommendation:** We recommend that the Department establish procedures requiring the periodic affirmation of the absence of pecuniary and other conflicts of interests.

## Finding No. 3: Certified Voting Systems

Florida election laws require the Department, among other duties, to:

- Examine and approve voting systems through a public process to ensure that the voting systems meet the standards outlined in Section 101.5606, Florida Statutes, and similar standards outlined in HAVA requirements under Section 301 of Title III. (Section 101.5605, Florida Statutes.)

<sup>3</sup> Section 101.5605(2)(c), Florida Statutes.

- Maintain voting system information including copies of the program codes, user and operator manuals, software, and any other information, specifications, or documentation relating to an approved electronic or electromechanical voting system and its equipment. (Section 101.5607, Florida Statutes.)

The Department is also responsible for demonstrating compliance with Federal laws, regulations, and contracts governing the use of HAVA funds.

To allow for a ready demonstration of record that all voting systems meet the requirements of State laws and HAVA requirements, the Department should have in place a current inventory of the voting systems in place in each county. To ensure the accuracy and completeness of voting system records and files, this inventory should then be compared periodically to the voting system information maintained on file pursuant to State law.<sup>4</sup> Our audit tests disclosed that such procedures were not in place. Specifically:

- The Department did not maintain a current, reliable control listing of specific certified voting systems and system configurations implemented in each county. In response to our request for an official control listing of voting systems currently in use by all 67 counties, the Bureau Chief of Voting Systems Certification referred us to a Web site maintained by the Department that provides a link to information about specific certified voting systems and the system configurations being implemented by each county and stated, "The web site is updated as we receive 'system acquisition' reports from the counties. There may be a lag between the time a county acquires its system and the time we receive such a report. In some cases, a county may forget to notify us. In addition, I don't think there is any such 'official' listing." Our review of the Web site and other listings provided by the Department disclosed several instances in which the voting systems shown were not HAVA compliant.

Absent a current, reliable control listing of specific certified voting systems and system configurations implemented in each county, the Department cannot be assured and demonstrate that voting systems in use by the counties meet the standards outlined in Section 101.5606, Florida Statutes, and similar standards outlined in HAVA requirements.

- The Department did not have a procedure in place to ensure that copies of program codes, user and operator manuals, software, and any other information, specifications, or documentation related to an approved electronic or electromechanical voting system and its equipment were on file with the Bureau of Voting Systems Certification. Section 101.5607(1)(a), Florida Statutes, requires that this information be filed with the Department by the Supervisor of Elections at the time of purchase or implementation. An appropriate procedure would include a periodic comparison of the control listing referenced in the preceding bullet to the voting system information on file at the Department.

During the audit period, funds were provided to counties for the purpose of purchasing accessible voting systems as required by Title III, Section 301, HAVA. We selected disbursements made to four counties and requested documentation from the Department demonstrating compliance with Section 101.5607(1)(a), Florida Statutes. Specifically, we examined Department records to determine if such information for the counties was on file. Our examination disclosed that voting system information was not available for one county; incomplete voting system information was available for another county; and, although some voting system information was on file for a third county, the information on file did not appear to reflect the purchase of the accessible voting system.

In response to audit inquiry, we were informed that the Department requests this information from the counties when the Department becomes aware that a county has purchased new equipment and that the Department currently has no procedures in place for routinely requesting such information periodically from each of the counties.

State law<sup>5</sup> requires the Department to maintain voting system information and provides that any such information or materials that are not on file with and approved by the Department, including any updated or modified materials, may not be used in an election. This is especially important because voting systems are upgraded, modified, and changed both before and after delivery to the counties, and the Department has a responsibility to maintain current and accurate voting system information for each county.

<sup>4</sup> Section 101.5607, Florida Statutes.

<sup>5</sup> Section 101.5607(1)(a), Florida Statutes.

Details of the exceptions noted in the bullets above were provided by us to the Department for immediate resolution.

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**Recommendation:** We recommend that the Department develop a current, reliable control listing; establish procedures to ensure that Supervisors of Elections submit all voting system information required by State law,<sup>6</sup> and periodically confirm the accuracy of its listing with the Supervisors of Elections. Such confirmations should be made in connection with the Department's periodic reconciliation of its control listing to the voting systems information provided and on file at the Department.

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**Finding No. 4: Maintenance of Effort**

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For activities funded by HAVA, the Department is to maintain the expenditures of the State at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ended June 30, 2000. The State of Florida HAVA Plan stated that, in determining Florida's maintenance of effort (MOE) expenditures, the Division of Elections' calculation included 1999-00 fiscal year expenditures for salaries and benefits, operating capital outlay, and voter fraud programs for the Division of Elections' Director's Office and the portion of the Bureau of Election Records' expenditures pertaining to election administration. The amount calculated and reported in the State of Florida HAVA Plan for the 1999-00 MOE totaled \$3,082,224.

Our tests of the data supporting the Department's MOE calculation disclosed that the Department failed to use the final expenditure data reported in the State's accounting system (Florida Accounting Information Resource Subsystem). The amounts used were those recorded as of June 28, 2000. Our tests also disclosed that the Department's calculation included, in some instances, budgeted rather than actual salary expenditures.

The final expenditure data as of June 30, 2000, as shown by the State's accounting system totaled \$3,570,408 (or \$488,184 more than the MOE

expenditure amount reported in the HAVA Plan). In addition, our tests disclosed that the Department MOE for the 2004-05 fiscal year totaled \$3,562,778, resulting in the Department failing to meet the required MOE of \$3,570,408 by \$7,630.

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**Recommendation:** The Department should update the State of Florida HAVA Plan to reflect the revised required MOE amount and ensure that the required MOE level is met each fiscal year in accordance with HAVA requirements.

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**Finding No. 5: Salary Certifications and Activity Reports**

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Federal cost principles<sup>7</sup> require that charges for salaries for employees who are expected to work solely on a single Federal award or cost objective be supported by periodic certifications that indicate that the employee worked solely on that program for the period covered by the certification. These certifications are to be prepared at least semiannually and signed by the employee or supervisory official having first-hand knowledge of the work performed by the employee. These principles also require that charges for salaries of employees who work on multiple activities or cost objectives should be distributed and supported by personnel activity reports or equivalent documentation.

In response to audit inquiry, the Department provided us with a listing of employees who worked solely on the HAVA Program during the period July 1, 2004, through February 28, 2006. We then requested certifications for each of the employees identified by the Department. We also selected nine employees who the Department represented to us had worked solely on the HAVA Program to verify that they had not worked on any other activity. These audit procedures disclosed the following deficiencies:

- Certifications were not always prepared in compliance with Federal cost principles. Specifically, certifications were not prepared for 12 employees who worked solely on the HAVA Program during the period July 1, 2004, through June 30, 2005. The salaries and benefits for these

<sup>6</sup> Section 101.5607(1)(a), Florida Statutes.

<sup>7</sup> Office of Management and Budget Circular No. A-87.

12 employees totaled \$524,787.63. Additionally, for 25 of the 27 employees who worked solely on the HAVA Program during the period July 1, 2005, through December 31, 2005, certifications were not obtained until April 2006. For 2 of the 27 employees, no certifications were on file. In response to audit inquiry, Department staff provided one certification that was signed on May 12, 2006, by an employee's supervisor attesting that the employee had worked solely on the HAVA Program. The employee had resigned on October 31, 2005. For the other instance, the Department stated that the employee worked on non-HAVA related activities and, since there are no time reports documenting the employee's work activities, the Department estimated that approximately 10 percent of the employee's time during the July 2005 through January 2006 period was related to non-HAVA related activities and that the Department was currently preparing correcting entries to reimburse the HAVA Program for the improper costs.

- For another employee working on multiple activities, charges were not supported by personnel activity reports, contrary to Federal cost principles. The employee, even though he had completed a certification that he worked solely on the HAVA Program, indicated to us that only approximately 75 percent of the time worked was related to the HAVA Program. However, the employee's personnel activity report did not identify the specific program areas worked on and, as a result, salary and benefits totaling approximately \$3,600 monthly were charged to the HAVA Program.

Without adequate procedures and supporting documentation, the Department cannot ensure that Federal funds have been expended only for authorized purposes.

In response to audit inquiry, Department staff stated, "After the Department of State became aware of the requirement for individuals filling HAVA-funded positions to complete certifications regarding work performed, a form was developed that could be customized for each employee. The certifications will be prepared on a semi-annual basis to coincide with the first and last six months of the state fiscal year. The first work certification forms cover the period from July 2005 through December 2005." The Department further indicated that it was in the process

of developing written procedures to address the certification requirements.

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**Recommendation:** We recommend that the Department's procedures ensure that required documentation supporting charges to the HAVA Program (including certifications and personnel activity reports) is properly and timely prepared and maintained. For any costs improperly charged to the HAVA Program, appropriate corrections should be made.

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**Finding No. 6: Unused Leave Payments**

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Federal cost principles<sup>a</sup> provide that payments to terminating employees for unused leave are allowable in the year of payment provided the payments are allocated as a general administrative expense to all activities of the governmental unit or component.

Our tests of salary expenditures disclosed that the Department did not allocate as a general administrative expense an unused leave payment, contrary to Federal cost principles. An employee terminated employment on October 31, 2005, and was paid \$22,274 for 470 hours of unused annual leave. The entire amount was paid from HAVA funds.

In response to audit inquiry, Department staff indicated that this payment was made in compliance with Department of Management Services Rule 60L-34.0041(6)(b), Florida Administrative Code. The Rule provides that a senior management service or selected exempt service employee who separates from State government shall be paid for unused annual leave up to a maximum of 480 hours. Department staff further indicated that Federal cost principles supported this unused leave payment. We disagree, as discussed above, because Federal cost principles require that such payments be allocated as a general administrative expense to all activities of the governmental unit or component.

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<sup>a</sup> Office of Management and Budget Circular No. A-87.

**Recommendation:** We recommend that the Department, in compliance with Federal cost principles, allocate as a general administrative expense unused leave payments. We also recommend that, for any costs improperly charged to the HAVA Program, appropriate corrections be made.

#### Finding No. 7: Voter Education

To receive Federal funds under HAVA,<sup>9</sup> the Department is required to describe how the State will provide for voter education. Under Florida law,<sup>10</sup> the Legislature appropriated \$3,000,000 from HAVA funds in each of the 2004-05 and 2005-06 fiscal years to the Department to be distributed to county Supervisors of Elections for voter education. To receive funds from these appropriations, Supervisors of Elections were required to submit to the Department a detailed description of the voter education program (Plan). Additionally, counties were required to certify to the Department that the county would provide matching funds for voter education in the amount equal to 15 percent of the amount received from the State.

We examined payments made to three counties from funds provided under Florida law.<sup>11</sup> We noted that each of the counties had entered into a *Memorandum of Agreement for Receipt and Use of Voter Education Funds (Agreement)*. This *Agreement* required Supervisors of Elections to annually submit a report to the Department detailing the actual expenditures made under the Plan.

Our audit disclosed:

- The Plan for one county failed to include four of the five voter education elements contained in the Standards for Nonpartisan Voter Education (Department rule).<sup>12</sup> The Plan failed to address a high school voter registration/education program; a college voter registration/education program; voter registration workshops; and the conduct of

demonstrations of county voting equipment. Voter education funds received by the county totaled \$27,127. Absent the voting education activities described above, the Department has no assurance that State law and HAVA requirements will be met.

- The activities, as reported in the expenditure report for another county, included \$109,021 for banner and billboard advertisements. This type of activity was not included in the county's Plan submitted to the Department. However, if included in the Plan, these expenditures would have been allowable. Subsequent to audit inquiry, Department staff stated that it appears that some counties had utilized voter education funds for activities that were not included in their Plans and that changes would be made to Department procedures to compare county-planned activities with actual voter education activities.
- The expenditure report for one county failed to delineate, as required by the standard reporting form, the State and county funds expended. Therefore, the Department could not determine from a review of the report if appropriate matching funds for voter education had been expended by the county. The county received State funds totaling \$180,910 and certified matching funds totaling \$27,136. Subsequent to audit inquiry, Department staff stated they will include language in the *Agreements* requiring a separate accounting for expenditures made with State and county funds.

In the instances noted above, the Department failed to ensure that the required Plans and expenditure reports submitted by the Supervisors of Elections were in compliance with Department rules and *Agreements*. This failure by the Department could result in noncompliance with Florida law and rules and HAVA requirements. (See Appendix C, Element 3.)

**Recommendation:** We recommend that the Department ensure that all Plans are in compliance with Department rules and *Agreements* and that voter education expenditures correspond with detailed descriptions in the Plans. In addition, we recommend the Department ensure that the matching expenditures are reported separately on the expenditure report.

<sup>9</sup> Section 254a3, HAVA.

<sup>10</sup> Chapters 2004-268 and 2005-70, Laws of Florida.

<sup>11</sup> Chapters 2004-268 and 2005-70, Laws of Florida.

<sup>12</sup> Department of State Rule 1S-2.033, Florida Administrative Code.



**Finding No. 8: Program Expenditures**

Federal cost principles<sup>13</sup> require appropriate documentation of expenditures. Absent such documentation, expenditures are not allowable for payment by Federal award. The Division of Elections is responsible for tracking and monitoring the use of HAVA funds in accordance with established State procedures, and the Director of the Division of Elections has final signature authority for HAVA expenditures. Our audit included examining Department records related to 19 HAVA expenditures totaling approximately \$8.9 million, excluding salary expenditures. We noted:

- A \$3,333.33 monthly payment was not supported by evidence showing that the required work had been completed. This payment was made pursuant to a contract for consulting services related to assisting the 67 counties in developing and implementing plans mandated by HAVA for the accessibility of polling places and voting equipment for persons with disabilities. The agreement, providing for payments totaling \$50,000, specified that a progress report was to be provided with the invoice. Subsequent to audit inquiry, Department staff stated that, rather than progress reports, the vendor was submitting weekly activity reports to the Assistant Secretary of State and the Director of the Division of Elections. Our review of the activity reports subsequently provided by the Department disclosed one activity report had been requested, after audit inquiry, on May 16, 2006, and another one was received after the invoice was paid. In addition, there was no evidence that the Department had reviewed the activity reports prior to making the payment. Also, the listed activity (traveling to Washington, D.C., to meet with congressional representatives) for one weekly activity report (week beginning November 2, 2004) did not appear to relate to the activities set out in the contract.

The process of receiving weekly activity reports from the contractor did not comply with the contract terms and did not allow for a proper preaudit as such documentation apparently was not forwarded to appropriate staff responsible for processing payments to the contractor.

- A \$39,645.48 payment to a contractor was not properly supported by evidence showing that the invoiced items were received. The payment related to uniform voter registration application forms that were to be provided to various cities. Documentation supporting the payment did not evidence that the forms ordered were shipped to and received in the proper quantities or types by the various cities listed on the vendor invoice. Such documentation may include, for example, notes on Department confirmation with the cities that the forms had been received. In addition, we noted that the combined payments to this contractor exceeded the purchase order total of \$75,750 by \$1,253. Department staff indicated that an appropriate change order had not been prepared.

For the instances described above, absent documentation to support the expenditures, the Department cannot demonstrate that, at the time of payment, the services or activities had been delivered or received and that the expenditures were allowable for payment by Federal award.

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**Recommendation:** We recommend that the Department ensure that required contractual terms are met and services are received prior to payment. In addition, we recommend that the Department only pay contractors in amounts agreed upon by specific contract or purchase order.

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**Finding No. 9: Interagency Agreements**

According to HAVA,<sup>14</sup> each state is to implement a computerized statewide voter registration list containing the name and registration of every legally registered voter in the state. The Department was awarded Federal funds on behalf of the State of Florida to meet the HAVA requirements.

Chapter 2003-397, Laws of Florida, appropriated the Department a lump sum totaling \$2,114,814 to implement HAVA and also provided that both the Florida Department of Law Enforcement (FDLE) and the Florida Department of Highway Safety and Motor Vehicles (DHSMV) each would receive two full-time equivalent positions and \$145,830 to assist in the development of the Statewide voter registration list.

<sup>13</sup> Office of Management and Budget Circular No. A-87.

<sup>14</sup> Section 303, HAVA.

The Department was required to enter into interagency agreements with both of these agencies prior to the release of the funds.

As the Department is using HAVA funds to develop the Statewide voter registration system, the Department should ensure that the interagency agreement includes all the specific Federal information associated with the HAVA program. Our review of one of the interagency agreements (FDLE) disclosed that the agreement did not provide all of the specific information related to the HAVA program. Specifically, we noted that the agreement did not include the:

- CFDA title and number.
- Name of the Federal agency.
- Requirements of Federal laws and regulations.
- Requirement of access to records by the Department and its auditors.

In addition, our examination of the \$145,830 interagency payment to FDLE disclosed that the Department failed to obtain evidence that the agency used the \$145,830 for only HAVA activities. Such evidence should include applicable salary records evidencing payroll amounts and salary certifications or activity reports.

Subsequent to audit inquiry, the Department requested and received salary certifications from FDLE evidencing that the employees assigned to the positions worked solely on the HAVA activities. However, no documentation was provided to evidence that the \$145,830 was actually expended for salary and benefit costs.

When the Department fails to monitor and include in interagency agreements specific Federal information associated with the HAVA program, assurance is reduced that Federal funds will be expended for allowable activities and accounted for in accordance with Federal cost principles and, if applicable, subject to audit in compliance with the applicable Federal requirements.

**Recommendation:** We recommend that the Department take the necessary steps to ensure that the interagency agreements include all applicable Federal information and requirements and that appropriate monitoring is performed.

**FLORIDA VOTER REGISTRATION SYSTEM (FVRS)**

The Department began developing FVRS in 2003 to comply with HAVA requirements. The State received a waiver from the EAC, permitted under HAVA provisions, and was granted an extension from January 1, 2004, until January 1, 2006, to implement FVRS. Pivotal to the design of FVRS was the retention of county voter registration systems. Each of the 67 counties was to remediate its registration systems to accommodate the FVRS interface and operating specifications. FVRS communicated with county voter registration systems using a service-oriented architecture that supported establishing communication and information exchange by providing a platform for receiving requests and generating response messages that were processed by county voter registration systems.

In accordance with Florida law,<sup>15</sup> each Supervisor of Elections maintained responsibility for updating voter registration information, entering new voter registrations into the Statewide voter registration system, and acting as the official custodian of documents received by the Supervisor of Elections related to the registration and changes in voter registration status of electors of the Supervisor of Elections county. While the Department was responsible for the overall security and integrity of FVRS, each Supervisor of Elections was responsible for ensuring that all voter registration and list maintenance procedures conducted were in compliance with any applicable requirements prescribed by rules of the Department through the Statewide voter registration system or prescribed by the Voting Rights Act of 1965, the National Voter Registration Act of 1993, or HAVA.

<sup>15</sup> Section 98.015, Florida Statutes.

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### **Finding No. 10: Information Technology Risk Management**

An effective risk management process is an important component of a successful information technology (IT) security program. Risk management is the process of identifying vulnerabilities and threats to IT resources used by an organization in achieving business objectives and deciding what measures, if any, to take in reducing risk to an acceptable level. Risk assessment is a tool that can provide information for the design and implementation of internal controls and in the monitoring and evaluation of those controls. Risk analysis forms the basis for developing effective security practices that include periodic reviews of user access rights and comparison of resources with recorded accountability to reduce the risk of errors, misuse, or unauthorized alteration.

During the audit, we noted certain deficiencies in the Department's IT risk management practices as follows:

- The Department had not completed a formal risk assessment for FVRS. In October 2005, the Department contracted with Integrated Computer Systems, Inc. (ICS), to perform an information security assessment on its network infrastructure and major applications in place at the time of the assessment. This assessment was completed before FVRS was fully implemented. In February 2006, the Department contracted with ICS to perform a complete assessment of FVRS. This assessment commenced in April 2006 and is scheduled for completion in June 2006.
- Authorizations for access to Department resources had not been properly documented for all FVRS users and access capabilities were not timely revoked or modified as necessary for individuals who had terminated employment. In addition, the Department did not have a formal process in place for the periodic monitoring of actual access capabilities through comparison to the authorizations. Good access controls include instituting policies and procedures for authorizing access to information resources, documenting such authorizations, and then periodically monitoring actual access capabilities through comparison to the authorizations. Department

policy<sup>16</sup> required that, immediately upon initial employment, reassignment, or termination, the designated division manager inform the Service Request Desk at the Central Computing Facility (CCF) via the Control Access form. Of 21 authorizations tested, we noted 19 instances where proper access documentation was not maintained. In addition, we noted two users with improper access capabilities to Department network resources. One user was added in error and the other had not had access capabilities properly revoked upon the completion of a contracted engagement. In response to audit inquiry, the Department indicated that access capabilities for these individuals had since been revoked.

When access capabilities are not limited to what is authorized and approved by management, the risk is increased of inappropriate use of information resources. In addition, without formal procedures for the periodic monitoring of actual access capabilities against what is authorized, the risk is increased that unauthorized access will not be identified and corrected in a timely manner.

**Recommendation:** Upon completion of the FVRS risk assessment, the Department should implement policies and procedures to mitigate identified risks, including ensuring that all access to Department systems is documented in a uniform manner according to policy, maintained in a central location, and periodically reviewed.

### **Finding No. 11: IT Governance Model**

An IT governance model contributes to the reliability and integrity of an application system and data processed therein and includes developing and maintaining procedures to ensure the proper use of the application and technological solutions put in place and proper data management. A consistent managed approach to securing all system environment components increases assurance that due diligence is exercised by all individuals involved in the management, use, maintenance, and operation of information systems.

<sup>16</sup> Information Technology Operating Procedure Number IT001, Logical Access Control.

According to HAVA,<sup>17</sup> adequate technological security measures shall be provided to prevent unauthorized access to the computerized voter registration list. Florida law<sup>18</sup> further directs the system to provide secured access for authorized voter registration officials and states that the Department may adopt rules governing the access, use, and operation of the Statewide voter registration system to ensure security, uniformity, and integrity of the system.

According to FVRS design, counties are to retain the greatest level of autonomy over county registration assets while still meeting the overall security objectives of FVRS, and the Department is responsible for the overall security and integrity of FVRS. Multiple entities are, therefore, working towards the common business purpose FVRS is to serve. Our audit focused on the important requirement of ensuring FVRS has adequate security structures and solutions in place for conducting business. We noted certain control deficiencies as follows:

➤ Aligning systems security with a business strategy requires centralized direction. A security program establishes a common framework and principles for assessing risk, developing and implementing consistent security procedures, and monitoring the effectiveness of those procedures. The Department, in conjunction with the county Supervisors of Elections' offices, had not developed a formal security program for FVRS. Prior to the implementation of FVRS, the Department prepared a FVRS Security Approach Plan which was intended to later serve as a roadmap for developing a comprehensive FVRS System Security Plan (SSP) that would include all applicable system security policies and procedures. In response to audit inquiry, Department staff indicated that the SSP continued to be in development.

The *Guide to FVRS (Guide)* was developed by the Department and distributed to the Supervisors of Elections as a precursor to the implementation of FVRS. The *Guide* states that the counties are responsible for security, including securing the physical location of equipment hosting the application or communications devices related to the local county system and securing network systems providing access to the local voter registration system. However, the Department had not developed formal written directives or guidance to ensure a consistent approach and enforcement across all environments in such matters as configuration management, virus protection, system software maintenance and updates, and patch management.

- Consistent user security mandates also require aligning system security with the business objective. Each county was responsible for designating a System Security Administrator (SSA) to assign and manage user access to the local county voter registration system along with network resources, as well as to FVRS. Guidelines to promote consistent, effective policies and procedures related to information resource classification and control, access authorization and review, distribution of user roles, logical access controls, and user security awareness training had not been developed by the Department. Additionally, while the *Guide* stated that training in user/identity management will be required of State and county SSAs, the Department had not yet conducted a formal training program.
- The Department was in the process of, but had not completed, the integration of FVRS system planning into its overall IT disaster recovery plan. In addition, although the Department indicated that disaster recovery plans had been requested from each county, there was no formal, written process in place for receiving and evaluating those plans to ensure their adequacy in recovering timely from a disruption to operations. As HAVA<sup>19</sup> requires all voter registration information obtained by any local election official in the State to be electronically entered into the computerized voter registration list on an expedited basis at the time the information is provided to the local official, absent or inadequate procedures to resume operations in a timely manner may cause delays in updating FVRS, thereby jeopardizing the accuracy and completeness of registration data.

<sup>17</sup> Section 303(a)(3), HAVA.  
<sup>18</sup> Sections 98.035(2) and 98.035(5), Florida Statutes.

<sup>19</sup> Section 303 (a)(1)(A)(vi), HAVA.

- Proper security administration ensures that violation and security activity is logged, reported, reviewed, and appropriately escalated on a regular basis to identify and resolve incidents involving unauthorized activity. The design of FVRS included the capability to log unauthorized attempts to penetrate the system and unauthorized procedures by authorized users. As of the completion of our audit field work, the Department had not devised a formal process for review and retention of these logs. However, in response to audit inquiries, Department staff indicated their intent to establish a process for monitoring the logs in near real time.
- The Department had not designated any individual positions in connection with FVRS or the Division of Elections as positions of special trust. Florida law<sup>20</sup> states that agencies shall designate positions that, because of the special trust or responsibility or sensitive location of those positions, require that persons occupying those positions be subject to a security background check, including fingerprinting, as a condition of employment. Further, it requires that persons of such positions undergo background investigations using level two screening standards, which include fingerprinting used for checks against statewide criminal and juvenile records through the Florida Department of Law Enforcement (FDLE) as well as checks for Federal criminal records through the Federal Bureau of Investigation. In fulfillment of their assigned responsibilities related to verification of voter registration records and determination of reliability and credibility of matching information, Bureau of Voter Registration Services' (BVRS) employees who have signed the Department-required Standards of Conduct Statements, had access to statutorily designated<sup>21</sup> confidential and publicly exempted information, records, and data including social security numbers, driver's license numbers, Florida identification (ID) numbers, and voter signatures. In addition, the BVRS Bureau Chief and backup delegate had access to records of individuals registered to vote as protected persons, whose personal information including home address and telephone number were exempt from disclosure by Florida law.<sup>22</sup> The Department had not designated BVRS employees as being in positions of special trust. Therefore, level two screenings

had not been performed. The Department did conduct level one background screenings, that include employment history checks as well as Statewide criminal correspondence checks through FDLE on all new employees. Without adequate background checks, including fingerprinting, the risk is increased that a person could inappropriately be employed in a position of special trust.

Security controls and procedures that vary in placement and degree among the Department and the counties may not provide for the achievement of a sustainable capability for proactive mitigation of security risks or incidents. Without a common foundation for applying management and security procedures for IT resources and data, security controls necessary to adequately protect information systems that support the operations, mission, and legal responsibility of FVRS may fail to be identified and consistently applied.

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**Recommendation:** The Department should, in coordination with the county Supervisors of Elections, adopt a governance model that includes security measures in support of, and for the protection of, the FVRS business purpose and the confidentiality, availability, and integrity of data contained therein. Specifically, written procedures should be established to address those areas noted above with consistent application to ensure the system's security, uniformity, and integrity.

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**Finding No. 12: FVRS Data Integrity**

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The Department's HAVA Plan specifies that the effective and efficient administration of elections depends on the completeness and accuracy of voter registration lists. Florida law<sup>23</sup> provides that the Department shall protect the integrity of the electoral process by ensuring the maintenance of accurate and current voter registration records. In the pursuit of this goal, the Department is directed by law to identify voters who are deceased, registered more than once, convicted of a felony and whose voting rights have not been restored, or adjudicated mentally incompetent and whose voting rights have not been

<sup>20</sup> Section 110.1127, Florida Statutes.

<sup>21</sup> Sections 97.0585 (1)(c) and 97.0585 (2), Florida Statutes.

<sup>22</sup> Section 119.071(4)(2)(d), Florida Statutes.

<sup>23</sup> Section 98.075, Florida Statutes.

restored. For those voters who have been identified as potentially ineligible due to felony conviction or adjudication of mental incompetence, the Department is directed to determine if such information is credible and reliable. Upon determination of the reliability and credibility of the information, the Department is required to forward such information to the appropriate Supervisor of Elections for final determination of voter ineligibility and removal from the voter system.

During the audit, we noted the following deficiencies in this process:

- Some circumstances were noted that may increase the possibility of duplicate registrations in FVRS. During the implementation of FVRS, the voter records used to populate the FVRS database were provided by individual county Supervisor of Elections offices from their voter registration systems. Counties were responsible for managing their duplicate records using FVRS transactions after migration was completed. The Department indicated that there were approximately 30,000 duplicate records identified prior to implementation. However, the Department had not determined whether these 30,000 records had been resolved by the counties. The Department had not yet implemented a systematic process to periodically scan for and identify duplicate registrations. Instead, manual checks were made by the Supervisors of Elections or the Department, for new or updated registrations received, at the time of initial entry into FVRS to help ensure that no new duplicate records were created. Department staff, on May 24, 2006, subsequent to our audit field work, indicated that a systematic matching process had been put into place. In addition, prior to the implementation of statutory changes in 1999,<sup>24</sup> the uniform voter registration application did not require applicants to supply the last four digits of their social security number and either a Florida driver's license number or Florida ID card number. Therefore, records for applicable voters in FVRS whose voter registration pre-dated these added requirements did not have any of these unique identification numbers associated with their record which would otherwise allow for more accurate matching of duplicate registrations and comparison of data in determination of ineligibility. The Department

indicated that it initiated a process for populating the blank fields with unique identifiers (i.e., Florida driver's license numbers or Florida ID card numbers) when available for applicable registered voters, from records provided by the Department of Highway Safety and Motor Vehicles (DHSMV).

- Although the Department had a systematic process in place for identifying potential felon matches within FVRS, it had not completed a comprehensive check of all felony convictions against all voters. As noted in the previous bullet, the FVRS database was populated from data in the individual county voter registration databases. FVRS, implemented in January 2006, is the successor to the Central Voter Database (CVDB) that was established in 2001. CVDB was designed as a tool to assist the Supervisors of Elections with their responsibility to perform final voter eligibility determinations. CVDB was to perform initial voter eligibility determinations to identify duplicate registrations, as well as voters who were deceased, convicted of a felony and had not had their voting rights restored, or adjudicated mentally incompetent and had not had their voting rights restored. The activation of the felon-matching component of CVDB was delayed until May 7, 2004, and was deactivated on July 10, 2004, upon the discovery of its inability to match felons to registered voters of Hispanic origin. FVRS was similar to CVDB in that it was also populated with voter data received from each of the 67 county voter registration databases. However, unlike CVDB, FVRS was designated by Florida law as the official list of registered voters in the State. Additionally, the identification of potential felon-registered voter matches under FVRS was distinct from the automated process implemented under CVDB. Initial potential matches from FVRS underwent comprehensive staff review and evaluation.

The Department's systematic process to identify potential felons consisted of preliminary assessments conducted by FDLE of voters who may have been convicted of a felony based on voter registration records provided to FDLE by the Department. Each new voter registration application and any updates to existing registration records which occurred after January 1, 2006, were submitted to FDLE for evaluation. The Department also provided FDLE with all active and inactive voter registrations maintained by FVRS on a monthly basis. These records were compared to felony convictions reported in the

<sup>24</sup> Section 97.052 (2), Florida Statutes.

preceding month. The purpose of this comparison was to identify any existing registered voter who may be matched with a new or recent felony conviction. Any matches were forwarded to the Department for further staff evaluation and verification by BVRS. The Department plans to assess all existing registrations against all felony convictions. This process will begin with the most recent registrations and incrementally expand to include older registrations as Department resources and workload permit.

- Verification and validation of voter information relies on information received from the external agencies, including the Florida Department of Health (Office of Vital Statistics), Clerks of the Circuit Court, United States Attorney's Office, FDLE, Board of Executive Clemency, Florida Department of Corrections, and DHSMV. Following input of a completed voter registration application into FVRS by an election official and verification of an applicant's Florida driver's license number, Florida ID card number, or the last four digits of the social security number through DHSMV and the Social Security Administration, the applicant was registered and eligible to vote. After this registration process takes place, automated matches of potential ineligibility based on death, adjudication of mental incapacity, or felony conviction were generated by daily comparisons of data from the external agency databases and voter registration information in FVRS. BVRS was responsible for manually evaluating those automated matches of potential ineligibility for credibility and reliability. Following match resolution by BVRS, only those matches determined to be credible and reliable were sent in the form of case files to the Supervisors of Elections for review.

The Department indicated that there had been instances where data supplied by other agencies was not accurate or timely. For example, the Department indicated that records which were supplied by the Office of Vital Statistics for the purposes of matching for deceased voters have, at times, contained inaccurate social security numbers. In response, the Department had put in place manual procedures to help mitigate this known data problem. Additionally, the Department indicated that data received from the Office of Vital Statistics, though received regularly, may lag as much as two to three months.

- Pursuant to Florida law,<sup>25</sup> the Department maintains oversight of registration records maintenance activities conducted by the Supervisors of Elections through certification. Each Supervisor of Elections is required to certify, no later than July 31 and January 31 of each year, to the Department activities conducted, during the first and second six months of the year, respectively, regarding procedures for removal of voters determined as ineligible. Should the Department determine that a Supervisor of Elections has not satisfied these requirements, it will be necessary for the Department to satisfy the requirements. Although the first certification is not due from the counties until July 2006, the Department had not formalized a process by which to determine whether Supervisors of Elections have satisfactorily met these statutory requirements.

The issues noted above may increase the risk that ineligible and duplicate voter registrations exist in FVRS, putting at risk the integrity and accuracy of the voter registration list.

**Recommendation:** The Department should implement FVRS matching functionality, as planned, to allow for systematic identification of possible duplicate voters. In addition, the Department should expand, as planned, current systematic felon matching to include matching of all existing registrations against all felony records. The Department should also implement a formalized process to determine if Supervisors of Elections have satisfactorily met certification requirements prescribed by Florida Statutes. Further, the Department should continue to work with agencies that supply the Department with data for matching and verification purposes to increase data reliability, integrity, and timeliness.

<sup>25</sup> Section 98.075(8), Florida Statutes.

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**OBJECTIVES, SCOPE, AND METHODOLOGY**


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This operational audit focused on the Department's administration of the Federal Help America Vote Act of 2002. In addition, we evaluated selected controls related to the Florida Voter Registration System. Our objectives were to:

- Evaluate the effectiveness of related controls.
- Evaluate the extent to which the Department has complied with selected controlling laws, administrative rules, and other guidelines.

In conducting our audit, we interviewed Department personnel, observed selected operations, tested selected Department records, and completed various analyses and other procedures. Our audit included examinations of various documents (as well as events and conditions) applicable to the period July 1, 2004, through February 28, 2006, and selected actions taken through May 23, 2006.

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**AUTHORITY**


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Pursuant to the provisions of Section 11.45, Florida Statutes, I have directed that this report be prepared to present the results of our operational audit.

*William O. Monroe*

William O. Monroe, CPA  
Auditor General

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**MANAGEMENT RESPONSE**


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In a response letter dated June 15, 2006, the Secretary of State generally concurred with our audit findings and recommendations. The Secretary's response is included in its entirety at the end of this report as Appendix D.

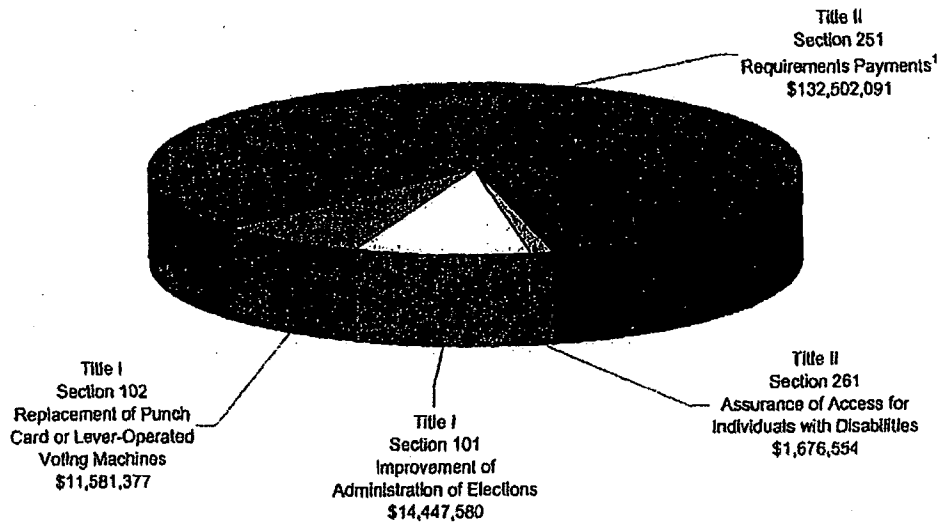
To promote accountability in government and improvement in government operations, the Auditor General makes operational audits of selected programs, activities, and functions of State agencies. This operational audit was made in accordance with applicable *Government Auditing Standards* issued by the Comptroller General of the United States. This audit was conducted by Debra Clark, CPA, and supervised by Frank Becton, CPA. Please address inquiries regarding this report to Dorothy R. Gilbert, CPA, Audit Manager, via e-mail at [dorothygilbert@aud.state.fl.us](mailto:dorothygilbert@aud.state.fl.us) or by telephone at (850) 488-5444. The information technology resources portion of this audit was conducted by Vikki Matthews and supervised by Nancy Reeder, CPA, CISA. Please address inquiries regarding the information technology resources portion of this report to Jonathan B. Ingram, CPA, CISA, Audit Manager, via e-mail at [jbingram@aud.state.fl.us](mailto:jbingram@aud.state.fl.us) or by telephone at (850) 487-9330.

This report and other audit reports prepared by the Auditor General can be obtained on our Web site (<http://www.state.fl.us/audgen>), by telephone (850) 487-9024, or by mail (674 Claude Pepper Building, 111 West Madison Street, Tallahassee, Florida 32399-1450).

\* Regulated by the State of Florida.



Appendix A



Note 1: Includes Title III activities (e.g., Sections 301-Voting System Standards, 302-Provisional Voting and Voting Information Requirements, 303-Statewide Voter Registration List, etc.).

Source: Federal award documents and the Department's budget and accounting records.

Appendix B

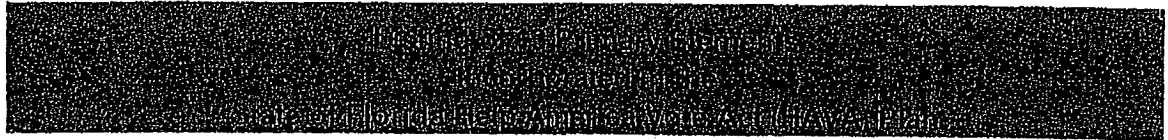


HAVA Funds		Funds Received	Amount Spent or Obligated	Available Balances
Section 101	Payments to States for Activities to Improve Administration of Elections	\$ 14,447,580	\$ 10,503,629	\$ 3,943,951
Section 102	Replacement of Punch Card or Lever-Operated Voting Machines	11,581,377	11,581,377	-
Section 251	Requirements Payments <sup>1</sup>	132,502,091	38,305,925	94,196,166
Section 261	Payments to States and Units of Local Government to Assure Access for Individuals with Disabilities	<u>157,336</u>	<u>157,336</u>	<u>-</u>
<b>Totals</b>		<b><u>\$ 158,688,384</u></b>	<b><u>\$ 60,548,267</u></b>	<b><u>\$ 98,140,117</u></b>

Note 1: Includes Title III activities (e.g., Sections 301-Voting System Standards, 302-Provisional Voting and Voting Information Requirements, 303-Statewide Voter Registration List, etc.).

Source: Department's budget and accounting records.

## Appendix C



- Element 1 How the State will use the requirements payment to meet the requirements of Title III and, if applicable under Section 251(a)(2), HAVA, to carry out other activities to improve the administration of elections.
- Element 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 Element 1, including a description of:
- A) The criteria to be used to determine the eligibility of such units or entities for receiving the payment; and
  - B) The methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted in Element 8.
- Element 3 How the State will provide for programs for voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of Title III, HAVA.
- Element 4 How the State will adopt voting system guidelines and processes which are consistent with the requirements of Section 301, HAVA.
- Element 5 How the State will establish a fund described in Section 254(b), HAVA, for purposes of administering the State's activities under this part, including information on fund management.
- Element 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, HAVA;
  - 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.
- Element 7 How the State, in using the requirements payment, will maintain the expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000.
- Element 8 How the State will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the State will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met.
- Element 9 A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under Section 402, HAVA.
- Element 10 If the State received any payment under Title I, a description of how such payment will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities.
- Element 11 How the State will conduct ongoing management of the plan, except that the State may not make any material change in the administration of the plan unless the change:
- A) Is developed and published in the Federal Register in accordance with Section 256, HAVA, in the same manner as the State plan;
  - B) Is subject to public notice and comment in accordance with Section 256, HAVA, in the same manner as the State plan; and
  - C) Takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A).
- Element 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.
- Element 13 A description of the committee which participated in the development of the State plan in accordance with Section 255, HAVA, and the procedures followed by the committee under such Section and Section 256, HAVA.

Source: State of Florida HAVA Plan.

## Appendix D

## Management Response

STATE OF FLORIDA  
DEPARTMENT OF STATEJEB BUSH  
*Governor*SUE M. COBB  
*Secretary of State*

June 15, 2006

Mr. William O. Monroe, CPA  
Auditor General  
G74 Claude Pepper Building  
111 West Madison Street  
Tallahassee, Florida 32399-1450

Dear Mr. Monroe:

Please find enclosed the Department of State's response to the Auditor General's May 30, 2006, Preliminary and Tentative Audit Findings on the Help America Vote Act (HAVA) and the Florida Voter Registration System (FVRS).

First I would like to thank you and your staff for the extraordinary effort that you have made to accommodate our request for this review of Florida's compliance with HAVA and the new FVRS. Despite a short timeframe and a very busy schedule, your team headed by Dorothy Gilbert, was courteous and thorough in their approach and handling of this assignment.

Over the course of the last two years the Department has been focused on meeting the January 2006 deadline imposed on all 50 states by HAVA. This effort has allowed little opportunity for the Department's staff to become familiar with all the nuances of a large Federal grant program. Your staff's expertise has afforded us the advantage of addressing these salient issues early in the life of this program and has allowed us to make the necessary adjustments to ensure our compliance with HAVA.

Please contact me at 245-6500 if you need further information or have additional questions.

Sincerely,

*Sue M. Cobb*

Sue M. Cobb, Secretary of State

Enclosure

Cc: David E. Mann, Assistant Secretary of State  
Heidi Hughes, Chief of Staff/General Counsel  
Kirby J. Mole, Inspector General  
Dawn K. Roberts, Director, Division of ElectionsR. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250  
Telephone: (850) 245-6500 • Facsimile: (850) 245-6125 • <http://www.dos.state.fl.us>

## Appendix D

## Management Response

Florida Department of State  
Response to Preliminary and Tentative Audit Findings  
Help America Vote Act (HAVA) and Florida Voter Registration System (FVRS)  
June 15, 2006

**HELP AMERICA VOTE ACT**

**Finding No. 1:** The Department did not have a procedure in place to evidence for the public record that voting systems being certified had met the requirements of Florida law.

**Response:** The Department agrees that the draft checklist should be completed and incorporated into the certification process to provide a visual aid to indicate compliance to the statutory elements. The checklist will be finalized and will be used in future certification tests.

**Finding No. 2:** The Department's established procedures did not prohibit the Secretary of State and any examiners from having a pecuniary (financial) interest in the examination of and approval of voting equipment.

**Response:** The Department will implement procedures to require that the Secretary of State and all persons employed by the Department who examine voting systems for compliance with the requirements of Section 101.5605, Florida Statutes, periodically certify in writing that they have no pecuniary interest in any voting equipment.

**Finding No. 3:** The Department did not maintain a current, reliable control listing of voting systems certified and in use by the counties. In addition, the Department did not have a procedure in place to ensure that voting system information was on file with the Department.

**Response:** The Division of Elections website containing the list of certified voting systems by county is updated based upon receipt of objective evidence (i.e., acquisition report) provided by the county Supervisor of Elections. The Division has attempted during the last two years to bring this list up to date. In the first attempt, the poor response from the counties forced the Division to contact the vendors in order to update this list. The second attempt during the past nine months has also not produced up to date information, despite an attempt by the Division to create a simple checklist to facilitate the filing of the acquisition reports.

The Department agrees that updated information from the counties is essential in determining whether the voting systems used by the counties meet the requirements of law. The Department will institute a process by which to periodically confirm with the Supervisor of Elections that the information they have filed with the Department is accurate and to confirm that all information required by law is on file with the Department.

**Finding No. 4:** The Department incorrectly calculated the required maintenance of effort that was included in the State of Florida HAVA Plan and also did not maintain the required level of expenditures for the 2004-05 fiscal year.

**Response:** The Department will update the State of Florida HAVA plan to reflect the revised required Maintenance of Effort (MOE) amounts. In addition, the Department will continue to review state expenditures in future years to ensure that the MOE threshold is exceeded. In future years, the level of state effort should exceed the required threshold, compensating for the \$7,630 MOE shortfall for the 2004-05 fiscal year.

## Appendix D

## Management Response

Florida Department of State  
Response to Preliminary and Tentative Audit Findings  
Help America Vote Act (HAVA) and Florida Voter Registration System (FVRS)  
June 15, 2006

**Finding No. 5:** Salary certifications required for employees who worked solely on the HAVA Program were not maintained. Also, personnel activity reports were not always maintained to support personnel costs charged to the HAVA Program.

**Response:** As indicated in the audit findings, the Department has begun a procedure for obtaining time certifications from employees in HAVA-funded positions. These certifications will be obtained on a semi-annual basis. If the Department becomes aware that any employee has worked on activities not related to the HAVA program, the costs associated with those other activities will be reimbursed to the HAVA program.

**Finding No. 6:** Contrary to Federal cost principles, payment for unused leave to a terminating employee was charged as a direct cost to the Program instead of being allocated as a general administrative expense to all activities of the governmental unit.

**Response:** The Department will seek further guidance from the cognizant Federal agency (the Elections Assistance Commission) on the proper disposition of unused leave payments. It should be noted that the proper disposition of unused leave payments may be impractical across agency lines, and sufficient resources may not be available in the Department's budgeted general administrative expense of the governmental unit. The Department will make every effort to distribute the salary expenditure appropriately, however availability of general revenue funds may require that the Department use specific program funds to comply with Federal cost principles.

**Finding No. 7:** Controls to ensure that voter education programs were in compliance with Florida law and Department rule were insufficient.

**Response:** It is the Department's understanding that HAVA funds paid to counties under the voter education program are not required to be expended for all elements shown in the Department's rule applicable to minimum standards for voter education. For many counties, especially the smaller rural counties, the amount of HAVA funds received for voter education programs is insufficient to cover the full costs of all elements in the rule. In these instances, counties must provide the additional funds needed to implement all voter education activities listed in the rule. Therefore, the Department has not required counties to include each element in the rule in their voter education plans. They have been required to include only the voter education activities that will be paid for with HAVA funds. However, the Department does recognize that counties are required to implement all of the elements of the rule and will monitor each county's activities as shown in their voter education reports following each general election to make sure that the required elements are completed.

In the future, the Department will closely monitor the counties' annual expenditure reports to ensure that the counties expend HAVA funds in accordance with approved plans and will require reimbursement for all expenditures not approved. Also, the Department will ensure that counties report the expenditures made with HAVA funds separately from expenditures made with county funds. Finally, the Department will make changes to its Memorandum of Agreement with the counties to implement these requirements.

**Finding No. 8:** HAVA Program expenditures were not always properly supported.

## Appendix D

## Management Response

Florida Department of State  
Response to Preliminary and Tentative Audit Findings  
Help America Vote Act (HAVA) and Florida Voter Registration System (FVRS)  
June 15, 2006

**Response:** The designated contract manager will review and certify that the request for payment is properly supported and contract requirements, milestones, and deliverables have been met prior to submitting the request to Budget and Financial Services. The accounts payable supervisor in Budget and Financial Services will verify the contract manager has certified that the request for payment is properly supported and the required milestones or deliverables have been met prior to issuing the payment.

**Finding No. 9:** The Department did not always follow Federal requirements with regards to awards to other State agencies.

**Response:** The Department will ensure that interagency agreements with state agencies utilizing HAVA funds include all of the information required by Federal standards. In addition, the Department will obtain the appropriate documentation to evidence the expenditures of HAVA funds by the other State agencies.

**FLORIDA VOTER REGISTRATION SYSTEM (FVRS)**

**Finding No. 10:** Improvements were needed in the Department's Information Technology (IT) risk management practices.

**Response:** Upon completion of the FVRS Risk Assessment the Department plans to implement policies and procedures to mitigate identified risks. Access to Department systems will be documented according to policy and maintained in a central location at the Central Computing Facility (CCF). Periodic reviews will be performed.

**Finding No. 11:** The Department had not adopted a governance model addressing the management, use, and operation of FVRS commensurate with its authority and responsibility to ensure the system's security, uniformity, and integrity.

**Response:** The Department plans to continue to work with the Supervisors of Elections in the development of a governance model. The Department Information Security Manager plans to continue to develop the System Security Plan (SSP) and formal training program. System log retention and review will be included in the SSP. Written system configuration and management guidelines will be developed and provided to the counties. The Department will continue to incorporate the FVRS into the Information Technology Disaster Response Plan and develop a statewide regional response COOP plan.

The Department will designate all employees within the Bureau of Voter Registration Services as positions of special trust and will take the necessary steps to insure that this issue is addressed appropriately.

**Finding No. 12:** Although the Department had put measures in place to help ensure the integrity of data in FVRS, improvements were needed in the processes for identifying duplicate registrations and ineligible voters.

**Response:** On May 1, 2006, the Department implemented a duplicate matching process to identify names of voters who appear more than one time on the FVRS. The first matching process identified all existing voters who appeared to be duplicates. This match produced 80,151 potential duplicates which were sent to the counties for evaluation. The duplicate matching process is now ongoing on a continual basis and

## Appendix D

## Management Response

**Florida Department of State  
Response to Preliminary and Tentative Audit Findings  
Help America Vote Act (HAVA) and Florida Voter Registration System (FVRS)  
June 15, 2006**

each time a new applicant is entered into the FVRS, a search is made to the existing voters to determine if the new applicant appears to be a duplicate.

The Department plans to expand the systematic felon matching of all existing registrations against all felony records as time and resources allow. The Department continues to coordinate with other agencies who are providing data for matching and verification purposes to increase the reliability and timeliness of the information. The Department also plans to develop a formal process to determine whether Supervisors of Elections have met record maintenance activities. The first certification is due to the Department by the Supervisors of Elections on July 31, 2006.



**Final Audit Resolution Report**

**Florida Single Audit – Assignment No. E-SA-FL-11-06**

**Attachment 2**

020757



STATE OF FLORIDA  
DEPARTMENT OF STATE

JEB BUSH  
Governor

SUE M. COBB  
Secretary of State

December 13, 2006

Sue M. Cobb, Secretary of State  
Florida Department of State  
R.A. Gray Building  
500 South Bronough Street  
Tallahassee, FL 32399-0250

Re: Follow-Up Review Applicable to Auditor General Report #2006-194, *Help America Vote Act (HAVA) and the Florida Voter Registration System (FVRS) – Operational.*

Dear Secretary Cobb:

Pursuant to Section 20.055(5)(g), Florida Statutes, the Office of Inspector General (OIG) conducted a follow-up review applicable to the Auditor General's Report as referenced above. We have attached a copy of our report for your review.

As required by law, we have published our report on the status of the corrective actions taken by the Department and filed a copy of such response with the Legislative Auditing Committee.

If you require additional information on this matter please contact me.

Sincerely,

Kirby J. Mole, CIA  
Inspector General

Att.

cc: Mr. Terry L. Shoffstall, Director, Legislative Auditing Committee  
Thomas Wilkey, Executive Director, U.S. Election Assistance Commission  
Derry Harper, Chief Inspector General, Executive Office of the Governor  
David E. Mann, Assistant Secretary of State  
Heidi Hughes, Chief of Staff/General Counsel  
Dawn Roberts, Director, Division of Elections  
Sarah Smith, Chief Information Officer

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**Office of Inspector General**  
**Follow-Up Review to Auditor General Report Number 2006-194**  
**Help America Vote Act (HAVA) and the**  
**Florida Voter Registration System (FVRS) - Operational**

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December 13, 2006

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The purpose of this follow up review is to report on the current status of corrective actions taken by the Department of State (Department) in response to the recommendations made by the Auditor General. The Auditor General's operational audit focused on the Department's administration of the Federal Help America Vote Act of 2002 during the period July 1, 2004, through February 28, 2006, and selected actions taken through May 23, 2006. Also, the audit included an evaluation of the effectiveness of selected controls related to the Florida Voter Registration System.

**Auditor General's Finding No. 1** The Department did not have a procedure in place to evidence for the public record that voting systems being certified had met the requirements of Florida law.

**Auditor General's Recommendation** We recommend that the Department finalize the *Checklist* and utilize it to document for the public record that its voting system certification procedures meet the requirements of Florida law.

**Department's Statement of Corrective Action(s) Implemented** The Bureau of Voting Systems Certification has finalized a test record checklist that includes an indication of compliance to the voting system's relevant statutory requirements. The final version of the test record checklist will be used for future certification efforts until the effective date of the 2007 revision to the Florida Voting System Standards. At that time, this checklist will be integrated into a larger certification test record that will track all the requirements of the 2007 Florida Voting System Standards.

**Status of Corrective Actions** The Department's Bureau of Voting Systems Certification has finalized the *Florida Voting Systems Certification Checklist & Test Record* and is utilizing it to evidence that voting systems certified by the Bureau met Florida Law.

**Auditor General's Finding No. 2** The Department's established procedures did not prohibit the Secretary of State and any examiners from having a pecuniary (financial) interest in the examination of and approval of voting equipment.

**Auditor General's Recommendation** We recommend that the Department establish procedures requiring the periodic affirmation of the absence of pecuniary and other conflicts of interests.

**Department's Statement of Corrective Action(s) Implemented** The Department has included a section in the Employee Handbook regarding 'Special Disclosure Requirements for Certain Employees in the Division of Elections, Bureau of Voting Systems Certification' concerning this

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issue. Pursuant to the section, employees in the Bureau of Voting Systems Certification are required to certify in writing that they do not have a pecuniary interest in any voting equipment.

The Department has developed a certification statement that employees who are involved in examining voting systems equipment for certification are required to sign. The certification statements are maintained in the Division of Elections.

**Status of Corrective Actions** The Department added a section to its Employee Handbook that prohibits the Secretary of State or any person who examines voting equipment for compliance with Section 101.5606, Florida Statutes, from having a pecuniary interest in such equipment. Also, certified statements applicable to pecuniary interests from the Secretary of State and employees of the Bureau of Voting Systems Certification were reviewed and are on file in the Division of Elections.

**Auditor General's Finding No. 3** The Department did not maintain a current, reliable control listing of voting systems certified and in use by the counties. In addition, the Department did not have a procedure in place to ensure that voting system information was on file with the Department.

**Auditor General's Recommendation** We recommend that the Department develop a current, reliable control listing; establish procedures to ensure that Supervisors of Elections submit all voting system information required by State law [Section 101.5607(1)(a), Florida Statutes]; and periodically confirm the accuracy of its listing with the Supervisors of Elections. Such confirmations should be made in connection with the Department's periodic reconciliation of its control listing to the voting systems information provided and on file at the Department.

**Department's Statement of Corrective Action(s) Implemented** The Bureau of Voting Systems Certification examined the voting system acquisition records for all 67 Florida counties. The Bureau identified the county records that were incomplete and/or obsolete.

In addition, the Bureau initiated an effort to actively pursue obtaining each county's current system acquisition information on a periodic basis. As each county's record became complete relative to the requirements of Section 101.5607(1)(a), Florida Statutes, the Bureau updated the voting system database to reflect this information. The information contained in this database is correct for all 67 counties and is available for public examination on the Division of Elections' website.

During this process, the Bureau created a work instruction to serve as guidance for ascertaining each county's current acquisition status, maintaining this information, and updating the relevant database. The work instruction is still under development.

**Status of Corrective Actions** The Bureau of Voting Systems Certification updated its information and created a control list of voting systems for all 67 counties. Also, the Bureau is drafting working instructions to specific procedures necessary to maintain an accurate and current voting system control list to be completed in the first quarter of 2007.

**Auditor General's Finding No. 4** The Department incorrectly calculated the required maintenance of effort that was included in the State of Florida HAVA Plan and also did not maintain the required level of expenditures for the 2004-05 fiscal year.

**Auditor General's Recommendation** The Department should update the State of Florida HAVA Plan to reflect the revised required MOE amount and ensure that the required MOE level is met each fiscal year in accordance with HAVA requirements.

**Department's Statement of Corrective Action(s) Implemented** The HAVA State Planning Committee held two meetings on September 21, 2006 and October 12, 2006 in order to revise the HAVA State Plan. The updated plan includes the revised maintenance of effort level that the state must maintain as required by HAVA. In addition, the Department conducted a review of FY 2005-06 expenditures and initial calculations indicate that expenditures exceeded the MOE threshold.

**Status of Corrective Actions** The Department has drafted an update to the State of Florida HAVA Plan which includes a section on maintenance of effort. The Department stated that the plan is required to be posted in the Federal Register for 30 days for public comments and anticipates completion in approximately two months.

**Auditor General's Finding No. 5** Salary certifications required for employees who worked solely on the HAVA Program were not maintained. Also, personnel activity reports were not always maintained to support personnel costs charged to the HAVA Program.

**Auditor General's Recommendation** We recommend that the Department's procedures ensure that required documentation supporting charges to the HAVA Program (including certifications and personnel activity reports) is properly and timely prepared and maintained. For any costs improperly charged to the HAVA Program, appropriate corrections should be made.

**Department's Statement of Corrective Action(s) Implemented** Salary Certification statements are obtained every six months from all employees filling a HAVA-funded position. The certifications are maintained in the Division of Elections.

**Status of Corrective Actions** The Division of Elections implemented a control procedure to ensure that all HAVA-funded employees signed salary certification forms.

**Auditor General's Finding No. 6** Contrary to Federal cost principles, payment for unused leave to a terminating employee was charged as a direct cost to the Program instead of being allocated as a general administrative expense to all activities of the governmental unit.

**Auditor General's Recommendation** We recommend that the Department, in compliance with Federal cost principles, allocate as a general administrative expense unused leave payments. We also recommend that, for any costs improperly charged to the HAVA Program, appropriate corrections be made.

**Department's Statement of Corrective Action(s) Implemented** The Department submitted a request for guidance to the U. S. Election Assistance Commission (EAC) regarding leave

payments to terminating employees. Pending receipt of a response from the EAC, all payments for unused leave to employees who have terminated from state government have been transferred from the Grants and Donations Trust Fund to General Revenue.

**Status of Corrective Actions** The Department has requested but not received guidance from the U.S. Election Assistance Commission. All payments made by the Department for leave due terminated employees were transferred to the General Revenue Fund.

**Auditor General's Finding No. 7** Controls to ensure that voter education programs were in compliance with Florida law and Department rule were insufficient.

**Auditor General's Recommendation** We recommend that the Department ensure that all Plans are in compliance with Department rules and *Agreements* and that voter education expenditures correspond with detailed descriptions in the Plans. In addition, we recommend the Department ensure that the matching expenditures are reported separately on the expenditure report.

**Department's Statement of Corrective Action(s) Implemented** The Department is preparing a survey regarding voter education activities that will be sent to all Supervisors of Elections following the 2006 general election. Information from the survey will be used to determine each county's compliance with elements listed in the Department's rule on minimum standards for voter education. The survey is organized so that counties will report voter education expenditures made with HAVA/state funds separately from expenditures made with county funds. As required by Section 98.255, Florida Statutes, the Department will prepare a report that will be available by January 31, 2007, regarding the voter education programs and activities conducted by Supervisors of Elections during the 2006 general election period.

The Department has revised the language in its memorandum of agreement with Supervisors of Elections in order to implement changes regarding voter education plans and reporting requirements.

**Status of Corrective Actions** The Department prepared a survey to obtain information from Supervisors of Elections applicable to voter educational activities and compliance with specific laws, rules, and agreements. The Department intends to compare the survey's information with the Supervisor's approved voter educational plans as part of its compliance monitoring procedures. Also, the Department will use the surveys to obtain the amount of expenditures made from county match and HAVA funds. On November 14, 2006, the Department sent the Supervisors of Elections a new memorandum of agreement that included these new survey procedures. On November 21, 2006, the Department sent the survey to the Supervisors of Elections.

**Auditor General's Finding No. 8** HAVA Program expenditures were not always properly supported.

**Auditor General's Recommendation** We recommend that the Department ensure that required contractual terms are met and services are received prior to payment. In addition, we recommend that the Department only pay contractors in amounts agreed upon by specific contract or purchase order.

**Department's Statement of Corrective Action(s) Implemented** Employees in the Office of Support Services will, upon receipt of a payment request or invoice, contact the contract manager if required documentation has not been received. Invoices will not be processed for payment until the contract manager certifies to Support Services that the deliverables have been met.

Working with the Office of Support Services, the accounts payable supervisor in the Budget and Financial Services Program checks for a certification that the required milestones and deliverables have been met. A payment will not be vouchered if the required certification is not included.

**Status of Corrective Actions** The Department has implemented the process as stated above to ensure receipt of deliverables and payment authorization.

**Auditor General's Finding No. 9** The Department did not always follow Federal requirements with regards to awards to other State agencies.

**Auditor General's Recommendation** We recommend that the Department take the necessary steps to ensure that the interagency agreements include all applicable Federal information and requirements and that appropriate monitoring is performed.

**Department's Statement of Corrective Action(s) Implemented** All interagency agreements entered into or renewed after July 1, 2006, between the Department of State and governmental agencies such as the Florida Department of Highway Safety and Motor Vehicles or the Florida Department of Law Enforcement as they pertain to HAVA funds for election administration and/or voting purposes shall:

- Include standard provisions relating to federal and state audit, monitoring and reporting requirements.
- Identify, for audit purposes, the title and number of the appropriate type of federal assistance program (known as the Catalog of Federal Domestic Assistance) from which the funds are being made available.
- Condition the receipt and use of HAVA funds on the submission, review, and approval of specified written certifications and plans for use of these funds or the inclusion of comprehensive written specifications or terms in return for receipt and use of the funds, whichever is applicable.
- Require the recipient of HAVA funds to report to the Department of State any change or deviation from any plan originally submitted for review and approval for receipt and use of such funds, or to require the mutual written agreement to modify any material change to written specifications or terms in the agreement.
- Require any governmental official or entity to receive federal HAVA funds to complete federal ED Form GCS-009, 6/88, "Certification Regarding Debarment, Suspension,

Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions” (created pursuant to Executive Order 12549 (46CFR 1183.35). Such form must be completed and submitted prior to the Department entering into or renewing any agreement.

Existing interagency agreements with Florida Department of Law Enforcement and Florida Department of Highway Safety and Motor Vehicles are currently under review and will be revised to include the above-referenced provisions since the Department’s and these agencies’ focus on Florida Voter Registration System has now evolved from development and implementation to operation and maintenance of the system.

**Status of Corrective Actions** As of this report date, the Department has not entered into any new agreements with the Florida Department of Law Enforcement or the Department of Highway Safety and Motor Vehicles. The Department is in the process of reviewing current agreements for appropriate revisions.

**Auditor General’s Finding No. 10** Improvements were needed in the Department’s Information Technology (IT) risk management practices.

**Auditor General’s Recommendation** Upon completion of the FVRS risk assessment, the Department should implement policies and procedures to mitigate identified risks, including ensuring that all access to Department systems is documented in a uniform manner according to policy, maintained in a central location, and periodically reviewed.

**Department’s Statement of Corrective Action(s) Implemented** A baseline Risk Assessment was completed on the FVRS in June 2006. A corrective action plan has been established and is in the execution phase. Additionally, a Department employee has been reassigned to the position of Information Security Administrator and Network Administrator.

IT Security Policies have been updated at the department level and authorization procedures have been updated.

**Status of Corrective Actions** On July 5, 2006, the Department received its final risk assessment report prepared by an independent contractor. Based upon this risk assessment the Department and the State Information Security Office prepared a corrective action plan. As of this date, the Department completed and continues to implement corrective actions identified in the plan. Also, the Department reassigned an employee to the position of Information Security Administrator and Network Administrator in order to enhance improvements needed in the Department’s information risk management practices as identified by the Auditor General. Finally, the Department prepared the FVRS Information Security Plan which is pending final approval from the Department’s senior management.

**Auditor General’s Finding No. 11** The Department had not adopted a governance model addressing the management, use, and operation of FVRS commensurate with its authority and responsibility to ensure the system’s security, uniformity, and integrity.



**Auditor General's Recommendation** The Department should, in coordination with the county Supervisors of Elections, adopt a governance model that includes security measures in support of, and for the protection of, the FVRS business purpose and the confidentiality, availability, and integrity of data contained therein. Specifically, written procedures should be established to address those areas noted above with consistent application to ensure the system's security, uniformity, and integrity.

**Department's Statement of Corrective Action(s) Implemented** The Department has created a System Security Plan (SSP). In addition, a memorandum of understanding regarding information security issues has been executed with each Supervisor of Elections.

The Division of Elections Continuity of Operations Plan is in the final stages of development and includes a regional response plan involving all Supervisors of Elections.

User audit capabilities have been improved and development in this area continues.

Each employee with access to FVRS or access to data of confidentiality has signed a strict standard of conduct regarding the protection and security of that data. The Department is reviewing the duties of positions with access to FVRS to determine which of these positions should be classified as positions of special trust.

**Status of Corrective Actions** The Department created a System Security Plan and executed, with each Supervisor of Elections, a *Memorandum of Agreement For Minimum Security Standards For The Florida Voter Registration System*. The Department is finalizing the *Division of Elections Continuity of Operations (COOP) Plan*, including a *Regional Response Plan* for all Supervisors of Elections. Also, each Department employee with access to FVRS or confidential data executed an acknowledgment statement titled, *Standards of Conduct Governing Access To The Florida Voter Registration System and Other Agency Records*.

**Auditor General's Finding No. 12** Although the Department had put measures in place to help ensure the integrity of data in FVRS, improvements were needed in the processes for identifying duplicate registrations and ineligible voters.

**Auditor General's Recommendation** The Department should implement FVRS matching functionality, as planned, to allow for systematic identification of possible duplicate voters. In addition, the Department should expand, as planned, current systematic felon matching to include matching of all existing registrations against all felony records. The Department should also implement a formalized process to determine if Supervisors of Elections have satisfactorily met certification requirements prescribed by Florida Statutes. Further, the Department should continue to work with agencies that supply the Department with data for matching and verification purposes to increase data reliability, integrity, and timeliness.

**Department's Statement of Corrective Action(s) Implemented** FVRS continues to perform a duplicate matching process on a continual basis which to date has identified 86,008 potential duplicates which have been sent to the counties for evaluation. The Division continues to work with the Supervisors of Elections' vendors of local election administration systems to streamline the duplicate matching process recognizing there will be programming adjustments necessary.

The Department developed a form for Supervisors of Elections to report list maintenance activities. Certifications regarding list maintenance activities have been received from all Supervisors of Elections covering activities between January 1, 2006 and June 30, 2006.

**Status of Corrective Actions** The Department implemented the FVRS matching functionality for systematic identification of possible duplicate voters and continues to work with the Supervisor of Elections to improve the matching process. However, as of this date, the Department has not expanded its current felon matching process to include registered voters prior to January 1, 2006, except for voters that incurred a change in their voter registration after January 1, 2006. The Department has stated its intent to expand its felon matching search based upon resources available. Also, the Department has developed a process to determine and document certification of voter registration activities by the Supervisors of Elections.



**FLORIDA DEPARTMENT *of* STATE**

Division of Elections

**Florida Voting Systems Certification  
Checklist & Test Record**

Ref: Florida Voting System Standards, Form DS-DE 101, Eff. 01/05

# Florida Voting Systems Certification Checklist

## 1.0 Voting System Description:

## 2.0 Certification Procedures

Application for  Certification or  Provisional Certification

### Summary of Certification Milestones

	Acceptance or Completion Date	DOE/BVSC Responsibility
<input type="checkbox"/> 2.1 Application (Final, including amended, if applicable)	_____	_____
<input type="checkbox"/> 2.2 Acceptance of the Application (10 workdays)	_____	_____
<i>Note: BVSC's review and applicant's remedies of deficiencies need not be documented here.</i>		
<input type="checkbox"/> 2.3 Examination of the Voting System	_____	_____
2.4 System Qualification Tests, required?	<input type="checkbox"/> Yes (full)	<input type="checkbox"/> Yes (limited) <input type="checkbox"/> No
<input type="checkbox"/> Phase I Test Plan	_____	_____
<input type="checkbox"/> Phase I Qualification Test	_____	_____
<input type="checkbox"/> Phase I Test Report (10 workdays)	_____	_____
<input type="checkbox"/> Phase II Test Plan (10 workdays)	_____	_____
<input type="checkbox"/> Phase II Qualification Test	_____	_____
<input type="checkbox"/> Phase II Test Report (10 workdays)	_____	_____
<input type="checkbox"/> 2.6 Qualification Test Report (10 workdays)	_____	_____
<input type="checkbox"/> 2.7 Issuance of Certificate	_____	_____
<input type="checkbox"/> 2.8 Retention of Materials	_____	_____

## 3.0 The Standards

### 3.1 Applicability

- Rule 1S-5.001, F.A.C.  
Florida Voting Systems Standards (FVSS), Form DS-DE-101
- Federal Election Commission 1990 Voting System Standards (FEC VSS)
- Federal Election Commission 2002 Voting System Standards (FEC VSS)
- EAC 2005 Voluntary Voting System Guidelines (EAC VVSG)

### 3.2 Acceptance of Independent Test Authority (ITA) Reports (10 workdays)

	Date Accepted	DOS/BVSC Reviewer
<input type="checkbox"/> Hardware/firmware qualification review and Test Report(s)	_____	_____

<input type="checkbox"/> Software/firmware source code review and Test Report(s)	_____	_____
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## Test Record

### 3.3.2 Voting Functions

#### 3.3.2.1 Polling Place Verification

Provides a means for verifying:

- Equipment is installed at the correct polling place
- Equipment is in its initialized state
- Equipment is ready for casting of ballots
- Proper execution is verified by means of an equipment-generated record, retained as part of the audit record

#### 3.3.2.2 Party Selection

- Allows casting for the party of choice in a primary election and for all non-partisan candidates and measures, while preventing voting for a candidate of another party
- Provides a means in a general election to select any candidate and to select any measure on the ballot

#### 3.3.2.3 Ballot Sub-setting

- Provides a means of disabling that portion of a ballot for which the voter is not entitled to vote

#### 3.3.2.4 Enabling the Ballot

- Provides a means for enabling the recording of votes

#### 3.3.2.5 Candidate and Measure Selection

- Method of voting complies with the following sections of **101.5606, F.S.**
  - (1) Permits and requires voting in secrecy.
  - (2) Permits each elector to vote at any election for all persons and offices for whom and for which the elector is lawfully entitled to vote, and no others; to vote for as many persons for an office as the elector is entitled to vote for; and to vote for or against any question upon which the elector is entitled to vote.
  - (3) Rejects a ballot where the number of votes for an office or measure exceeds the number which the voter is entitled to cast or where the tabulating equipment reads the ballot as a ballot with no votes cast.
  - (4) Accepts a rejected ballot pursuant to subsection (3) for a marksense ballot, if a voter chooses to cast the ballot, but records no vote for any office that has been overvoted or undervoted.
  - (5) Capable of correctly counting votes.

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- (6) Permits each voter at a primary election to vote only for the candidates seeking nomination by the political party in which such voter is registered, for any candidate for nonpartisan office, and for any question upon which the voter is entitled to vote.
- (7) Permits each elector by one operation, to vote for all presidential electors of a party or for all presidential electors of candidates for President and Vice President with no party affiliation.
- (8) Provides a method for write-in voting.
- (9) Capable of accumulating a count of the specific number of ballots tallied for a precinct, accumulating total votes by candidate for each office, and accumulating total votes for and against each question and issue of the ballots tallied for a precinct.
- (10) Capable of tallying votes from ballots of different political parties from the same precinct, in the case of a primary election.
- (11) Capable of automatically producing precinct totals in printed, marked, or punched form, or a combination thereof.
- (12) Permits each voter to change his or her vote for any candidate or upon any question appearing on the official ballot up to the time that the voter takes the final step to register his or her vote and to have the vote computed, if it is of a type which registers votes electronically.
- (13) Capable of providing records from which the operation of the voting system may be audited.
- (14) Uses a precinct-count tabulation system.
- (15) Does not use an apparatus or device for the piercing of ballots by the voter.



### 3.3.2.6 Standards for Equally Accessible Electronic Voter Interfaces

- Method of voting complies with the following sections of 101.56062, F.S.
  - (1) Has the capability to install accessible voter interface devices in the system configuration which allow the system to meet the following requirements:
    - (a) Provides a tactile input or audio input device, or both.
    - (b) Provides a method by which voters can confirm any tactile or audio input by having the capability of audio output using synthetic or recorded human speech that is reasonable phonetically accurate.
    - (c) Any operable controls on the input device which are needed for voters who are visually impaired must be discernible tactilely without actuating the keys.
    - (d) Audio and visual access approaches must be able to work both separately and simultaneously.
    - (e) If a non-audio access approach is provided, the system may not require color perception. The system must use black text or graphics, or both, on white background or white text or graphics, or both, on black background, unless the office of the Secretary of State approves other high-contrast color combinations that do not require color perception.
    - (f) Any voting system that requires any visual perception must offer the election official who programs the system, prior to its being sent to the polling place, the capability to set the font size, as it appears to the voter, from a minimum of 14 points to a maximum of 24 points.
    - (g) The voting system must provide audio information, including any audio output using synthetic or recorded human speech or any auditory feedback tones that are important for the use of the audio approach, through at least one mode, handset or headset, in enhanced auditory fashion (increased amplification) and must provide incremental volume control with output amplification up to a level of at least 97 dB SPL.
    - (h) For transmitted voice signals to the voter, the voting system must provide a gain adjustable up to a minimum of 20 dB with at least one intermediate step of 12 dB of gain.
    - (i) For the safety of others, if the voting system has the possibility of exceeding 120 dB SPL, then a mechanism must be included to reset the volume automatically to the voting system's default volume level after every use, for example when the handset is

replaced, but not before. Also, universal precautions in the use and sharing of the headsets should be followed.

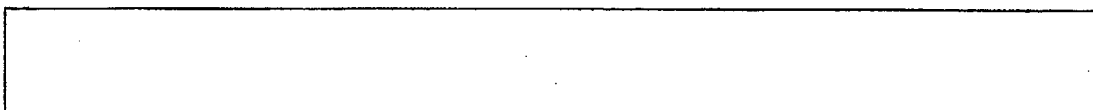
- (j) If sound cues and audible information such as "beeps" are used, there must be simultaneous corresponding visual cues and information.
- (k) Controls and operable mechanisms must be operable with one hand, including operability with a closed fist, and operable without tight grasping, pinching, or twisting of the wrist.
- (l) The force required to operate or activate the controls must be no greater than 5 pounds of force.
- (m) Voting booths must have voting controls at a minimum height of 36 inches above the finished floor with a minimum knee clearance of 27 inches high, 30 inches wide, and 19 inches deep, or the accessible voter interface devices must be designed so as to allow their use on top of a table to meet these requirements. Tabletop installations must include adequate privacy.



### 3.3.2.7 Audio Ballots

*Note: The functionalities required for the audio ballot may be satisfied by either the voting device or by the entire voting system.*

- Complies with standards for electronic voter interfaces
- Controls are discernable tactilely without actuating the controls
- Provide a voter operated volume control
- Method of voting complies with the following subsections of 101.56062(1)(n), F.S.
  - (1) After the initial instructions that the system requires election officials to provide to each voter, the voter should be able to independently operate the voter interface through the final step of casting a ballot without assistance.
  - (2) The voter must be able to determine the races that he or she is allowed to vote in and to determine which candidates are available in each race.
  - (3) The voter must be able to determine how many candidates may be selected in each race.
  - (4) The voter must be able to have confidence that the physical or vocal inputs given to the system have selected the candidates that he or she intended to select.
  - (5) The voter must be able to review the candidate selections that he or she has made.
  - (6) Prior to the act of casting the ballot, the voter must be able to change any selections previously made and confirm a new selection.
  - (7) The system must communicate to the voter the fact that the voter has failed to vote in a race or has failed to vote the number of allowable candidates in any race and require the voter to confirm his or her intent to undervote before casting the ballot.
  - (8) The system must prevent the voter from overvoting any race.
  - (9) The voter must be able to input a candidate's name in each race that allows a write-in candidate.
  - (10) The voter must be able to review his or her write-in input to the interface, edit that input, and confirm that the edits meet the voter's intent.
  - (11) There must be a clear, identifiable action that the voter takes to "cast" the ballot. The system must make clear to the voter how to take this action so that the voter has minimal risk of taking the action accidentally but, when the voter intends to cast the ballot, the action can be easily performed.
  - (12) Once the ballot is cast, the system must confirm to the voter that the action has occurred and that the voter's process of voting is complete.
  - (13) Once the ballot is cast, the system must preclude the voter from modifying the ballot cast or voting or casting another ballot.



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The Department has developed a certification statement that employees who are involved in examining voting systems equipment for certification are required to sign. The certification statements are maintained in the Division of Elections.

**Status of Corrective Actions** The Department added a section to its Employee Handbook that prohibits the Secretary of State or any person who examines voting equipment for compliance with Section 101.5606, Florida Statutes, from having a pecuniary interest in such equipment. Also, certified statements applicable to pecuniary interests from the Secretary of State and employees of the Bureau of Voting Systems Certification were reviewed and are on file in the Division of Elections.

**Auditor General's Finding No. 3** The Department did not maintain a current, reliable control listing of voting systems certified and in use by the counties. In addition, the Department did not have a procedure in place to ensure that voting system information was on file with the Department.

**Auditor General's Recommendation** We recommend that the Department develop a current, reliable control listing; establish procedures to ensure that Supervisors of Elections submit all voting system information required by State law [Section 101.5607(1)(a), Florida Statutes]; and periodically confirm the accuracy of its listing with the Supervisors of Elections. Such confirmations should be made in connection with the Department's periodic reconciliation of its control listing to the voting systems information provided and on file at the Department.

**Department's Statement of Corrective Action(s) Implemented** The Bureau of Voting Systems Certification examined the voting system acquisition records for all 67 Florida counties. The Bureau identified the county records that were incomplete and/or obsolete.

In addition, the Bureau initiated an effort to actively pursue obtaining each county's current system acquisition information on a periodic basis. As each county's record became complete relative to the requirements of Section 101.5607(1)(a), Florida Statutes, the Bureau updated the voting system database to reflect this information. The information contained in this database is correct for all 67 counties and is available for public examination on the Division of Elections' website.

During this process, the Bureau created a work instruction to serve as guidance for ascertaining each county's current acquisition status, maintaining this information, and updating the relevant database. The work instruction is still under development.

**Status of Corrective Actions** The Bureau of Voting Systems Certification updated its information and created a control list of voting systems for all 67 counties. Also, the Bureau is drafting working instructions to specific procedures necessary to maintain an accurate and current voting system control list to be completed in the first quarter of 2007.

**Auditor General's Finding No. 4** The Department incorrectly calculated the required maintenance of effort that was included in the State of Florida HAVA Plan and also did not maintain the required level of expenditures for the 2004-05 fiscal year.

**Auditor General's Recommendation** The Department should update the State of Florida HAVA Plan to reflect the revised required MOE amount and ensure that the required MOE level is met each fiscal year in accordance with HAVA requirements.

**Department's Statement of Corrective Action(s) Implemented** The HAVA State Planning Committee held two meetings on September 21, 2006 and October 12, 2006 in order to revise the HAVA State Plan. The updated plan includes the revised maintenance of effort level that the state must maintain as required by HAVA. In addition, the Department conducted a review of FY 2005-06 expenditures and initial calculations indicate that expenditures exceeded the MOE threshold.

**Status of Corrective Actions** The Department has drafted an update to the State of Florida HAVA Plan which includes a section on maintenance of effort. The Department stated that the plan is required to be posted in the Federal Register for 30 days for public comments and anticipates completion in approximately two months.

**Auditor General's Finding No. 5** Salary certifications required for employees who worked solely on the HAVA Program were not maintained. Also, personnel activity reports were not always maintained to support personnel costs charged to the HAVA Program.

**Auditor General's Recommendation** We recommend that the Department's procedures ensure that required documentation supporting charges to the HAVA Program (including certifications and personnel activity reports) is properly and timely prepared and maintained. For any costs improperly charged to the HAVA Program, appropriate corrections should be made.

**Department's Statement of Corrective Action(s) Implemented** Salary Certification statements are obtained every six months from all employees filling a HAVA-funded position. The certifications are maintained in the Division of Elections.

**Status of Corrective Actions** The Division of Elections implemented a control procedure to ensure that all HAVA-funded employees signed salary certification forms.

**Auditor General's Finding No. 6** Contrary to Federal cost principles, payment for unused leave to a terminating employee was charged as a direct cost to the Program instead of being allocated as a general administrative expense to all activities of the governmental unit.

**Auditor General's Recommendation** We recommend that the Department, in compliance with Federal cost principles, allocate as a general administrative expense unused leave payments. We also recommend that, for any costs improperly charged to the HAVA Program, appropriate corrections be made.

**Department's Statement of Corrective Action(s) Implemented** The Department submitted a request for guidance to the U. S. Election Assistance Commission (EAC) regarding leave

payments to terminating employees. Pending receipt of a response from the EAC, all payments for unused leave to employees who have terminated from state government have been transferred from the Grants and Donations Trust Fund to General Revenue.

**Status of Corrective Actions** The Department has requested but not received guidance from the U.S. Election Assistance Commission. All payments made by the Department for leave due terminated employees were transferred to the General Revenue Fund.

**Auditor General's Finding No. 7** Controls to ensure that voter education programs were in compliance with Florida law and Department rule were insufficient.

**Auditor General's Recommendation** We recommend that the Department ensure that all Plans are in compliance with Department rules and *Agreements* and that voter education expenditures correspond with detailed descriptions in the Plans. In addition, we recommend the Department ensure that the matching expenditures are reported separately on the expenditure report.

**Department's Statement of Corrective Action(s) Implemented** The Department is preparing a survey regarding voter education activities that will be sent to all Supervisors of Elections following the 2006 general election. Information from the survey will be used to determine each county's compliance with elements listed in the Department's rule on minimum standards for voter education. The survey is organized so that counties will report voter education expenditures made with HAVA/state funds separately from expenditures made with county funds. As required by Section 98.255, Florida Statutes, the Department will prepare a report that will be available by January 31, 2007, regarding the voter education programs and activities conducted by Supervisors of Elections during the 2006 general election period.

The Department has revised the language in its memorandum of agreement with Supervisors of Elections in order to implement changes regarding voter education plans and reporting requirements.

**Status of Corrective Actions** The Department prepared a survey to obtain information from Supervisors of Elections applicable to voter educational activities and compliance with specific laws, rules, and agreements. The Department intends to compare the survey's information with the Supervisor's approved voter educational plans as part of its compliance monitoring procedures. Also, the Department will use the surveys to obtain the amount of expenditures made from county match and HAVA funds. On November 14, 2006, the Department sent the Supervisors of Elections a new memorandum of agreement that included these new survey procedures. On November 21, 2006, the Department sent the survey to the Supervisors of Elections.

**Auditor General's Finding No. 8** HAVA Program expenditures were not always properly supported.

**Auditor General's Recommendation** We recommend that the Department ensure that required contractual terms are met and services are received prior to payment. In addition, we recommend that the Department only pay contractors in amounts agreed upon by specific contract or purchase order.

**Department's Statement of Corrective Action(s) Implemented** Employees in the Office of Support Services will, upon receipt of a payment request or invoice, contact the contract manager if required documentation has not been received. Invoices will not be processed for payment until the contract manager certifies to Support Services that the deliverables have been met.

Working with the Office of Support Services, the accounts payable supervisor in the Budget and Financial Services Program checks for a certification that the required milestones and deliverables have been met. A payment will not be vouchered if the required certification is not included.

**Status of Corrective Actions** The Department has implemented the process as stated above to ensure receipt of deliverables and payment authorization.

**Auditor General's Finding No. 9** The Department did not always follow Federal requirements with regards to awards to other State agencies.

**Auditor General's Recommendation** We recommend that the Department take the necessary steps to ensure that the interagency agreements include all applicable Federal information and requirements and that appropriate monitoring is performed.

**Department's Statement of Corrective Action(s) Implemented** All interagency agreements entered into or renewed after July 1, 2006, between the Department of State and governmental agencies such as the Florida Department of Highway Safety and Motor Vehicles or the Florida Department of Law Enforcement as they pertain to HAVA funds for election administration and/or voting purposes shall:

- Include standard provisions relating to federal and state audit, monitoring and reporting requirements.
- Identify, for audit purposes, the title and number of the appropriate type of federal assistance program (known as the Catalog of Federal Domestic Assistance) from which the funds are being made available.
- Condition the receipt and use of HAVA funds on the submission, review, and approval of specified written certifications and plans for use of these funds or the inclusion of comprehensive written specifications or terms in return for receipt and use of the funds, whichever is applicable.
- Require the recipient of HAVA funds to report to the Department of State any change or deviation from any plan originally submitted for review and approval for receipt and use of such funds, or to require the mutual written agreement to modify any material change to written specifications or terms in the agreement.
- Require any governmental official or entity to receive federal HAVA funds to complete federal ED Form GCS-009, 6/88, "Certification Regarding Debarment, Suspension,

Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions” (created pursuant to Executive Order 12549 (46CFR 1183.35). Such form must be completed and submitted prior to the Department entering into or renewing any agreement.

Existing interagency agreements with Florida Department of Law Enforcement and Florida Department of Highway Safety and Motor Vehicles are currently under review and will be revised to include the above-referenced provisions since the Department’s and these agencies’ focus on Florida Voter Registration System has now evolved from development and implementation to operation and maintenance of the system.

**Status of Corrective Actions** As of this report date, the Department has not entered into any new agreements with the Florida Department of Law Enforcement or the Department of Highway Safety and Motor Vehicles. The Department is in the process of reviewing current agreements for appropriate revisions.

**Auditor General’s Finding No. 10** Improvements were needed in the Department’s Information Technology (IT) risk management practices.

**Auditor General’s Recommendation** Upon completion of the FVRS risk assessment, the Department should implement policies and procedures to mitigate identified risks, including ensuring that all access to Department systems is documented in a uniform manner according to policy, maintained in a central location, and periodically reviewed.

**Department’s Statement of Corrective Action(s) Implemented** A baseline Risk Assessment was completed on the FVRS in June 2006. A corrective action plan has been established and is in the execution phase. Additionally, a Department employee has been reassigned to the position of Information Security Administrator and Network Administrator.

IT Security Policies have been updated at the department level and authorization procedures have been updated.

**Status of Corrective Actions** On July 5, 2006, the Department received its final risk assessment report prepared by an independent contractor. Based upon this risk assessment the Department and the State Information Security Office prepared a corrective action plan. As of this date, the Department completed and continues to implement corrective actions identified in the plan. Also, the Department reassigned an employee to the position of Information Security Administrator and Network Administrator in order to enhance improvements needed in the Department’s information risk management practices as identified by the Auditor General. Finally, the Department prepared the FVRS Information Security Plan which is pending final approval from the Department’s senior management.

**Auditor General’s Finding No. 11** The Department had not adopted a governance model addressing the management, use, and operation of FVRS commensurate with its authority and responsibility to ensure the system’s security, uniformity, and integrity.

**Auditor General's Recommendation** The Department should, in coordination with the county Supervisors of Elections, adopt a governance model that includes security measures in support of, and for the protection of, the FVRS business purpose and the confidentiality, availability, and integrity of data contained therein. Specifically, written procedures should be established to address those areas noted above with consistent application to ensure the system's security, uniformity, and integrity.

**Department's Statement of Corrective Action(s) Implemented** The Department has created a System Security Plan (SSP). In addition, a memorandum of understanding regarding information security issues has been executed with each Supervisor of Elections.

The Division of Elections Continuity of Operations Plan is in the final stages of development and includes a regional response plan involving all Supervisors of Elections.

User audit capabilities have been improved and development in this area continues.

Each employee with access to FVRS or access to data of confidentiality has signed a strict standard of conduct regarding the protection and security of that data. The Department is reviewing the duties of positions with access to FVRS to determine which of these positions should be classified as positions of special trust.

**Status of Corrective Actions** The Department created a System Security Plan and executed, with each Supervisor of Elections, a *Memorandum of Agreement For Minimum Security Standards For The Florida Voter Registration System*. The Department is finalizing the *Division of Elections Continuity of Operations (COOP) Plan*, including a *Regional Response Plan* for all Supervisors of Elections. Also, each Department employee with access to FVRS or confidential data executed an acknowledgment statement titled, *Standards of Conduct Governing Access To The Florida Voter Registration System and Other Agency Records*.

**Auditor General's Finding No. 12** Although the Department had put measures in place to help ensure the integrity of data in FVRS, improvements were needed in the processes for identifying duplicate registrations and ineligible voters.

**Auditor General's Recommendation** The Department should implement FVRS matching functionality, as planned, to allow for systematic identification of possible duplicate voters. In addition, the Department should expand, as planned, current systematic felon matching to include matching of all existing registrations against all felony records. The Department should also implement a formalized process to determine if Supervisors of Elections have satisfactorily met certification requirements prescribed by Florida Statutes. Further, the Department should continue to work with agencies that supply the Department with data for matching and verification purposes to increase data reliability, integrity, and timeliness.

**Department's Statement of Corrective Action(s) Implemented** FVRS continues to perform a duplicate matching process on a continual basis which to date has identified 86,008 potential duplicates which have been sent to the counties for evaluation. The Division continues to work with the Supervisors of Elections' vendors of local election administration systems to streamline the duplicate matching process recognizing there will be programming adjustments necessary.

The Department developed a form for Supervisors of Elections to report list maintenance activities. Certifications regarding list maintenance activities have been received from all Supervisors of Elections covering activities between January 1, 2006 and June 30, 2006.

**Status of Corrective Actions** The Department implemented the FVRS matching functionality for systematic identification of possible duplicate voters and continues to work with the Supervisor of Elections to improve the matching process. However, as of this date, the Department has not expanded its current felon matching process to include registered voters prior to January 1, 2006, except for voters that incurred a change in their voter registration after January 1, 2006. The Department has stated its intent to expand its felon matching search based upon resources available. Also, the Department has developed a process to determine and document certification of voter registration activities by the Supervisors of Elections.



**STATE OF FLORIDA  
DEPARTMENT OF STATE**

**JEB BUSH**

*Governor*

**SUE M. COBB**

*Secretary of State*

December 13, 2006

Sue M. Cobb, Secretary of State  
Florida Department of State  
R.A. Gray Building  
500 South Bronough Street  
Tallahassee, FL 32399-0250

Re: Follow-Up Review Applicable to Auditor General Report #2006-194, *Help America Vote Act (HAVA) and the Florida Voter Registration System (FVRS) – Operational..*

Dear Secretary Cobb:

Pursuant to Section 20.055(5)(g), Florida Statutes, the Office of Inspector General (OIG) conducted a follow-up review applicable to the Auditor General's Report as referenced above. We have attached a copy of our report for your review.

As required by law, we have published our report on the status of the corrective actions taken by the Department and filed a copy of such response with the Legislative Auditing Committee.

If you require additional information on this matter please contact me.

Sincerely,

Kirby J. Mole, CIA  
Inspector General

Att.

cc. Mr. Terry L. Shoffstall, Director, Legislative Auditing Committee  
Thomas Wilkey, Executive Director, U.S. Election Assistance Commission  
Derry Harper, Chief Inspector General, Executive Office of the Governor  
David E. Mann, Assistant Secretary of State  
Heidi Hughes, Chief of Staff/General Counsel  
Dawn Roberts, Director, Division of Elections  
Sarah Smith, Chief Information Officer

**R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250  
Telephone: (850) 245-6500 • Facsimile: (850) 245-6125 • <http://www.dos.state.fl.us>**

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**FLORIDA DEPARTMENT *of* STATE**

Division of Elections

# Florida Voting Systems Certification Checklist & Test Record

Ref: Florida Voting System Standards, Form DS-DE 101, Eff. 01/05

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# Florida Voting Systems Certification Checklist

## 1.0 Voting System Description:

## 2.0 Certification Procedures

Application for  Certification or  Provisional Certification

### Summary of Certification Milestones

	Acceptance or Completion Date	DOE/BVSC Responsibility
<input type="checkbox"/> 2.1 Application (Final, including amended, if applicable)	_____	_____
<input type="checkbox"/> 2.2 Acceptance of the Application (10 workdays)	_____	_____
<i>Note: BVSC's review and applicant's remedies of deficiencies need not be documented here.</i>		
<input type="checkbox"/> 2.3 Examination of the Voting System	_____	_____
2.4 System Qualification Tests, required?	<input type="checkbox"/> Yes (full)	<input type="checkbox"/> Yes (limited) <input type="checkbox"/> No
<input type="checkbox"/> Phase I Test Plan	_____	_____
<input type="checkbox"/> Phase I Qualification Test	_____	_____
<input type="checkbox"/> Phase I Test Report (10 workdays)	_____	_____
<input type="checkbox"/> Phase II Test Plan (10 workdays)	_____	_____
<input type="checkbox"/> Phase II Qualification Test	_____	_____
<input type="checkbox"/> Phase II Test Report (10 workdays)	_____	_____
<input type="checkbox"/> 2.6 Qualification Test Report (10 workdays)	_____	_____
<input type="checkbox"/> 2.7 Issuance of Certificate	_____	_____
<input type="checkbox"/> 2.8 Retention of Materials	_____	_____

## 3.0 The Standards

### 3.1 Applicability

- Rule 1S-5.001, F.A.C.  
Florida Voting Systems Standards (FVSS), Form DS-DE-101
- Federal Election Commission 1990 Voting System Standards (FEC VSS)
- Federal Election Commission 2002 Voting System Standards (FEC VSS)
- EAC 2005 Voluntary Voting System Guidelines (EAC VVSG)

### 3.2 Acceptance of Independent Test Authority (ITA) Reports (10 workdays)

- |   | Date<br>Accepted | DOS/BVSC<br>Reviewer |
|---|------------------|----------------------|
| <input type="checkbox"/> Hardware/firmware qualification review<br>and Test Report(s) | _____            | _____                |

- |   |       |       |
|---|-------|-------|
| <input type="checkbox"/> Software/firmware source code review<br>and Test Report(s) | _____ | _____ |
|---|-------|-------|

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## Test Record

### 3.3.2 Voting Functions

#### 3.3.2.1 Polling Place Verification

Provides a means for verifying:

- Equipment is installed at the correct polling place
- Equipment is in its initialized state
- Equipment is ready for casting of ballots
- Proper execution is verified by means of an equipment-generated record, retained as part of the audit record

#### 3.3.2.2 Party Selection

- Allows casting for the party of choice in a primary election and for all non-partisan candidates and measures, while preventing voting for a candidate of another party
- Provides a means in a general election to select any candidate and to select any measure on the ballot

#### 3.3.2.3 Ballot Sub-setting

- Provides a means of disabling that portion of a ballot for which the voter is not entitled to vote

#### 3.3.2.4 Enabling the Ballot

- Provides a means for enabling the recording of votes

#### 3.3.2.5 Candidate and Measure Selection

- Method of voting complies with the following sections of **101.5606**, F.S.
  - (1) Permits and requires voting in secrecy.
  - (2) Permits each elector to vote at any election for all persons and offices for whom and for which the elector is lawfully entitled to vote, and no others; to vote for as many persons for an office as the elector is entitled to vote for; and to vote for or against any question upon which the elector is entitled to vote.
  - (3) Rejects a ballot where the number of votes for an office or measure exceeds the number which the voter is entitled to cast or where the tabulating equipment reads the ballot as a ballot with no votes cast.
  - (4) Accepts a rejected ballot pursuant to subsection (3) for a marksense ballot, if a voter chooses to cast the ballot, but records no vote for any office that has been overvoted or undervoted.
  - (5) Capable of correctly counting votes.

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- (6) Permits each voter at a primary election to vote only for the candidates seeking nomination by the political party in which such voter is registered, for any candidate for nonpartisan office, and for any question upon which the voter is entitled to vote.
- (7) Permits each elector by one operation, to vote for all presidential electors of a party or for all presidential electors of candidates for President and Vice President with no party affiliation.
- (8) Provides a method for write-in voting.
- (9) Capable of accumulating a count of the specific number of ballots tallied for a precinct, accumulating total votes by candidate for each office, and accumulating total votes for and against each question and issue of the ballots tallied for a precinct.
- (10) Capable of tallying votes from ballots of different political parties from the same precinct, in the case of a primary election.
- (11) Capable of automatically producing precinct totals in printed, marked, or punched form, or a combination thereof.
- (12) Permits each voter to change his or her vote for any candidate or upon any question appearing on the official ballot up to the time that the voter takes the final step to register his or her vote and to have the vote computed, if it is of a type which registers votes electronically.
- (13) Capable of providing records from which the operation of the voting system may be audited.
- (14) Uses a precinct-count tabulation system.
- (15) Does not use an apparatus or device for the piercing of ballots by the voter.



### 3.3.2.6 Standards for Equally Accessible Electronic Voter Interfaces

- Method of voting complies with the following sections of **101.56062, F.S.**
  - (1) Has the capability to install accessible voter interface devices in the system configuration which allow the system to meet the following requirements:
    - (a) Provides a tactile input or audio input device, or both.
    - (b) Provides a method by which voters can confirm any tactile or audio input by having the capability of audio output using synthetic or recorded human speech that is reasonable phonetically accurate.
    - (c) Any operable controls on the input device which are needed for voters who are visually impaired must be discernible tactilely without actuating the keys.
    - (d) Audio and visual access approaches must be able to work both separately and simultaneously.
    - (e) If a non-audio access approach is provided, the system may not require color perception. The system must use black text or graphics, or both, on white background or white text or graphics, or both, on black background, unless the office of the Secretary of State approves other high-contrast color combinations that do not require color perception.
    - (f) Any voting system that requires any visual perception must offer the election official who programs the system, prior to its being sent to the polling place, the capability to set the font size, as it appears to the voter, from a minimum of 14 points to a maximum of 24 points.
    - (g) The voting system must provide audio information, including any audio output using synthetic or recorded human speech or any auditory feedback tones that are important for the use of the audio approach, through at least one mode, handset or headset, in enhanced auditory fashion (increased amplification) and must provide incremental volume control with output amplification up to a level of at least 97 dB SPL.
    - (h) For transmitted voice signals to the voter, the voting system must provide a gain adjustable up to a minimum of 20 dB with at least one intermediate step of 12 dB of gain.
    - (i) For the safety of others, if the voting system has the possibility of exceeding 120 dB SPL, then a mechanism must be included to reset the volume automatically to the voting system's default volume level after every use, for example when the handset is

replaced, but not before. Also, universal precautions in the use and sharing of the headsets should be followed.

- (j) If sound cues and audible information such as "beeps" are used, there must be simultaneous corresponding visual cues and information.
- (k) Controls and operable mechanisms must be operable with one hand, including operability with a closed fist, and operable without tight grasping, pinching, or twisting of the wrist.
- (l) The force required to operate or activate the controls must be no greater than 5 pounds of force.
- (m) Voting booths must have voting controls at a minimum height of 36 inches above the finished floor with a minimum knee clearance of 27 inches high, 30 inches wide, and 19 inches deep, or the accessible voter interface devices must be designed so as to allow their use on top of a table to meet these requirements. Tabletop installations must include adequate privacy.

### 3.3.2.7 Audio Ballots

*Note: The functionalities required for the audio ballot may be satisfied by either the voting device or by the entire voting system.*

- Complies with standards for electronic voter interfaces
- Controls are discernable tactilely without actuating the controls
- Provide a voter operated volume control
- Method of voting complies with the following subsections of **101.56062(1)(n)**, F.S.
  - (1) After the initial instructions that the system requires election officials to provide to each voter, the voter should be able to independently operate the voter interface through the final step of casting a ballot without assistance.
  - (2) The voter must be able to determine the races that he or she is allowed to vote in and to determine which candidates are available in each race.
  - (3) The voter must be able to determine how many candidates may be selected in each race.
  - (4) The voter must be able to have confidence that the physical or vocal inputs given to the system have selected the candidates that he or she intended to select.
  - (5) The voter must be able to review the candidate selections that he or she has made.
  - (6) Prior to the act of casting the ballot, the voter must be able to change any selections previously made and confirm a new selection.
  - (7) The system must communicate to the voter the fact that the voter has failed to vote in a race or has failed to vote the number of allowable candidates in any race and require the voter to confirm his or her intent to undervote before casting the ballot.
  - (8) The system must prevent the voter from overvoting any race.
  - (9) The voter must be able to input a candidate's name in each race that allows a write-in candidate.
  - (10) The voter must be able to review his or her write-in input to the interface, edit that input, and confirm that the edits meet the voter's intent.
  - (11) There must be a clear, identifiable action that the voter takes to "cast" the ballot. The system must make clear to the voter how to take this action so that the voter has minimal risk of taking the action accidentally but, when the voter intends to cast the ballot, the action can be easily performed.
  - (12) Once the ballot is cast, the system must confirm to the voter that the action has occurred and that the voter's process of voting is complete.
  - (13) Once the ballot is cast, the system must preclude the voter from modifying the ballot cast or voting or casting another ballot.

COL A12		COL A14		COL A15		COL A16		COL A14-A12		CODES
AGY FNL REQ FY 2007-08 POS	AMOUNT	AGY AMD REQ FY 2007-08 POS	AMOUNT	AGY AMD N/R FY 2007-08 POS	AMOUNT	AGY AMD ANZ FY 2007-08 POS	AMOUNT	AGY AMD REQ FY 2007-08 OVER (UNDER)	AGY FNL REQ FY 2007-08 POS	
STATE, DEPT OF										45000000
PGM: ELECTIONS										45100000
ELECTIONS										45100200
GOV OPERATIONS/SUPPORT										16
GOVERNMENTAL OPERATIONS										1501.00.00.00
STATE MATCH FOR HELP AMERICA VOTE ACT (HAVA)										4600000
ADDITIONAL STATE MATCH FOR HELP AMERICA VOTE ACT (HAVA)										4600100
SPECIAL CATEGORIES										100000
TR/GRANTS & DONATIONS TF										103954
GENERAL REVENUE FUND										
-STATE			375,776		375,776				375,776	1000 1

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AGENCY ISSUE NARRATIVE:

2007-2008 BUDGET YEAR NARRATIVE:

IT COMPONENT? NO

"Amended 2007-08 Narrative after February 2, 2007"

A routine audit by the Auditor General of the State of Florida has determined that the State is short of the required Help America Vote Act (HAVA) state match by the above amount. The State referred to a U.S. Election Assistance Commission Office of the Inspector General Report on the Administration of HAVA payments by the Illinois State Board of Elections. The calculation methodology was different than that used by the State of Florida and included in the HAVA Planning Committee report, leaving the State short of the required match. Florida calculated match based on multiplying the total of HAVA requirements by 5% and matching that amount. Below is a table detailing the correct calculation and showing the shortage.

Section 251 Revenue Received	\$	47,416,833
Section 251 Revenue Received	\$	85,085,258
Subtotal	\$	132,502,091
Multiply by .95	\$	139,475,885
Less 251 Payments	\$	132,502,091
Required 5%	\$	6,973,794
State of Florida Match @ 5% of Sec. 251	\$	6,628,018
Additional Match Required for 251	\$	345,776
<hr/>		
Estimated interest lost	\$	30,000
Total Issue	\$	375,776

"Summary: This is a new issue."

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	COL A12		COL A14		COL A15		COL A16		COL A14-A12 AGY AMD REQ FY 2007-08 OVER (UNDER) AGY FNL REQ FY 2007-08		CODES
	POS	AMOUNT	POS	AMOUNT	POS	AMOUNT	POS	AMOUNT	POS	AMOUNT	
STATE, DEPT OF											45000000
PGM: ELECTIONS											45100000
ELECTIONS											45100200
GOV OPERATIONS/SUPPORT											16
GOVERNMENTAL OPERATIONS											1601.00.00.00
STATE MATCH FOR HELP AMERICA VOTE ACT (HAVA)											4600000
ADDITIONAL STATE MATCH FOR HELP AMERICA VOTE ACT (HAVA)											4600100
SPECIAL CATEGORIES											100000
TR/GRANTS & DONATIONS TF											103954
GENERAL REVENUE FUND -STATE				375,776		375,776				375,776	1000 1

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AGENCY ISSUE NARRATIVE:

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<hr/>		
Estimated interest lost	\$	30,000
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"Summary: This is a new issue."

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# STATE OF FLORIDA HAVA PLAN

UPDATE JUNE 2004



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*As required by the*

HELP AMERICA VOTE ACT  
OF 2002 (HAVA)

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STATE OF FLORIDA  
DEPARTMENT OF STATE

JEB BUSH  
*Governor*

GLEND A. HOOD  
*Secretary of State*

September 3, 2004

DeForest B. Soaries, Jr., Chairman  
Election Assistance Commission  
1225 New York Avenue, N.W., Suite 1100  
Washington, D.C. 20005

Dear Mr. Soaries:

As Chief Election Officer of the State, I am pleased to present the State of Florida's HAVA Plan which has been revised for FY 2004. As indicated in the initial Plan submitted in 2003, Florida has already succeeded in meeting many of the requirements in HAVA. During Florida's Fiscal Year 2003-04, a number of additional requirements were met including the development of performance goals and measures. These are reflected in the revised Plan.

Florida's revised plan was developed through the Help America Vote Act Planning Committee, a group of dedicated individuals representing various constituency groups throughout the State. This Committee developed Florida's original HAVA Plan and agreed to serve again in 2004. Although the Florida Department of State does not necessarily agree with all of the Committee's recommendations and conclusions, I commend the Committee for its continuing hard work and diligence in developing revisions to the Plan.

The revised Plan recognizes that additional resources are required in order for our Supervisors of Elections to provide continuing voter education to the citizens of the State, to recruit qualified poll workers, and to provide the necessary training for those workers. As chief Election Officer, I am committed to working closely with and supporting our Supervisors as we continue to ensure Florida voters have every confidence that their vote counts.

We have accepted the Committee's work without revision, however, we will revise and update the Plan as necessary to reflect the progress made in implementing HAVA and to chart the future goals and plans for elections. We look forward to continuing our election reform efforts to make this state the model for elections reform throughout the nation.

Sincerely,

A handwritten signature in cursive script that reads "Glenda E. Hood".

Glenda E. Hood

Office of the Secretary

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## **Introduction**

Since the aftermath of the General Election of 2000, Florida has led the nation in its election reform efforts to ensure that every registered voter should have the opportunity to vote and to ensure that every vote counts.

The goal is perfection. Reaching that goal in an ever changing democracy and within a diverse population is an ongoing task that requires constant experimentation and learning. The people and the leadership of Florida have dedicated themselves to this course of action.

The struggle for improving our election process reveals itself in many ways. Citizens have increased their involvement by serving on local and State election task forces, researching new voting technologies, debating new standards for poll worker training, increasing voter education opportunities, and registering new voters. The people of Florida continue to make election reform a top priority.

The leadership of Florida has also acted decisively. Florida has enacted legislative and local reforms during the last two years that lead the nation. These reforms include cutting-edge voting system standards, millions of dollars for new voting technology, expanded voter education efforts, and thousands of newly trained poll workers. A statewide poll taken the day of the 2002 General Election found that Floridians gave high marks to the election reform changes including a 91% "excellent-good" rating for poll workers and an 88% confidence rating from voters that their votes will count. These results are not "perfect," but Florida is moving in a positive direction to make all facets of the election process better each time an election is held.

With the passage and signing of the Help America Vote Act of 2002 (HAVA) on October 29, 2002, election reform will spread throughout the nation. The new federal law asks States to develop election reform plans that will improve election administration in many areas. Florida embraces the new federal law and hopes that other States will use it as an opportunity to share new election reform ideas and practices with one another.

The people of Florida have learned many things about election reform. Yet, there are enduring principles which are reflected within many recommendations and changes of Florida's election reform efforts. These principles were developed by Florida's first task force in the aftermath of the 2000 General Election:

### **Enduring Principles of Elections**

- **Elections are first and foremost acts of millions of individual people: citizens who register and vote; candidates who offer themselves and their platforms for public judgment; poll workers who put in long days at precincts; and election officials who**

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supervise the process. Honest, responsible, intelligent people will make most technology systems work well.

- Voting should be a simple, convenient and friendly process that encourages each citizen to express his or her choices.
- Voting systems should be designed to determine voter intent, to the extent that is humanly possible.
- Voting methods for statewide and national elections should meet uniform standards and national standards for fairness, reliability and equal protection of voting opportunity.
- Elections must meet two competing objectives: certainty (making every vote count accurately) and finality (ending elections so that governing can begin).
- While voting should be individual and private, procedures for counting and challenging votes should be open, transparent, and easily documented to ensure public confidence in the results.

Fulfilling the promises of these enduring principles will require continued vigilance and action. With this HAVA Plan, Florida continues its journey to mount an increasingly open and fair system of determining the will of the people.

The Help America Vote Act of 2002 requires all States to develop and implement a statewide plan. Listed below are the thirteen primary elements that must be addressed in the plan.

**Help America Vote Act of 2002 (HAVA)**

Public Law 107-252 – October 29, 2002

**SEC. 254. STATE PLAN.**

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

**Element 1.**

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

**Element 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



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- B) The methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under paragraph (8).

**Element 3.**

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

**Element 4.**

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

**Element 5.**

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

**Element 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.

**Element 7.**

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

**Element 8.**

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

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**Element 9.**

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

**Element 10.**

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

**Element 11.**

How the State will conduct ongoing management of the plan, except that the State may not make any material change in the administration of the plan unless the change —

- A) Is developed and published in the Federal Register in accordance with section 255 in the same manner as the State plan;
- B) Is subject to public notice and comment in accordance with section 256 in the same manner as the State plan; and
- C) Takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A).

**Element 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.

**Element 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.

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## Element 1. Use of Title III Requirements Payments:

### A. Voting Systems

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

#### **Introduction**

Following the 2000 General Election, the people of Florida made a concerted effort to improve all facets of its election procedures, standards and voting systems. The first major changes were the recommendations advanced by the 2001 Governor's Select Task Force on Election Procedures, Standards and Technology followed by the passage of the Florida Election Reform Act of 2001. A central component of Florida's new election law mandated the replacement of punch card voting systems, lever machines, paper ballots and central count optical scanning systems with precinct tabulated Marksense voting systems or the Direct Recording Electronic voting systems. The new voting systems were put into service to reduce voter error, to improve tabulation accuracy, and to restore voter confidence in Florida's elections.

Florida has adopted voting system standards which meet and exceed standards established by the Federal Election Commission. Florida's voting system standards are reviewed every two years to determine whether they are adequate and effective in carrying out fair and impartial elections. The Bureau of Voting Systems Certification within the Department of State has statutory authority to adopt rules which establish minimum standards for voting systems purchased and used in Florida. Florida's 67 counties have authority to purchase and to maintain the appropriate certified voting system for their registered voters. Since 2001, the State of Florida has provided \$24 million to assist counties in purchasing new certified voting systems.

Only two types of voting systems are certified for use in Florida's 67 counties— Direct Recording Electronic (DRE or "touchscreen") voting systems and Marksense with precinct-based tabulation.

There are three manufacturers who have certified voting systems for use in Florida: Diebold; Elections Systems and Software, Inc. (ES&S); and Sequoia Voting Systems, Inc. (SP). The Diebold system that has been certified by the State of Florida consists of a Global Election Management System Software (GEMS) Voting System consisting of GEMS, Release 1-18-19; one or more AccuVote TS R6 Touch Screen Ballot Station Version 4.3.15D (Windows CE 3.0) devices; one or more AccuVote-OS Optical Scan Tabulators with Firmware Version 1.94w and VLR firmware 13.9; Key Card Tool Version 1.0.1; Voter Card Encoder Version 1.3.2; and optionally one or more AccuFeed units, Revision D or E OS (optical scan) Firmware 1.94w.

The following chart details the types of voting systems used in Florida, the respective manufacturer, and the number of counties using the voting systems.

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**DRE Voting Systems (“touchscreen”)  
 And Number of Florida Counties in Use  
 For Precinct Voting**

<b>DRE VOTING SYSTEM MANUFACTURER</b>	<b>COUNTIES (PRECINCT VOTING)</b>
ES&S Voting System Release 3	6
ES&S Voting System Release 4.2	5
SP AVC Edge Voting System	4
Diebold Election Systems, Inc. 2003 B (Blended) + (Plus Audio)	0
<b>TOTAL</b>	<b>15</b>

**Marksense Voting Systems (“optical scanning”)  
 And Number of Counties in Use  
 For Precinct and Absentee Voting**

<b>MARKSENSE VOTING SYSTEM MANUFACTURER</b>	<b>COUNTIES (PRECINCT VOTING)</b>	<b>COUNTIES (ABSENTEE VOTING)</b>
Diebold AccuVote ES 2001 B	30	30
ES&S Voting System Release 1.1	2	2
ES&S Voting System Release 2.1	1	1
ES&S Voting System Release 3	4	10
ES&S Voting System Release 3.2	1	1
ES&S Voting System Revised Release 3.1	3	3
ES&S Voting System Release 4.2	3	8
ES&S Optech IIP Eagle	2	2
ES&S Optech IIP/Optech IVC	5	5
SP Optech III-P Eagle	1	1
SP AVC Edge Voting System	0	4
<b>TOTAL</b>	<b>52</b>	<b>67</b>

The Help America Vote Act of 2002 (HAVA) establishes new minimum requirements for administering federal elections. These new voting system requirements are found in Title III of the federal law. The new requirements shape the performance and the administration of voting systems. Florida is in compliance with many of these new federal directives and these are addressed in the HAVA State Plan.

Section 301(a) of HAVA requires that Florida’s voting systems meet the following requirements by January 1, 2006. Florida will be in compliance with all of these requirements by the federal deadline of January 1, 2006.

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## Section 301(a) Voting System Standards and Requirements

**Section 301(a)(1)(A)(i): Do Florida's voting systems permit the voter to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted?**

**Yes, and no further actions are required.**

Section 101.5606(1), *Florida Statutes*, states that no voting system in Florida shall be approved by the Department of State unless it "permits and requires voting in secrecy."

Florida Voting System Standards (April 2002) state that "the voter must be able to review the candidate selections, which he or she has made. Prior to the act of casting a ballot, the voter must be able to change any selection previously made and confirm the new selection." (p. 21)

Florida Voting System Standards (April 2002) state that the voting function standards applicable to all Electronic Voter Interfaces must provide "after the initial instructions, which the system requires election officials to provide to each voter, the voter should be able to independently operate the voter interface through the final step of casting a ballot without assistance." (p. 20)

**Section 301(a)(1)(A)(ii): Do Florida's voting systems provide the voter with the opportunity in a private and independent manner to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct the error)?**

**Yes, and no further actions are required.**

Florida Voting System Standards (April 2002) state that "the voter must be able to review the candidate selections, which he or she has made. Prior to the act of casting a ballot, the voter must be able to change any selection previously made and confirm the new selection." (p. 21)

Section 101.5606(12), *Florida Statutes*, requires that electronic voting systems should "permit each voter to change his or her vote for any candidate or upon any question appearing on the official ballot up to the time that the voter takes the final step to register his or her vote and to have the vote computed."

Section 101.5608(2)(b), *Florida Statutes*, requires that "Any voter who spoils his or her ballot or makes an error may return the ballot to the election official and secure another ballot, except that in no case shall a voter be furnished more than three ballots. If the vote tabulation device has rejected the ballot, the ballot shall be considered spoiled and a new ballot shall be provided to the voter unless the voter chooses to cast the rejected ballot. The election official, without examining the original ballot, shall state the possible reasons for the rejection and shall provide

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instruction to the voter pursuant to s. 101.5611. A spoiled ballot shall be preserved, without examination, in an envelope provided for that purpose. The stub shall be removed from the ballot and placed in the envelope.”

Section 101.5611(1), *Florida Statutes*, requires that the “supervisor of elections shall provide instruction on the proper method of casting a ballot for the specific voting system utilized in that jurisdiction. Such instruction shall be provided at a place which voters must pass to reach the official voting booth.”

**Section 301(a)(1)(A)(iii): If the voter selects votes for more than one candidate for a single office, do Florida’s voting systems: (1) notify the voter that the voter has selected more than one candidate for a single office on the ballot; (2) notify the voter before the ballot is cast and counted of the effect of casting the multiple votes for the office; and (3) provide the voter with the opportunity to correct the ballot before the ballot is cast?**

**Yes, and no further actions are required.**

Section 101.5606(3), *Florida Statutes*, requires voting systems to immediately reject “a ballot where the number of votes for an office or measure exceeds the number which the voter is entitled to cast or where the tabulating equipment reads the ballot as a ballot with no votes cast.”

Section 101.5606(4), *Florida Statutes*, requires that systems using paper ballots accept a rejected ballot if the voter chooses to cast the ballot after it has been rejected, but the ballot will record no vote for any office that has been overvoted or undervoted.

Section 101.5608(2)(b), *Florida Statutes*, provides that “Any voter who spoils his or her ballot or makes an error may return the ballot to the election official and secure another ballot, except that in no case shall a voter be furnished more than three ballots. If the vote tabulation device has rejected the ballot, a ballot shall be considered spoiled and a new ballot shall be provided to the voter unless the voter chooses to cast the rejected ballot. The election official, without examining the original ballot, shall state the possible reasons for the rejection and shall provide instruction to the voter pursuant to s. 101.5611. A spoiled ballot shall be preserved, without examination, in an envelope provided for that purpose. The stub shall be removed from the ballot and placed in an envelope.”

Section 101.5611(1), *Florida Statutes*, requires that the “supervisor of elections shall provide instruction on the proper method of casting a ballot for the specific voting system utilized in that jurisdiction. Such instruction shall be provided at a place which voters must pass to reach the official voting booth.”

Florida Voting System Standards (April 2002) state that “the system must prevent the voter from over voting any race.” In addition, “there must be a clear, identifiable action, which the voter takes to ‘cast’ the ballot. The system must make clear to the voter how to take this action, such

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that the voter has minimal risk of taking the action accidentally, but when the voter intends to cast the ballot, the action can be easily performed.” (p. 21)

Florida Voting System Standards (April 2002) state that “Marksense systems shall reject blank ballots and ballots with overvoted races. Electronic voter interfaces shall prevent a voter from overvoting a race, and shall provide a means of indicating, to the voter, any races that may have been undervoted before the last step necessary to cast the ballot.” (p. 22)

**Section 301(a)(1)(B): Does Florida’s mail-in absentee and mail-in ballot process meet the requirements of subparagraph (A)(iii) by: (i) establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple ballots for an office; and (ii) providing the voter instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error)?**

**Yes, and no further actions are required.**

The Florida Legislature has amended Section 101.65, *Florida Statutes*, to require the instructions for absentee voters to include the following language:

*Mark only the number of candidates or issue choices for a race as indicated on the ballot. If you are allowed to “Vote for One” candidate and you vote for more than one candidate, your vote in that race will not be counted.*

In addition, Rule 1S-2.032, *Florida Administrative Code (F.A.C.)*, (Uniform and General Election Ballot Design) instructs all voters on how to correct their ballots and how to request a replacement ballot if the voter is unable to change or correct the original ballot.

Instructions on how to correct the error through issuance of a replacement ballot are:

*If you make a mistake, don’t hesitate to ask for a new ballot. If you erase or make other marks, your vote may not count.*

The HAVA Planning Committee also suggested that absentee voters should be given clear notification that the deadline for submitting absentee ballots is by 7:00 p.m. of election night and that mailing the ballot may not ensure that it will arrive in time to be counted.

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**Section 301(a)(1)(C): Does Florida's absentee and mail-in ballot process preserve the privacy of the voter and the confidentiality of the ballot?**

**Yes, and no further actions are required.**

Section 101.65, *Florida Statutes*, requires supervisors of elections to enclose with each absentee ballot a separate printed instruction form, a secrecy envelope, a Voter's Certificate and a mailing envelope. The instructions provide the following guidelines:

- Mark your ballot in secret as instructed on the ballot. You must mark your own ballot unless you are unable to do so because of blindness, disability, or inability to read or write.
- Place your ballot in the enclosed secrecy envelope.
- Insert your secrecy envelope into the enclosed mailing envelope which is addressed to the supervisor.

Section 101.68(2)(d), *Florida Statutes*, contains a detailed policy and procedure instructing the local canvassing boards in the manner of handling absentee ballots to ensure that the confidentiality of the ballot is maintained.

**Section 301(a)(2)(A): Do Florida voting systems produce a record for audits?**

**Section 301(a)(2)(B): Do the voting systems produce a permanent paper record with a manual audit capacity?**

**Section 301(a)(2)(C): Is the paper record produced in subparagraph (A) available as an official record for any recount conducted with respect to any election in which the system is used?**

**Yes, and no further actions are required.**

The HAVA Planning Committee determined through research conducted by staff, through testimony offered by Congressional staff, and through testimony given by staff from the Division of Elections that Florida complies with the HAVA audit requirement. Florida voting system standards require DRE machines to maintain a random sorted file of ballot images for every vote cast, and they also have to maintain detailed logs for each election from the time they are first programmed for an election until the results are copied to archival media. Certified voting systems in Florida are required to print out a paper tape of summary totals in each precinct. The paper record is produced to reconcile the consolidated totals for the county in the event of a recount.

Staff from the Division of Elections testified before the HAVA Planning Committee that Florida's State and local security measures make it highly unlikely any tampering could take place with the voting systems. In addition, staff also testified that Florida's certified voting

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systems are tested in public forums for logic and accuracy before the election. There are also thorough procedural and security controls in place at the local level to safeguard against someone tampering with the voting systems. The Division of Elections' staff cited Rule 1S-2.015(5)(m)3.a., *F. A. C.*, relating to minimum election security procedures which requires the "printing of precinct results and results from individual tabulating devices" for every election. In addition, the Florida Legislature has authorized the Department of State to promulgate rules which would require supervisors to check those paper totals against electronic totals during machine recounts. The following statutes and rules lay the groundwork for Florida's ability to comply with the audit requirements of HAVA:

Section 101.015(5)(a), *Florida Statutes*, requires the Department of State to adopt rules which establish standards for voting systems, including audit capabilities.

Section 101.5606(11 & 13), *Florida Statutes*, requires the Department of State to approve only voting systems that are capable of automatically producing precinct totals in printed, marked, or punched form or a combination thereof. The voting systems must be capable of providing records from which the operating system of the voting system may be audited.

Florida Voting System Standards (April 2002) provide general functional requirements of voting systems which "shall include the capability to produce records, generated by the system components, or in some cases, by the system operators from which all operations may be audited. Except for the storage of vote images, which shall be maintained in a random sequence, the records shall be created and maintained in the sequence in which the operations were performed." (pp. 16-17)

Florida Voting System Standards (April 2002) require precinct count systems to provide a means for obtaining a printed report of the votes counted on each voting device, and to provide a means for extracting this information to a transportable memory device or data storage medium. (p. 23)

Florida Voting System Standards (April 2002) require the generation of reports by the system to be performed in a manner which does not erase or destroy any ballot image, parameter, tabulation or audit log data. The system shall provide a means for assuring the maintenance of data integrity and security for a period of at least 22 months after the closing of the polls. (p. 24)

Section 102.166(5)(d), *Florida Statutes*, requires the Department of State to adopt detailed rules prescribing additional manual recount procedures for each certified voting system which shall be uniform to the extent practicable. The rules shall address, at a minimum, the following areas:

- Security of ballots during the recount process
- Time and place of recounts
- Public observance of recounts

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- Objections to ballot determinations
- Record of recount proceedings
- Procedures relating to candidate and petitioner representatives

**Section 301(a)(3)(A): Does Florida have certified voting systems 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?**

**Section 301(a)(3)(B): Does Florida meet the requirement in subparagraph (A) through the use of at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place?**

**Partially meets, and further actions are required.**

In 2001, the Secretary of State appointed a task force to conduct a comprehensive review of Florida's election laws and procedures. The task force recommended legislation to insure that Florida's voters with disabilities could fully exercise their right to a secret ballot, as guaranteed by Florida's Constitution. Many of the recommendations of the task force were passed by the Legislature and signed into law by Governor Bush in 2002 and are found in Chapter 2002-281, *Laws of Florida*. Several sections of the law, including sections setting forth specific standards that voting systems must meet, did not become effective immediately, however. They were made contingent on further appropriations by the Legislature, in expectation of the receipt of federal funding as now provided in HAVA.

HAVA requires that all voting systems be accessible to persons with disabilities by January 1, 2006, but does not specifically define what is required to accomplish this. HAVA's definition of what constitutes a voting system, however, found in Section 301(b), is comprehensive. Florida has already done the difficult and time consuming work of defining what makes a Florida voting system accessible for persons with disabilities and these standards are found in Chapter 2002-281, *Laws of Florida*. However, as noted above, many sections are not currently in effect. Some slight additional changes to Florida law will need to be made to include provisional ballots, which HAVA requires to be accessible, within Florida's accessibility requirements.

Not only has Florida already enacted much of the required accessibility reforms required by HAVA, but the intent of the Legislature to comply fully with Federal requirements is clearly set out in statute. Section 101.56063, *Florida Statutes*, provides that:

It is the intent of the Legislature that this state be eligible for any funds that are available from the Federal Government to assist states in providing or improving accessibility of voting systems and polling places for persons having a disability. Accordingly, all state laws, rules, standards, and codes governing voting systems and polling place accessibility must be maintained to ensure the state's eligibility to receive federal funds. It is the intent

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of the Legislature that all state requirements meet or exceed the minimum federal requirements for voting systems and polling place accessibility.

In addition to the above, Florida must take steps now in the certification and system procurement processes to insure that it is able to meet the HAVA requirements in time. HAVA requires that voting systems themselves, not just Florida law, must meet the accessibility requirements by January 1, 2006. The HAVA Planning Committee heard testimony from Division of Elections' staff who cautioned that Florida cannot compel any voting systems vendor to bring equipment to the State for certification. Staff testimony further noted that the lack of available certifiable equipment has been a significant problem in the past that continues to the present. With the proper incentives for vendors and tools for counties to require compliance with accessibility standards, Florida will be able to comply with HAVA requirements by January 1, 2006.

Accordingly, the HAVA Planning Committee recommends that the Division, beginning immediately, require that all new certified voting systems comply with the requirements of Section 101.56062, *Florida Statutes*. Further, any purchase of a voting system by a governmental entity after July 1, 2004 should be required to include a contract for future upgrades and sufficient equipment to meet the requirements of Section 101.56062 and Section 101.5606, *Florida Statutes*. Finally, all voting systems in use as of January 1, 2006, should be required to be both certified to meet, and be deployed in a configuration that meets, the requirements of Section 101.56062 and Section 101.5606, *Florida Statutes*.

The Florida Legislature during the 2004 Session triggered the accessibility standards found in Chapter 2002-281 by making HAVA funds available to counties through the Department of State. The language is as follows:

From the funds in Specific Appropriation 2871I, \$11,600,000 shall be distributed by the Department of State to county supervisors of elections for the purchase of Direct Recording Equipment (DRE) or other state approved equipment that meets the standards for disability requirements which is accessible to persons with disabilities to ensure that each county has one accessible voting system for each polling place.

The funds are to be distributed according to the number of machines that are accessible for persons with disabilities that are needed in order for each county to have one per polling place. No supervisor of elections shall receive any funds until the county supervisor of elections certifies to the Department of State: 1) the number of precincts in the county; 2) the number of polling places in the county; 3) the number of voting machines the county has that meet the disability requirement; 4) the county's plan for purchasing the DRE's; and 5) the date that the county anticipates being in compliance. The Department of State will determine the number of DRE's needed in each county based on the certifications provided by the supervisors of elections. Any county that receives funds from Specific Appropriation 2871I that is not in compliance with the accessibility requirements in Section 301(a)(3) Title III of the Help America Vote Act by January 1, 2006, shall be required to return those funds to the State.

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The HAVA Planning Committee encourages the Legislature to continue to support accessible voting for persons with disabilities by mandating that provisional ballots for voters with disabilities shall be provided to them by a system that meets the requirements of Section 101.56062, *Florida Statutes*, by January 1, 2006.

The HAVA Planning Committee encourages the Legislature to continue to support accessible voting for persons with disabilities by enacting a HAVA Implementation Bill which immediately requires:

- A. All electronic and electromechanical voting systems certified by the State must meet the requirements of Section 101.56062, *Florida Statutes*, (except subsection (1)(d), which is exempted in the statute);
- B. Any purchase of a voting system by any county, municipality or by the State must include a contract for future upgrades and sufficient equipment to meet the requirements of Section 101.56062 and Section 101.5606, *Florida Statutes*; and
- C. All electronic and electromechanical voting systems in use on or after January 1, 2006 must be certified to meet and be deployed in a configuration which meets the requirements of Section 101.56062 and Section 101.5606, *Florida Statutes*.

The HAVA Planning Committee also discussed polling place accessibility even though this topic is not required to be addressed in the HAVA plan. It was noted that the State of Florida has taken the initiative to contract with the Disability Relations Group to help it comply with HAVA. In addition, the Division of Elections has applied for polling place accessibility funding with the U.S. Department of Health and Human Services. The Division of Elections has been awarded two grants in the amount of \$687,278 and of \$492,941.

Several members of the HAVA Planning Committee also noted there is a sense of urgency to bring polling places into compliance. One Committee member referred to a recent United States Supreme Court decision that requires government to comply with the Americans With Disabilities Act. The HAVA Planning Committee recommended that the State of Florida address the polling place issue quickly by asking the Governor to provide emergency funding to bring polling places into ADA compliance.

**Section 301(a)(3)(C): Will Florida purchase voting systems with funds made available under Title II on or after January 1, 2007, that meet the voting system standards for disability access (as outlined in this paragraph)?**

**Yes, and no further actions are required.**

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**Section 301(a)(4): Does Florida have certified voting systems that provide alternative language accessibility pursuant to the requirements of Section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa-1a)?**

**Yes, and no further actions are required.**

In order to be certified for use in Florida, DRE voting systems must provide alternative language accessibility for all interfaces in order to meet the requirements of Section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa through 1a). Florida Voting System Standards (April 2002) require that all configurations must support all voter interface functions in at least the following languages: English, Spanish, and Haitian Creole. (p. 22)

Counties using Marksense voting systems must meet the requirements of Section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa through 1a) by printing ballots in the required languages.

**Section 301(a)(5): Does Florida have certified voting systems that comply with the error rate standards established under section 3.2.1 of the voting systems standards issued by the Federal Elections Commission which are in effect on the date of the enactment of this Act?**

**Yes, and no further actions are required.**

Florida Voting System Standards (April 2002) contain voting system accuracy standards which exceed the error standards established by the Federal Elections Commission. (pp. 35-36)

**Section 301(a)(6): Has Florida adopted uniform and nondiscriminatory standards that define what constitutes a vote and what will be counted as a vote for each category of voting systems used in the State?**

**Yes, and no further actions are required.**

Section 102.166(5)(a), *Florida Statutes*, states that "a vote for a candidate or ballot measure be counted if there is a clear indication on the ballot that the voter has made a definite choice."

Section 102.166(5)(b), *Florida Statutes*, requires the Department of State to "adopt specific rules for each certified voting system prescribing what constitutes a 'clear indication on the ballot that the voter has made a definite choice.' The rules may not:

1. Exclusively provide that the voter must properly mark or designate his or her choice on the ballot; or
2. Contain a catch-all provision that fails to identify specific standards, such as 'any other mark or indication clearly indicating that the voter has made a definite choice.'"

Rule 1S-2.027, *F. A. C.*, entitled "Clear Indication of Voters Choice on a Ballot" provides specific standards for determining votes on optical scan ballots.

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## Element 1. Use of Title III Requirements Payments: B. Provisional Voting and Voting Information

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

### **Section 302(a) Provisional Voting Requirements**

The Help America Vote Act of 2002 (HAVA) requirements for provisional voting state that if an individual declares that he or she is a registered voter in the jurisdiction in which they are attempting to vote but their name does not appear on the official list of eligible voters, they are to be permitted to cast a provisional ballot.

**Section 302(a)(1) Do Florida's election laws require election officials at the polling place to notify individuals that they may cast a provisional ballot?**

**Yes, and no further actions are required.**

Section 101.031(2), *Florida Statutes*, states that the supervisor of elections in each county shall have posted at each polling place in the county the Voter's Bill of Rights and Responsibilities. Included in the Voter's Bill of Rights is the right of each registered voter to cast a provisional ballot, if his or her registration is in question.

The Division of Elections' Polling Place Procedures Manual instructs poll workers to read informational signs that appear in print on the walls of the polling place and to offer magnifying sheets for visually impaired voters.

In addition, modifications to Section 101.043(3), *Florida Statutes*, were included in Chapter 2003-415, *Laws of Florida*, which was effective January 1, 2004. This change provided that certain first-time voters would be allowed to vote a provisional ballot.

**Section 302(a)(2) Do Florida's election laws state that any person attempting to vote whose name does not appear on the official list of eligible voters be permitted to cast a provisional ballot at the polling place upon the execution of a written affirmation by the individual that they are: (A) a registered voter in the jurisdiction in which the individual desires to vote; and (B) eligible to vote in that election.**

**Yes, and no further actions are required.**

Section 101.048(1), *Florida Statutes*, states that any voter claiming to be properly registered and eligible to vote, but whose eligibility cannot be determined, will be given a provisional ballot. A Provisional Ballot Voter's Certificate and Affirmation must be completed by the individual casting a provisional ballot indicating that they are registered to vote and are a qualified voter of

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the county in which they are attempting to vote, and that they have not previously voted in the election.

In addition, according to Section 101.048(2), *Florida Statute*, if it is determined that the person voting the provisional ballot was not registered or entitled to vote at the precinct where the person cast a vote in the election, the provisional ballot shall not be counted and the ballot shall remain in the envelope containing the Provisional Ballot Voter's Certificate and Affirmation and the envelope shall be marked "Rejected as Illegal."

Currently, in Florida, in order for provisional ballots to count they must be cast in the precinct in which the voter is registered. This means that votes for President, U.S. Senate or other statewide officials such as Governor and Attorney General, would not be counted if a voter cast a provisional ballot at a wrong precinct.

Under HAVA, Section 302 requires: If an individual states that [s/he] is a registered voter in the jurisdiction in which the individual desires to vote and that the individual is eligible to vote in an election for Federal office, but the name of the individual does not appear on the official list of eligible voters for the polling place...such individual shall be permitted to cast a provisional ballot...

(2) The individual shall be permitted to cast a provisional ballot at that polling place upon the execution of a written affirmation ...stating that the individual is—

- (A) a registered voter in the jurisdiction in which the individual desired to vote;
- and
- (B) eligible to vote in that election.

HAVA does not define jurisdiction, but the National Voter Rights Act (NVRA) defines jurisdiction for federal purposes as the largest geographic area governed by a unit of government (municipality or larger) that performs all the functions of a voting registrar. The HAVA Planning Committee concludes that the provisional ballot set forth in HAVA reinforces protections that the NVRA affords voters who move within the registrar's jurisdiction without updating their registration information, the ability to vote. The HAVA Planning Committee would like to offer Florida voters this same certainty and recommends to the Florida Legislature that the meaning of the term "jurisdiction" in Florida Statutes be changed from "precinct" to "county."

**Section 302(a)(3) Do Florida's election laws require a completed provisional ballot be given to an appropriate State or local election official to determine whether the individual is eligible under State law to vote?**

Yes, and no further actions are required.

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Section 101.048(1), *Florida Statutes*, states that all provisional ballots are placed in a secrecy envelope and then sealed in a provisional ballot envelope. All provisional ballots shall remain sealed in their envelopes for return to the supervisor of elections.

Section 101.048(2)(a), *Florida Statutes*, states the county canvassing board shall examine each provisional ballot envelope to determine if the person voting that ballot was entitled to vote at the precinct where the person cast a vote in the election and that the person had not already cast a ballot in the election.

**Section 302(a)(4) Is the provisional ballot counted if the appropriate State or local election official determines the individual is eligible under State law to vote?**

**Yes, and no further actions are required.**

Section 101.048(2)(b)1, *Florida Statutes*, states that if it is determined that the person was registered and entitled to vote at the precinct where the person cast a ballot, the canvassing board will compare the signature on the provisional ballot envelope with the signature on the voter's registration record and, if it matches, will count the ballot.

**Section 302(a)(5)(A) Are the individuals who cast a provisional ballot given written information that states that any individual who casts a provisional ballot will be able to ascertain whether the vote was counted and, if not, the reason that the vote was not counted?**

**Yes, and no further actions are required.**

Section 101.048(5)(6), *Florida Statutes*, provides that each person casting a provisional ballot shall be given written instructions and information on how to determine whether their vote was counted.

**Section 302(a)(5)(B) Has the appropriate State or local election official established a free access system to provide this information to individuals casting provisional ballots?**

**Yes, and no further actions are required.**

Section 101.048(5)(6), *Florida Statutes*, requires each supervisor of elections to establish a free access system that allows each person who casts a provisional ballot to determine whether his or her provisional ballot was counted in the final canvass of votes and, if not, the reasons why.

Section 101.048, *Florida Statutes*, states:

(5) Each person casting a provisional ballot shall be given written instructions regarding the free access system established pursuant to subsection (6). The instructions shall contain information

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on how to access the system and the information the voter will need to provide to obtain information on his or her particular ballot. The instructions shall also include the following statement: "If this is a primary election, you should contact the supervisor of elections' office immediately to confirm that you are registered and can vote in the general election."

(6) Each supervisor of elections shall establish a free access system that allows each person who casts a provisional ballot to determine whether his or her provisional ballot was counted in the final canvass of votes and, if not, the reasons why. Information regarding provisional ballots shall be available no later than 30 days following the election. The system established must restrict information regarding an individual ballot to the person who cast the ballot.

It is recommended that each county, as a minimum, provide to voters who cast provisional ballots written notification by mail informing them of whether their ballot was counted and, if not, why it was not counted. Supervisors of elections are also strongly encouraged to develop a toll-free number or access to this information via the Internet.

Each supervisor of elections has established the free access system for their county.

**Section 302(a)(5)(B) Has the appropriate State or local official established procedures to protect the security, confidentiality and integrity of the personal information collected and stored by the free access system, restricting access to the individual who cast the ballot?**

**Yes, and no further actions are required.**

Section 101.048, *Florida Statutes*, requires the free access system established by the supervisors of elections to restrict access to information regarding an individual ballot to the person who cast the ballot.

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

HAVA requirements for voting information state that the appropriate State or local election official shall cause voting information to be publicly posted at each polling place on the day of each election for Federal office.

**Section 302(b)(2)(A) Is a sample version of the ballot that will be used for that election posted?**

**Yes, and no further actions are required.**

Section 101.20, *Florida Statutes*, states that two sample ballots shall be furnished to each polling place by the officer whose duty it is to provide official ballots. The sample ballots shall be in the form of the official ballot as it will appear at the polling place on election day. Sample ballots shall be open to inspection by all electors in any election.

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**Section 302(b)(2)(B) Is information regarding the date of the election and the hours during which polling places will be open posted on election day?**

**Yes, and no further actions are required.**

Information such as the hours of operation of polling places and the date of the election are provided on instructional cards and sample ballots. Section 101.031, *Florida Statutes*, requires the Department of State, or in case of municipal elections the governing body of the municipality, to print, in large type on cards, instructions for the electors to use in voting. Each supervisor of elections shall send a sufficient number of these cards to the precincts prior to an election. The election inspectors shall display the cards in the polling places as information for electors. The cards shall contain information about how to vote and such other information as the Department of State may deem necessary.

Currently, all cards that are posted in polling places include the hours the polls will be opened.

Section 101.20(1), *Florida Statutes*, states that two sample ballots shall be furnished to each polling place by the officer whose duty it is to provide official ballots. Sample ballots shall be open to inspection by all electors in any election, and a sufficient number of reduced-size ballots may be furnished to election officials so that one may be given to any elector desiring same.

Currently, all sample ballots posted in polling places include the date of the election.

**Section 302(b)(2)(C) Are instructions on how to vote, including how to cast a vote and how to cast a provisional ballot posted on election day?**

**Yes, and no further actions are required.**

Section 101.031, *Florida Statutes*, states the Department of State, or in case of municipal elections the governing body of the municipality, shall print, in large type on cards, instructions for the electors to use in voting. It shall provide not less than two cards for each voting precinct for each election and furnish such cards to each supervisor upon requisition. Each supervisor of elections shall send a sufficient number of these cards to the precincts prior to an election. The election inspectors shall display the cards in the polling places as information for electors. The cards shall contain information about how to vote and such other information as the Department of State may deem necessary.

In addition, Section 101.5611, *Florida Statutes*, states the supervisor of elections shall provide instruction at each polling place regarding the manner of voting with the system. The supervisor of elections shall provide instruction on the proper method of casting a ballot for the specific voting system utilized in that jurisdiction.

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During the 2002 legislative session, Senate Bill 1350 was passed amending Section 97.026, *Florida Statutes*, and stated that all forms required to be used in chapters 97 through 106 shall be made available upon request, in alternative formats. Although this statute is not in effect during the development of this Plan, the Department produces forms in alternative formats upon request.

The Division of Elections has updated and reprinted the posters that provide instructions to voters which will be displayed at each polling place on election day. These posters have been distributed to all 67 counties. The posters have been updated to inform voters when they would need to vote a provisional ballot as well as providing instructions on how to cast a provisional ballot. A copy of each version of the poster (touch screen and optical scan) in English and Spanish is included in Appendices A-D. In Miami-Dade and Broward counties, the posters are printed in English, Spanish and Creole.

Included in the new instructions: *If you need instructions on how to use the voting equipment ask a poll worker to assist you. After you have been given instructions, the officer assisting you will leave so that you can cast your vote in secret.*

For touch screen systems: *When you are finished voting your ballot, be sure to press the VOTE or CAST BALLOT button to cast your vote.*

For optical scan systems: *When you are finished marking you ballot, take your ballot and put it into the precinct tabulator.*

*If your eligibility is questioned or you are a first-time voter who registered by mail and do not have a photo ID, you will be allowed to vote a provisional ballot. Once you have marked this paper ballot, place it in the envelope provided to you and fill out the Voter's Certificate on the back of the envelope. Your ballot will be presented to the County Canvassing Board for a determination as to whether your ballot will be counted.*

**Section 302(b)(2)(D) Are instructions for mail-in registrants and first-time voters under section 303(b) posted on election day?**

**Yes, and no further actions are required.**

Under Section 101.031(1), *Florida Statutes*, the Department of State is required to print, in large type on cards, instructions for the electors to use in voting. The election inspectors shall display the cards in the polling places as information for electors. The cards shall contain information about how to vote and such other information as the Department of State may deem necessary. The cards must also include the list of rights and responsibilities afforded to Florida voters.

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The Division of Elections has updated and reprinted the posters that provide instructions to voters and are displayed at each polling place on election day. These posters have been distributed to all 67 counties. The posters have been updated to include instructions for mail-in registrants and first-time voters. A copy of each version of the poster (touch screen and optical scan) in English and Spanish is included as Appendices A-D. In Miami-Dade and Broward counties, the posters are printed in English, Spanish and Creole.

The new instructions state: *If you are a first-time voter who registered by mail and have not already provided identification to the supervisor of elections, you must provide a photo ID with signature. If you do not have the proper ID, you are allowed to vote a provisional ballot.*

**Section 302(b)(2)(E) Is general information on voting rights, including information on the right of an individual to cast a provisional ballot posted on election day?**

**Yes, and no further actions are required.**

Section 101.031(2), *Florida Statutes*, requires the supervisor of elections in each county to have posted at each polling place the Voter's Bill of Rights and Responsibilities. The Voter's Bill of Rights states that each registered voter in this State has the right to:

1. Vote and have his or her vote accurately counted.
2. Cast a vote if he or she is in line at the official closing of the polls in that county.
3. Ask for and receive assistance in voting.
4. Receive up to two replacement ballots if he or she makes a mistake prior to the ballot being cast.
5. An explanation if his or her registration is in question.
6. If his or her registration is in question, cast a provisional ballot.
7. Prove his or her identity by signing an affidavit if election officials doubt the voter's identity.
8. Written instructions to use when voting, and, upon request, oral instructions in voting from elections officers.
9. Vote free from coercion or intimidation by elections officers or any other person.
10. Vote on a voting system that is in working condition and that will allow votes to be accurately cast.

**Section 302(b)(2)(E) Is contact information posted for voters who allege their rights have been violated?**

**Yes, and no further actions are required.**

Under Section 101.031(1), *Florida Statutes*, the Department of State is required to print, in large type on cards, instructions for the electors to use in voting. The election inspectors shall display the cards in the polling places as information for electors. The cards shall contain information

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about how to vote and such other information as the Department of State may deem necessary. The cards must also include the list of rights and responsibilities afforded to Florida voters.

The Division of Elections has updated and reprinted the Voter's Bill of Rights posters that provide voters with a list of their rights as registered voters. These posters are displayed at each polling place on election day and have been distributed to all 67 counties. The posters have been updated to provide voters with contact information if they believe their voting rights have been violated. A copy of the poster in English and Spanish is included as Appendices E and F. In Miami-Dade and Broward counties, the posters are printed in English, Spanish and Creole.

The specific instruction states: *You may have other voting rights under state and federal laws. If you believe your voting rights have been violated, please contact Florida Department of State, Division of Elections, 1-877-868-3737.*

In the next reprint of these posters, the Division of Elections will modify the instructions to indicate that the number to call (1-877-868-3737) is a toll-free number.

**Section 302(b)(2)(F) Is information on laws regarding prohibitions on acts of fraud and misrepresentation posted?**

**Yes, and no further actions are required.**

Section 101.5611(2), *Florida Statutes*, requires the supervisor of elections to have posted at each polling place a notice that reads: "A person who commits or attempts to commit any fraud in connection with voting, votes a fraudulent ballot, or votes more than once in an election can be convicted of a felony of the third degree and fined up to \$5,000 and/or imprisoned for up to 5 years."

**Section 302(c) Are individuals who vote in an election as a result of a court order or any other order extending the time established for closing the polls by a State law required to cast a provisional ballot? This provisional ballot must be separated and held apart from other provisional ballots cast by those not affected by the order.**

**Yes, and no further actions are required.**

Section 101.049, *Florida Statutes*, permits, under special circumstances, any person voting in an election after the regular poll-closing time pursuant to a court or other order extending the statutory polling hours to vote a provisional ballot. Once voted, the provisional ballot shall be placed in a secrecy envelope and sealed in a provisional ballot envelope. All such provisional ballots will remain sealed and transmitted to the supervisor of elections separate and apart from all other ballots. The supervisor shall ensure that late-voted provisional ballots are not commingled with other ballots.

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**Section 302(d) The effective date for complying with the Provisional Voting and Voting Information requirements is on and after January 1, 2004.**

The Provisional Voting and Voting Information Requirements was completed as required by HAVA on January 1, 2004.

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## Element 1. Use of Title III Requirements Payments: C. Voter Registration

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

### **Introduction**

The Help America Vote Act of 2002 (HAVA) establishes minimum requirements for a single, centralized, computerized statewide voter registration list and for mail registration as a part of establishing and maintaining such a list.

The effective and efficient administration of elections depends in a major way on the completeness and accuracy of voter registration lists that can be checked quickly and reliably by election workers. Section 303(a) of HAVA establishes minimum requirements for a "single, uniform, official, centralized, interactive, computerized, statewide voter registration list which shall be the single system for storing and managing the list of registered voters throughout the state for the conduct of all federal elections."

Because many voters register by mail instead of in person, the procedures used for mail registration are an important component of establishing and maintaining a complete and accurate statewide voter registration list. Section 303(b) of HAVA requires that a state's mail voter registration system be administered in a "uniform and nondiscriminatory manner" and establishes minimum requirements for such a system.

Until recently, Florida's voters have relied primarily on voter registration lists established and maintained by independent supervisors of elections in each of Florida's 67 counties.<sup>1</sup> These lists are governed by Florida law that specifies qualifications to register or vote, a registration oath, a uniform statewide voter registration application form, acceptance of applications by supervisors of elections, closing of registration books, late registration, declinations to register, special registration for electors requiring assistance, registration identification card, disposition of applications and procedures for cancellation, notices of changes of address, and operation of registration offices. See Sections 97.032 through 97.055, 97.0585 through 97.105, 98.015 through 98.095, and 98.101 through 98.491, *Florida Statutes*.

Additional requirements for establishing and maintaining voter registration lists were enacted in the Federal Voting Rights Act of 1965 and the National Voter Registration Act of 1993 ("Motor Voter Law"). Sections 97.057 through 97.0583, *Florida Statutes*, and other provisions of Florida

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<sup>1</sup> A permanent single voter registration system for each Florida county, used for all public elections in that county, improved on practices in early Florida history of requiring separate registrations for municipal elections and new registrations for each new election. See Section 97.105, *Florida Statutes*.



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law implemented those Federal laws in the State by providing for registration of voters by the Department of Highway Safety and Motor Vehicles, voter registration agencies,<sup>2</sup> and qualifying educational institutions.

In 1997, the Florida Legislature established a "central voter file" in the Division of Elections that contained voter registration information from all counties. Section 98.097, *Florida Statutes*.

Following the 2000 General Election, the Florida Legislature enacted the Florida Election Reform Act of 2001 that took additional steps to require complete and accurate voter registration lists in the counties and to establish a statewide voter registration database. Sections 98.0977 through 98.0979, *Florida Statutes*, authorized the Department of State to "...analyze, design, develop, operate, and maintain a statewide, on-line voter registration database and associated website, to be fully operational statewide by June 1, 2002. The database shall contain voter registration information from each of the 67 supervisors of elections in this state and shall be accessible through an Internet website. The system shall provide functionality for ensuring that the database is updated on a daily basis to determine if a registered voter is ineligible to vote for any of the following reasons, including, but not limited to:

- (a) The voter is deceased;
- (b) The voter has been convicted of a felony and has not had his or her civil rights restored; or
- (c) The voter has been adjudicated mentally incompetent and his or her mental capacity with respect to voting has not been restored.

The database shall also allow for duplicate voter registrations to be identified."

This statewide database was established in time for use in the 2002 General Elections. Requirements for pre-clearance by the U.S. Department of Justice (DOJ) and negotiations for settlement of a lawsuit by the NAACP delayed use of parts of the database concerning eligibility of voters identified as potentially ineligible because of a felony conviction or adjudication of mental incapacity. With the receipt of DOJ clearance and settlement of the lawsuit now accomplished, the Division of Elections has begun running matches.

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<sup>2</sup> A "voter registration agency" is defined by Section 97.012(37), *Florida Statutes*, as "...any office that provides public assistance, any office that serves persons with disabilities, any center for independent living, or any public library."

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### Section 303(a) Computerized Statewide Voter Registration List Requirements

**Section 303(a)(1)(A)(i)-(vii) and 303(a)(2): Does Florida's existing statewide database meet requirements for implementing and maintaining a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level that contains the name and registration information of every legally registered voter in the State and assigns a unique identifier to each legally registered voter in the State and includes information specified in HAVA?**

**No, and further actions are required.**

Florida has made great strides in recent years in establishing a centralized, computerized statewide voter registration database but that database does not meet the requirements of HAVA Section 303(a)(1)(A) for a **single** statewide voter registration list "...defined, maintained, and administered at the State level...[with] a unique identifier [assigned] to each legally registered voter in the State..." which serves, under HAVA Section 303(a)(1)(A)(vii), as "...the official voter registration list for the conduct of all elections for Federal office in the State." HAVA Section 303(a)(1)(A)(i) further defines this requirement by specifying that "The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the State." HAVA Section 303(a)(1)(A) also specifies that the chief State election official (in Florida the Secretary of State) shall implement and maintain the single statewide voter registration list.

Florida currently has 67 official voter registration lists, one established and maintained in each county, that are compiled into the statewide voter registration database required by the Florida Election Reform Act of 2001. The 67 county-based lists, not the statewide database, are the official voter registration lists for voters in Florida. The statewide database is intended primarily to assist supervisors of elections to determine if voters are ineligible to vote (deceased, convicted felons who have not had civil rights restored, or adjudicated as mentally incompetent). It also is intended to identify those voters who are listed more than once. It is not intended to serve as "...the single system for storing and managing the official list of registered voters throughout the State..." as required by HAVA. Information in the statewide database is made available to county supervisors of elections who are responsible for making final determinations of a voter's eligibility and for updating voter registration records.

HAVA's requirement for a single computerized statewide voter registration list cannot be fulfilled quickly. In addition to designing and implementing such a single system that is interactive and assigns unique identifiers to each voter, HAVA requires the system to have adequate technological security measures [HAVA Section 303(a)(3)], meet minimum standards of accuracy and currency [HAVA Section 303(a)(4)], provide for verification with other information such as driver's license numbers and Social Security numbers [HAVA Section 303(a)(5)], and meet other standards. Meeting these requirements and standards will take time, expertise and money.

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The Legislature appropriated \$1.6 million and nine staff positions to create a master design, including a business plan and budget, for a single statewide voter registration system by January 2004. This design permitted the 2004 Legislature to take action to authorize the implementation of a new single computerized statewide voter registration list in time for the 2006 elections. The State of Florida was granted a waiver under HAVA to have a single statewide voter registration system in place by January 1, 2006, instead of the existing deadline of January 1, 2004. (The requirement for a waiver is discussed subsequently.)

Chapter 2003-415, *Laws of Florida*, authorizes the State to request the Federal Election Assistance Commission to grant a waiver from the January 1, 2004, HAVA deadline. The 2003 Appropriations bill authorizes the funding and staffing positions requested by the Division of Elections.

The Division of Elections has been meeting with representatives of the Florida State Association of Supervisors of Elections, the Department of Highway Safety and Motor Vehicles, the Department of Law Enforcement, the Board of Executive Clemency, the State Technology Office and health officials to begin to find ways to coordinate databases maintained by those agencies as part of the single centralized statewide voter registration list. Because HAVA Sections 303(a)(5)(A)(i)(I) and (II) require an applicant for voter registration to provide either a current and valid driver's license number or supply the last four digits of the applicant's Social Security number, HAVA Sections 303(a)(5)(B)(i)-(ii) require that the State enter into agreements to share such information with the Department of Highway Safety and Motor Vehicles and with the Social Security Administration.

HAVA's requirements are minimum requirements. Florida may establish technology and administrative requirements that are stricter than the Federal requirements as long as they are not inconsistent with HAVA's requirements and other laws, such as the Motor Voter Act, or in conflict with the privacy provisions of the Florida Constitution. See HAVA Section 304.

## **Florida Voter Registration System - Proposed System Design and Requirements**

### **Strategy to Develop and Implement**

The Florida Legislature has directed the Department of State to begin development of a statewide voter registration system that meets the requirements of HAVA. Accordingly, the 2003 Legislature provided \$1.6 million to begin implementation of the system. Funds include \$1 million for the Needs Assessment Phase along with nine positions to support design, development and implementation of the HAVA requirements. Of the nine positions, five reside in the Department of State and two each in the Department of Highway Safety and Motor Vehicles and the Florida Department of Law Enforcement.

The Division of Elections has been tasked with the responsibility to develop specifications for design and implementation of the Florida Voter Registration System (FVRS). The Division of

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Elections has allocated one of the five HAVA-funded positions for a project manager tasked with the responsibility to direct and coordinate development of a comprehensive set of functional requirements, design specifications and preparation of progress reports. The Business Owner of the FVRS is the Director of the Division of Elections and the Project Sponsor is the Florida Secretary of State. The Project Director, Project Executive and Project Administrator are all Division of Elections staff.

The project team has taken every effort to identify alternative approaches to development of the FVRS and assess the relative merits of each approach. Visits to, and interviews with, other states with centralized voter registration have provided insight into the technical, administrative and political systems necessary for successful implementation. Interviews with election officials in other states that are in more advanced stages of meeting HAVA requirements have contributed much to identify the best practices approach.

The project team has also relied heavily on input from the supervisors of elections, their staff and vendors of voter registration systems currently in use throughout the State. A committee drawn from the 67 supervisors of elections was appointed to work with the project team. Additionally, a series of technical workgroups was established to identify issues and assess alternatives in a number of specific areas including:

- maintenance of address systems;
- interfacing of local voter registration systems;
- document and contract management;
- petitions;
- polling place activities;
- security; and
- statutory and legal issues.

The table below provides a proposed project schedule.

<b>Estimated Start Date</b>	<b>Project Phase</b>
September 2003	Phase 1 - Planning & Design
March 2004	Phase 2 - Prototyping and Validation of Design
March 2005	Phase 3 - Iterative Business Function and Performance Testing
August 2005	Phase 4 - Training, Education and Final Statewide Implementation and Acceptance
January 2006	Implementation of Florida Voter Registration System
February 2006	Phase 5 - Final Documentation and Transition to Maintenance and Support
March 2006	Project Close

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### **Section 303(d) Deadlines for Computerized Statewide Voter Registration List**

**Section 303(d)(1)(A): Can Florida meet HAVA's requirement to have operational a computerized statewide voter registration list, as defined by HAVA, by January 1, 2004?**

**No, and further actions are required.**

The State practically could not meet the January 1, 2004 deadline. Substantial professional and technical work must be done to design and establish a computerized statewide voter registration list that meets HAVA's standards. Chapter 2003-415, *Laws of Florida*, authorizes the State to seek a waiver from the Federal Election Assistance Commission permitted under HAVA Section 303(d)(1)(B) from January 1, 2004, to January 1, 2006, if the State "...will not meet the deadline...for good cause and includes in the certification the reasons for the failure to meet such deadline...."

The Florida Division of Elections has filed with the Federal Election Assistance Commission the appropriate waiver seeking an extension for the development and implementation of the Computerized Statewide Voter Registration list from January 1, 2004 to January 1, 2006. A copy of this letter is included as Appendix G.

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

**Section 303(b)(1) through (4): Does Florida meet HAVA's identification requirements for a voter who registers by mail and has not previously voted in an election for Federal office in the State or registers by mail, has not previously voted in the jurisdiction and is in a State that does not have a computerized statewide voter list that meets HAVA's requirements?**

**Yes, and no further actions are required.**

HAVA requires persons who register by mail and have not voted in an election for federal office to provide identification prior to voting. If the State is able to match the voter's driver's license number or Social Security number against an existing State record bearing the same number, name and date of birth, further identification by the voter is not required.

HAVA Sections 303(b)(2)(i) through (ii) require that a first-time voter who votes in person may be identified by a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. A voter who votes by mail may include with the ballot a copy of a current and valid photo identification or a copy of the other documents listed for the voter who appears in person. An exception is made in HAVA Section 303(b)(3) for mail registrants who provide a copy of required identification at the time of registering, mail registrants whose driver's license number or last 4 digits of the Social Security number are matched with an existing State record, and for those who vote under the Uniformed and Overseas Citizens Absentee Voting Act, the

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Voting Accessibility for the Elderly and Handicapped Act, or under some other provision of Federal law (in which case the specific standards of those acts must be met).

Chapter 2003-415, *Laws of Florida*, amends the following sections of Florida law to conform to HAVA's mail registration and other voter registration requirements:

Section 97.052(3)(g), *Florida Statutes*, to require a statement with the uniform statewide voter registration form that informs the applicant that if the form is submitted by mail and the applicant is registering for the first time, the applicant will be required to provide identification prior to voting for the first time.

Section 97.053(5)(a), *Florida Statutes*, that permits the use of a valid Florida driver's license number or the identification number from a Florida identification card issued under Section 322.051, *Florida Statutes*, for purposes of voter registration.

Section 97.0535, *Florida Statutes*, that specifies at length the requirements for identification that a first-time voter can use and that complies with other HAVA requirements outlined previously.

Section 101.043, *Florida Statutes*, (a transfer and renumbering of Section 98.471, *Florida Statutes*) to permit a voter to submit to a poll worker at the time of voting a current and valid picture identification with a signature.

**Section 303(b)(4): Does Florida meet HAVA's requirement for language in the mail voter registration form under Section 6 of the National Voter Registration Act of 1993?**

**Yes, and no further actions are required.**

HAVA requires that mail voter registration forms under Section 6 the National Voter Registration Act shall include the following:

"(i) The question 'Are you a citizen of the United States of America?' and boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.

(ii) The question 'Will you be 18 years of age on or before election day?' and boxes for the applicant to check to indicate whether or not the applicant will be 18 years of age or older on election day.

(iii) The statement 'If you checked 'no' in response to either of these questions, do not complete this form.'

(iv) A statement informing the individual that if the form is submitted by mail and the individual is registering for the first time, the appropriate information required under this section must be submitted with the mail-in registration form in order to avoid the additional identification requirements upon voting for the first time."

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Section 97.052(2)(b) and (r), *Florida Statutes*, requires that the uniform statewide voter registration form must be designed to elicit information from the applicant about the applicant's date of birth and whether the applicant is a citizen of the United States. The form itself, available on the Division of Elections' website at <http://election.dos.state.fl.us>, asks for date of birth and asks "Are you a U.S. citizen?" It does not use the specific language required by HAVA.

Chapter 2003-415, *Laws of Florida*, amends Section 97.052, *Florida Statutes*, by adding subsection (g) that requires language about the need for appropriate identification for first time mail applications. It does not require the specific HAVA language about age and citizenship.

The Division of Elections has reviewed this matter orally with Federal legislative and executive representatives and has concluded that the requirement applies only to Federal applications under Section 6 of the National Voter Registration Act. It believes that putting such language on State application forms will confuse voters and discourage first-time registrants. The age question, for instance, does not specify the exact election day to which it is referring and assumes that young voters may be applying to register for a specific election rather than pre-registering as 17 year-olds in order to vote in all elections after they reach the age of 18. The Division notes that the forms used by Florida already elicit the information required by asking for date of birth and citizenship. The forms do not discourage voters by telling them to stop with the application if they must answer "No" to either question. The Division is complying with the substance of HAVA if not with the exact form of the question.

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## Element 2. Local Government Payments and Activities

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

**(A) the criteria to be used to determine the eligibility of such units or entities for receiving the payment; and**

**(B) the methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under paragraph (8).**

### **Introduction**

The Florida Legislature has broad constitutional authority for appropriating federal and State funds annually through the appropriations bill which is eventually signed by the Governor into law. During the annual appropriations process, the Florida Legislature assesses the needs of the State and makes policy and budget decisions which impact every level of government including local government.

The funding of elections in Florida is primarily a local government responsibility since the constitutional authority for running elections rests with the local supervisor of elections. Funding authority for elections resides with the Boards of County Commissioners. Each of Florida's 67 Boards of County Commissioners receives a budget request from the supervisor of elections and then the Board makes policy and budget decisions based upon county priorities.

There has been one major exception to this election funding scenario. Following the controversial 2000 General Election, the Governor and the citizens of Florida asked the Legislature to enact broad election reforms which included providing State financial assistance to local governments. Over a two-year period, the Legislature provided over \$32 million in State funds to supplement local election budgets and to quicken the pace of election reform in Florida. Most of the State funds were appropriated to the Boards of County Commissioners using two different formulas for accomplishing distinct policy goals—to replace voting systems designated to be decertified and to enact comprehensive voter education programs in every county.

The funding formula used to upgrade voting systems had two important policy goals—to provide a minimum voting system standard of precinct-based optical scanning systems throughout Florida and to provide funding assistance to small counties with very small tax bases. The resulting formula achieved that policy goal and was as follows:



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- Small Counties (population 75,000 or below) received \$7,500/precinct
- Large Counties (population 75,001 and above) received \$3,750/precinct

The Legislature used a different formula to provide State funds for voter education and poll worker recruitment and training. This formula was based upon taking available State funds and distributing them on a per registered voter basis per county. The resulting formula was determined by taking approximately \$6,000,000 in available State funds and dividing it by the number of registered voters during the 2000 General Election and appropriating that money on a pro-rata basis to each county. The resulting appropriation provided \$5,949,375 to counties to fund comprehensive voter education programs and poll worker recruitment and training programs. The combined State and local efforts led to greater voter satisfaction during the 2002 General Election.

Pursuant to the appropriation, the Florida Legislature required each county supervisor of elections to submit a detailed description of the plans to be implemented and also a detailed report on the success of the voter education effort. These reports were sent to the Division of Elections and subsequently compiled by the Division into a report sent to the Governor and Florida Legislature.

While the State funds were widely valued, the counties still provided a majority of funding for election reform efforts. According to the 2002 Governor's Select Task Force on Election Procedures, Standards and Technology, a survey of 33 county governments revealed they spent nearly \$110 million toward new voting systems before the 2002 primary and general elections.

**If the Florida Legislature determines that it will provide funding for units of local governments and other entities, then how will the requirements payments be distributed and monitored, including—**

- A. A description of the criteria used to determine the eligibility of such units and entities for receiving payment.**
- B. A description of the methods to be used by Florida to monitor the performance of the units of entities to whom the payments is distributed, consistent with the performance goals and measures adopted under paragraph (8).**

The HAVA Planning Committee clearly recognizes its advisory role in election reform and acknowledges the authority of the Florida Legislature to make funding decisions for Florida. During HAVA Planning Committee discussions, members proposed several recommendations that would provide funding for units of local government. The recommended payments to local government are listed below:

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### **Replacement and Reimbursement for Punch Card And Lever Machines**

The HAVA Planning Committee recommended that the estimated \$11.74 million received pursuant to Section 102 of HAVA be distributed by the Florida Legislature to the State and to the counties on a pro-rated basis for their respective contributions to replace punch cards and lever machines during the 2001-2002 and 2002-2003 fiscal years.<sup>3</sup>

The Florida Legislature acted in 2003 to distribute Section 102 federal funds in the amount of \$11,581,377 to the State of Florida and not the counties. The \$11,581,377 reimbursement is almost one-half the amount the State of Florida invested to replace outdated voting machines between 2001 and 2003.

### **Accessible Voting Systems for Voters with Disabilities**

The HAVA Planning Committee recommended that HAVA funds should be distributed to counties during the 2004-2005 fiscal year to help them meet Section 301 Title III accessibility requirements by the January 1, 2006 deadline. The estimated amount to comply with this requirement is \$11.6 million and the funds would be distributed according to the number of machines accessible for persons with disabilities needed for each county to have one per polling place. The Division of Elections would have the responsibility for determining eligibility of counties receiving HAVA funds.

Secondly, if HAVA funds are available, the HAVA Planning Committee recommends that HAVA funds be distributed as a reimbursement on a pro-rated basis to local governments that purchased accessible voting systems and components during the 2001 and 2002 fiscal years.

The 2004 Legislature provided the following in the 2004 General Appropriations Act: From the funds in Specific Appropriation 2871I, \$11,600,000 shall be distributed by the Department of State to county supervisors of elections for the purchase of Direct Recording Equipment (DRE) or other state approved equipment that meets the standards for disability requirements which is accessible to persons with disabilities to ensure that each county has one accessible voting system for each polling place. The funds are to be distributed according to the number of machines that are accessible for persons with disabilities that are needed in order for each county to have one per polling place.

No supervisor of elections shall receive any funds until the county supervisor of elections certifies to the Department of State:

- 1) the number of precincts in the county;
- 2) the number of polling places in the county;
- 3) the number of voting machines the county has that meet the disability requirement;
- 4) the county's plan for purchasing the DRE's; and
- 5) the date that the county anticipates being in compliance.

<sup>3</sup> The 2003 General Appropriations Act passed by the Legislature required the Department of State to transfer all amounts eligible for reimbursement under Section 102 of HAVA to the State's Working Capital Fund.

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### **Statewide Voter Education Program**

For FY 2003-2004, \$2,976,755 was appropriated and available to each county for voter education programs. From funds in Specific Appropriation 2871I for FY 2004-2005, \$3,000,000 shall be distributed to county supervisors of elections for the following purposes relating to voter education: mailing or publishing sample ballots; conducting activities pursuant to the Standards for Nonpartisan Voter Education as provided in Rule 1S-2.033, F.A.C.; print, radio, or television advertising to voters; and other innovative voter education programs, as approved by the Department of State. No supervisor of elections shall receive any funds until the county supervisor of elections provides to the Department of State a detailed description of the voter-education programs, such as those described above, to be implemented. The HAVA Planning Committee also recommends that local governments receive \$3,000,000 for comprehensive voter education efforts in FY 2005-2006.

In FY 2003-2004, distribution was based on a funding level per individual voter multiplied by the number of registered voters in each county for the 2002 General Election. To determine the funding level per individual voter, the Division of Elections divided the total amount of funds appropriated in FY 2003-2004 by the total number of registered voters in the State of Florida for the 2002 General Election.

In FY 2004-2005, the Department shall distribute an amount to each eligible supervisor of elections equal to the funding level per voter multiplied by the number of registered voters in the county for the 2004 Presidential Preference Primary. The Department shall determine the funding level per voters in the state for the 2004 Presidential Preference Primary.

In order for a county supervisor of elections to be eligible to receive state funding for voter education, the county must certify to the Division of Elections that the county will provide matching funds for voter education in the amount equal to fifteen percent of the amount to be received from the state. Additionally, to be eligible, a county must segregate state voter education distributions and required county matching dollars in a separate account established to hold only such funds. Funds in this account must be used only for the activities for which the funds were received. Any funds remaining in the fund at the end of the fiscal year shall remain in the account to be used for the same purposes for subsequent years or until such funds are expended.

Through the 2005-2006 fiscal years, the HAVA Planning Committee recommends that local governments receive a total of \$9 million dollars (\$3 million each fiscal year) for comprehensive voter education efforts. HAVA funds for voter education should be distributed using a similar formula as used in 2003-2004. The Division of Elections should be responsible for determining eligibility of any county for the receipt of State or federal funds used in HAVA election reform activities.

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The Division of Elections will monitor the performance of the contract agreements entered into between the State and each county, in accordance with State procedures. Each county must meet the contractual requirements before payment is approved.

Standard auditing procedures for monitoring the use of federal funds will be used for the receipt and the distribution of HAVA funds. These standard procedures may include random program audits by the Department of State's Inspector General as well as an annual audit by the Florida Auditor General's office to ensure funds are being expended for the authorized purposes.

Payments to Other State Entities

Through the 2005-2006 fiscal years, the Division of Elections recommends that the Department of Highway Safety and Motor Vehicles and the Florida Department of Law Enforcement receive HAVA funding to assist in the development of the new statewide voter registration system. The Division of Elections will enter into a contractual agreement with these other state-level departments and monitor the contracts in accordance with standard auditing procedures for monitoring the use of federal funds.

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## Element 3. Voter Education, Election Official Education & Training, Poll Worker Training

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

### **Introduction**

A wide array of national and State task force reports have highlighted the need for a more informed electorate. To achieve this goal, voters, election officials, and poll workers must receive better information and training. Florida assigns the primary responsibility for these daunting tasks to the Department of State and the county supervisors of elections. Following election 2000, the Legislature has more clearly delineated the role of each in improving the education of voters, election officials, and poll workers.

The Florida Election Reform Act of 2001 set deadlines, included a wide array of topics to be addressed by State and county election officials, granted rule making authority to the Department of State, and established a procedure for measuring the effectiveness of the programs and making recommendations to the Governor and the State Legislature. Various acts passed during the 2002 legislative session broaden the scope of voter education responsibilities, more definitively spell out voter rights, and ensure that Florida's electoral system conforms to the Americans with Disabilities Act of 1990. Each of these changes has been communicated to election officials at all levels and to the public at-large.

The Election Reform Act of 2001 required all 67 county supervisors of elections to file voter education plans with the Division of Elections in the Department of State in order to qualify for State funds. (The Act appropriated nearly \$6 million for voter education in fiscal year 2001-2002 in addition to \$24 million for purchase of new voting equipment, fiscal years 2001-2003.) The Department of State, as directed by the Legislature, established minimum standards for nonpartisan voter education to be met by each county.

Legislation passed during the 2003 and 2004 sessions also required all 67 county supervisors of elections to file "a detailed description of the voter-education programs" in order to receive state funds in FY 2003-2004 and FY 2004-2005. The legislation spells out four broad categories of voter education for which these funds may be used: mailing or publishing sample ballots; conducting activities described in the Standards for Nonpartisan Voter Education provided in Rule 1S-2.0333, F.A.C.; for print, radio, or television advertising to voters; and for other innovative voter education programs, as approved by the Department of State. An analysis of the FY 2003-2004 county plans shows that most are using their funds for a variety of activities:

Sample Ballots	91%
Nonpartisan Voter Education	82%

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Media Advertising 72%  
Innovative Programs Approved by DOS 73%

County voter education plans filed with the Division of Elections in the Secretary of State's office are filled with creative approaches. These outreach mechanisms are designed by the elections supervisors to:

- (1) Better inform their county's residents about registration and voting; and,
- (2) Reduce the levels of voter error and confusion that existed during the 2000 election cycle.

The approaches used by the 67 individual counties vary considerably, reflecting differences in their demographic and socioeconomic composition (e.g., population size, land area, rural-urban location, age, race/ethnicity, education), county funding levels, and media availability.

For example, small counties (under 100,000) are more likely than larger ones to use their FY 2003-2004 voter education funds for the basics--printing and mailing sample ballots, mailing voter guides, and notifying voters of changes in precinct locations. Larger counties (100,000+) are more likely than smaller ones to spend their funds on radio and television advertising, supervisor participation in media programs and events, targeting college students, voter registration workshops, demonstrating voting equipment, and innovative programs.

Significant changes to Florida's election laws and the advent of new voting equipment have made poll worker education a high priority—as recognized in the Florida Election Reform Act of 2001. Florida's counties have restructured their poll worker training programs. State law now requires supervisors of elections to cast their poll worker recruitment nets wider, as the number of poll workers needed escalates in a fast-growing state.

**Section 254(a)(3). How will the State of Florida provide for programs for voter education which will assist the State in meeting the requirements of Title III?**

The State of Florida has adopted extensive voter education requirements and funded county voter education programs (\$6,000,000 in 2001, \$2,976,755 for FY 2003-2004, and \$3,000,000 for FY 2004-2005). The HAVA Planning Committee recommends an additional \$3 million for FY 2005-2006.

#### **Joint Responsibilities of Department of State and County Supervisors of Elections**

Voter education in Florida is a joint responsibility of the Department of State and the 67 county supervisors of elections. Both levels of government play a role in designing, implementing, and evaluating voter education activities. Both must constantly react to election-related legislation passed by the Florida Legislature.



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Section 98.255(1), *Florida Statutes*, directed the Department of State to “adopt rules prescribing minimum standards for nonpartisan voter education” by March 1, 2002. The standards were to address (but were not limited to):

- (1) voter education;
- (2) balloting procedures for absentee and polling place;
- (3) voter rights and responsibilities;
- (4) distribution of sample ballots; and,
- (5) public service announcements.

In developing the rules, the Department was instructed to “review current voter education programs within each county of the state.” The Department of State adopted Rule 1S-2.033, *F.A.C.*, Standards for Nonpartisan Voter Education on May 30, 2002.

Section 98.255(2), *Florida Statutes*, requires each supervisor of elections to “implement the minimum voter education standards” and “to conduct additional nonpartisan education efforts as necessary to ensure that voters have a working knowledge of the voting process.”

#### **Minimum Nonpartisan Voter Education Standards**

The Department of State’s “Standards for Nonpartisan Voter Education,” Rule 1S-2.033, *F.A.C.*, requires the following voter education practices by county supervisors of elections:

##### Comprehensive Voter Guide: Contents

Department of State Rule 1S-2.033, *F.A.C.*, Standards for Nonpartisan Voter Education, requires supervisors of elections to create a Voter Guide which shall include: how to register to vote; where voter registration applications are available; how to register by mail; dates for upcoming elections; registration deadlines for the next primary and general election; how voters should update their voter registration information such as changes in name, address or party affiliation; information on how to obtain, vote and return an absentee ballot; voters’ rights and responsibilities pursuant to Section 101.031, *Florida Statutes*; polling information including what times the polls are open, what to bring to the polls, list of acceptable IDs, what to expect at the polls; instructions on the county’s particular voting system; supervisor contact information; and any other information the supervisor deems important.

##### Voter Guide: Extensive Distribution

Department of State Rule 1S-2.033(1)(b), *F.A.C.*, requires supervisors of elections to “provide the Voter Guide at as many places as possible within the county including: agencies designated as voter registration sites pursuant to the National Voter Registration Act; the supervisor’s office; public libraries; community centers; post offices; centers for independent living; county governmental offices; and at all registration drives conducted by the supervisor of elections.”

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Voter Guide, Sample Ballot, & Website Consistency Required

Department of State Rule 1S-2.033(2), *F.A.C.*, states that: "If a supervisor has a website, it must take into account all of the information that is required to be included in the Voter Guide. In addition, when a sample ballot is available, the website must provide either information on how to obtain a sample ballot or a direct hyperlink to a sample ballot."

Targeted Voter Education: High School Students

Florida's Department of State Rule 1S-2.033(3), *F.A.C.*, instructs the supervisors of elections to work with county school boards to develop voter education and registration programs for high school students. Specifically, the rule requires that "At least once a year in each public high school in the county, the supervisor shall conduct a high school voter registration/education program. The program must be developed in cooperation with the local school board and be designed for maximum effectiveness in reaching and educating high school students."

Targeted Voter Education: College Students

Florida's Department of State Rule 1S-2.033(4), *F.A.C.*, dictates that "At least once a year on each college campus in the county, the supervisor shall provide a college registration/education program. This program must be designed for maximum effectiveness in reaching and educating college students."

Targeted Voter Education: Senior Citizens and Minority Groups

Department of State Rule 1S-2.033(7), *F.A.C.*, requires supervisors of elections to "conduct demonstrations of the county's voting equipment in community centers, senior citizen residences, and to various community groups, including minority groups." Rule 1S-2.033(8), *F.A.C.*, specifically instructs the supervisors to use minority media outlets to provide more information to voters.

Targeted Voter Education: Individuals and Groups Sponsoring Voter Registration Drives

Department of State Rule 1S-2.033(6), *F.A.C.*, specifically instructs supervisors of elections to "provide, upon reasonable request and notice, voter registration workshops for individuals and organizations sponsoring voter registration drives." Section 98.015(9), *Florida Statutes*, states that "each supervisor must make training in the proper implementation of voter registration procedures available to any individual, group, center for independent living, or public library in the supervisor's county."

Posting of Educational Materials on Voter Rights and Responsibilities

Department of State Rule 1S-2.033(5), *F.A.C.*, requires supervisors of elections to "post the listing of the voters' rights and responsibilities pursuant to Section 101.031, *Florida Statutes*, at the supervisor's office." Section 101.031(2), *Florida Statutes*, spells out the specific format of the Voter's Bill of Rights and Responsibilities to be posted by the supervisor of elections at each polling place. The Department of State, or in the case of municipal elections, the governing body of the municipality, is required "to print, in large type on cards, instructions for electors to use in voting," including the list of rights and responsibilities and other information about how to



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vote deemed necessary by the Department of State—Section 101.031(1), *Florida Statutes*. At least two cards shall be provided to each precinct.

Educating Voters About Polling Place and Precinct Changes, Revised Voter Identification Cards  
Department of State Rule 1S-2.033, *F.A.C.*, mandates that supervisors of elections “shall provide notice of changes of polling places and precincts to all affected registered voters. This notice shall include publication in a newspaper of general circulation as well as posting the changes in at least ten conspicuous places in the county. If the supervisor has a website, the supervisor shall post the changes on the website. The supervisors shall also widely distribute a notice that if a voter does not receive a revised voter identification card within 20 days of the election the voter should contact a specific number at the supervisor’s office to obtain polling place information.”

Voter Education Through the Media

Department of State Rule 1S-2.033(8), *F.A.C.*, requires supervisors of elections to interface with the media to better inform the electorate. Supervisors are to “participate in available radio, television and print programs and interviews, in both general and minority media outlets, to provide voting information.”

Voter Education Includes But is Not Limited to Nonpartisan Voter Education

Beginning in 2003, the State Legislature has expanded its definition of voter education activities for which counties may receive state funds. There are now four broad categories of voter education for which counties may use state funds: mailing or publishing sample ballots; conducting activities described in the Standards for Nonpartisan Voter Education provided in Rule 1S-2.0333, *F.A.C.*; for print, radio, or television advertising to voters; and for other innovative voter education programs, as approved by the Department of State.

County supervisors of elections must constantly update information disseminated to the public, poll workers, and their own staff to conform to state legislative mandates and HAVA requirements. A number of counties have used their FY 2003-2004 state voter education funds to update materials available at the polling place as well as information (brochures, posters, signs, videos, PSAs) distributed throughout the county.

In line with HB 29B (Chapter 2003-415), educational materials must be updated to provide absentee voters with better instructions on how to mark a ballot and how to correct their ballots and how to request a replacement ballot if the voter is unable to change the original ballot. (This was necessary to meet Section 301(a)(1)(B) HAVA requirements.)

HB 29B (Chapter 2003-415) requires the Department of State and the county supervisors of elections to provide more information regarding voter registration procedures and absentee ballot procedures to absent uniformed services voters and overseas voters.

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HB 29B (Chapter 2003-415) requires county supervisors of elections to inform persons registering to vote by mail that if they are registering for the first time, they will be required to provide identification prior to voting the first time.

HB 29B (Chapter 2003-415) requires county supervisors of elections to give written instructions regarding the free access system that allows each person who casts a provisional ballot to determine whether his or her provisional ballot was counted in the final canvass of votes and, if not, the reasons why. This is consistent with Section 302(a)(5)(A)&(B) HAVA requirements.

HB 29B (Chapter 2003-415) makes county supervisors of elections responsible for providing up-to-date information to conform to HAVA voting information requirements—Section 302(b)(2)(A through F): sample ballots at polls; the election date; identification instructions for mail registrants who are first time voters; and information on who to contact if general voting rights under State and federal laws are violated.

Passage of Committee Substitute for Senate Bill No. 2566 (Chapter 2004-232) requires county supervisors of elections to revise the Voter's Certificate and instructions to those voting via an absentee ballot. Under the law, a person casting an absentee ballot is no longer required to have his/her signature witnessed.

Passage of Committee Substitute for Senate Bill Nos. 2346 and 516 (Chapter 2004-252) requires county supervisors of elections to revise Early Voting Voter Certificate information. Under the law, a person casting an Early Vote is no longer required to have his/her signature witnessed.

### **State Role: Disseminating Information to Voters and Election Officials**

#### **Voter Education through the Internet**

The Division of Elections' website (<http://election.dos.state.fl.us/>) offers extensive information regarding registration, elections (dates, district maps, results, Division reports, forms, publications, press releases, voter turnout, supervisor of elections' contact information), voter fraud, voting systems, laws/opinions/rules, candidates and committees, the initiative petition process, and other helpful government links. Prominently displayed on the Web Site home page is information on: the Voter Assistance Hotline Toll Free Number—for the general public and for people using Text Telephone (TTY); Direct Recording Equipment Voting Systems; the 2004 National Voter Registration Workshops to be held across the state to better inform public officials and the public about the National Voter Registration Act of 1993; a direct link to the Help America Vote Act and the HAVA Planning Committee's activities and recommendations; and the results of an Election Night Voter Report Card (Survey) on the Conduct of Election 2002.

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### Voter Education About Fraud

Section 97.012(12), *Florida Statutes*, requires the Secretary of State to "...provide election fraud education to the public."

### Voter Education Media Campaign: Get Out The Vote Foundation

In FY 2003-2004, the Division of Elections entered into a contract with the Get Out The Vote Foundation, Inc., in the amount of \$247,500. This is a non-profit organization of the Florida State Association of Supervisors of Elections (FSASE). The Foundation has hired two well-known communications firms (Ron Sachs Communications and CoreMessage, Inc.) to produce voter education materials for statewide distribution. The two firms will jointly produce a half-hour television news magazine-type program called "Before You Vote" designed to inform voters about new voting rules and procedures and new electronic voting machines. The program will be distributed to all TV stations and cable companies in Florida for broadcast at two time periods—before both the August primary election and the November general election. Prevention of errors on election day is the primary goal of the program. The bipartisan team will also produce eight 30-second TV public service announcements—four each in English and Spanish. These spots-- "Make Freedom Count"--are designed to encourage voters to vote early or by absentee ballot. An additional contract in the amount of \$24,750 was issued to the Get Out The Vote Foundation to create media kits full of facts and figures for all 67 county supervisors of elections to use as they interface with the media.

### **Procedures for Constant Analysis of Voter Education Effectiveness**

Section 98.255(3)(a), *Florida Statutes*, requires supervisors of elections to file a report by December 15 of each general election year with the Department of State. This report is "a detailed description of the voter education programs implemented and any other information that may be useful in evaluating the effectiveness of voter education efforts."

Section 98.255(3)(b), *Florida Statutes*, requires the Department of State to review the information submitted by the supervisors of elections and "prepare a public report on the effectiveness of voter education programs" and to "submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 31 of each year following a general election."

Further, Section 98.255(3)(c), *Florida Statutes*, instructs the Department of State to use "the findings in the report as a basis for adopting modified [voter education] rules that incorporate successful voter education programs and techniques as necessary."

This procedure was first used in the 2002 election cycle. The Division of Elections requested each supervisor of elections to list in detail the voter education programs conducted during the 2002 election cycle and the approximate cost of each program. The supervisors were asked to rank the effectiveness of each program on a scale of 1 to 5, with 5 being the highest possible rank. On January 31, 2003, the Florida Department of State, Division of Elections, submitted its "Report on Voter Education Programs During the 2002 Election Cycle Pursuant to Section



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98.255(3), *Florida Statutes*.” (The Report is posted on the Division of Elections Web Site.) The report concluded that “most supervisors ranked the county voter education programs as 4 or 5 in effectiveness in reaching the target community.” (There were ten broad categories of voter education programs: sample ballots; elementary/middle school/high school/university and community college outreach; websites; miscellaneous promotional materials; public appearances/television and movie theatre advertisements; banners and billboards, radio and public transport advertisements; newspapers and mailers; voting system demonstrations; outreach to minority, disabled and senior communities; and voter registration drives.) The Department of State made three recommendations in its post-election 2002 report:

- (1) The Legislature should provide funding, contingent upon appropriations from Congress through the Help America Vote Act, to the counties for voter education efforts; the State Legislature did this in its FY 2003-2004 and FY 2004-2005 appropriations bills.
- (2) The Legislature should require sample ballots to be mailed to households or voters prior to each Primary and General Election. (It is now an alternative to publishing a sample ballot in a general circulation newspaper.)
- (3) The Division of Elections should provide a list of cost-effective voter education programs used by counties so that all counties can benefit from these ideas. (Pursuant to Section 98.255(3), *Florida Statutes*, the Division has posted its Report on Voter Education Programs during the 2002 Election Cycle on its web site. The Report lists the effectiveness ratings for individual voter education activities as calculated by individual county supervisors of elections.)

(The 2002 Governor’s Select Task Force on Election Procedures, Standards, and Technology report of December 30, 2002 also recommended improving “voter education by requiring all supervisors of elections to mail generic sample ballots to each household with registered voters.”)

Under Section 101.20, *Florida Statutes*, county supervisors of elections may now mail a sample ballot to each registered elector or to each household in which there is a registered voter if done at least seven days prior to any election, rather than publish a sample ballot in a newspaper of general circulation. A high percentage of county supervisors have chosen to use their FY2003-2004 state voter education funds and local matching funds to publish and mail out sample ballots to registered voters. The same law requires two sample ballots be placed at each polling place, along with reduced-size sample ballots to give to any voter desiring one. Some supervisors of elections are using FY 2003-2004 voter education monies to pay for sample ballots to be made available at each precinct.

Section 101.595, *Florida Statutes*, also requires supervisors of elections to submit a report to the Department of State no later than December 15 of each general election year detailing “[t]he total number of overvotes and undervotes in the first race appearing on the ballot pursuant to Section 101.151(2), *Florida Statutes*, along with the likely reasons for such overvotes and undervotes and other information as may be useful in evaluating the performance of the voting

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system and identifying problems with ballot design and instructions which may have contributed to voter confusion." The Department of State must prepare a report analyzing that information and submit it to the Governor, the President of the Senate, and the Speaker of the House by January 31 of the year following a general election. The report is to include recommendations for correcting any problems with ballot design or instructions to voters.

This procedure was first used in the 2002 election cycle. "Analysis and Report of Overvotes and Undervotes for the 2002 General Election Pursuant to Section 101.595, *Florida Statutes*" found a substantial reduction in the level of overvotes and undervotes in 2002 (compared to 2000) and concluded that new technology and the counties' voter education efforts were major factors contributing to the reduction in voter error. (The report is posted on the Division of Election's Web Site.) The report's recommendations were:

- (1) The Division of Elections must continue to monitor the overvotes and undervotes from each general election. (Required under *Florida Statutes*.)
- (2) The Florida Legislature should provide funding, contingent upon appropriations from Congress through the Help America Vote Act, to the counties for voter education efforts. The Legislature did this in its FY 2003-2004 and FY 2004-2005 appropriations bills.
- (3) The Division of Elections should review the recommendations for ballot instructions for incorporation into the uniform ballot rule. During the 2003 session, the Legislature passed a law delineating the content of separate printed instructions to accompany each absentee ballot (section 101.65, *Florida Statutes*). Rule 1S-2.030 F.A.C. standardizes the basic form of instructions to be sent to all overseas voters.
- (4) All voting system vendors should continue to improve the design of their voting systems in order to better meet the needs of Florida voters.

A number of supervisors of elections have implemented their own feedback systems through comment cards distributed at registration sites, workshops, and polling places. Some also allow citizens to make suggestions and complaints via their websites. Several counties have used some of their state voter education funds to solicit voter feedback and suggestions.

Florida's system for constant evaluation of the effectiveness of voter education by both the county supervisors of elections and the Department of State is in place and operating.

**Section 254(a)(3). How will the State of Florida provide for programs for *election official education and training* which will assist the State in meeting the requirements of Title III?**

The State has assigned responsibility for education and training of election officials to the Secretary of State. The Division of Elections prepares and distributes educational materials for, and conducts the training of, supervisors of elections and their staffs.

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The Secretary of State is the State's chief election officer whose responsibilities are spelled out in Section 97.012, *Florida Statutes*. Among those responsibilities are explicit requirements to: "provide technical assistance to the supervisors of elections on voter education and election personnel training services;" "provide technical assistance to the supervisors of elections on voting systems;" "provide training to all affected state agencies on the necessary procedures for proper implementation of [Chapter 97 of the *Florida Statutes*];" and "coordinate with the United States Department of Defense so that armed forces recruitment offices administer voter education in a manner consistent with the procedures set forth in [Florida election] code for voter registration agencies."

The Division of Elections conducts voter education and election personnel training, issues advisory opinions that provide statewide coordination and direction for interpreting and enforcing election law provisions, provides technical advice on voting systems and equipment and State and federal election laws, certifies voting equipment, and provides written election information to candidates (Office of Policy Analysis and Government Responsibility, *Justification Review*, Report No. 02-55, October 2002).

The Division of Elections oversees and approves training courses for continuing education for supervisors of elections. It coordinates, on an annual basis, two statewide workshops for the supervisors of elections by reviewing and providing updates on the election laws to ensure uniformity statewide in the interpretation of election laws. These are generally held in conjunction with the Florida State Association of Supervisors of Elections' Conferences held in January and June. The division oversees certification for supervisors of elections through which supervisors obtain credits to maintain job proficiency. The Division may also conduct regional workshops for supervisors and staff, universities, community colleges and State agencies. When Select Task Forces are created by the Governor, Secretary of State, or other State officials, the Division provides administrative and technical assistance. (Florida Department of State, Division of Elections, 2001 Annual Report).

All Division of Elections' forms, rules, handbooks, opinions, etc. are available on the Internet via the Division's website—an award-winning site (<http://election.dos.state.fl.us/>). Section 97.026, *Florida Statutes*, states "It is the intent of the Legislature that all forms required to be used in chapters 97-106 [the election code], shall be made available upon request, in alternative formats" including the Internet (with the exception of absentee ballots).

The HAVA Planning Committee recommended that the Division of Elections also conduct training courses for the continuing education of county election officials in conjunction with meetings of the Florida Association of City Clerks. The Division of Elections routinely invites city clerks and supervisors of elections to attend its statewide training meetings held in conjunction with FSASE meetings.

The Florida State Association of Supervisors of Elections, through activities of its Get Out The Vote Foundation, will play a major role in educating and training election officials in 2004. On

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May 25, 2004, the Foundation launched its voter education plan. Through it, all 67 county supervisors of elections will have access to professionally prepared public media advertising materials. The Foundation has its own web site ([www.getoutthevote-florida.com](http://www.getoutthevote-florida.com)) which allows election officials—elected and staff—to access easily comprehended materials on a wide range of timely topics, including Absentee Voting, Early Voting, Registering to Vote, Election Reform in Florida, Voter Identification, Restoration of Felon’s Voting Rights, and Information on Direct Recording Equipment Voting Systems, along with posters, ads, and public service announcements.

**Section 254(a)(3). How will the State of Florida provide for programs for poll worker training which will assist the State in meeting the requirements of Title III?**

Florida has adopted extensive poll worker recruitment and training requirements and funded county poll worker training (as part of the \$6 million voter education appropriation in 2001). The State has: adopted minimum-hours-of-training requirements; spelled out training content requirements; prepared a uniform polling place procedures manual; and mandated a statewide and uniform program for training poll workers on issues of etiquette and sensitivity with respect to disabled voters. Rule 1S-2.034 F.A.C. requires the Department of State, Division of Elections to establish a polling place procedures manual, Form DS-DE 11 (January 25, 2004).

State law permits inspectors, clerks, and deputy sheriffs attending poll worker training to receive compensation and travel expenses—Section 102.021(2), *Florida Statutes*.

The HAVA Planning Committee recommended state funding for poll worker training and recruitment but the Florida Legislature in 2004 did not appropriate funds for either activity.

**Joint Responsibility of Department of State and County Supervisors of Elections**

Section 102.014, *Florida Statutes*, assigns responsibility for poll worker training to county supervisors of elections and the Department of State.

Section 102.014(1), *Florida Statutes*, requires supervisors of elections to conduct training for inspectors, clerks, and deputy sheriffs prior to each primary, general, and special election “for the purpose of instructing such persons in their duties and responsibilities as election officials.” Training is mandatory to work at the polls.

Section 102.014(5), *Florida Statutes*, directs the Department of State to “create a uniform polling place procedures manual and adopt the manual by rule” and to revise it “as necessary to address new procedures in law or problems encountered by voters and poll workers at the precincts.” Rule 1S-2.034, F.A.C., Polling Place Procedures Manual (Form DS-DE 11; Eff. Jan. 04), was recently updated for HAVA compliance. It was pre-cleared on June 3, 2004 by the Department of Justice. The manual, to be available in either hard copy or electronic form at every precinct on Election Day, must be “indexed by subject, and written in plain, clear, unambiguous language.”

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Under Section 102.014(7), *Florida Statutes*, the Department is assigned the responsibility for developing “a mandatory, statewide, and uniform program for training poll workers on issues of etiquette and sensitivity with respect to voters having a disability.” But county supervisors of elections are responsible for conducting such training. They are required to “contract with a recognized disability-related organization, such as a center for independent living, family network on disabilities, deaf service bureau, or other such organization, to develop and assist with training the trainers in disability sensitivity programs.”

#### Poll Worker Training Content

The content of poll worker training is detailed in State statutes.

Clerks must demonstrate “a working knowledge of the laws and procedures relating to voter registration, voting system operation, balloting and polling place procedures, and problem-solving and conflict-resolution skills”—Section 102.014(1), *Florida Statutes*.

The Uniform Polling Place Procedures Manual must include: regulations governing solicitation by individuals and groups at the polling place; procedures to be followed with respect to voters whose names are not on the precinct register; proper operation of the voting system; ballot handling procedures; procedures governing spoiled ballots; procedures to be followed after the polls close; rights of voters at the polls; procedures for handling emergency situations; procedures for dealing with irate voters; the handling and processing of provisional ballots; and security procedures—Section 102.014(5)(a-k), *Florida Statutes*. The manual “shall provide specific examples of common problems encountered at the polls on election day, and detail specific procedures for resolving those problems.”

Poll worker training on issues of etiquette and sensitivity for disabled voters “must include actual demonstrations of obstacles confronted by disabled persons during the voting process, including obtaining access to the polling place, traveling through the polling area, and using the voting system”—Section 102.014(7), *Florida Statutes*.

#### Poll Worker Minimum Hours of Training

Section 102.014(4), *Florida Statutes*, specifies that clerks must have had a minimum of three hours of training prior to each election to be eligible to work at the polls. For inspectors, there is a minimum of two hours of training. Section 102.014(7), *Florida Statutes*, requires one hour involving training related to etiquette and sensitivity with regard to voters with disabilities.

#### Poll Worker Recruitment

Supervisors of elections are required to “work with the business and local community to develop public-private programs to ensure the recruitment of skilled inspectors and clerks”—Section 102.014(6), *Florida Statutes*.

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There is no established procedure for evaluating the effectiveness of poll worker training or recruitment as there is for voter education. The 2002 Governor's Select Task Force on Election Procedures, Standards, and Technology report of December 30, 2002, recommended "establishing minimum standards for poll worker performance" and "improving poll worker recruitment and training by launching a statewide "Be a Poll Worker" campaign.

The HAVA Planning Committee has recommended that the Division of Elections establish a procedure to evaluate the effectiveness of poll worker recruitment and training in all 67 counties. In an effort to increase poll worker recruitment, the Department has initiated a "Be a Poll Worker" campaign which includes airing public service announcements and distributing "Be a Poll Worker" handouts at Department presentations. Some counties are using FY 2003-2004 voter education funds to recruit high school and college students as poll workers as well as the public at-large through publication and dissemination of new brochures and videos.

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## Element 4. Voting System Guidelines and Process

**How the State will adopt voting system guidelines and processes which are consistent with the requirements of Section 301.**

### **Introduction**

There are several governmental bodies and agencies that participate in the adoption of voting systems in Florida. The Florida Legislature has great authority to set voting system requirements and does so in Chapter 101, *Florida Statutes*. The Legislature also delegates rule making and certification authority to the Bureau of Voting Systems Certification in the Division of Elections under the Secretary of State.

After voting systems are independently tested and certified for use in Florida, Section 101.5604, *Florida Statutes*, provides that the Board of County Commissioners "at any regular or special meeting called for the purpose, may, upon consultation with the supervisor of elections, adopt, purchase or otherwise procure, and provide for the use of any electronic or electromechanical voting system approved by the Department of State in all or a portion of the election precincts of that county."

To keep Florida's voting systems standards up-to-date, Section 101.015, *Florida Statutes*, requires the Department of State to review "the rules governing standards and certification of voting systems to determine the adequacy and effectiveness of such rules in assuring that elections are fair and impartial."

**Section 254(a)(4) How will the State of Florida adopt voting system requirements and processes which are consistent with the requirements of Section 301?**

Florida's laws and regulations for adopting voting systems that are consistent with the requirements of Section 301 are clearly outlined in *Florida Statutes* and the Florida Voting Systems Standards.

Section 101.015, *Florida Statutes*, authorizes the Department of State to adopt rules which establish minimum standards for hardware and software for electronic and electromechanical voting systems.

Section 101.017, *Florida Statutes*, creates the Bureau of Voting Systems Certification which provides technical support to the supervisors of elections and is responsible for voting system standards and certification.

Section 101.5605, *Florida Statutes*, authorizes the Department of State to examine and approve voting systems through a public process to ensure that the voting systems meet the standards

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outlined in Section 101.5606, *Florida Statutes*, and similar standards outlined in the Help America Vote Act of 2002 (HAVA) requirements outlined in Section 301 of Title III.

Section 101.5604, *Florida Statutes*, authorizes the Board of County Commissioners to adopt voting systems.

Sections 101.293-101.295, *Florida Statutes*, outline the public bidding process that counties should follow in purchasing voting systems.

Section 101.56062, *Florida Statutes*, exceeds the accessibility standards of HAVA Section 301 "Accessibility for Individuals With Disabilities." The HAVA Planning Committee has recommended that the Florida Legislature take advantage of federal funding and bring Florida into compliance and make Section 101.56062, *Florida Statutes*, effective by January 1, 2006 or one year after general appropriations are made, whichever is earlier.

Section 101.015, *Florida Statutes*, requires the Department of State to review "the rules governing standards and certification of voting systems to determine the adequacy and effectiveness of such rules in assuring that elections are fair and impartial."

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## Element 5. Florida's Help America Vote Act of 2002 (HAVA) Election Fund

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

To clarify, Section 254(b) states that a fund described in this subsection with respect to a State is a fund which is established in the treasury of the State government, which is used in accordance with paragraph (2), and which consists of the following amounts:

- (A) Amounts appropriated or otherwise made available by the State for carrying out the activities for which the requirements payment is made to the State under this part.
- (B) The requirements payment made to the State under this part.
- (C) Such other amounts as may be appropriated under law.
- (D) Interest earned on deposits of the fund.

**Section 254(a)(5) How will the State of Florida establish a fund for the purpose of administering the State's activities under this part?**

All HAVA funds are maintained in a trust fund that has already been established by the Department of State. Within this trust fund, monies received for HAVA Sections 101, 102 and Title II are set up into four accounts: 101-Election Administration, 102-Replace Punch Card and Lever Voting Systems, 251-Requirements Payment, and 261-Access for Individuals with Disabilities.

**Section 254(a)(5) How will the State of Florida manage this fund?**

Any HAVA funds received by the State are used exclusively for activities authorized by HAVA. The Division of Elections is responsible for tracking and monitoring the use of funds in accordance with established State procedures.

The Director of the Division of Elections has final signing authority for HAVA expenditures. Any interest earned on this trust fund is returned to the principal amount of the trust.

Standard auditing procedures for monitoring the use of federal funds are used for the receipt and the distribution of HAVA funds. These standard procedures include random program audits by the Department of State Inspector General as well as an annual audit by the Florida Auditor General.

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The Governor and Secretary of State are responsible under HAVA for ensuring compliance with these requirements. The HAVA Planning Committee recommends that the Governor and the Secretary of State maintain contact with the Senate President and the Speaker of the House of Representatives to ensure they remain aware of the strict requirements set in law for the use of HAVA monies placed in this trust fund.

No audit has been conducted to-date, however, based on recent calls from the Florida Auditor General, it is anticipated that an audit will be conducted during FY 2004-2005.

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## Element 6 – Florida’s Budget for Implementing the Help America Vote Act of 2002 (HAVA)

The State’s proposed budget for activities under this part, based on the State’s best estimates of the costs of such activities and the amount of funds to be made available, including specific information on –

- (A) the costs of the activities required to be carried out to meet the requirements of Title III;
- (B) the portion of the requirements payment which will be used to carry out activities to meet such requirements; and
- (C) the portion of the requirements payment which will be used to carry out other activities.

### Introduction

The HAVA Planning Committee clearly recognizes its advisory role in election reform and acknowledges the authority of the Florida Legislature to make funding decisions for Florida. This budget reflects the HAVA Planning Committee’s best efforts to divide the funds that may be available during the three years identified in HAVA. If Florida receives more funds than are included in this budget, the HAVA Planning Committee will revise the budget to reflect this change.

### Reimbursement for replacement of punch card and lever machines.

Following the 2000 General Election, the State of Florida assisted counties by investing approximately \$24 million to replace outdated voting machines. In order to recoup some of this expense, Section 102 federal funds in the amount of \$11,581,377 were returned to the State of Florida as reimbursement.

### Statewide Voter Registration System.

The Florida Legislature directed the Department of State to begin development of a statewide voter registration system that meets the requirements of HAVA. Accordingly, the 2003 Legislature provided \$1.6 million to begin implementation of the system. Federal funds include \$1 million for the Needs Assessment Phase along with nine positions to support design, development and implementation of the HAVA requirements. Of the nine positions, five reside in the Department of State and two each in the Department of Highway Safety and Motor Vehicles and the Florida Department of Law Enforcement.

Phase 2, “Prototyping & Validation of Design,” began in March 2004 and includes the following:

- Installation of prototyping equipment and environment



- Prototype the core system configuration and architecture
- Data conversion/migration testing (data & images)
- Prototype remote access to the core system

An estimate of costs for development and operation of the Florida Voter Registration System is provided in the table below.

Project Component	Fiscal Year					Total
	2003/4	2004/5	2005/6	2006/7	2007/8	
Systems Design & Dev.	602,352	1,343,194	759,493	0	0	2,705,038
FVRS IT Infrastructure	444,400	8,836,775	1,030,991	1,049,750	1,069,260	12,431,177
FVRS Operations	206,377	764,293	1,466,087	1,473,766	1,547,454	5,457,977
<b>Total</b>	<b>1,253,129</b>	<b>10,944,262</b>	<b>3,256,571</b>	<b>2,523,516</b>	<b>2,616,714</b>	<b>20,594,192</b>

The Division of Election also anticipates adding 20 full time equivalent positions (FTEs) in FY 2004-2005. The salaries and benefits, expenses and operating capital outlay associated with these 20 positions is expected to be \$1,203,650.

**Section 301 Accessible Voting Systems**

The HAVA Planning Committee recommended the purchase of Direct Recording Equipment (DRE) accessible to persons with disabilities to ensure that each county has one accessible voting system for each polling place. The estimated cost is \$11.6 million during the 2004-2005 fiscal year. The Florida Legislature authorized the following:

From the funds in Specific Appropriation 2871I, \$11,600,000 shall be distributed by the Department of State to county supervisors of elections for the purchase of Direct Recording Equipment (DRE) or other state approved equipment that meets the standards for disability requirements which is accessible to persons with disabilities to ensure that each county has one accessible voting system for each polling place. The funds are to be distributed according to the number of machines that are accessible for persons with disabilities that are needed in order for each county to have one per polling place.



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In addition, the HAVA Planning Committee in 2003 recommended reimbursing counties that have already purchased voting systems that meet the HAVA accessibility for voters with disabilities requirements. The estimated cost for this reimbursement was \$17 million.

#### **Voter Education**

The HAVA Planning Committee recommended using HAVA funds for the development and implementation of a comprehensive statewide voter education program. The estimated expenditure is a total of \$9 million distributed to the counties and spread over the 2003-2004, 2004-2005 and 2005-2006 fiscal years.

The Florida Legislature authorized the following:

For FY 2003-2004, \$2,976,755 was appropriated and available to Florida counties for voter education programs. From funds in Specific Appropriation 2871I for FY 2004-2005, \$3,000,000 shall be distributed to county supervisors of elections for the following purposes relating to voter education: mailing or publishing sample ballots; conducting activities pursuant to the Standards for Nonpartisan Voter Education as provided in Rule 1S-2.033, F.A.C.; print, radio, or television advertising to voters; and other innovative voter education programs, as approved by the Department of State. No supervisor of elections shall receive any funds until the county supervisor of elections provides to the Department of State a detailed description of the voter-education programs, such as those described above, to be implemented.

#### **Poll Worker Training**

The HAVA Planning Committee recommended using HAVA federal funds in the amount of \$250,000 for each fiscal year 2003-2004, 2004-2005 and 2005-2006 for poll worker training. These funds were intended to supplement each county's existing poll worker training budget.

The 2004 Legislature did not appropriate federal funds for conducting a poll worker recruitment campaign.

The HAVA Planning Committee recommends using HAVA federal funds in the amount of \$500,000, beginning with FY 2005-2006, for poll worker training and recruitment, with a 15% match required of each county.

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### **Statewide Poll worker Recruitment Campaign**

The HAVA Planning Committee recommended that HAVA federal funds be used to implement, through the Division of Elections, a statewide campaign to help recruit qualified poll workers. The increase in the complexity of voting systems and procedures has resulted in a need for more computer literate individuals to staff the polling places and help ensure error-free elections.

The 2004 Legislature did not appropriate federal funds for conducting a statewide poll worker recruitment campaign.

### **HAVA Oversight and Reporting**

The HAVA Planning Committee recommended that the Department of State create three full time positions to manage HAVA implementation.

- HAVA administrator
- Grants specialist
- Administrative assistant

The estimated cost for HAVA oversight and reporting is \$206,079 for the 2003-2004 fiscal year, \$196,485 for the 2004-2005 fiscal year and \$200,719 for the 2005-2006 fiscal year.

The Florida Legislature authorized three positions within the Division of Elections for HAVA Oversight and Reporting. For FY 2003-2004 \$206,079 was appropriated for salaries and benefits, expenses and operating capital outlay. The three position titles are

- Senior Management Analyst Supervisor
- Operations and Management Consultant II
- Administrative Assistant II

### **State Management (HAVA Planning Committee)**

The HAVA Planning Committee recommended that the Secretary of State require it to meet twice each year in 2003-2004 and in 2004-2005 to make recommendations and to resubmit the HAVA State Plan to ensure that Florida is meeting the requirements of the Help America Vote Act. The HAVA Planning Committee convened twice in the 2003-2004 fiscal year at an estimated cost of \$30,000. The HAVA Planning Committee further recommends that it meet twice in the 2004-2005 fiscal year at an estimated cost of \$30,000 and twice in the 2005-2006 fiscal year at an estimated cost of \$30,000.

### **Performance Goals and Measures Adoptions**

The HAVA Planning Committee recommended the Secretary of State utilize the HAVA Planning Committee to determine performance goals and measures. The estimated cost is \$160,000 to be expended in the 2003-2004 and 2004-2005 fiscal years.



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The HAVA Planning Committee determined HAVA performance goals and measures during the meetings that were held to update the HAVA State Plan. Two meetings were held on May 24, 2004 and June 4, 2004 at an estimated cost of \$30,000.

#### **Election Administration**

The HAVA Planning Committee recommends HAVA funds be used for the design and production of new voter registration forms and publications, and translations for all election administration forms and publications. The estimated cost is \$250,000 for each fiscal year 2003-2004, 2004-2005 and 2005-2006.

#### **Complaint Procedures**

Section 402(a) of HAVA requires each state to establish state-based administrative complaint procedures for any person who believes that there is or will be a violation of any of HAVA's Title III requirements. The HAVA Planning Committee recommends using HAVA funds in the amount of \$50,000 per year for the 2004-2005 and 2005-2006 fiscal years for the administration of the complaint procedures process.

The HAVA Planning Committee recommends that the remaining HAVA funds be reserved for future expenses related to the following items:

1. the continued development and implementation of the Florida Voter Registration System
2. future improvements in voting technology
3. continued funds to local counties for voter education programs
4. accessibility for polling places
5. poll worker recruitment and training

#### **Requirement 6**

**(A) Based on the state's best estimates, what are the costs of the activities required to carry out to meet the requirements of Title III?**

**(B) What portion of the requirements payment will be used to carry out activities to meet such requirements?**

**(C) What portion of the requirements payment will be used to carry out other activities?**

This information is displayed in charts on pages 61 and 62.

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**HAVA Budget Funding by Fiscal Year**

	2003-2004 Appropriation	Expenditures thru 6/30/04	Balance	2004-2005 Appropriation	2005-2006
<b>Title I Requirements</b>					
Reimbursement for replacement of punch card and lever machines. (Section 102 HAVA)	11,581,377	11,581,377			
<b>Title III Requirements</b>					
<b>Sec. 303: Statewide Voter Registration System</b>					
Phase One Development –research, planning & design (Section 101 HAVA Funds)	1,000,000	973,078	26,922	0	0
5 full time DOS positions – salaries	290,000	99,965	190,035	290,000	290,000
5 full time DOS positions – expenses	69,575	0	69,575	69,575	69,575
DOS Operating capital outlay	7,500	5,246	2,254	7,500	7,500
2 full time DHSMV positions – salaries	115,000	115,000	0	115,000	115,000
2 full time DHSMV positions – expenses	27,830	27,830	0	27,830	27,830
DHSMV operating capital outlay	3,000	3,000	0	3,000	3,000
2 full time FDLE positions – salaries	115,000	115,000	0	115,000	115,000
2 full time FDLE positions – expenses	27,830	27,830	0	27,830	27,830
DHSMV operating capital outlay	3,000	3,000	0	3,000	3,000
Phase Two – Dev. & impl. statewide voter reg. system (Section 252 Requirements Payment)	0	0	0	10,179,969	10,179,969
20 full time positions – salaries	0	0	0	976,746	976,746
20 full time positions – expenses	0	0	0	196,404	196,404
20 full time positions – operating capital outlay	0	0	0	30,500	30,500
<b>Sec. 301: Voting System Standards (Section 252 Requirements Payment)</b>					
Accessibility for voters with disabilities (compliance)	0	0	0	11,600,000	0
Accessibility for voters with disabilities (reimbursement to counties)	0	0	0	0	17,000,000
<b>Other Election Reform Activities (Section 101 HAVA funds 2003-2004 activities; Section 101 &amp; Section 252 HAVA fund activities 2004-2005 and beyond)</b>					
Voter Education Programs	2,976,755	2,976,755	0	3,000,000	3,000,000
Poll worker recruitment and training	0	0	0	0	500,000
Poll worker Training	0	0	0	0	0
HAVA Oversight and Reporting					
3 full time positions – salaries	165,230	112,706	52,524	165,230	165,230
3 full time positions – expenses	35,849	7,812	28,037	35,849	35,849
Operating capital outlay	5,000	5,000	0	5,000	5,000
State Management (HAVA Planning Committee) HAVA Plan. Comm. convenes twice/year \$30k/mtg)	0	0	0	30,000	30,000
HAVA Performance Goals & Measures Adoption HAVA Planning Committee hearings – 4 at \$40k/mtg	0	0	0	0	0
Election Administration – design and production of new voter registration forms and publications, translations for all election administration forms and publications.	250,000	247,174	2,826	780,000	250,000
Complaint Procedure §402	0	0	0	0	50,000
<b>Total</b>	<b>16,672,946</b>	<b>16,300,773</b>	<b>372,173</b>	<b>27,658,433</b>	<b>33,078,433</b>

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<b>Election Reform Estimated Revenues 2003-2005 Fiscal Years</b>					
	<b>HAVA 101 (2003 actual)</b>	<b>HAVA 102 (2003 actual)</b>	<b>HAVA 252 (2003 Actual) (2004 Estimated)</b>	<b>Total Federal Funds</b>	<b>State Matching Funds</b>
<b>2003</b>	\$ 14,447,580	\$ 11,581,377	\$ 47,416,833	\$ 73,445,790	\$ 525,000
<b>2004</b>	0	0	\$ 85,085,258	\$ 85,085,258	\$ 6,103,018
<b>2005</b>	0	0	TBD	TBD	NA
<b>Total</b>					\$ 6,628,018

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## Element 7. Maintenance of Effort

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

### **Introduction**

The funding provided under the Help America Vote Act of 2002 (HAVA) is intended to pay for new or enhanced election efforts and is not intended to supplant existing funding at the State or county level. The projected HAVA budget is based on the assumption that the State of Florida and counties will maintain the foundation of election operating expenditures for the fiscal year ending prior to November 2000.

The Florida Division of Elections provides statewide coordination and direction for the interpretation and enforcement of election laws. The Division's budget supports year-round staff that provides election-related assistance to Florida's 67 county supervisors of elections and their staff, municipalities, special districts, county and city attorneys, candidates, political committees, committees of continuous existence, elected officials, media, the public and other election officials throughout the United States.

**Section 254(a)(7) How will the State of Florida maintain the expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000?**

In determining Florida's maintenance of effort expenditures, the Division of Elections calculated 1999-2000 fiscal year expenditures which included salaries and benefits, operating capital outlay and voter fraud programs for the Division of Elections Director's office and the portion of Bureau of Election Records' expenditures pertaining to election administration. Florida's expenditures for these activities for 1999-2000 fiscal year totaled \$3,082,224.

In order to comply with Section 254(a)(7) of HAVA, the Florida Department of State will maintain expenditures on similar activities at a level equal to the 1999-2000 fiscal year budget.

For FY 2003-2004 and FY 2004-2005, the State of Florida exceeded the \$3,082,224 required to meet the Maintenance of Effort requirements.

The HAVA Planning Committee recommended that the Secretary of State communicate to the Senate President and the Speaker of the House of Representatives the importance of maintaining this maintenance of effort figure, as a minimum level of expenditures, to ensure the required level of spending is appropriated by the Florida Legislature.





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During the 2003 and 2004 Legislative sessions, the Department of State's budget staff and legislative affairs staff maintained and continues to maintain close contact with House and Senate staff to convey the importance of continuing the Maintenance of Effort figure as a minimum level of funding.

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## Element 8. Performance Goals and Measures

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

### **Introduction**

Florida has a very decentralized election governance and administrative system. The Secretary of State is appointed by the Governor and is the legal Chief Election Official in Florida. However, the Secretary of State does not supervise the day-to-day operations of the 67 local supervisors of elections and only provides guidance through technical assistance, rules, advisory opinions, voting system certification, and producing standardized election forms.

In Florida, it is the local supervisor of elections that has constitutional authority to conduct elections through State law and rule. The supervisors are elected to 4-year terms by the registered voters of their respective counties (except for Miami-Dade's appointed supervisor) and have broad authority to conduct the day-to-day election operations by appointing local election officials, administering voter registration, preparing ballots, administering absentee voting, conducting poll worker training, and developing voter education programs.

The Help America Vote Act of 2002 (HAVA) requires the State and not the local supervisors of elections to adopt performance goals and measures for determining statewide and local election reform success. The following performance measures have been adopted by the HAVA Planning Committee for these key elements of the plan:

1. Voting Systems
2. Voting systems guidelines
3. Absentee instructions
4. Voting systems for voters with disabilities
5. Provisional voting
6. Voter registration system
7. Voter education
8. Administrative complaint process



**Section 254(a)(12) How will Florida adopt performance goals and measures that will be used by the State to determine its success and the success of local government in carrying out the plan, including—**

- **Timetables for meeting the elements of the plan**
- **Descriptions of the criteria the State will use to measure performance**
- **The process used to develop such criteria**
- **A description of which official is to be held responsible for ensuring that each performance goal is met?**

<b>Planning Element:</b>	Element #1, Section 301 – Voting Systems Element # 4, Section 254(a)(4) – Voting System Guidelines
<b>HAVA Deadline:</b>	January 1, 2006
<b>Goal:</b>	Document the performance of Florida’s voting systems to continually improve the voting experience for Florida voters.
<b>Performance Measures:</b>	<ul style="list-style-type: none"> <li>• Record and report to the Florida Legislature the number of overvotes and undervotes appearing in the first race for each General Election</li> <li>• List the likely reasons for such overvotes and undervotes by counties, by voting systems, and by appropriate election races</li> <li>• Suggest improvements to the voting process addressing such issues as voting system performance, ballot design, ballot instructions, election official training, poll worker training, voter education, and policy changes</li> <li>• Review rules and governing standards and certification of voting systems to determine the adequacy and effectiveness of such rules in assuring that elections are fair and impartial</li> </ul>
<b>Timetable (if applicable):</b>	On-going
<b>Process used to develop criteria:</b>	Florida Legislature (Section 101.595, Section 101.015, <i>Florida Statutes</i> ) 2001 Governor’s Select Task Force Report on Election Procedures, Standards and Technology HAVA Planning Committee
<b>Accountable official(s):</b>	Director, Division of Elections Chief, Bureau of Voting Systems Certification Supervisors of Elections



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<b>Planning Element:</b>	Element #1, Section 301 – Absentee Ballot Instructions
<b>HAVA Deadline:</b>	January 1, 2006
<b>Goal:</b>	Ensure voters have sufficient absentee ballot instructions on how to make corrections by requesting a replacement ballot and the consequences of casting multiple ballots.
<b>Performance Measures:</b>	With receipt of absentee ballots following an election, each county will gather the following information: <ul style="list-style-type: none"><li>• Number of absentee/mail-in ballots requested</li><li>• Number of replacement absentee/mail-in ballots requested</li><li>• The number of returned absentee ballots not counted because of<ul style="list-style-type: none"><li>a) no signature</li><li>b) non-matching signature</li></ul></li></ul>
<b>Timetable (if applicable):</b>	September 2004
<b>Process used to develop criteria:</b>	<ul style="list-style-type: none"><li>• Department of State, (Rule 1S-2.032, F.A.C.)</li><li>• HAVA Planning Committee</li></ul>
<b>Accountable official(s):</b>	Director, Division of Elections Supervisors of Elections

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<b>Planning Element:</b>	Element #1, Section 301 – Certified Voting Systems for Voters with Disabilities
<b>HAVA Deadline:</b>	January 1, 2006
<b>Goal:</b>	Provide one accessible voting system for every polling place including non-visual accessibility for the blind and visually impaired that provides the same opportunity for access and participation as other voters.
<b>Performance Measures:</b>	<ul style="list-style-type: none"><li>• Legislature appropriates sufficient HAVA funds to purchase accessible voting systems;</li><li>• Supervisors of elections certify to the Department of State the number of certified accessible voting systems needed to meet the requirement of one per polling place;</li><li>• Upon approval by the Department of State, supervisors of elections submit recommendations for purchase of certified accessible voting systems to Board of County Commissioners;</li><li>• Board of County Commissioners receives HAVA funds and appropriates funds to purchase certified accessible voting systems;</li><li>• Supervisors of elections report to the Department of State before January 1, 2006 that this requirement has been met.</li></ul>
<b>Timetable (if applicable):</b>	Begin July 2004 End December 2005
<b>Process used to develop criteria:</b>	Florida Legislature sets requirements for certifying polling places Division of Elections certifies polling places and voting systems HAVA Planning Committee
<b>Accountable official(s):</b>	Director, Division of Elections Supervisors of Elections

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<b>Planning Element:</b>	Element #1, Section 302 – Provisional Voting
<b>HAVA Deadline:</b>	January 1, 2004
<b>Goal:</b>	Ensure that all voters whose eligibility to vote is questioned be permitted to cast a provisional ballot and notified of outcome.
<b>Performance Measures:</b>	<p>With respect to the voter registration of each county, the following information will be collected to measure compliance performance:</p> <p>County Level</p> <ul style="list-style-type: none"><li>• The number of provisional ballots cast in each precinct</li><li>• The number of registered voters in each precinct</li><li>• The number of provisional ballots that were verified and counted in each precinct</li><li>• The number of provisional ballots not counted in each precinct and the reason for not counting</li></ul> <p>State Level</p> <ul style="list-style-type: none"><li>• The number of provisional ballots cast in each county</li><li>• The number of registered voters in each county</li><li>• The number of provisional ballots that were verified and counted in each county</li><li>• The number of provisional ballots not counted in each county and the reason for not counting</li></ul>
<b>Timetable (if applicable):</b>	On-going
<b>Process used to develop criteria:</b>	Florida Legislature (Section 101.048, <i>Florida Statutes</i> ) HAVA Planning Committee
<b>Accountable official(s):</b>	Director, Division of Elections Supervisors of Elections

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<b>Planning Element:</b>	Element #1, Section 303 – Voter Registration System
<b>HAVA Deadline:</b>	January 1, 2006
<b>Goal:</b>	Establish a single, uniform, official centralized, interactive, computerized, statewide voter registration list which shall be the single system for storing and managing the list of registered voters throughout the state for the conduct of all federal elections.
<b>Performance Measures:</b>	<ul style="list-style-type: none"> <li>• Legislature directs the Division of Elections to develop a statewide voter registration system that meets the requirements of HAVA;</li> <li>• Division of Elections begins Phase 1 of the “Florida Voter Registration System” (FVRS) in September 2003 and develops the specifications for design and implementation.</li> <li>• Division of Elections begins Phase 2 of the FVRS in March 2004 by prototyping and validating system components;</li> <li>• Division of Elections begins Phase 3 of the FVRS in March 2005 by conducting tests, revising modules, and ensuring all system components meet functional and performance standards;</li> <li>• Division of Elections begins Phase 4 of the FVRS in August 2005 by developing and implementing a training and education plan which will result in counties being brought on line as their election schedules permit;</li> <li>• Division of Elections begins Phase 5 of the FVRS in January of 2006 by providing final system documentation and by transitioning to a maintenance and support function</li> </ul>
<b>Timetable (if applicable):</b>	Begin September 2003 End December 2005
<b>Process used to develop criteria:</b>	<ul style="list-style-type: none"> <li>• Public meetings hosted by the Bureau of Voting Systems Certification in consultation with supervisors of elections and other involved state and federal agencies</li> <li>• HAVA Planning Committee</li> </ul>
<b>Accountable official(s):</b>	Secretary of State Deputy Secretary of State Director, Division of Elections Chief, Bureau of Voting Systems Certification Supervisors of Elections



<b>Planning Element:</b>	Element #3, Section 254(a)(3) Voter Education
<b>HAVA Deadline:</b>	NA
<b>Goal:</b>	Promote a more educated electorate by providing comprehensive and varied voter education programs throughout each of Florida's 67 counties.
<b>Performance Measures:</b>	<ul style="list-style-type: none"> <li>• County supervisors of elections will create a Voter Guide including the information defined in Rule 1S-2.033, F.A.C.</li> <li>• Voter education plans will be filed with the Division of Elections by each supervisor of election</li> <li>• The Department of State will prepare a report on the effectiveness of these programs</li> <li>• Each county will document, where applicable:             <ul style="list-style-type: none"> <li>○ the number and types of locations in which voter guides are distributed</li> <li>○ the number and types of mediums for posting election related information (banners, billboards, etc.)</li> <li>○ the number of sample ballots mailed and/or publications where they were published</li> <li>○ voter education and registration programs for high school students</li> <li>○ college registration/education programs on each college campus in the county</li> <li>○ voting equipment demonstrations</li> <li>○ where voters rights and responsibilities are posted</li> <li>○ registration workshops held</li> <li>○ the number and locals of radio, television and print interviews</li> <li>○ methods used to reach non-English speaking and citizens with disabilities</li> <li>○ number of overvotes and undervotes that occur during an election</li> <li>○ the number of provisional ballots cast during an election</li> </ul> </li> </ul> <p style="text-align: right;"><i>(continued on next page)</i></p>





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<b>Timetable (if applicable):</b>	<ul style="list-style-type: none"><li>• Ongoing</li><li>• Supervisors of elections are required to file a report by December 15<sup>th</sup> of each general election year with the Dept. of State describing voter education programs implemented.</li><li>• Department of State is required to review information submitted by supervisors of elections and prepare a public report, to be submitted to Governor, Senate President and Speaker of the House of Representatives, on effectiveness of voter education programs by January 31<sup>st</sup> of each year following a general election.</li></ul>
<b>Process used to develop criteria:</b>	The Florida Legislature (Section 98.255, Section 101.65, <i>Florida Statutes</i> ) Department of State (Rule 1S-2.033, F.A.C.) Supervisors of Elections HAVA Planning Committee
<b>Accountable official(s):</b>	Director, Division of Elections Supervisors of Elections

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<b>Planning Element:</b>	Element #3, Section 254(a)(3) – Election Official and Poll Worker Training
<b>HAVA Deadline:</b>	Immediate and Ongoing
<b>Goal:</b>	Provide a simple, friendly voting experience for Florida voters by training election officials and poll workers through professional and frequent instruction.
<b>Performance Measures:</b>	<ul style="list-style-type: none"><li>• Document the number of training classes offered at the state and local levels</li><li>• Document the number of supervisors of elections who receive certification</li><li>• Document the number of election officials who receive training</li><li>• Document the number of poll workers who attend the training sessions</li><li>• Document and report voter satisfaction with the voting process through various methods</li><li>• Report to the Florida Legislature after each election cycle the effectiveness of election official and poll worker training programs</li></ul>
<b>Timetable (if applicable):</b>	On-going
<b>Process used to develop criteria:</b>	HAVA Planning Committee
<b>Accountable official(s):</b>	Supervisors of Elections Director, Division of Elections

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<b>Planning Element:</b>	Element #9, Section 254(a)(a) State-Based Administrative Complaint Procedures to Remedy Grievances
<b>HAVA Deadline:</b>	NA
<b>Goal:</b>	Establish and maintain a state-based administrative complaint procedure for any individual who believes that there has been a violation of any of HAVA's Title III requirements.
<b>Performance Measures:</b>	The following information will be collected to subjectively measure performance: <ul style="list-style-type: none"><li>• Number of complaints received</li><li>• Number of complaints resolved<ul style="list-style-type: none"><li>• Number of complaints resolved in 30 days or less</li><li>• Number complaints resolved in 60 days</li><li>• Number of complaints resolved in 90 days</li></ul></li><li>• Number of complaints unresolved<ul style="list-style-type: none"><li>• Description of reason complaint is left unresolved</li></ul></li></ul>
<b>Timetable (if applicable):</b>	Ongoing
<b>Process used to develop criteria:</b>	Florida Legislature (Section 97.028, <i>Florida Statutes</i> ) HAVA Planning Committee
<b>Accountable official(s):</b>	Director, Division of Elections Supervisors of Elections

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## Element 9. State-Based Administrative Complaint Procedures to Remedy Grievances

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

### **Introduction**

To receive any requirements payment pursuant to the Help America Vote Act of 2002 (HAVA), the State of Florida must establish and maintain State-based administrative complaint procedures which meet HAVA's requirements to:

- (1) be uniform and nondiscriminatory;
- (2) provide that any person who believes that there is or will be a violation of any of HAVA's Title III requirements may file a complaint;
- (3) require the complaint to be in writing, sworn and notarized;
- (4) permit complaints to be consolidated;
- (5) hold a hearing on the record at the request of the complainant;
- (6) provide an appropriate remedy if the State determines that there is a violation of any Title III provision;
- (7) if the State determines there is no violation, dismiss the complaint and publish the results of procedures;
- (8) make a final determination on a complaint within 90 days after filing unless the complainant consents to a longer period; and,
- (9) use alternative dispute resolution procedures to resolve the complaint if the State fails to resolve it within 90 days.

**Section 402(a): Has Florida complied with the requirements of HAVA Section 402(a) to establish State-based administrative complaint procedures to remedy grievances?**

**Yes, and no further actions are required.**

Appropriate administrative complaint procedures were included in Chapter 2003-415, *Laws of Florida*. Language in the legislation tracked HAVA's language closely. These procedures are similar to administrative procedures in Section 97.023, *Florida Statutes*, for resolving complaints generated by alleged violations of the National Voter Registration Act of 1993 or a voter registration or removal procedure under the Florida Election Code.

Florida's legislation established a new Section 97.0535, *Florida Statutes*, that in addition to tracking HAVA's minimum requirements, included the following additional requirements not specified by HAVA:

- (1) the Department of State would have sole jurisdiction for these purposes and the procedures would be the sole avenue of redress for alleged Title III violations;

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- (2) a complaint would have to state the alleged violation and the person or entity responsible for the violation;
  - (3) the Department of State would be required to inform a complainant in writing if a complaint was legally insufficient;
  - (4) proceedings would be exempt from Chapter 120, *Florida Statutes*, (Administrative Procedures Act);
  - (5) a hearing would be held by a hearing officer whether or not a complainant requested a hearing and specific procedures for a hearing were included in the legislation;
  - (6) the hearing officer would direct an appropriate remedy that then would be enforced by the Department of State;
  - (7) mediation would be the alternative dispute resolution method used if a final determination on a complaint was not made within 90 days of filing.

020865



## Element 10. Effect of Title I Payments

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

### **Introduction**

Title I of the Help America Vote Act of 2002 (HAVA) is an "early out" money program for use in two areas—improving election administration and the replacement of punch card and lever voting systems. Florida received \$26,028,957 under this "early out" program. The HAVA Planning Committee recommended using Section 101 federal HAVA funds for 2003-2004 activities and a combination of Section 101 and Section 252 HAVA federal funds for activities beginning in the 2004-2005 fiscal year and beyond.

Under Title I, Section 101 funds are to be used to improve election administration. Approved use of funds under this section includes:

- (A) Complying with the requirements under Title III.
- (B) Improving the administration of elections for Federal office.
- (C) Educating voters concerning voting procedures, voting rights, and voting technology.
- (D) Training election officials, poll workers, and election volunteers.
- (E) Developing the HAVA State Plan for requirements payments.
- (F) Improving, acquiring, leasing, modifying, or replacing voting systems.
- (G) Improving polling place accessibility for voters with disabilities or with limited English.
- (H) Establishing toll-free telephone hotlines for voters to access voting information, report voting fraud, or report voting rights violations.

Under Title I, Section 102 federal funds are to be used to replace punch card and lever voting systems.

Following the 2000 General Election, the State of Florida assisted counties by investing approximately \$24 million to replace outdated voting machines. In order to recoup some of this expense, Section 102 funds in the amount of \$11,581,377 were returned to the state as reimbursement.

The HAVA Planning Committee clearly recognizes its advisory role in election reform and acknowledges the authority of the Florida Legislature to make funding decisions for Florida. The following recommendations are based on the HAVA Planning Committee meetings held to develop the HAVA State Plan.

**Section 101. How will Title I payments to Florida be used for activities to improve administration of elections?**

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The State of Florida is using Title I funds for election reform activities necessary to ensure Florida complies with all HAVA requirements. The following list describes the major areas in which funds are used.

**(A) Complying with the requirements under Title III**

The Division of Elections will implement a statewide voter registration system to comply with HAVA Title III. The Division of Elections used \$1 million appropriated from Section 101 federal funds for Phase One development of the new Statewide Voter Registration system. Expenditures for Phase One included:

- Consulting fees for conducting a detailed analysis of connectivity infrastructure available in the 67 supervisor of elections' offices and within all affected offices of the departments of State, Law Enforcement and Highway Safety and Motor Vehicles; working with the counties, the three agencies and the advisory board to create minimum and optimum sets of system requirements; assessing infrastructure needs of all stakeholders to serve the system requirements; conducting "gap" analysis; outlining the physical design of the system; estimating costs and implementation plans for each version for the system to be presented to the 2004 Legislature; and developing and publishing the January 2004 report and recommendations for the 2004 Legislature.
- The purchase of hardware and software for project management and system development.
- Expenses incurred by Division of Elections' staff.
- Travel expenses for visits to every supervisor of elections' office and local driver license office.

In addition, Section 101 HAVA funds were used to create nine full time positions necessary for the design, development and implementation of the Statewide Voter Registration system.

**(B) Improving the administration of elections for Federal office.**

Upon receipt of Title I monies, the HAVA Planning Committee recommended that the Division of Elections use \$250,000 in fiscal year 2003-2004 from Section 101 funds for expenses that include the design and publication of voter registration forms and other election information, translations for all election administration forms and publications, statewide voter education programs and training workshops.

A State-based complaint procedure has been established for anyone who believes that a violation of Title III of the Help America Vote Act has occurred, is occurring or is about to occur. Funds may need to be expended depending on the number and type of complaints filed.

020867



**(C) Educating voters concerning voting procedures, voting rights, and voting technology.**

The Florida Division of Elections will use approximately \$9 million over a three year period for voter education programs. In FY 2003-2004, \$2,976,755 was appropriated and distributed to county supervisors of elections for voter education programs. Distribution was based on a funding level per individual voter multiplied by the number of registered voters in each county for the 2002 General Election. To determine the funding level per individual voter, the Division of Elections divided the total amount of funds appropriated in FY 2003-2004 by the total number of registered voters in the State of Florida for the 2002 General Election.

For FY 2004-2005, the Appropriations bill includes \$3,000,000 to be distributed to county supervisors of elections for purposes relating to voter education. No supervisor of elections shall receive any funds until the county supervisor of elections provides to the Department of State a detailed description of the voter-education programs, such as those described above, to be implemented.

FY 2004-2005 funds will be distributed to each eligible county supervisor of elections based on a funding level per voter multiplied by the number of registered voters in the county for the 2004 Presidential Preference Primary. To determine the funding level per individual voter, the Division of Elections will divide the total amount of funds appropriated in FY 2004-2005 by the total number of registered voters in the State of Florida for the 2004 Presidential Preference Primary.

**(D) Training election officials, poll workers, and election volunteers.**

In the original HAVA plan, the HAVA Planning Committee recommended using HAVA funds in the amount of \$250,000 for poll worker training in each fiscal year 2003-2004, 2004-2005 and 2005-2006. The Florida Legislature, however, did not appropriate HAVA funds for this use in FY 2003-2004 or FY 2004-2005.

The HAVA Planning Committee would like to reinstate its recommendation to use HAVA funds in the amount of \$500,000, beginning with FY 2005-2006, for poll worker training and recruitment, with a 15% match required of each county.

020868





**(E) Developing the HAVA State Plan for requirements payments to be submitted under part 1 of subtitle D of Title II.**

Title I funds were used to revise the HAVA State Plan in FY 2003-2004. As the State of Florida modifies its plans in future years, HAVA funds may be used.

**(F) Improving, acquiring, leasing, modifying, or replacing voting systems.**

Florida has already replaced its punch card and lever voting systems. Following the 2000 General Election, the State of Florida assisted counties by investing approximately \$24 million to replace outdated voting machines. In order to recoup some of this expense, Section 102 funds in the amount of \$11,581,377 were returned to the state as reimbursement.

The HAVA Planning Committee recommended that the State of Florida utilize some HAVA funds to help counties meet the accessibility requirements under Title III by the January 1, 2006 deadline. The FY 2004-2005 Appropriations Bill states that \$11,600,000 shall be distributed by the Department of State to county supervisors of elections for the purchase of Direct Recording Equipment (DRE) or other state approved equipment that meets the standards for disability requirements which is accessible to persons with disabilities to ensure that each county has one accessible voting system for each polling place.

In addition, the HAVA Planning Committee recommends reimbursing counties who have already purchased voting systems that meet the HAVA accessibility for voters with disabilities requirements. The estimated cost for this reimbursement is \$17 million and it is anticipated that Section 252 HAVA funds will be used.

**(G) Improving polling place accessibility for voters with disabilities or with limited English.**

Under Section 261, HAVA states the Secretary of Health and Human Services shall make a payment to eligible States to be used for making polling places accessible to individuals with disabilities and providing information on this accessibility. The HAVA Planning Committee recommends that these funds be distributed to each county to ensure that individuals with disabilities are provided the same opportunity for access and participation as for other voters.

020369



During FY 2003-2004, the State of Florida applied for and received a grant from Health & Human Services (HHS) in the amount of \$687,278. Since the Division of Elections did not have budget authority in FY 2003-2004 to spend these dollars, none of the funds have been requested from HHS as of this date. The Division has distributed a survey to all supervisors of elections requesting information regarding the number of polling places that were utilized in the 2004 Presidential Preference Primary. This information will be used to determine the formula for distributing the grant funds to the counties.

The funds will be used as described in the grant application which follows the recommendations in the plan.

The Division of Elections has also been awarded a second grant from Health & Human Services to improve polling place accessibility in the amount of \$492,941.

**(H) Establishing toll-free telephone hotlines for voters to access voting information, report voting fraud, or report voting rights violations.**

Currently, there are no plans to use HAVA funds for establishing a free voting information hotline. If this type of voting information system is desired, it will be the responsibility of each county and monitored by the Division of Elections.

The Division of Elections has already established a voter fraud hotline for individuals who believe they may have witnessed election fraud. In addition, the Division has established a hotline for voters to request voting information.

**Section 102. How will payments to Florida be used for the replacement of punch card or lever voting machines?**

Following the 2000 General Election, the State of Florida assisted counties by investing approximately \$24 million to replace outdated voting machines. In order to recoup some of this expense, Section 102 federal funds in the amount of \$11,581,377 were returned to the state as reimbursement.



## Element 11. Help America Vote Act of 2002 (HAVA) State Plan Management

**How the State will conduct ongoing management of the plan, except the State may not make any material change in the administration of the plan unless the change—**

**(A) is developed and published in the Federal Register in accordance with section 255 in the same manner as the State plan;**

**(B) is subject to public notice and comment in accordance with section 256 in the same manner as the State plan; and**

**(C) takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A).**

### **Introduction**

This element of the HAVA State Plan requires Florida to explain how the State of Florida will manage the implementation of the HAVA State Plan and whether it will utilize the same public notice process if any “material change” is made to the administration of the HAVA State Plan.

### **Section 251(a)(11) How will Florida conduct ongoing management of the HAVA State Plan?**

As explained in previous sections of this Plan, the administration of elections in Florida occurs at the State and local levels. The Secretary of State is the Chief Election Officer under Florida law. The Secretary of State as the Chief Election Officer is responsible for the coordination of the State’s responsibilities under HAVA Section 253. The Director of the Division of Elections reports to the Secretary of State and will be responsible for the day-to-day monitoring and managing of Florida’s HAVA State Plan. The Director has three new positions dedicated to HAVA program management. The scope of responsibilities will range from federal reporting and grant compliance to assistance with voter education, election official training and updating the HAVA State Plan.

Also at the State level, the Secretary of State directs the HAVA Planning Committee to update the HAVA State Plan as required in Section 255. Under Florida’s HAVA State Plan, the HAVA Planning Committee is responsible for conducting its business in an open, public forum and for suggesting revisions and updates to the HAVA State Plan.

At the local level, Florida’s 67 supervisors of elections will be encouraged to play an active role in the successful implementation of the HAVA State Plan. The Division of Elections will continue to work on a regular basis with local supervisors of elections to develop performance



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goals and measures, new voter registration improvements, new voting systems certification upgrades, statewide voter education programs, election official training, and other activities outlined in Florida's HAVA State Plan.

**Section 254(a)(11) If Florida makes any material change in the administration of the HAVA State Plan, will the change—**

**(A) be developed and published in the Federal Register in accordance with Section 255 in the same manner as the HAVA State Plan;**

**(B) be subject to public notice and comment in accordance with Section 256 in the same manner as the HAVA State Plan; and**

**(C) take effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A)?**

The State of Florida understands and agrees to comply with the HAVA requirements related to ongoing management of the HAVA State Plan. No material changes in the administration of the plan will be made unless:

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

020872



## Element 12. Changes to State Plan for Previous Fiscal Year

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

### **Introduction**

The HAVA State Plan was updated at public meetings held in Orlando, Florida on May 24, 2004 and in Hollywood, Florida on June 4, 2004. The Secretary of State utilized the previous HAVA Planning Committee to make changes. The Collins Center for Public Policy, Inc. was selected in a public competitive process to staff the update process.

The HAVA Planning Committee focused on three types of changes:

1. Substantive changes made by the State of Florida that bring the State into further compliance with HAVA
2. Minor updates that will not affect the State's compliance with HAVA
3. Issues that have arisen that might affect the State's future compliance with HAVA

The HAVA Planning Committee received copies of the original plan. All updates and changes to the original plan from the previous fiscal year were noted as follows:

1. Sections of the plan that were deleted were first shown in a strike-through font
2. Sections of the plan that were new were shown in an underlined font.
3. After the HAVA Planning Committee reviewed and approved the updates, the underline and strike-through fonts were removed.

**Section 254(a)(12) When Florida has a HAVA State Plan for the previous fiscal year, will the State of Florida provide a description of how the plan reflects changes from the HAVA State Plan for the previous fiscal year and how the State succeeded in carrying out the HAVA State Plan for such previous fiscal year?**

Florida has updated its original HAVA State Plan to bring it into further compliance through legislative action, rule change and updated information. The following chart is a summary on how the HAVA State Plan changed and how the State succeeded in carrying out the HAVA State Plan for the previous fiscal year.

020873



**HAVA State Plan Update from Previous Fiscal Year**

**Element 1-Voting Systems**

Florida currently meets all HAVA voting system requirements except with regard to voting systems for voters with disabilities.

Changes	Successes
<p>Voting systems for voters with disabilities:            The Legislature appropriated \$11.6 million to help Florida's counties provide one certified accessible voting system for voters with disabilities including blind and visually impaired voters by January 1, 2006.</p>	<p>The Department of State is going beyond HAVA by contracting with a disability relations group to act as a consultant to help implement disability access with the supervisors of elections across the state.</p>

**Element 1- Provisional Voting and Voting Information**

Florida made six (6) changes to the provisional voting process in order to comply with HAVA by January 1, 2004.

Changes	Successes
<p>Free Access System:            Updated state law to require each supervisor of elections to establish a free access system that allows each person who casts a provisional ballot to determine whether his/her provisional ballot was counted and, if not, why.</p> <p>The HAVA Planning Committee concludes that the provisional ballot set forth in HAVA reinforces protections that the NVRA affords voters who move within the registrar's jurisdiction without updating their registration information, the ability to vote. The HAVA Planning Committee would like to offer Florida voters this same certainty and recommends to the Florida Legislature that the meaning of the term "jurisdiction" in Florida Statutes be changed from "precinct" to "county."</p> <p>Voting instructions including how to cast a provisional ballot:            The Division of Elections updated and</p>	<p>Systems were established by January 1, 2004 and individuals who voted provisional ballots were given notice of whether their ballot was counted.</p> <p>Proper instructions for voting and casting a provisional ballot were displayed in polling places.</p> <p>Proper instructions for mail-in registrants and first-time voters were displayed in polling places.</p> <p>Proper contact information for any voter alleging their rights were violated was displayed in polling places.</p> <p>The State was in compliance by the required deadline.</p>



<p>reprinted posters that are displayed in each polling place on election day to include these instructions.</p> <p>Posting of instructions for mail-in registrants and first-time voters:        The Division of Elections updated and reprinted posters that are displayed in each polling place on election day to include these instructions.</p> <p>Posting of contact information for voters who allege their rights have been violated:        The Division of Elections updated and reprinted posters that are displayed in each polling place on election day to include these instructions.</p> <p>Effective date for complying with Provisional Voting and Voting Information Requirements:        Requirements were completed by HAVA deadline of January 1, 2004.</p>	
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**Element 1- Voter Registration System**

Changes	Successes
<p>The Florida Legislature has directed the Department of State to begin the development of the new Florida Voter Registration System (FVRS) that meets the requirements of HAVA. The Division of Elections has been tasked to develop the specifications for the design and implementation. A project team has been established consisting of supervisors of elections, technical experts and other agency representatives and has approved a five (5) phase project plan to be completed by the HAVA deadline.</p>	<p>The State of Florida received an extension for the development and implementation of the computerized statewide voter registration list from January 1, 2004 to January 1, 2006.</p> <p>The Florida Legislature appropriated \$1.6 million to begin the project design and implementation of the new Florida Voter Registration System and to fund nine positions.</p>

020875



**Element 2- Local Government Payments and Activities**

Changes	Successes
<p>The State of Florida reimbursed itself with \$11.58 million in Section 102 HAVA funds for replacing outdated voting machines after the 2000 General Election.</p>	<p>The Florida Legislature appropriated \$11.6 million in HAVA funds to assist counties in the purchase of accessible voting systems for each polling place.</p> <p>The Florida Legislature appropriated nearly \$3 million to counties for nonpartisan Voter Education programs.</p>

**Element 3- Voter Education**

Changes	Successes
<p>An analysis of FY 2003-2004 voter education programs throughout the state indicate a variety of innovative programs are being used.</p> <p>Beginning in 2003, the Florida Legislature expanded its definition of voter education activities for which counties may receive state funds.</p> <p>HB 29B (Chapter 2003-415) requires:</p> <ul style="list-style-type: none"> <li>• Education materials to be updated to provide absentee voters with better instructions;</li> <li>• The Department of State and county supervisors of elections to provide more information to absent uniform services voters and overseas voters;</li> <li>• Persons registering to vote be notified of the requirement to provide identification prior to voting the first time;</li> <li>• Written instructions be given regarding the free access system that allows each person who casts a provisional ballot to determine whether their vote counted and, if not, why not;</li> <li>• Supervisors of elections to provide up-to-date information to conform to HAVA</li> </ul>	<p>The Florida Legislature appropriated \$3 million for voter education programs for FY 2004-2005.</p> <p>Division of Elections contracted with the Get Out the Vote Foundation, Inc., in the amount of \$247,500 from FY 2003-2004 appropriations.</p> <p>The Florida State Association of Supervisors of Election, through activities of its Get Out the Vote Foundation, will play a major role in educating and training election officials in 2004.</p> <p>To increase poll worker recruitment, the Department has initiated a "Be a Poll Worker" campaign which includes airing public service announcements and distributing "Be a Poll Worker" handouts at Department presentations.</p>





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voting information requirements;

Senate Bill No. 2566 (Chapter 2004-232) required county supervisors of elections to revise the Voter's Certificate and instruction to those voting via an absentee ballot indicating an absentee ballot is no longer required to have his/her signature witnessed.

Senate Bill No. 2346 (Chapter 2004-252) required county supervisors of elections to revise the Early Voting Certificate information indicating a person casting an Early Vote is no longer required to have his/her signature witnessed.

The Division of Election's website enhances voter education through the internet by:

- Voter assistance hotline toll free number
- 2004 national voter registration workshops to be held across the state
- Direct link to Help America Vote Act and HAVA Planning Committee activities
- The results of an election night voter report card (survey)

Under F.S. 101.20, supervisors of elections may mail a sample ballot to each registered elector or each household if done at least 7 days prior to any election, rather than publishing a sample ballot in a newspaper of general circulation.

The HAVA Planning Committee recommended state funding for poll worker training and recruitment but the Florida Legislature in 2004 did not appropriate any funds for either activity.

020377



**Element 4- Voting System Guidelines and Processes**

Changes	Successes
There were no changes in this element of the HAVA State Plan.	

**Element 5- HAVA Election Fund**

Changes	Successes
<p>The HAVA fund has not undergone any structural changes in the way the trust fund was set up.</p> <p>Recent calls from the Florida Auditor General indicate a possible audit during FY 2004-2005.</p>	<p>The Florida Legislature has appropriated funds received for election-related activities as required by HAVA.</p>

**Element 6- HAVA Budget**

Changes	Successes
<p>The HAVA Planning Committee approved the projected cost of the Florida Voter Registration System and recommended that the Florida Legislature continue funding the development of this project for a estimated total of \$20.6 million through 2008.</p> <p>The HAVA Planning Committee continued to recommend that the State of Florida reimburse counties that have already purchased voting systems that meet the HAVA accessibility requirements for voters with disabilities.</p> <p>The HAVA Planning Committee recommended using \$9 million of HAVA funds during FY 2003-2004, FY 2004-2005 and FY 2005-2006 to develop and implement a state-wide voter education program.</p>	<p>The State of Florida reimbursed itself with \$11.58 million in Section 102 HAVA funds for replacing outdated voting machines after the 2000 General Election.</p> <p>The Florida Legislature appropriated \$1.6 million in FY 2003-2004 to begin the development of the Florida Voter Registration System which will meet HAVA requirements.</p> <p>The Florida Legislature appropriated \$11.6 million in HAVA funds, in FY 2004-2005, to assist counties in the purchase of accessible voting systems for each polling place by January 1, 2006.</p> <p>The Florida Legislature appropriated nearly \$3 million to counties for nonpartisan Voter Education programs in FY 2003-2004 and FY 2004-2005.</p>



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<p>The HAVA Planning Committee recommended using \$500,000 for FY 2005-2006 in a matching grant program for counties to conduct election official and poll worker training.</p> <p>The HAVA Planning Committee did not recommend renewing its recommendation to develop a statewide poll worker recruitment campaign.</p> <p>The HAVA Planning Committee recommended continued funding of the three positions providing administrative oversight for HAVA.</p> <p>The HAVA Planning Committee recommended funding future HAVA Planning Committee meetings at \$30,000 for each fiscal year through FY 2005-2006.</p> <p>The HAVA Planning Committee recommended funding the following future activities:</p> <ol style="list-style-type: none"> <li>1. continued development and expansion of the Florida Voter Registration System</li> <li>2. future improvement to voting technology</li> <li>3. continued funds for county voter education programs</li> <li>4. accessibility for polling places</li> <li>5. poll worker recruitment and training.</li> </ol>	<p>The Florida Legislature funded three positions to provide administrative oversight for HAVA in FY 2003-2004.</p>
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**Element 7- Maintenance of Effort**

Changes	Successes
<p>The State of Florida exceeded the Maintenance of Effort payments for FY 2003-2004 and FY 2004-2005.</p>	<p>The State of Florida provided funds of just over \$3,082,224 for election activities in order to meet the HAVA Maintenance of Efforts requirement.</p>

020879



**Element 8- Performance Measures**

Changes	Successes
<p>The HAVA Planning Committee approved performance measures for the following plan elements:</p> <ol style="list-style-type: none"> <li>1. Voting systems</li> <li>2. Voting systems guidelines</li> <li>3. Absentee instructions</li> <li>4. Voting Systems for voters with disabilities</li> <li>5. Provisional voting</li> <li>6. Voter registration</li> <li>7. Voter Education</li> <li>8. Administrative complaint process</li> </ol>	

**Element 9-Administrative Complaint Process**

Changes	Successes
<p>There were no changes for this element of the HAVA State Plan.</p>	

**Element 10- Effect of Title One Payments**

Changes	Successes
<p>Florida received \$26,028,957 in Title I funds.</p> <p>These Title I, Section 102 funds were returned to the state as reimbursement for funds invested in the counties to replace outdated voting machines following the 2000 General Election instead of being distributed to counties as recommended by the HAVA Planning Committee.</p> <p>Title III funds were used as recommended by the HAVA Planning Committee to begin development of the statewide voter registration system.</p> <p>Title I funds were used as recommended by the HAVA Planning Committee for voter</p>	<p>The Division of Elections used \$1 million for Phase I of the new voter registration system.</p> <p>The Division of Elections distributed \$3 million to Florida counties for voter education activities and is scheduled to distribute an</p>



<p>education programs over a two year period.</p> <p>The Florida Legislature did not appropriate HAVA funds for use in training election officials and poll workers as recommended by the HAVA Planning Committee.</p> <p>The Florida Legislature appropriated \$11.6 million for distribution to supervisors of elections for the purchase of equipment which is accessible to persons with disabilities.</p>	<p>additional \$3 million in FY 2004-2005.</p> <p>Funds will be distributed to supervisors of elections to purchase equipment which is accessible to persons with disabilities.</p> <p>The State of Florida applied for and has been awarded two grants from Health &amp; Human Services in the amount of \$687,278 and \$492,941 to be used for making polling places accessible to individuals with disabilities.</p> <p>The Division of Elections has distributed a survey to all supervisors of elections requesting information regarding the number of polling places that were utilized in the 2004 Presidential Preference Primary in order to determine the formula for distributing grant funds to counties.</p>
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**Element 11- HAVA State Plan Management Section**

Changes	Successes
<p>The HAVA Planning Committee updated this element to reflect the three new HAVA oversight positions in the Division of Elections</p>	<p>The Division of Elections created three new positions and hired staff in FY 2003-2004 to oversee the HAVA State Plan implementation and reporting.</p>

**Element 12- HAVA Changes in State Plan for Previous Fiscal Year**

Changes	Successes
<p>The HAVA State Plan was updated to reflect changes from FY 2003-2004.</p>	



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**Element 13- HAVA State Plan Development and Planning Committee**

Changes	Successes
<p>The HAVA Planning Committee met twice in 2004 to update the HAVA State Plan.</p> <p>The HAVA Planning Committee welcomed three new members:</p> <ol style="list-style-type: none"><li>1. Brenda Snipes, Supervisor of Elections for Broward County</li><li>2. Constance Kaplan, Supervisor of Elections for Miami-Dade County</li><li>3. Jennifer Carroll, State Representative from District 13</li></ol>	



## Element 13. State Plan Development and HAVA Planning Committee

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

### **Introduction**

To comply with the requirements of the Help America Vote Act of 2002 (HAVA), the HAVA State Plan must be developed by the chief State election official through a committee of appropriate individuals. After a preliminary plan is developed, it must be published for public inspection and comment. State officials must take public comments into account in preparing the HAVA State Plan submitted to the Federal Elections Commission.

**Section 255: Has Florida complied with the requirements of section 255(a) to have the chief State election official develop the HAVA State Plan through a committee of appropriate individuals?**

### **Yes, and no further actions are required.**

Florida's Chief State Election Official, Secretary of State Glenda Hood, has the responsibility under HAVA to develop the HAVA State Plan with the assistance of the statewide HAVA Planning Committee. Section 255(a) of HAVA requires that "The chief State election official shall develop the HAVA State Plan under this subtitle through a committee of appropriate individuals, including the chief election officials of the two most populous jurisdictions within the State, other local election officials, stakeholders (including representatives of groups of individuals with disabilities), and other citizens, appointed for such purpose by the chief State election official."

Members of the HAVA Planning Committee for the State of Florida, appointed by Secretary of State Hood, are as follows:

### **Chairman:**

Jim Smith of Leon County, former Secretary of State and former Attorney General

### **Chief Election Officials of the Two Most Populous Jurisdictions within the State:**

Brenda Snipes, Supervisor of Elections for Broward County

Constance Kaplan, Supervisor of Elections for Miami-Dade County

### **Other Local Election Officials:**

Kurt Browning, Supervisor of Elections for Pasco County

Susan Gill, Supervisor of Elections for Citrus County

Shirley Green Knight, Supervisor of Elections for Gadsden County

# FAX



**Department of State**

**Division of Elections**

**The Collins Building Room 100**

**107 West Gaines Street**

**Tallahassee, Florida 32399-0250**

Date 01/21/04 10:01 AM

Number of pages including cover sheet 3

**To:**

General Services Administration

Attn: Deborah Schilling

Director of Budget

Phone # \_\_\_\_\_

Fax # 202-501-1124

**From:**

Edward C. Kast

Florida Div. of Elections

Phone # (850) 245-6200

Fax # (850) 245-6217

**REMARKS:**

Per Your Request     For your review     Reply ASAP     Per Conversation

Attached are reports regarding expenditures through December 31, 2003 for HAVA funds. A separate form has been prepared for Section 101 and Section 102 categories as requested. If you have any questions or need additional information, please let us know.

020884



**FILE COPY**

**FINANCIAL STATUS REPORT**  
(Short Form)  
(Follow instructions on the back)

1. Federal Agency and Organizational Element to Which Report is Submitted  General Services Administration		2. Federal Grant or Other Identifying Number Assigned By Federal Agency  39.011 Section 101		OMB Approval No. 0348-0039	Page of  pages
3. Recipient Organization (Name and complete address, including ZIP code) Florida Department of State Division of Elections 107 W. Gaines Street, Room 100 Tallahassee, FL 32399-0250					
4. Employer Identification Number F593466865		5. Recipient Account Number or Identifying Number 45-20-2-339097-00000000-00-000000-00		6. Final Report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	7. Basis <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual
8. Funding/Grant Period (See Instructions) From: (Month, Day, Year) 4-23-03		To: (Month, Day, Year) Open		9. Period Covered by this Report From: (Month, Day, Year) 4-23-03 To: (Month, Day, Year) 12-31-03	
10. Transactions			I Previously Reported	II This Period	III Cumulative
a. Total outlays					1,709,142.05
b. Recipient share of outlays					—
c. Federal share of outlays					1,709,142.05
d. Total unliquidated obligations					—
e. Recipient share of unliquidated obligations					—
f. Federal share of unliquidated obligations					—
g. Total Federal share (Sum of lines c and f)					1,709,142.05
h. Total Federal funds authorized for this funding period					14,447,580.00
i. Unobligated balance of Federal funds (Line h minus line g)					12,738,437.95
11. Indirect Expense N/A	a. Type of Rate (Place "X" in appropriate box) <input type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed				
	b. Rate	c. Base	d. Total Amount	e. Federal Share	
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation.					
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.					
Typed or Printed Name and Title Edward C. Kast Director, Division of Elections			Telephone (Area code, number and extension) 850-245-6200		
Signature of Authorized Certifying Official <i>Edward C. Kast</i>			Date Report Submitted 1-20-04		



FLORIDA DEPARTMENT OF STATE

**Sue M. Cobb**

Secretary of State

DIVISION OF ELECTIONS

REVISED

February 28, 2006

The Honorable Paul S. DeGregorio, Chairman  
U.S. Election Assistance Commission  
State HAVA Funding Reports  
1225 New York Avenue, NW – Suite 1100  
Washington, D.C. 20005

Dear Mr. DeGregorio:

Enclosed are Florida's narrative reports regarding HAVA, Title I, Section 101 and 102 funds for the period from January 1, 2005 through December 31, 2005. A separate SF 269 form is included for Section 101 and Section 102 funds.

Also enclosed is a an updated SF 269 covering Title I, Section 101 funds for the period from January 1, 2004 through December 31, 2004. The entry on Line "o - Total Federal funds authorized for this funding period" has been adjusted to include Florida's portion of Section 101 funds plus Interest accrued on those funds during 2003 and 2004.

If you have any questions or would like additional information, please let us know.

Sincerely,

*Sarah Jane Bradshaw*

*for* Dawn K. Roberts, Esq.  
Director, Division of Elections

Enclosures

DKR/BL/aj

**REVISED**

**FINANCIAL STATUS REPORT**  
(Long Form)

(Follow instructions on the back)

1. Federal Agency and Organizational Element to Which Report is Submitted <b>U. S. Election Assistance Commission</b>		2. Federal Grant or Other Identifying Number Assigned By Federal Agency <b>39.011 - Section 101</b>		OMB Approval No. <b>0348-0039</b>	Page of <b>1</b> of <b>1</b> pages
3. Recipient Organization (Name and complete address, including ZIP code) <b>Florida Department of State 500 South Bronough Street Tallahassee, FL 32399-0250</b>					
4. Employer Identification Number <b>F593466865</b>		5. Recipient Account Number or Identifying Number <b>45-20-2-339097-00000000-00-000000-00</b>		6. Final Report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. Basis <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual					
8. Funding/Grant Period (See instructions) From: (Month, Day, Year) <b>4/23/2003</b>		To: (Month, Day, Year)		9. Period Covered by this Report From: (Month, Day, Year) <b>1/1/2004</b>	
				To: (Month, Day, Year) <b>12/31/2004</b>	
10. Transactions:					
				I Previously Reported	II This Period
				III Cumulative	
a. Total outlays		<b>1,709,142.05</b>		<b>4,916,514.40</b>	
b. Refunds, rebates, etc.				<b>0.00</b>	
c. Program income used in accordance with the deduction alternative				<b>0.00</b>	
d. Net outlays (Line a, less the sum of lines b and c)		<b>1,709,142.05</b>		<b>4,916,514.40</b>	
				<b>6,625,656.45</b>	
<b>Recipient's share of net outlays, consisting of:</b>					
e. Third party (in-kind) contributions				<b>0.00</b>	
f. Other Federal awards authorized to be used to match this award				<b>0.00</b>	
g. Program income used in accordance with the matching or cost sharing alternative				<b>0.00</b>	
h. All other recipient outlays not shown on lines e, f or g <b>State Matching Funds</b>				<b>508,662.50</b>	
i. Total recipient share of net outlays (Sum of lines e, f, g and h)		<b>0.00</b>		<b>508,662.50</b>	
				<b>508,662.50</b>	
j. Federal share of net outlays (line d less line i)		<b>1,709,142.05</b>		<b>4,407,851.90</b>	
				<b>6,116,993.95</b>	
k. Total unliquidated obligations					
l. Recipient's share of unliquidated obligations					
m. Federal share of unliquidated obligations					
n. Total Federal share (sum of lines j and m)				<b>6,116,993.95</b>	
o. Total Federal funds authorized for this funding period				<b>15,081,121.46</b>	
p. Unobligated balance of Federal funds (Line o minus line n)				<b>8,964,127.51</b>	
<b>Program income, consisting of:</b>					
q. Disbursed program income shown on lines c and/or g above					
r. Disbursed program income using the addition alternative					
s. Undisbursed program income					
t. Total program income realized (Sum of lines q, r and s)				<b>0.00</b>	
11. Indirect Expense					
a. Type of Rate (Place "X" in appropriate box)					
<input checked="" type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed					
b. Rate <b>N/A</b>		c. Base		d. Total Amount	
				e. Federal Share	
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. <b>Total funds reflected on Line O include Interest accrued in 2003 and 2004. Interest accrued in 2003 - \$286,380.60. Interest accrued in 2004 - \$347,160.86.</b>					
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.					
Typed or Printed Name and Title <b>Dawn K. Roberts, Director, Division of Elections</b>				Telephone (Area code, number and extension) <b>850-245-6200</b>	
Signature of Authorized Certifying Official <i>Sarah Jane Bradshaw for Dawn Roberts</i>				Date Report Submitted <b>February 28, 2006</b>	

020887



STATE OF FLORIDA  
DEPARTMENT OF STATE

DIVISION OF ELECTIONS

Jeb Bush  
Governor

RECEIVED  
MAR 08 2005

BY: 

Glenda E. Hood  
Secretary of State

March 2, 2005

**ORIGINAL**

The Honorable Gracia M. Hillman, Chair  
U.S. Election Assistance Commission  
State HAVA Funding Report  
1225 New York Avenue, NW – Suite 1100  
Washington, DC 20005

Dear Chairman Hillman:

Enclosed is Florida's report regarding the use of HAVA Title I, Section 101 funds for the period from January 1, 2004 through December 31, 2004. Included with the report is Standard Form 269.

If you have any questions or would like additional information, please let us know.

Sincerely,



Dawn K. Roberts, Esq.  
Director

DKR/aj

Enclosures

H30305.715

020388

ORIGINAL

FINANCIAL STATUS REPORT (Long Form)

(Follow instructions on the back)

1. Federal Agency and Organizational Element to Which Report is Submitted: U. S. Election Assistance Commission
2. Federal Grant or Other Identifying Number Assigned By Federal Agency: 39.011 - Section 101
OMB Approval No. 0348-0039
Page of 1 1 pages
3. Recipient Organization (Name and complete address, including ZIP code): Florida Department of State, 500 South Bronough Street, Tallahassee, FL 32399-0250
4. Employer Identification Number: F593466865
5. Recipient Account Number or Identifying Number: 45-20-2-339097-00000000-00-000000-00
6. Final Report: [X] Yes [ ] No
7. Basis: [X] Cash [ ] Accrual
8. Funding/Grant Period (See instructions): From: (Month, Day, Year) 4/23/2003 To: (Month, Day, Year)
9. Period Covered by this Report: From: (Month, Day, Year) 1/1/2004 To: (Month, Day, Year) 12/31/2004
10. Transactions: Table with columns: Previously Reported, This Period, Cumulative. Rows include Total outlays, Refunds, rebates, etc., Program income used in accordance with the deduction alternative, Net outlays, Recipient's share of net outlays, Federal share of net outlays, Total unliquidated obligations, Recipient's share of unliquidated obligations, Federal share of unliquidated obligations, Total Federal share, Total Federal funds authorized for this funding period, Unobligated balance of Federal funds, Program income, Indirect Expense.
11. Indirect Expense: a. Type of Rate (Place "X" in appropriate box) [X] Provisional [ ] Predetermined [ ] Final [ ] Fixed; b. Rate N/A; c. Base; d. Total Amount; e. Federal Share
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. Interest accrued during 2004 - \$347,160.87
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.
Typed or Printed Name and Title: Dawn K. Roberts, Director, Division of Elections; Telephone (Area code, number and extension): 850-245-6200
Signature of Authorized Certifying Official: Dawn Roberts; Date Report Submitted: March 2, 2005

020889

**ORIGINAL**

**FLORIDA DEPARTMENT OF STATE  
REPORT ON EXPENDITURE OF TITLE I FUNDS DURING CALENDAR YEAR 2004**

As requested by the U. S. Election Assistance Commission, listed below is a detailed list of expenditures and a description of the related activities conducted by the Florida Department of State during calendar year 2004 utilizing HAVA Title I funds.

**COMPLYING WITH REQUIREMENTS OF TITLE III - \$1,623,298**

One of the requirements of Title III includes development and implementation of a single statewide voter registration list. In order to begin the development of a system in Florida that meets the criteria outlined in HAVA, the 2003 Florida Legislature appropriated \$1 million for Phase One Development of the Florida Voter Registration System (FVRS). Funds were provided to conduct the research and planning required in order to design and develop the system.

The Legislature also authorized establishment of nine full-time positions to assist with developing and implementing the FVRS. Five of the positions are assigned to the Department of State and two each are in the Florida Department of Highway Safety and Motor Vehicles (HSMV) and the Florida Department of Law Enforcement (FDLE).

One of the five positions in the Department of State has been designated as Project Manager. The remaining four positions have been utilized to conduct research and planning for the project that was required prior to initiating the development phase of the system. Positions at HSMV and FDLE are working with the Department of State to determine ways to coordinate databases maintained by those agencies with the Florida Voter Registration System.

The Department of State contracted with a consulting firm to provide project management and quality assurance services for the project. A separate firm was retained to assist with application design and engineering services.

As the project has developed, funds have been expended to purchase software licenses for software programs that will be used to operate the system. Other funds were used to provide training for employees who will be using the software programs.

Other expenditures related to development of the FVRS include travel expenses for project team members who held numerous meetings with Florida's supervisors of elections and their staff as well as vendors of voter registration systems that conduct business in Florida. Project team members also conducted site visits with election officials in other states that utilize centralized voter registration systems.

Development of the statewide voter registration system (FVRS) is described extensively in the HAVA State Plan on pages 26 through 33, page 38 and page 56.

**ELECTIONS ADMINISTRATION - \$394,436**

The Department of State established three positions to provide administrative oversight and coordination for HAVA-related activities. Employees in these positions are responsible for monitoring HAVA expenditures to assure compliance with federal requirements regarding their use. These positions administer several contract programs that provide funds to supervisors of elections for HAVA-related activities including voter education as well as funds utilized to purchase voting systems equipment.

Recommendations regarding establishment of positions associated with HAVA Oversight and Reporting can be found on page 59 in the HAVA State Plan.

**NOTE** 

# ORIGINAL

Other Title I expenditures include costs associated with printing documents that were provided to supervisors of elections to meet the requirements of HAVA including "Instructions to Voters" posters and "Stamp Out Voter Fraud" posters. Additional publications that were printed and distributed to supervisors of elections include revised "Florida Voter Registration Application" forms, "Florida Registration and Voting Guide" and "A Compilation of Florida Election Laws."

Reference to posters/publications required by HAVA can be found in the State Plan on pages 20 through 24 and on page 60.

The Department of State used Title I funds to contract with an organization to develop two programs that were used by supervisors of elections to assist with providing elections-related information to Florida's citizens. One of the programs included development and distribution of materials that could be used in all counties throughout the state to encourage voter participation in the 2004 elections. The program included instructions and ideas for utilizing the materials. The other program involved developing and conducting a voter awareness and education program regarding the use of Direct Recording Equipment (DRE's).

These programs are included in Florida's HAVA State Plan on page 45.

## **VOTER EDUCATION - \$2,333,346**

During 2004, Florida distributed \$2,333,346 to Florida's 67 county supervisors of elections to assist counties with conducting voter education programs. In order to receive voter education funding, counties were required to submit a detailed voter education plan to the Department of State along with a certified statement from the Board of County Commissioners providing matching county funds in the amount of fifteen percent (15%) to be used exclusively for voter education.

The Department of State recently conducted a survey regarding voter education programs being conducted in each county and prepared a report regarding the various types of voter education activities being utilized throughout the state. Responses to the survey indicated that counties are using voter education funds to disseminate information regarding the elections process through a variety of mediums in order to target as many diverse populations throughout the state as possible. Examples of voter education programs include the following:

- Printing and mailing sample ballots to registered voters
- Publishing sample ballots in local newspapers including those that target specific populations such as minority and college-age voters
- Conducting voting systems demonstrations at various types of locations including malls, businesses, community events, assisted living facilities and schools. Demonstrations included instructions on completing a ballot as well as using the voting systems equipment
- Printing a variety of publications with elections-related information including posters regarding voters rights and responsibilities to display at each polling place
- Conducting voter registration drives in a variety of locations such as malls, schools and businesses

A number of other voter education programs have been successfully implemented in the counties with excellent response from local citizens. It is apparent that counties are being innovative and

# ORIGINAL

resourceful in utilizing voter education funds in order to inform and educate citizens about the elections process.

Florida's voter education program is discussed in detail in the HAVA State Plan on pages 37 through 47 as well as on page 58.

## **TRAINING ELECTION OFFICIALS, POLL WORKERS AND ELECTION VOLUNTEERS - \$23,331**

The Department of State contracted with a communications consulting firm to develop and prepare a video titled "Conflict Management Skills for Poll Workers." It was used to help poll workers understand how to handle potentially difficult situations at polling places. The video was distributed to each of the 67 county supervisors of elections to use as part of their poll worker training.

Development of this video was not specifically addressed in the HAVA State Plan, however, it is consistent with the direction outlined in the State Plan for training poll workers found on pages 49 and 50.

## **DEVELOPING STATE PLAN - \$33,468**


The Department of State contracted with a consulting firm to facilitate revisions and updates to the HAVA State Plan. The firm worked with Department staff to draft proposed revisions to the original plan and to develop goals and performance measures to present to the HAVA State Planning Committee for review, discussion and inclusion in the revised document.

In addition to consultant firm fees, expenditures related to this activity included travel expenses for HAVA State Planning Committee members and Department of State staff who attended the State Planning Committee meetings. The meetings were held in two different geographical locations in Florida in order to provide accessibility to all citizens who were interested in attending and/or participating in the meetings.

Management of the State Plan and State Planning Committee is addressed on page 59 in the HAVA State Plan.

## **INTEREST ACCRUED**

During 2004 the Department of State invested Title I, Section 101 funds and accrued \$347,160.87 in interest.

**NOTE**



## FINANCIAL STATUS REPORT (Long Form)

(Follow instructions on the back)

1. Federal Agency and Organizational Element to Which Report is Submitted <b>U. S. Election Assistance Commission</b>		2. Federal Grant or Other Identifying Number Assigned By Federal Agency <b>39.011 - Section 101</b>		OMB Approval No. <b>0348-0039</b>	Page of <b>1</b> / <b>1</b> pages
3. Recipient Organization (Name and complete address, including ZIP code) <b>Florida Department of State 500 South Bronough Street Tallahassee, FL 32399-0250</b>					
4. Employer Identification Number <b>F593466865</b>		5. Recipient Account Number or Identifying Number <b>45-20-2-339097-00000000-00-000000-00</b>		6. Final Report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. Basis <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual					
8. Funding/Grant Period (See instructions) From: (Month, Day, Year) <b>4/23/2003</b>		To: (Month, Day, Year)		9. Period Covered by this Report From: (Month, Day, Year) <b>1/1/2005</b>	
				To: (Month, Day, Year) <b>12/31/2005</b>	
10. Transactions:					
		i	I	III	
		Previously Reported	This Period	Cumulative	
a. Total outlays		6,625,656.45	4,220,745.52	10,846,401.97	
b. Refunds, rebates, etc.				0.00	
c. Program income used in accordance with the deduction alternative				0.00	
d. Net outlays (Line a, less the sum of lines b and c)		6,625,656.45	4,220,745.52	10,846,401.97	
<b>Recipient's share of net outlays, consisting of:</b>					
e. Third party (in-kind) contributions				0.00	
f. Other Federal awards authorized to be used to match this award				0.00	
g. Program income used in accordance with the matching or cost sharing alternative				0.00	
h. All other recipient outlays not shown on lines e, f or g State Matching Funds		508,662.50	0.00	508,662.50	
i. Total recipient share of net outlays (Sum of lines e, f, g and h)		508,662.50	0.00	508,662.50	
j. Federal share of net outlays (Line d less line i)		6,116,993.95	4,220,745.52	10,337,739.47	
k. Total unliquidated obligations					
l. Recipient's share of unliquidated obligations					
m. Federal share of unliquidated obligations					
n. Total Federal share (sum of lines j and m)				10,337,739.47	
o. Total Federal funds authorized for this funding period				15,331,718.09	
p. Unobligated balance of Federal funds (Line o minus line n)				4,993,978.62	
<b>Program income, consisting of:</b>					
q. Disbursed program income shown on lines c and/or g above					
r. Disbursed program income using the addition alternative					
s. Undisbursed program income					
t. Total program income realized (Sum of lines q, r and s)				0.00	
11. Indirect Expense					
a. Type of Rate (Place "X" in appropriate box)					
<input checked="" type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed					
b. Rate		c. Base		d. Total Amount	
N/A					
e. Federal Share					
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. Total funds reflected on Line O include Interest accrued in 2003, 2004 and 2005. Interest accrued in 2003 - \$286,380.60. Interest accrued in 2004 - \$347,160.86. Interest accrued in 2005 - \$250,596.63.					
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.					
Typed or Printed Name and Title <b>Dawn K. Roberts, Director, Division of Elections</b>				Telephone (Area code, number and extension) <b>850-245-6200</b>	
Signature of Authorized Certifying Official <i>Sarah Jane Bradshaw for Dawn Roberts</i>				Date Report Submitted <b>February 28, 2006</b>	

**ORIGINAL**

**FLORIDA DEPARTMENT OF STATE  
REPORT ON EXPENDITURE OF TITLE I, SECTION 101 FUNDS DURING 2005**

As requested by the U.S. Election Assistance Commission, listed below is a detailed list of expenditures and a description of the related activities conducted by the Florida Department of State during calendar year 2005 utilizing Help America Vote Act (HAVA) Title I, Section 101 funds.

**VOTER EDUCATION - \$3,829,808**

During calendar year 2005 Florida distributed \$3,829,808 to the 67 county supervisors of elections to be utilized for voter education purposes. In order to receive the funds each supervisor of elections was required to submit a detailed plan outlining the anticipated uses of the funds. In addition to the plan, each Board of County Commissioners was required to provide fifteen percent matching funds to be used exclusively for voter education purposes.

County supervisors of elections are required to submit a report to the Department of State on an annual basis regarding voter education programs conducted in the counties until the funds distributed by the state are depleted. Based on the latest reports from supervisors of elections, counties continue to employ numerous voter education activities in an effort to involve citizens in the elections process.

These activities include printing and mailing sample ballots to registered voters, conducting voter registration drives at various locations and events throughout the county, disseminating information regarding election dates and related deadlines through a variety of media sources, and conducting demonstrations on the use of voting systems equipment.

Florida's voter education program is discussed in the HAVA State Plan on pages 37 through 47 and on page 58.

**ELECTION ADMINISTRATION - \$303,394**

Florida established three positions in the Department of State to provide administrative oversight and coordination for HAVA-related activities. Employees in these positions are responsible for monitoring HAVA expenditures to ensure compliance with federal requirements. The positions administer several contract programs that provide funds to county supervisors of elections for HAVA-related activities including voter education and voting systems assistance programs. In addition, the positions are responsible for administering grant funds awarded by the U. S. Department of Health and Human Services under the Voting Access for Individuals with Disability (VOTE) grant program.

Recommendations regarding establishment of positions associated with HAVA Oversight and Reporting can be found on page 59 in the HAVA State Plan.

Additional Title I funds were utilized to print several documents that were distributed to county supervisors of elections including a revised voter registration application form. Reference to publications required by HAVA can be found in the HAVA State Plan on pages 20 through 24 and on page 60.

The state contracted with an organization to assist county supervisors of elections with developing and implementing plans to make polling places and voting systems equipment accessible to individuals with disabilities. Reference to polling place accessibility is included in the HAVA State Plan on page 80 and 81.

**ORIGINAL**

**COMPLYING WITH REQUIREMENTS OF TITLE III - \$87,544**

One of the requirements of Title III includes development and implementation of a statewide voter registration system. The 2003 Florida Legislature appropriated funds to begin development of a system that would meet the criteria outlined HAVA. The Legislature included authority to establish five positions in the Department of State to assist with developing and implementing the voter registration system. Title I, Section 101 funds were used to fund these positions during the first few months of 2005. The positions were funded with Title II funds during the remainder of 2005.

Reference to these positions can be found in the HAVA State Plan on page 56 and 61.

**INTEREST ACCRUED - \$250,596.63**

During 2005 the Department of State invested Title I, Section 101 funds and accrued \$250,596.63 in Interest.



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FLORIDA DEPARTMENT OF STATE

**Sue M. Cobb**

Secretary of State

DIVISION OF ELECTIONS

*Romnelm  
Filed*



February 28, 2006

The Honorable Paul S. DeGregorio, Chairman  
U.S. Election Assistance Commission  
State HAVA Funding Reports  
1225 New York Avenue, NW – Suite 1100  
Washington, D.C. 20005

Dear Mr. DeGregorio:

Enclosed are Florida's narrative reports regarding HAVA, Title I, Section 101 and 102 funds for the period from January 1, 2005 through December 31, 2005. A separate SF 269 form is included for Section 101 and Section 102 funds.

Also enclosed is a an updated SF 269 covering Title I, Section 101 funds for the period from January 1, 2004 through December 31, 2004. The entry on Line "o - Total Federal funds authorized for this funding period" has been adjusted to include Florida's portion of Section 101 funds plus Interest accrued on those funds during 2003 and 2004.

If you have any questions or would like additional information, please let us know.

Sincerely,

*Sarah Jane Bradshaw*

*for* Dawn K. Roberts, Esq.  
Director, Division of Elections

Enclosures

DKR/BL/aj

020896



ORIGINAL

STATE OF FLORIDA  
DEPARTMENT OF STATE  
DIVISION OF ELECTIONS

Jeb Bush  
Governor

Glenda E. Hood  
Secretary of State

January 22, 2004

Ms. Deborah Schilling  
Director of Budget  
United States General Services Administration  
1800 F Street, NW  
Washington, D.C. 20405-0002

Dear Ms. Schilling:

Enclosed are Financial Status Reports regarding HAVA expenditures for the period ending December 31, 2003. A separate form has been prepared for Section 101 and Section 102 funds as requested. These documents were also faxed to your office on January 21, 2004.

If you have any questions or need additional information, please let us know.

Sincerely,

Edward C. Kast  
Director, Division of Elections

EK/BL/aj

Enclosure

FEB 10 2004  
BB rec'd



**GLEND A. HOOD**  
 SECRETARY OF STATE  
 STATE OF FLORIDA

STATE OF FLORIDA  
 PRELIMINARY DRAFT  
 HAVA PLAN / 71

**Help America Vote Act of 2002 (HAVA) State Plan Chart**

<b>Voting Systems--Section 301 Compliance January 1, 2006)</b>	<b>Meets</b>	<b>Partially Meets</b>	<b>Does Not Meet</b>	<b>Described in Plan</b>
Verify Ballot	X			
Change or Correct Ballot	X			
Prevent Overvotes	X			
Absentee instructions		X		
Absentee privacy and confidentiality	X			
Paper record for audits	X			
Systems for voters with disabilities		X		
Future voting systems purchases comply with HAVA	X			
Alternative language accessibility	X			
Comply with FEC error rates	X			
Define what constitutes a vote	X			
<b>Provisional Voting and Voter Information--Section 302 (Compliance January 1, 2004)</b>	<b>Meets</b>	<b>Partially Meets</b>	<b>Does Not Meet</b>	<b>Described in Plan</b>
Laws require notification to cast provisional ballot	X			
Provisional ballots permitted with written affirmation of voter eligibility	X			
Provisional ballots given to election officials for determination	X			
Provisional ballots counted if voter is determined to be eligible	X			
Voters provided information to ascertain if provisional ballot counted	X			
"Free access system" provided to ascertain if provisional ballot counted			X	
Sample ballots are posted for election	X			
Date of election and polling place hours are posted	X			
Voting instructions and provisional voting instructions are posted on election day			X	
Voting instructions for mail-in registrants and first-time voters on election day			X	
Voting rights information and provisional ballot information posted	X			
Contact information posted for voters whose rights have been violated			X	
Information posted on prohibition of fraud and misrepresentation	X			
Provisional ballots segregated for those who vote after special extended poll hours	X			



**GLEND A. HOOD**  
 SECRETARY OF STATE  
 STATE OF FLORIDA

STATE OF FLORIDA  
 PRELIMINARY DRAFT  
 HAVA PLAN / 72

<b>Voter Registration List--Section 303 (Compliance January 1, 2004 or extension January 1, 2006)</b>	<b>Meets</b>	<b>Partially Meets</b>	<b>Does Not Meet</b>	<b>Described in Plan</b>
Single, uniform, official centralized, interactive computer statewide, voter registration list			X	
Can Florida meet January 1, 2004 deadline? Need to apply for January 1, 2006 waiver			X	
HAVA's ID requirements for voters who register by mail and not previously voted	X			
HAVA's requirement for voter registration language in mail registration forms	X			
<b>Local Government Payments and Activities [Section 254(a)(2)]</b>	<b>Meets</b>	<b>Partially Meets</b>	<b>Does Not Meet</b>	<b>Described in Plan</b>
Describe criteria for funding				X
Describe methods to monitor performance				X
<b>Voter Education [Section 254(a)(3)]</b>	<b>Meets</b>	<b>Partially Meets</b>	<b>Does Not Meet</b>	<b>Described in Plan</b>
Describe voter education programs to support Title III				X
Describe election official education and training to support Title III				X
Describe poll worker training to support Title III				X
<b>Voting System Guidelines and Processes [Section 254(a)(4)]</b>	<b>Meets</b>	<b>Partially Meets</b>	<b>Does Not Meet</b>	<b>Described in Plan</b>
Describe Florida's voting system guidelines and processes consistent with Section 301				X
<b>HAVA Election Fund [Section 254(a)(5)]</b>	<b>Meets</b>	<b>Partially Meets</b>	<b>Does Not Meet</b>	<b>Described in Plan</b>
Describe how Florida will establish a HAVA fund				X
Describe how Florida will manage the HAVA fund				X
<b>Florida's HAVA Budget [Section 254(a)(6)]</b>	<b>Meets</b>	<b>Partially Meets</b>	<b>Does Not Meet</b>	<b>Described in Plan</b>
Describe costs of activities to meet Title III				X
Describe portion of requirements payment to carry out requirements activities				X
Describe portion of requirements payment to carry out other activities				X

020899



**GLEND A E. HOOD**  
 SECRETARY OF STATE  
 STATE OF FLORIDA

STATE OF FLORIDA  
 PRELIMINARY DRAFT  
 HAVA PLAN / 73

	Meets	Partially Meets	Does Not Meet	Described in Plan
<b>Florida's Maintenance of Effort [Section 254(a)(7)]</b>				
Describe how Florida will maintain election expenditures at the FY 1999-2000 level				X
<b>Florida's Performance Goals and Measures [Section 254(a)(8)]</b>				
Describe how Florida will adopt performance goals measures to determine HAVA success				X
<b>Administrative complaint process [Section 254(a)(9)]</b>				
Established a State-based administrative complaint process to remedy grievances	X			
<b>Effect of Title I Payments [Section 254(a)(10)]</b>				
Describe how Title I payments will affect activities of HAVA plan				X
<b>HAVA State Plan Management [Section 254(a)(11)]</b>				
Describe how Florida will manage plan and make material changes to plan				X
<b>HAVA State Plan for Previous Fiscal Year [Section 254(a)(12)]</b>				
Describe how this year's plan changed from the previous fiscal year				X
<b>HAVA State Plan Development and Planning Committee [Section 254(a)(13)]</b>				
Describe the committee and procedures used to develop the HAVA plan				X



020901

**COMPLAINT**  
For Alleged Violation of the  
**Help America Vote Act of 2002**  
(42 U.S.C. §15512)

Florida Department of State, Division of Elections  
Room 316, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250  
Telephone (850) 245-6200

Pursuant to section 97.028, Florida Statutes, the Department of State has sole jurisdiction to adjudicate alleged violations of Title III of the Help America Vote Act of 2002 (HAVA). Any person who believes that a violation of Title III of HAVA has occurred, is occurring or is about to occur may file a complaint. In order to initiate the complaint process, a sworn, written complaint must be filed with the Department of State. The complaint must specifically state the alleged violation and the person or entity responsible for the violation. A violation of Title III of HAVA is the failure to perform an act required by or the performance of an act prohibited by Title III of HAVA in a federal election.

**PERSON BRINGING COMPLAINT**

Name \_\_\_\_\_ Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_  
Address \_\_\_\_\_ County \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

**PERSON OR ENTITY AGAINST WHOM COMPLAINT IS BROUGHT (limit one person/entity per form)**

Name \_\_\_\_\_ Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_  
Address \_\_\_\_\_ County \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

**VIOLATION**

If you believe that a violation of Title III of the Help America Vote Act of 2002 has occurred, is occurring or is about to occur, please state the specific acts committed by the person or entity named in this complaint:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



020903

Check here if additional pages are attached \_\_\_\_\_

**STATE OF FLORIDA,**  
**COUNTY OF \_\_\_\_\_**

**I, the undersigned, under penalty of perjury, do swear or affirm that the information contained in this complaint is true and correct to the best of my knowledge.**

\_\_\_\_\_  
**Signature of Complainant**

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
**Signature of Officer Authorized to Administer Oaths or Notary Public**

\_\_\_\_\_  
**(Print, Type, or Stamp Commissioned Name of Notary Public)**

Personally known \_\_\_\_\_ Or Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

**NOTICE: This Complaint is not confidential and, once filed with the Department of State, will be treated as a public record.**

020904

**COMPLAINT**  
For Alleged Violation of the  
**National Voter Registration Act of 1993**  
(42 U.S.C. 1973gg-1 et seq.)

Department of State for the State of Florida, Division of Elections  
The Collins Building, Room 100, 107 West Gaines Street, Tallahassee, Florida 32399-0250  
Telephone (850) 245-6200

Pursuant to section 97.023, Florida Statutes, the Department of State, Division of Elections has primary jurisdiction to mediate alleged violations of the National Voter Registration Act of 1993, and of voter registration and removal procedures. In order for a violation to exist, the Department of State, a voter registration agency, a county supervisor of elections, the Department of Highway Safety and Motor Vehicles or an Armed Forces Recruitment Center must have committed the violation.

**PERSON BRINGING COMPLAINT**

Name \_\_\_\_\_ Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_  
Address \_\_\_\_\_ County \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

**PERSON OR ENTITY AGAINST WHOM COMPLAINT IS BROUGHT (limit one person/entity per form)**

Name \_\_\_\_\_ Work Phone \_\_\_\_\_  
Address \_\_\_\_\_ County \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

**VIOLATION**

If you believe you have been denied the right to register to vote, to update your existing voting registration record, or have been unlawfully removed from the registration books in violation of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-1 et seq.), please state the specific acts committed by the person or entity named in this complaint:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**STATEMENT OF FACTS**

State in your own words the detailed facts and circumstances that form the basis of your complaint, including any relevant person(s). In your narrative explanation, please include relevant dates and times and the names and addresses of other persons whom you believe have





STATE OF FLORIDA  
DEPARTMENT OF STATE

JEB BUSH  
Governor

GLEND A. HOOD  
Secretary of State

November 10, 2003

Ms. Penelope Bonsall, Director  
Office of Election Administration  
Federal Elections Commission  
999 E. Street NW  
Washington, D.C. 20463

RE: State of Florida request for waiver pursuant to Section 303(d) of the Help  
America Vote Act of 2002

Dear Ms. Bonsall:

Section 303(a) of the Help America Vote Act of 2002 requires each state to implement a computerized statewide voter registration list by the January 1, 2004, date specified in Section 303(d)(1)(A) of the same statute. Section 303(d)(1)(B) provides for states to request an extension of the aforementioned deadline until January 1, 2006. The purpose of this correspondence is to certify that, for good cause as outlined below, the State of Florida is unable to meet the January 1, 2004, implementation date called for in Section 303(d)(1)(A), and respectfully requests an extension of the deadline as permitted by law until January 1, 2006.


Florida has a tradition of administering voter registration at the county level jurisdiction. Each of Florida's sixty-seven counties has a constitutionally elected officer known as the supervisor of elections who is responsible for maintaining voter registration lists in their respective county. Each supervisor of elections is also responsible for determining the type of information technology appropriate for supporting voter registration activities in their jurisdiction and the manner in which registration records are maintained. The steps required to: (1) assess county-administered voter registration systems; (2) develop methods for consolidating a variety of voter registration lists with individual nuances into a single computerized statewide system; and (3) provide for future coordination of county voter registration activities with the statewide list will require more time than provided by the January 1, 2004, implementation date.

The Florida Department of State is working diligently to implement a statewide voter registration system that will meet all the requirements of Title III. Some of the steps already taken by the State of Florida in order to develop and implement a statewide voter registration system include: hiring a project director; executing agreements with our state Departments of Highway Safety

Ms. Penelope Bonsall, Director  
November 10, 2003  
Page 2

Motor Vehicles and Law Enforcement that outline data exchange procedures; and creating task groups comprised of county election officials and Department of State personnel in order to address technical and procedural issues relating to the creation of the centralized registration system. Given the steps already taken by the Florida Department of State and the other departments involved, and the scope of the work remaining to be done, I am confident that the State of Florida will be successful in having a statewide computerized voter registration system operational by the January 1, 2006, extended deadline requested herein.

Sincerely,



Glenda E. Hood  
Secretary of State

GEH/eck/pt

020907



STATE OF FLORIDA  
DEPARTMENT OF STATE  
DIVISION OF ELECTIONS

Jeb Bush  
Governor

Glenda E. Hood  
Secretary of State

December 23, 2003

Ms. Penelope Bonsall, Director  
Election Assistance Commission  
c/o Office of Election Administration  
999 E. Street, N.W.  
Washington, D.C. 20463

**RE: State of Florida Request for waiver pursuant to Section 303(d) of the  
Help America Vote Act of 2002**

Dear Ms. Bonsall:

Enclosed is a copy of the November 10, 2003 letter that was submitted by the State of Florida in order to request an extension of the January 1, 2004 deadline for implementing a computerized statewide voter registration list. The letter was sent to the Federal Elections Commission pending appointment of the Elections Assistance Commission.

Although members of the Elections Assistance Commission have been appointed and confirmed, they still don't have an address. We are resubmitting a copy of the State of Florida's original request to the new Elections Assistance Commission in care of your office in order to meet the January 1, 2004 deadline for requesting a waiver and extension for implementing the statewide voter registration list.

Sincerely,

*Sarah Jane Beadshaw*  
for Edward C. Kast  
Director, Division of Elections

EK/BL/aj

Enclosure

020908





STATE OF FLORIDA  
DEPARTMENT OF STATE  
DIVISION OF ELECTIONS

Jeb Bush  
Governor

Glenda E. Hood  
Secretary of State

January 22, 2004

Ms. Deborah Schilling  
Director of Budget  
United States General Services Administration  
1800 F Street, NW  
Washington, D.C. 20405-0002

Dear Ms. Schilling:

Enclosed are Financial Status Reports regarding HAVA expenditures for the period ending December 31, 2003. A separate form has been prepared for Section 101 and Section 102 funds as requested. These documents were also faxed to your office on January 21, 2004.

If you have any questions or need additional information, please let us know.

Sincerely,

Edward C. Kast  
Director, Division of Elections

EK/BL/aj

Enclosure

FEB 10 2004  
BB rec'd


020909

**ORIGINAL**

**FINANCIAL STATUS REPORT**

(Short Form)

(Follow instructions on the back)

1. Federal Agency and Organizational Element to Which Report is Submitted  General Services Administration		2. Federal Grant or Other Identifying Number Assigned By Federal Agency  39.011 Section 101		OMB Approval No. <b>0348-0039</b>	Page _____ of _____ pages
3. Recipient Organization (Name and complete address, including ZIP code) Florida Department of State Division of Elections 107 W. Gaines Street, Room 100 Tallahassee, FL 32399-0250					
4. Employer Identification Number F593466865		5. Recipient Account Number or Identifying Number 45-20-2-339097-00000000-00-000000-00		6. Final Report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. Basis <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual					
8. Funding/Grant Period (See Instructions) From: (Month, Day, Year) 4-23-03		To: (Month, Day, Year) Open		9. Period Covered by this Report From: (Month, Day, Year) 4-23-03	
				To: (Month, Day, Year) 12-31-03	
10. Transactions					
		I Previously Reported	II This Period	III Cumulative	
a. Total outlays				1,709,142.05	
b. Recipient share of outlays				—	
c. Federal share of outlays				1,709,142.05	
d. Total unliquidated obligations				—	
e. Recipient share of unliquidated obligations				—	
f. Federal share of unliquidated obligations				—	
g. Total Federal share (Sum of lines c and f)				1,709,142.05	
h. Total Federal funds authorized for this funding period				14,447,580.00	
i. Unobligated balance of Federal funds (Line h minus line g)				12,738,437.95	
11. Indirect Expense N/A					
a. Type of Rate (Place "X" in appropriate box) <input type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed					
b. Rate		c. Base	d. Total Amount		e. Federal Share
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation.					
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.					
Typed or Printed Name and Title Edward C. Kast Director, Division of Elections			Telephone (Area code, number and extension) 850-245-6200		
Signature of Authorized Certifying Official 			Date Report Submitted 1-20-04		



**GLEND A. HOOD**  
SECRETARY OF STATE  
STATE OF FLORIDA

STATE OF FLORIDA  
HAVA PLAN UPDATE / 95

**Stakeholders/Representatives of Groups of Individuals with Disabilities:**

Dave Evans, State Board Member of the National Federation of the Blind

Jim Kracht, Assistant County Attorney for Miami-Dade County and member of the American Blind Lawyers Association, American Council of the Blind and the Florida Council of the Blind

Richard LaBelle, Secretary of the Florida Coalition on Disability Rights

**Other Stakeholders and Citizens:**

Joe Celestin, Mayor of the City of North Miami

Anna Cowin, State Senator from District 20

Jane Gross, President of the Florida League of Women Voters

Jennifer Carroll, State Representative from District 13

Arthur Hernandez, Vice Chairman of the Jacksonville Mayor's Hispanic American Advisory Board

Percy Luney, Dean and Professor of Law at Florida A&M University

Reggie McGill, Human Relations Director for the City of Orlando

Isis Segarra, private citizen from Hillsborough County

Lori Stelzer, Former President of the Florida Association of City Clerks and City Clerk for the City of Venice

Raiza Tamayo, Regional Director of the United States Hispanic Chamber of Commerce

This HAVA Planning Committee convened two times in public meetings to update the State Plan—Orlando, Florida on May 24, 2004 and Hollywood, Florida on June 4, 2004. All meetings were noticed in the *Florida Administrative Weekly*. Members of the public and press were welcomed at the meetings. The HAVA Planning Committee heard public comment at each meeting. It was assisted by a non-profit, non-partisan organization, the Collins Center for Public Policy, Inc., that was selected in a public bidding process to serve as staff for the HAVA Planning Committee in updating the HAVA State Plan, and by the Division of Elections of the Florida Department of State.

The HAVA Planning Committee operated in an open process with public deliberations, systematic procedures in accordance with *Robert's Rules of Order*, and majority vote of members who were present when votes were taken. A majority quorum of HAVA Planning Committee members was present for the Orlando meeting. At the Hollywood meeting, the HAVA Planning Committee was one member short of meeting a majority quorum. As a result, members present at the Hollywood meeting conducted a workshop on the proposed changes. At the end of the meeting, the nine HAVA Planning Committee members in attendance moved to approve the changes they had discussed. The Collins Center then obtained approval from the members not present at the Hollywood meeting to incorporate the changes into the working draft. The HAVA Planning Committee received two drafts of the final plan before voting to approve the updates and sending the plan to the Division of Elections.

020911



**GLEND A E. HOOD**  
SECRETARY OF STATE  
STATE OF FLORIDA

STATE OF FLORIDA  
HAVA PLAN UPDATE / 96

The Collins Center, as staff, prepared written materials for the meetings, made presentations to focus the HAVA Planning Committee on decisions that needed to be made, and took notes of all meetings. A formal transcript of each meeting also was made. All agendas and other published materials for meetings of the HAVA Planning Committee were made available at the meetings. The website of the State Division of Elections also included much of this material.

All meetings were held in accessible facilities and were compliant with the Americans with Disabilities Act. Closed captioning service was available at all meetings. Agendas were printed in Braille as well as Spanish and Creole.

**Section 256: Will Florida comply with the requirement of Section 256 to have the HAVA State Plan meet the public notice and comment requirements of HAVA?**

**Yes, and no further actions are required.**

Section 256 of HAVA requires that the HAVA State Plan meet the following public notice and comment requirements:

- (1) not later than 30 days prior to the submission of the plan, the State shall make a preliminary version of the plan available for public inspection and comment;
- (2) the State shall publish notice that the preliminary version of the plan is so available; and
- (3) the State shall take the public comments made regarding the preliminary version of the plan into account in preparing the plan which will be filed with the Election Assistance Commission.

After the final updated HAVA State Plan is submitted to the Election Assistance Commission, that Commission shall cause the HAVA State Plan to be published in the Federal Register in accordance with Section 255(b).

These tasks were performed by the Division of Elections and not by the HAVA Planning Committee or its consultants. The work of the HAVA Planning Committee and its consultants was completed when a preliminary version of the HAVA State Plan was prepared, approved by the HAVA Planning Committee, and submitted to the Secretary of State.

After notice is given in the *Florida Administrative Weekly*, the preliminary version of the HAVA State Plan will be posted on the Department of State's and the Governor's websites. A link is available on the Department's website so that public comment can be made electronically. Public comments also will be received by U. S. mail. Public comments will be considered in preparing the final plan.

020912



**GLEND A. HOOD**  
 SECRETARY OF STATE  
 STATE OF FLORIDA

STATE OF FLORIDA  
 HAVA PLAN UPDATE / 97

**Help America Vote Act of 2002 State Plan Chart**

Help America Vote Requirement	Status: 2003 HAVA State Plan				Status: As of 6/4/04
	Meets	Partially Meets	Does Not Meet	Described in Plan	
<b>Voting Systems--Section 301 Compliance January 1, 2006)</b>					
Verify Ballot	X				Meets
Change or Correct Ballot	X				Meets
Prevent Overvotes	X				Meets
Absentee instructions	X				Meets
Absentee privacy and confidentiality	X				Meets
Paper record for audits	X				Meets
Systems for voters with disabilities		X			Partially meets
Future voting systems purchases comply with HAVA	X				Meets
Alternative language accessibility	X				Meets
Comply with FEC error rates	X				Meets
Define what constitutes a vote	X				Meets
<b>Provisional Voting and Voter Information--Section 302 (Compliance January 1, 2004)</b>					
Laws require notification to cast provisional ballot	X				Meets
Provisional ballots permitted with written affirmation of voter eligibility	X				Meets
Provisional ballots given to election officials for determination	X				Meets
Provisional ballots counted if voter is determined to be eligible	X				Meets
Voters provided information to ascertain if provisional ballot counted	X				Meets
"Free access system" provided to ascertain if provisional ballot counted	X				Meets
Sample ballots are posted for election	X				Meets
Date of election and polling place hours are posted	X				Meets
Voting instructions and provisional voting instructions are posted on election day	X				Meets
Voting instructions for mail-in registrants and first-time voters on election day	X				Meets
Voting rights information and provisional ballot information posted	X				Meets
Contact information posted for voters whose rights have been violated	X				Meets
Information posted on prohibition of fraud and misrepresentation	X				Meets

2004  
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**GLEND A. HOOD**  
 SECRETARY OF STATE  
 STATE OF FLORIDA

STATE OF FLORIDA  
 HAVA PLAN UPDATE / 98

Help America Vote Requirement	Status: 2003 HAVA State Plan				Status: As of 6/4/04
	Meets	Partially Meets	Does Not Meet	Described in Plan	
Provisional ballots segregated for those who vote after special extended poll hours	X				Meets
<b>Voter Registration--Section 303 (Compliance January 1, 2004 or extension January 1, 2006)</b>					
Single, uniform, official centralized, interactive computer statewide, voter registration list			X		Does not meet
Can Florida meet January 1, 2004 deadline? Need to apply for January 1, 2006 waiver	X				Meets
HAVA's ID requirements for voters who register by mail and not previously voted	X				Meets
HAVA's requirement for voter registration language in mail registration forms	X				Meets
<b>Local Government Payments and Activities [Section 254(a)(2)]</b>					
Describe criteria for funding				X	Updated
Describe methods to monitor performance				X	Updated
<b>Voter Education [Section 254(a)(3)]</b>					
Describe voter education programs to support Title III				X	Updated
Describe election official education and training to support Title III				X	Updated
Describe poll worker training to support Title III				X	Updated
<b>Voting System Guidelines and Processes [Section 254(a)(4)]</b>					
Describe Florida's voting system guidelines and processes consistent with Section 301				X	Meets
<b>HAVA Election Fund [Section 254(a)(5)]</b>					
Describe how Florida will establish a HAVA fund				X	Updated
Describe how Florida will manage the HAVA fund				X	Updated
<b>Florida's HAVA Budget [Section 254(a)(6)]</b>					
Describe costs of activities to meet Title III				X	Updated
Describe portion of requirements payment to carry out requirements activities				X	Updated
Describe portion of requirements payment to carry out other activities				X	Updated
<b>Florida's Maintenance of Effort [Section 254(a)(7)]</b>					
Describe how Florida will maintain election expenditures at the 1999-2000 FY				X	Updated

010914



**GLEND A. HOOD**  
 SECRETARY OF STATE  
 STATE OF FLORIDA

STATE OF FLORIDA  
 HAVA PLAN UPDATE / 99

Help America Vote Requirement	Status: 2003 HAVA State Plan				Status: As of 6/4/04
	Meets	Partially Meets	Does Not Meet	Described in Plan	
<b>Florida's Performance Goals and Measures [Section 254(a)(8)]</b>	Meets	Partially Meets	Does Not Meet	Described in Plan	
Describe how Florida will adopt performance goals measures to determine HAVA success				X	Updated
<b>Administrative complaint process [Section 254(a)(9)]</b>	Meets	Partially Meets	Does Not Meet	Described in Plan	
Established a state-based administrative complaint process to remedy grievances	X				Meets
<b>Effect of Title I Payments [Section 254(a)(10)]</b>	Meets	Partially Meets	Does Not Meet	Described in Plan	
Describe how Title I payments will affect activities of HAVA plan				X	Updated
<b>HAVA State Plan Management [Section 254(a)(11)]</b>	Meets	Partially Meets	Does Not Meet	Described in Plan	
Describe how Florida will manage plan and make material changes to plan				X	Updated
<b>HAVA State Plan for Previous Fiscal Year [Section 254(a)(12)]</b>	Meets	Partially Meets	Does Not Meet	Described in Plan	
Describe how this year's plan changed from the previous fiscal year				X	Updated
<b>HAVA State Plan Development and Planning Committee [Section 254(a)(13)]</b>	Meets	Partially Meets	Does Not Meet	Described in Plan	
Describe the committee and procedures used to develop the HAVA plan				X	Updated

020915



**Appendix A**

# **INSTRUCTIONS TO VOTERS**

1. Polls open at 7 a.m. and close at 7 p.m.
2. Sample ballots will be posted in the polling room for your information.
3. When you enter the polling room and before being permitted to vote, you are required to present a photo ID with signature. If you do not have the proper ID, you will be allowed to sign an affidavit and vote.
4. If you are a first-time voter who registered by mail and have not already provided identification to the supervisor of elections, you must provide a photo ID with signature. If you do not have the proper ID, you are allowed to vote a provisional ballot.
5. If you need instructions on how to use the voting equipment, ask a poll worker to assist you. After you have been given instructions, the officer assisting you will leave so that you can cast your vote in secret.
6. You are required to occupy the voting booth alone, unless you requested assistance at the time of registration or when you signed in at the polls.
7. When you are finished marking your ballot, take your ballot and put it into the precinct tabulator.
8. After you cast your vote, you are required to leave the polling room and you will not be allowed to re-enter.
9. If your eligibility is questioned or you are a first-time voter who registered by mail and do not have a photo ID, you will be allowed to vote a provisional ballot. Once you have voted your provisional ballot, place it in the envelope provided to you and fill out the Voter's Certificate on the back of the envelope. Do not put your ballot through the precinct tabulator. Your ballot will be presented to the County Canvassing Board for a determination as to whether your ballot will be counted.
10. The poll workers possess full authority to maintain order in the polling area.

DS-DE 67 OS  
1/04







**GLENDA E. HOOD**  
SECRETARY OF STATE  
STATE OF FLORIDA

STATE OF FLORIDA  
HAVA PLAN UPDATE / 101

## Appendix B

# INSTRUCTIONS TO VOTERS

1. Polls open at 7 a.m. and close at 7 p.m.
2. Sample ballots will be posted in the polling room for your information.
3. When you enter the polling room and before being permitted to vote, you are required to present a photo ID with signature. If you do not have the proper ID, you will be allowed to sign an affidavit and vote.
4. If you are a first-time voter who registered by mail and have not already provided identification to the supervisor of elections, you must provide a photo ID with signature. If you do not have the proper ID, you are allowed to vote a provisional ballot.
5. If you need instructions on how to use the voting equipment, ask a poll worker to assist you. After you have been given instructions, the officer assisting you will leave so that you can cast your vote in secret.
6. You are required to occupy the voting booth alone, unless you requested assistance at the time of registration or when you signed in at the polls.
7. When you are finished voting your ballot, be sure to press the VOTE or CAST BALLOT button to cast your vote.
8. After you cast your vote, you are required to leave the polling room and you will not be allowed to re-enter.
9. If your eligibility is questioned or you are a first-time voter who registered by mail and do not have a photo ID, you will be allowed to vote a provisional ballot. Once you have marked this paper ballot, place it in the envelope provided to you and fill out the Voter's Certificate on the back of the envelope. Your ballot will be presented to the County Canvassing Board for a determination as to whether your ballot will be counted.
10. The poll workers possess full authority to maintain order in the polling area.

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1/04



STATE OF FLORIDA

020917



## Appendix C

# INSTRUCCIONES PARA LOS VOTANTES

### Instrucciones para los votantes

1. Las urnas abren a las 7:00 a.m. y cierran a las 7:00 p.m.
2. Para su información, las boletas de muestra estarán desplegadas en el salón de votaciones.
3. Cuando usted entre al salón de votación y antes de que se le permita votar, a usted se le requerirá presentar una identificación con foto y firma. Si usted no tiene la identificación adecuada, a usted se le permitirá firmar una declaración jurada y votar.
4. Si usted es un votante que vota por primera vez y que se ha registrado por correo y aún no ha provisto ya la identificación al supervisor de elecciones, usted deberá proveer una identificación con foto y firma. Si usted no tiene la identificación adecuada, a usted se le permite votar una boleta provisional.
5. Si usted necesita instrucciones sobre cómo usar el equipo de votación, pídale a un trabajador de las urnas que le ayude. Luego que a usted se le hayan dado instrucciones, el oficial que le ayuda se alejará, para que usted pueda echar su voto en secreto.
6. A usted se le requiere ocupar la caseta de votación solo(a), a menos que usted haya pedido ayuda al momento del registro o cuando usted firmó al llegar a las urnas.
7. Cuando usted termine de marcar su boleta, lleve su boleta y póngala en el tabulador del precinto.
8. Luego que usted eche su voto, a usted se le requerirá abandonar el salón de votación y no se le permitirá volver a entrar.
9. Si su elegibilidad es cuestionada o si usted es un votante que vota por primera vez que se registró por correo y no tiene una identificación con foto, a usted se le permitirá votar con una boleta provisional. Una vez usted haya votado con su boleta provisional, colóquela en el sobre que se le proveyó y llene el *Voter's Certificate* (Certificado del Votante) al dorso del sobre. No coloque su boleta a través del tabulador del precinto. Su boleta será presentada al *County Canvassing Board* (Junta Examinadora del Condado) para una determinación en cuanto a contar su boleta o no.
10. Los trabajadores en las urnas poseen plena autoridad para mantener el orden en el área de votación.

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1/04



STATE OF FLORIDA

020918



**GLEND A. HOOD**  
SECRETARY OF STATE  
STATE OF FLORIDA

STATE OF FLORIDA  
HAVA PLAN UPDATE / 103

## Appendix D

# INSTRUCCIONES PARA LOS VOTANTES

1. Las urnas abren a las 7:00 a.m. y cierran a las 7:00 p.m.
2. Para su información, las boletas de muestra estarán desplegadas en el salón de votaciones.
3. Cuando usted entre al salón de votación y antes de que se le permita votar, a usted se le requerirá presentar una identificación con foto y firma. Si usted no tiene la identificación adecuada, a usted se le permitirá firmar una declaración jurada y votar.
4. Si usted es un votante que vota por primera vez y que se ha registrado por correo y aún no ha provisto ya la identificación al supervisor de elecciones, usted deberá proveer una identificación con foto y firma. Si usted no tiene la identificación adecuada, a usted se le permite votar una boleta provisional.
5. Si usted necesita instrucciones sobre cómo usar el equipo de votación, pídale a un trabajador de las urnas que le ayude. Luego que a usted se le hayan dado instrucciones, el oficial que le ayuda se alejará, para que usted pueda echar su voto en secreto.
6. A usted se le requiere ocupar la caseta de votación solo(a), a menos que usted haya pedido ayuda al momento del registro o cuando usted firmó al llegar a las urnas.
7. Cuando usted termina de votar su boleta, asegúrese de oprimir el botón de VOTAR o ECHAR LA BOLETA para echar su voto.
8. Luego que usted eche su voto, a usted se le requerirá abandonar el salón de votación y no se le permitirá volver a entrar.
9. Si su elegibilidad es cuestionada o si usted es un votante que vota por primera vez que se registró por correo y no tiene una identificación con foto, a usted se le permitirá votar con una boleta provisional. Una vez usted haya marcado esta boleta de papel, colóquela en el sobre que se le proveyó y llene el *Voter's Certificate* (Certificado del Votante) al dorso del sobre. Su boleta será presentada al *County Canvassing Board* (Junta Examinadora del Condado) para una determinación en cuanto a contar su boleta o no.
10. Los trabajadores en las urnas poseen plena autoridad para mantener el orden en el área de votación.

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STATE OF FLORIDA

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Appendix E

## **VOTER'S BILL OF RIGHTS**

**Each registered voter in this state has the right to:**

1. Vote and have his or her vote accurately counted.
2. Cast a vote if he or she is in line at the official closing of the polls in that county.
3. Ask for and receive assistance in voting.
4. Receive up to two replacement ballots if he or she makes a mistake prior to the ballot being cast.
5. An explanation if his or her registration is in question.
6. If his or her registration is in question, cast a provisional ballot.
7. Prove his or her identity by signing an affidavit if election officials doubt the voter's identity.
8. Written instructions to use when voting, and, upon request, oral instructions in voting from elections officers.
9. Vote free from coercion or intimidation by elections officers or any other person.
10. Vote on a voting system that is in working condition and that will allow votes to be accurately cast.

**You may have other voting rights under state and federal laws. If you believe your voting rights have been violated, please contact Florida Department of State, Division of Elections, 1-877-868-3737**



Appendix F

## **LA CARTA DE LOS DERECHOS DEL ELECTOR**

**Todo elector inscrito en este estado tiene el derecho:**

1. de votar y de que se cuente con precisión su voto.
2. de que se le permita votar si está en cola para votar cuando estén cerrando oficialmente las urnas en ese condado.
3. de pedir y recibir asistencia para votar.
4. de recibir hasta dos boletas de reemplazo si se equivoca antes de emitir su voto definitivamente.
5. si su inscripción está en duda, de que se le explique el motivo del problema.
6. si su inscripción está en duda, de votar con una boleta provisional.
7. de firmar una declaración jurada para probar su identidad si los funcionarios electorales tienen alguna duda acerca de la identidad del elector.
8. de tener por escrito instrucciones sobre el método de votación para usarlas al votar y, si las pide, de recibir instrucciones verbales por parte de los funcionarios electorales sobre dicho método.
9. de votar sin que lo coaccionen o intimiden los funcionarios electorales ni ninguna otra persona.
10. de votar empleando un sistema que, además de funcionar correctamente, haga posible emitir con precisión los votos.

**Usted puede tener otros derechos de la votación bajo el estado y las leyes federales. Si usted cree que sus derechos de la votación se han violado, por favor avise La Sección de Estado de la Florida, la División de Elecciones, 1-877-868-3737.**



**GLEND A E. HOOD**  
 SECRETARY OF STATE  
 STATE OF FLORIDA

STATE OF FLORIDA  
 HAVA PLAN UPDATE / 106

**Appendix G**



STATE OF FLORIDA  
 DEPARTMENT OF STATE

JEB BUSH  
 Governor

GLEND A E. HOOD  
 Secretary of State

November 10, 2005

Ms. Penelope Bonsall, Director  
 Office of Election Administration  
 Federal Elections Commission  
 999 E Street NW  
 Washington, D.C. 20463

RE: State of Florida request for waiver pursuant to Section 303(d) of the Help America Vote Act of 2002

Dear Ms. Bonsall:

Section 303(a) of the Help America Vote Act of 2002 requires each state to implement a computerized statewide voter registration list by the January 1, 2004, date specified in Section 303(d)(1)(A) of the same statute. Section 303(d)(1)(B) provides for states to request an extension of the aforementioned deadline until January 1, 2006. The purpose of this correspondence is to certify that, for good cause as outlined below, the State of Florida is unable to meet the January 1, 2004, implementation date called for in Section 303(d)(1)(A), and respectfully requests an extension of the deadline as permitted by law until January 1, 2006.

Florida has a tradition of administering voter registration at the county level jurisdiction. Each of Florida's sixty-seven counties has a constitutionally elected officer known as the supervisor of elections who is responsible for maintaining voter registration lists in their respective county. Each supervisor of elections is also responsible for determining the type of information technology appropriate for supporting voter registration activities in their jurisdiction and the manner in which registration records are maintained. The steps required to: (1) assess county-administered voter registration systems; (2) develop methods for consolidating a variety of voter registration lists with individual nuances into a single computerized statewide system; and (3) provide for future coordination of county voter registration activities with the statewide list will require more time than provided by the January 1, 2004, implementation date.

The Florida Department of State is working diligently to implement a statewide voter registration system that will meet all the requirements of Title III. Some of the steps already taken by the State of Florida in order to develop and implement a statewide voter registration system include: hiring a project director; executing agreements with our state Departments of Highway Safety

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**GLENDA E. HOOD**  
SECRETARY OF STATE  
STATE OF FLORIDA

STATE OF FLORIDA  
HAVA PLAN UPDATE / 107

Ms. Penelope Beasly, Director  
November 10, 2005  
Page 2

Motor Vehicles and Law Enforcement that outline data exchange procedures; and creating task groups comprised of county election officials and Department of State personnel in order to address technical and procedural issues relating to the creation of the centralized registration system. Given the steps already taken by the Florida Department of State and the other departments involved, and the scope of the work remaining to be done, I am confident that the State of Florida will be successful in having a statewide computerized voter registration system operational by the January 1, 2006, extended deadline requested herein.

Sincerely,

Glenda E. Hood  
Secretary of State

GEE/ack/pt

020923



FLORIDA DEPARTMENT OF STATE  
**Glenda E. Hood**  
Secretary of State  
DIVISION OF ELECTIONS

August 5, 2003

Mr. Brian Hancock  
Office of Election Administration  
Federal Election Commission  
999 E Street, NW  
Washington, D.C. 20463

Dear Mr. Hancock:

Attached is the final version of the State of Florida HAVA Plan as required by the Help America Vote Act. The plan is now ready to be published in the Federal Register. Please include the following URL in the introduction to the state plan:  
<http://election.dos.state.fl.us/hava/index.shtml>.

If you need further information, please let me know.

Sincerely,

A handwritten signature in black ink that reads "Edward C. Kast".

Edward C. Kast  
Director, Division of Elections



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# **State of Florida**

# **HAVA Plan**

*As required by the*

HELP AMERICA VOTE ACT  
OF 2002 (HAVA)

020925

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**STATE OF FLORIDA  
DEPARTMENT OF STATE**

**JEB BUSH**  
*Governor*

**GLEND A. HOOD**  
*Secretary of State*

July 21, 2003

Dear Election Assistance Commission:

As Chief Election Officer of the State, I am pleased to present the State of Florida HAVA Plan developed pursuant to the Help America Vote Act of 2002. This plan represents Florida's long-range plan for implementing the federal Act, which requires all states to significantly reform the way they conduct elections. As the plan indicates, Florida has already met many of the requirements of HAVA.

Florida's plan was developed through the Help America Vote Act Planning Committee, a group of dedicated individuals representing various constituency groups throughout the State. The plan sets forth the goals of achieving compliance with HAVA and for continuing to improve the elections process in the State of Florida. I commend the Committee for its hard work and diligence in producing the Plan.

As part of the Plan, the Committee was tasked with developing a budget based on the projected federal funds that the State would receive. The Committee considered only those funds projected to be received for the 2003 federal fiscal year. I, along with other election officials throughout the State, encourage Congress to continue the necessary funding to fully implement the requirements of HAVA. Both the State and counties have already spent significant funds to replace outdated voting systems. HAVA allows certain reimbursements for these expenditures and I fully support reimbursement to the State and counties where permissible under the Act. We will continue to examine the possibility of further reimbursement to the state as permitted by HAVA.

This plan recognizes that additional resources are required in order for our Supervisors of Elections to provide continuing voter education to the citizens of the State, to recruit qualified poll workers, and to provide the necessary training for those workers. As Chief Election Officer, I am committed to working closely with and supporting our Supervisors as we continue to ensure Florida voters have every confidence that their vote counts.

Florida will revise and update the plan as necessary to reflect the progress made in implementing HAVA and to chart the future goals and plans for elections. We look forward to continuing our election reform efforts to make this state the model for elections reform throughout the nation.

Glenda E. Hood  
Secretary of State

## **Introduction**

Since the aftermath of the General Election of 2000, Florida has led the nation in its election reform efforts to ensure that every registered voter should have the opportunity to vote and to ensure that every vote counts.

The goal is perfection. Reaching that goal in an ever changing democracy and within a diverse population is an ongoing task that requires constant experimentation and learning. The people and the leadership of Florida have dedicated themselves to this course of action.

The struggle for improving our election process reveals itself in many ways. Citizens have increased their involvement by serving on local and State election task forces, researching new voting technologies, debating new standards for poll worker training, increasing voter education opportunities, and registering new voters. The people of Florida continue to make election reform a top priority.

The leadership of Florida has also acted decisively. Florida has enacted legislative and local reforms during the last two years that lead the nation. These reforms include cutting-edge voting system standards, millions of dollars for new voting technology, expanded voter education efforts, and thousands of newly trained poll workers. A statewide poll taken the day of the 2002 General Election found that Floridians gave high marks to the election reform changes including a 91% "excellent-good" rating for poll workers and an 88% confidence rating from voters that their votes will count. These results are not "perfect," but Florida is moving in a positive direction to make all facets of the election process better each time an election is held.

With the passage and signing of the Help America Vote Act of 2002 (HAVA) on October 29, 2002, election reform will spread throughout the nation. The new federal law asks States to develop election reform plans that will improve election administration in many areas. Florida embraces the new federal law and hopes that other States will use it as an opportunity to share new election reform ideas and practices with one another.

The people of Florida have learned many things about election reform. Yet, there are enduring principles which are reflected within many recommendations and changes of Florida's election reform efforts. These principles were developed by Florida's first task force in the aftermath of the 2000 General Election:

### **Enduring Principles of Elections**

- **Elections are first and foremost acts of millions of individual people: citizens who register and vote; candidates who offer themselves and their platforms for public**

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judgment; poll workers who put in long days at precincts; and election officials who supervise the process. Honest, responsible, intelligent people will make most technology systems work well.

- Voting should be a simple, convenient and friendly process that encourages each citizen to express his or her choices.
- Voting systems should be designed to determine voter intent, to the extent that is humanly possible.
- Voting methods for statewide and national elections should meet uniform standards and national standards for fairness, reliability and equal protection of voting opportunity.
- Elections must meet two competing objectives: certainty (making every vote count accurately) and finality (ending elections so that governing can begin).
- While voting should be individual and private, procedures for counting and challenging votes should be open, transparent, and easily documented to ensure public confidence in the results.

Fulfilling the promises of these enduring principles will require continued vigilance and action. With this HAVA Plan, Florida continues its journey to mount an increasingly open and fair system of determining the will of the people.

The Help America Vote Act of 2002 requires all States to develop and implement a statewide plan. Listed below are the thirteen primary elements that must be addressed in the plan.

**Help America Vote Act of 2002 (HAVA)**  
Public Law 107-252 – October 29, 2002

**SEC. 254. STATE PLAN.**

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

**Element 1.**

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

**Element 2.**

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

- 
- A) The criteria to be used to determine the eligibility of such units or entities for receiving the payment; and
  - B) The methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under paragraph (8).

**Element 3.**

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

**Element 4.**

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

**Element 5.**

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

**Element 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.

**Element 7.**

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

**Element 8.**

How the State will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the State will use to measure performance and the process used to develop such criteria,

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and a description of which official is to be held responsible for ensuring that each performance goal is met.

**Element 9.**

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

**Element 10.**

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

**Element 11.**

How the State will conduct ongoing management of the plan, except that the State may not make any material change in the administration of the plan unless the change —

- A) Is developed and published in the Federal Register in accordance with section 255 in the same manner as the State plan;
- B) Is subject to public notice and comment in accordance with section 256 in the same manner as the State plan; and
- C) Takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A).

**Element 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.

**Element 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.

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**Element 1. Use Of Title III Requirements Payments:**  
**A. Voting Systems**

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

**Introduction**

Following the 2000 General Election, the people of Florida made a concerted effort to improve all facets of its election procedures, standards and voting systems. The first major changes were the recommendations advanced by the 2001 Governor's Select Task Force on Election Procedures, Standards and Technology followed by the passage of the Florida Election Reform Act of 2001. A central component of Florida's new election law mandated the replacement of punch card voting systems, lever machines, paper ballots and central count optical scanning systems with precinct tabulated Marksense voting systems or the Direct Recording Electronic voting systems. The new voting systems were put into service to reduce voter error, to improve tabulation accuracy, and to restore voter confidence in Florida's elections.

Florida has adopted voting system standards which meet and exceed standards established by the Federal Election Commission. Florida's voting system standards are reviewed every two years to determine whether they are adequate and effective in carrying out fair and impartial elections. The Bureau of Voting Systems Certification within the Department of State has statutory authority to adopt rules which establish minimum standards for voting systems purchased and used in Florida. Florida's 67 counties have authority to purchase and to maintain the appropriate certified voting system for their registered voters. During the last two years, the State of Florida has provided \$24 million to assist counties in purchasing new certified voting systems.

Only two types of voting systems are certified for use in Florida's 67 counties— Direct Recording Electronic (DRE or "touchscreen") voting systems and Marksense with precinct-based tabulation.

There are three manufacturers who have certified voting systems for use in Florida: Diebold; Elections Systems and Software, Inc. (ES&S); and Sequoia Voting Systems, Inc. (SP). Members of the HAVA Planning Committee noted that the certified Diebold voting system currently does not allow visually impaired voters to independently or to privately vote and this is addressed later under Section 301(a)(3)(A) and Section 301(a)(3)(B). The following chart details the types of voting systems used in Florida, the respective manufacturer, and the number of counties using the voting systems.



**DRE Voting Systems ("touchscreen")  
 And Number of Florida Counties in Use  
 For Precinct Voting**

<b>DRE VOTING SYSTEM MANUFACTURER</b>	<b>COUNTIES (PRECINCT VOTING)</b>
ES&S Voting System Release 3	6
ES&S Voting System Release 4.2	5
SP AVC Edge Voting System	4
<b>TOTAL</b>	<b>15</b>

**Marksense Voting Systems ("optical scanning")  
 And Number of Counties in Use  
 For Precinct and Absentee Voting**

<b>MARKSENSE VOTING SYSTEM MANUFACTURER</b>	<b>COUNTIES (PRECINCT VOTING)</b>	<b>COUNTIES (ABSENTEE VOTING)</b>
Diebold AccuVote ES 2001 B	30	30
ES&S Voting System Release 1.1	2	2
ES&S Voting System Release 2.1	1	1
ES&S Voting System Release 3	4	10
ES&S Voting System Release 3.2	1	1
ES&S Voting System Revised Release 3.1	3	3
ES&S Voting System Release 4.2	3	8
ES&S Optech IIP Eagle	2	2
ES&S Optech IIP/Optech IVC	5	5
SP Optech III-P Eagle	1	1
SP AVC Edge Voting System	0	4
<b>TOTAL</b>	<b>52</b>	<b>67</b>

The Help America Vote Act of 2002 (HAVA) establishes new minimum requirements for administering federal elections. These new voting system requirements are found in Title III of the federal law. The new requirements shape the performance and the administration of voting systems. Florida is in compliance with many of these new federal directives and these are addressed in the HAVA State Plan.

Section 301(a) of HAVA requires that Florida's voting systems meet the following requirements by January 1, 2006. Florida will be in compliance with all of these requirements by the federal deadline of January 1, 2006.

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**Section 301(a) Voting System Standards and Requirements**

**Section 301(a)(1)(A)(i): Do Florida's voting systems permit the voter to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted?**

**Yes, and no further actions are required.**

Section 101.5606(1), *Florida Statutes*, states that no voting system in Florida shall be approved by the Department of State unless it "permits and requires voting in secrecy."

Florida Voting System Standards (April 2002) state that "the voter must be able to review the candidate selections, which he or she has made. Prior to the act of casting a ballot, the voter must be able to change any selection previously made and confirm the new selection." (p. 21)

Florida Voting System Standards (April 2002) state that the voting function standards applicable to all Electronic Voter Interfaces must provide "after the initial instructions, which the system requires election officials to provide to each voter, the voter should be able to independently operate the voter interface through the final step of casting a ballot without assistance." (p. 20)

**Section 301(a)(1)(A)(ii): Do Florida's voting systems provide the voter with the opportunity in a private and independent manner to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct the error)?**

**Yes, and no further actions are required.**

Florida Voting System Standards (April 2002) state that "the voter must be able to review the candidate selections, which he or she has made. Prior to the act of casting a ballot, the voter must be able to change any selection previously made and confirm the new selection." (p. 21)

Section 101.5606(12), *Florida Statutes*, requires that electronic voting systems should "permit each voter to change his or her vote for any candidate or upon any question appearing on the official ballot up to the time that the voter takes the final step to register his or her vote and to have the vote computed."

Section 101.5608(2)(b), *Florida Statutes*, requires that "Any voter who spoils his or her ballot or makes an error may return the ballot to the election official and secure another ballot, except that in no case shall a voter be furnished more than three ballots. If the vote tabulation device has rejected the ballot, the ballot shall be considered spoiled and a new ballot shall be provided to the voter unless the voter chooses to cast the rejected ballot. The election official, without examining the original ballot, shall state the possible reasons for the rejection and shall provide

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instruction to the voter pursuant to s. 101.5611. A spoiled ballot shall be preserved, without examination, in an envelope provided for that purpose. The stub shall be removed from the ballot and placed in the envelope.”

Section 101.5611(1), *Florida Statutes*, requires that the “supervisor of elections shall provide instruction on the proper method of casting a ballot for the specific voting system utilized in that jurisdiction. Such instruction shall be provided at a place which voters must pass to reach the official voting booth.”

**Section 301(a)(1)(A)(iii): If the voter selects votes for more than one candidate for a single office, do Florida’s voting systems: (1) notify the voter that the voter has selected more than one candidate for a single office on the ballot; (2) notify the voter before the ballot is cast and counted of the effect of casting the multiple votes for the office; and (3) provide the voter with the opportunity to correct the ballot before the ballot is cast?**

**Yes, and no further actions are required.**

Section 101.5606(3), *Florida Statutes*, requires voting systems to immediately reject “a ballot where the number of votes for an office or measure exceeds the number which the voter is entitled to cast or where the tabulating equipment reads the ballot as a ballot with no votes cast.”

Section 101.5606(4), *Florida Statutes*, requires that systems using paper ballots accept a rejected ballot if the voter chooses to cast the ballot after it has been rejected, but the ballot will record no vote for any office that has been overvoted or undervoted.

Section 101.5608(2)(b), *Florida Statutes*, provides that “Any voter who spoils his or her ballot or makes an error may return the ballot to the election official and secure another ballot, except that in no case shall a voter be furnished more than three ballots. If the vote tabulation device has rejected the ballot, a ballot shall be considered spoiled and a new ballot shall be provided to the voter unless the voter chooses to cast the rejected ballot. The election official, without examining the original ballot, shall state the possible reasons for the rejection and shall provide instruction to the voter pursuant to s. 101.5611. A spoiled ballot shall be preserved, without examination, in an envelope provided for that purpose. The stub shall be removed from the ballot and placed in an envelope.”

Section 101.5611(1), *Florida Statutes*, requires that the “supervisor of elections shall provide instruction on the proper method of casting a ballot for the specific voting system utilized in that jurisdiction. Such instruction shall be provided at a place which voters must pass to reach the official voting booth.”

Florida Voting System Standards (April 2002) state that “the system must prevent the voter from over voting any race.” In addition, “there must be a clear, identifiable action, which the voter

takes to 'cast' the ballot. The system must make clear to the voter how to take this action, such that the voter has minimal risk of taking the action accidentally, but when the voter intends to cast the ballot, the action can be easily performed." (p. 21)

Florida Voting System Standards (April 2002) state that "Marksense systems shall reject blank ballots and ballots with overvoted races. Electronic voter interfaces shall prevent a voter from overvoting a race, and shall provide a means of indicating, to the voter, any races that may have been undervoted before the last step necessary to cast the ballot." (p. 22)

**Section 301(a)(1)(B): Does Florida's mail-in absentee and mail-in ballot process meet the requirements of subparagraph (A)(iii) by: (i) establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple ballots for an office; and (ii) providing the voter instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error)?**

**Partially meets, and further actions are required.**

The Florida Legislature has amended Section 101.65, *Florida Statutes*, to require the instructions for absentee voters to include the following language:

*Mark only the number of candidates or issue choices for a race as indicated on the ballot. If you are allowed to "Vote for One" candidate and you vote for more than one candidate, your vote in that race will not be counted.*

**Planned action before January 1, 2006:**

In addition, the Division of Elections will update Rule 1S-2.032, *Florida Administrative Code (F.A.C.)*, (Uniform and General Election Ballot Design) which will make it clear to absentee voters how to correct their ballots and how to request a replacement ballot if the voter is unable to change or correct the original ballot.

The HAVA Planning Committee also suggested that absentee voters should be given clear notification that the deadline for submitting absentee ballots is by 7:00 p.m. of election night and that mailing the ballot may not ensure that it will arrive in time to be counted.

**Section 301(a)(1)(C): Does Florida's absentee and mail-in ballot process preserve the privacy of the voter and the confidentiality of the ballot?**

**Yes, and no further actions are required.**

Section 101.65, *Florida Statutes*, requires supervisors of elections to enclose with each absentee ballot a separate printed instruction form, a secrecy envelope, a Voter's Certificate and a mailing envelope. The instructions provide the following guidelines:

- Mark your ballot in secret as instructed on the ballot. You must mark your own ballot unless you are unable to do so because of blindness, disability, or inability to read or write.
- Place your ballot in the enclosed secrecy envelope.
- Insert your secrecy envelope into the enclosed mailing envelope which is addressed to the supervisor.

Section 101.68(2)(d), *Florida Statutes*, contains a detailed policy and procedure instructing the local canvassing boards in the manner of handling absentee ballots to ensure that the confidentiality of the ballot is maintained.

**Section 301(a)(2)(A): Do Florida voting systems produce a record for audits?**

**Section 301(a)(2)(B): Do the voting systems produce a permanent paper record with a manual audit capacity?**

**Section 301(a)(2)(C): Is the paper record produced in subparagraph (A) available as an official record for any recount conducted with respect to any election in which the system is used?**

**Yes, and no further actions are required.**

The HAVA Planning Committee determined through research conducted by staff, through testimony offered by Congressional staff, and through testimony given by staff from the Division of Elections that Florida complies with the HAVA audit requirement. Florida voting system standards require DRE machines to maintain a random sorted file of ballot images for every vote cast, and they also have to maintain detailed logs for each election from the time they are first programmed for an election until the results are copied to archival media. Certified voting systems in Florida are required to print out a paper tape of summary totals in each precinct. The paper record is produced to reconcile the consolidated totals for the county in the event of a recount.

Staff from the Division of Elections testified before the HAVA Planning Committee that Florida's State and local security measures make it highly unlikely any tampering could take place with the voting systems. In addition, staff also testified that Florida's certified voting

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systems are tested in public forums for logic and accuracy before the election. There are also thorough procedural and security controls in place at the local level to safeguard against someone tampering with the voting systems. The Division of Elections' staff cited Rule 1S-2.015(5)(m)3.a., *F. A. C.*, relating to minimum election security procedures which requires the "printing of precinct results and results from individual tabulating devices" for every election. In addition, the Florida Legislature has authorized the Department of State to promulgate rules which would require supervisors to check those paper totals against electronic totals during machine recounts. The following statutes and rules lay the groundwork for Florida's ability to comply with the audit requirements of HAVA:

Section 101.015(5)(a), *Florida Statutes*, requires the Department of State to adopt rules which establish standards for voting systems, including audit capabilities.

Section 101.5606(11 & 13), *Florida Statutes*, requires the Department of State to approve only voting systems that are capable of automatically producing precinct totals in printed, marked, or punched form or a combination thereof. The voting systems must be capable of providing records from which the operating system of the voting system may be audited.

Florida Voting System Standards (April 2002) provide general functional requirements of voting systems which "shall include the capability to produce records, generated by the system components, or in some cases, by the system operators from which all operations may be audited. Except for the storage of vote images, which shall be maintained in a random sequence, the records shall be created and maintained in the sequence in which the operations were performed." (pp. 16-17)

Florida Voting System Standards (April 2002) require precinct count systems to provide a means for obtaining a printed report of the votes counted on each voting device, and to provide a means for extracting this information to a transportable memory device or data storage medium. (p. 23)

Florida Voting System Standards (April 2002) require the generation of reports by the system to be performed in a manner which does not erase or destroy any ballot image, parameter, tabulation or audit log data. The system shall provide a means for assuring the maintenance of data integrity and security for a period of at least 22 months after the closing of the polls. (p. 24)

Section 102.166(5)(d), *Florida Statutes*, requires the Department of State to adopt detailed rules prescribing additional manual recount procedures for each certified voting system which shall be uniform to the extent practicable. The rules shall address, at a minimum, the following areas:

- Security of ballots during the recount process
- Time and place of recounts
- Public observance of recounts

- Objections to ballot determinations
- Record of recount proceedings
- Procedures relating to candidate and petitioner representatives

**Section 301(a)(3)(A): Does Florida have certified voting systems 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?**

**Section 301(a)(3)(B): Does Florida meet the requirement in subparagraph (A) through the use of at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place?**

**Partially meets, and further actions are required.**

In 2001, the Secretary of State appointed a task force to conduct a comprehensive review of Florida's election laws and procedures. The task force recommended legislation to insure that Florida's voters with disabilities could fully exercise their right to a secret ballot, as guaranteed by Florida's Constitution. Many of the recommendations of the task force were passed by the Legislature and signed into law by Governor Bush in 2002 and are found in Chapter 2002-281, *Laws of Florida*. Several sections of the law, including sections setting forth specific standards that voting systems must meet, did not become effective immediately, however. They were made contingent on further appropriations by the Legislature, in expectation of the receipt of federal funding as now provided in HAVA.

Most of Florida's largest populated counties have voluntarily purchased voting systems that comply with the accessibility requirements of HAVA. However, Florida's uniform standards regarding voting system requirements (Section 101.56062, *Florida Statutes*), including one accessible machine per precinct, will be effective only when the Florida Legislature adopts a mechanism for funding this law. As a result, the current practice leaves it up to each county to determine how and where such accessible systems are deployed. This does not comply with the requirements of HAVA. Further, there is no statutory or regulatory requirement, beyond the constitutional mandate referred to above, that requires the other counties to comply with the accessibility standards.

HAVA requires that all voting systems be accessible to persons with disabilities, but does not specifically define what is required to accomplish this. HAVA's definition of what constitutes a voting system, however, found in Section 301(b), is comprehensive. Florida has already done the difficult and time consuming work of defining what makes a Florida voting system accessible for persons with disabilities and these standards are found in Chapter 2002-281, *Laws of Florida*. However, as noted above, many sections are not currently in effect. Some slight additional changes to Florida law will need to be made to include provisional ballots, which HAVA

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requires to be accessible, within Florida's accessibility requirements.

Not only has Florida already enacted much of the required accessibility reforms required by HAVA, but the intent of the Legislature to comply fully with Federal requirements is clearly set out in statute. Section 101.56063, *Florida Statutes*, provides that:

It is the intent of the Legislature that this state be eligible for any funds that are available from the Federal Government to assist states in providing or improving accessibility of voting systems and polling places for persons having a disability. Accordingly, all state laws, rules, standards, and codes governing voting systems and polling place accessibility must be maintained to ensure the state's eligibility to receive federal funds. It is the intent of the Legislature that all state requirements meet or exceed the minimum federal requirements for voting systems and polling place accessibility.

What is left to do in order to comply with HAVA is to make all sections of Chapter 2002-281, *Laws of Florida*, effective. Without making these sections effective, and thus making Florida's voting systems accessible to people with disabilities, Florida will not comply with this requirement of HAVA and will not be able to certify its compliance in order to draw down all available HAVA funds. Making these sections effective requires legislative action. Failure by the Legislature to take action will result in Florida not being able to qualify for all available HAVA funds.

In addition to the above, Florida must take steps now in the certification and system procurement processes to insure that it is able to meet the HAVA requirements in time. HAVA requires that voting systems themselves, not just Florida law, must meet the accessibility requirements by January 1, 2006. The HAVA Planning Committee heard testimony from Division of Elections' staff who cautioned that Florida cannot compel any voting systems vendor to bring equipment to the State for certification. Staff testimony further noted that the lack of available certifiable equipment has been a significant problem in the past that continues to the present. With the proper incentives for vendors and tools for counties to require compliance with accessibility standards, Florida will be able to comply with HAVA requirements by January 1, 2006.

Accordingly, the HAVA Planning Committee recommends that the Division, beginning July 1, 2003, require that all new certified voting systems comply with the requirements of Section 101.56062, *Florida Statutes*. Further, any purchase of a voting system by a governmental entity after July 1, 2003 should be required to include a contract for future upgrades and sufficient equipment to meet the requirements of Section 101.56062 and Section 101.5606, *Florida Statutes*. Finally, all voting systems in use as of January 1, 2006, should be required to be both certified to meet, and be deployed in a configuration that meets, the requirements of Section 101.56062 and Section 101.5606, *Florida Statutes*.



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For Florida to comply with HAVA and to be eligible for federal funds pursuant to HAVA, action by the Legislature should include the following specific recommendations of the HAVA Planning Committee:

1. Trigger the disability accessibility standards found in Chapter 2002-281 by either:
  - A. Enacting specific language in the budget that meets the requirements of Section 22, Chapter 2002-281 and appropriates funds to the Department of State for distribution to the counties for the specific purpose of funding Chapter 2002-281; or
  - B. Enacting a HAVA Implementation Bill that provides that Sections 4, 5, 6, 8, 9, 10, 11, 14, and 19 Chapter 2002-281, be effective no later than January 1, 2006, and that Section 12 of Chapter 2002-281 is effective on January 1, 2006.
2. Mandating that provisional ballots for voters with disabilities shall be provided to them by a system that meets the requirements of section 101.56062, *Florida Statutes*, by January 1, 2006.
3. Enact a HAVA Implementation Bill requiring:
  - A. All electronic and electromechanical voting systems certified by the State after July 1, 2003, must meet the requirements of Section 101.56062, *Florida Statutes*, (except subsection (1)(d), which is exempted in the statute);
  - B. Any purchase of a voting system by any county, municipality or by the State after July 1, 2003 must include a contract for future upgrades and sufficient equipment to meet the requirements of Section 101.56062 and Section 101.5606, *Florida Statutes*; and
  - C. All electronic and electromechanical voting systems in use on or after January 1, 2006 must be certified to meet and be deployed in a configuration which meets the requirements of Section 101.56062 and Section 101.5606, *Florida Statutes*.

The recommended budget proposed under Element 6 of this plan recommends using a portion of the requirements payments to become compliant with the disability voting system requirements.

**Section 301(a)(3)(C): Will Florida purchase voting systems with funds made available under Title II on or after January 1, 2007, that meet the voting system standards for disability access (as outlined in this paragraph)?**

**Yes, and no further actions are required.**

**Section 301(a)(4): Does Florida have certified voting systems that provide alternative language accessibility pursuant to the requirements of Section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa-1a)?**

**Yes, and no further actions are required.**

In order to be certified for use in Florida, DRE voting systems must provide alternative language accessibility for all interfaces in order to meet the requirements of Section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa through 1a). Florida Voting System Standards (April 2002) require that all configurations must support all voter interface functions in at least the following languages: English, Spanish, and Haitian Creole. (p. 22)

Counties using Marksense voting systems must meet the requirements of Section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa through 1a) by printing ballots in the required languages.

**Section 301(a)(5): Does Florida have certified voting systems that comply with the error rate standards established under section 3.2.1 of the voting systems standards issued by the Federal Elections Commission which are in effect on the date of the enactment of this Act?**

**Yes, and no further actions are required.**

Florida Voting System Standards (April 2002) contain voting system accuracy standards which exceed the error standards established by the Federal Elections Commission. (pp. 35-36)

**Section 301(a)(6): Has Florida adopted uniform and nondiscriminatory standards that define what constitutes a vote and what will be counted as a vote for each category of voting systems used in the State?**

**Yes, and no further actions are required.**

Section 102.166(5)(a), *Florida Statutes*, states that "a vote for a candidate or ballot measure be counted if there is a clear indication on the ballot that the voter has made a definite choice."

Section 102.166(5)(b), *Florida Statutes*, requires the Department of State to "adopt specific rules for each certified voting system prescribing what constitutes a 'clear indication on the ballot that the voter has made a definite choice.' The rules may not:

1. Exclusively provide that the voter must properly mark or designate his or her choice on the ballot; or
2. Contain a catch-all provision that fails to identify specific standards, such as 'any other mark or indication clearly indicating that the voter has made a definite choice.'"

**GLEND A. HOOD**  
SECRETARY OF STATE  
STATE OF FLORIDA

STATE OF FLORIDA  
HAVA PLAN / 16

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Rule 1S-2.027, *F. A. C.*, entitled "Clear Indication of Voters Choice on a Ballot" provides specific standards for determining votes on optical scan ballots.

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Element 1. Use of Title III Requirements Payments:  
B. Provisional Voting and Voting Information

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

**Section 302(a) Provisional Voting Requirements**

The Help America Vote Act of 2002 (HAVA) requirements for provisional voting state that if an individual declares that he or she is a registered voter in the jurisdiction in which they are attempting to vote but their name does not appear on the official list of eligible voters, they are to be permitted to cast a provisional ballot.

**Section 302(a)(1) Do Florida's election laws require election officials at the polling place to notify individuals that they may cast a provisional ballot?**

**Yes, and no further actions are required.**

Section 101.031(2), *Florida Statutes*, states that the supervisor of elections in each county shall have posted at each polling place in the county the Voter's Bill of Rights and Responsibilities. Included in the Voter's Bill of Rights is the right of each registered voter to cast a provisional ballot, if his or her registration is in question.

The Division of Elections' Polling Place Procedures Manual instructs pollworkers to read informational signs that appear in print on the walls of the polling place and to offer magnifying sheets for visually impaired voters.

In addition, modifications to Section 101.043(3), *Florida Statutes*, were included in Chapter 2003-415, *Laws of Florida*, which is effective January 1, 2004. This change provided that certain first-time voters would be allowed to vote a provisional ballot.

**Section 302(a)(2) Do Florida's election laws state that any person attempting to vote whose name does not appear on the official list of eligible voters be permitted to cast a provisional ballot at the polling place upon the execution of a written affirmation by the individual that they are: (A) a registered voter in the jurisdiction in which the individual desires to vote; and (B) eligible to vote in that election.**

**Yes, and no further actions are required.**

Section 101.048(1), *Florida Statutes*, states that any voter claiming to be properly registered and eligible to vote, but whose eligibility cannot be determined, will be given a provisional ballot. A Provisional Ballot Voter's Certificate and Affirmation must be completed by the individual

casting a provisional ballot indicating that they are registered to vote and are a qualified voter of the county in which they are attempting to vote, and that they have not previously voted in the election.

**Section 302(a)(3) Do Florida's election laws require a completed provisional ballot be given to an appropriate State or local election official to determine whether the individual is eligible under State law to vote?**

**Yes, and no further actions are required.**

Section 101.048(1), *Florida Statutes*, states that all provisional ballots are placed in a secrecy envelope and then sealed in a provisional ballot envelope. All provisional ballots shall remain sealed in their envelopes for return to the supervisor of elections.

Section 101.048(2)(a), *Florida Statutes*, states the county canvassing board shall examine each provisional ballot envelope to determine if the person voting that ballot was entitled to vote at the precinct where the person cast a vote in the election and that the person had not already cast a ballot in the election.

**Section 302(a)(4) Is the provisional ballot counted if the appropriate State or local election official determines the individual is eligible under State law to vote?**

**Yes, and no further actions are required.**

Section 101.048(2)(b)1., *Florida Statutes*, states that if it is determined that the person was registered and entitled to vote at the precinct where the person cast a ballot, the canvassing board will compare the signature on the provisional ballot envelope with the signature on the voter's registration record and, if it matches, will count the ballot.

**Section 302(a)(5)(A) Are the individuals who cast a provisional ballot given written information that states that any individual who casts a provisional ballot will be able to ascertain whether the vote was counted and, if not, the reason that the vote was not counted?**

**Yes, and no further actions are required.**

Chapter 2003-415, *Laws of Florida*, amends Section 101.048 to provide that each person casting a provisional ballot shall be given written instructions regarding the free access system. The instructions shall contain information on how to access the system along with the information the voter will need to provide in order to obtain information on his or her particular ballot.

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**Section 302(a)(5)(B) Has the appropriate State or local election official established a free access system to provide this information to individuals casting provisional ballots?**

**No, and further actions are required.**

**Planned action before January 1, 2004:**

Chapter 2003-415, *Laws of Florida*, requires each supervisor of elections to establish a free access system that allows each person who casts a provisional ballot to determine whether his or her provisional ballot was counted in the final canvass of votes and, if not, the reasons why.

It is recommended that each county, as a minimum, provide to voters who cast provisional ballots written notification by mail informing them of whether their ballot was counted and, if not, why it was not counted. Supervisors of elections are also strongly encouraged to develop a toll-free number or access to this information via the Internet.

Each supervisor of elections will establish the free access system for their county by January 1, 2004.

**Section 302(a)(5)(B) Has the appropriate State or local official established procedures to protect the security, confidentiality and integrity of the personal information collected and stored by the free access system, restricting access to the individual who cast the ballot?**

**Yes, and no further actions are required.**

Chapter 2003-415, *Laws of Florida*, requires the free access system established by the supervisors of elections to restrict access to information regarding an individual ballot to the person who cast the ballot.

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

HAVA requirements for voting information state that the appropriate State or local election official shall cause voting information to be publicly posted at each polling place on the day of each election for Federal office.

**Section 302(b)(2)(A) Is a sample version of the ballot that will be used for that election posted?**

**Yes, and no further actions are required.**

Section 101.20, *Florida Statutes*, states that two sample ballots shall be furnished to each polling place by the officer whose duty it is to provide official ballots. The sample ballots shall be in the form of the official ballot as it will appear at the polling place on election day. Sample ballots shall be open to inspection by all electors in any election.

**Section 302(b)(2)(B) Is information regarding the date of the election and the hours during which polling places will be open posted on election day?**

**Yes, and no further actions are required.**

Information such as the hours of operation of polling places and the date of the election are provided on instructional cards and sample ballots. Section 101.031, *Florida Statutes*, requires the Department of State, or in case of municipal elections the governing body of the municipality, to print, in large type on cards, instructions for the electors to use in voting. Each supervisor of elections shall send a sufficient number of these cards to the precincts prior to an election. The election inspectors shall display the cards in the polling places as information for electors. The cards shall contain information about how to vote and such other information as the Department of State may deem necessary.

Currently, all cards that are posted in polling places include the hours the polls will be opened.

Section 101.20(1), *Florida Statutes*, states that two sample ballots shall be furnished to each polling place by the officer whose duty it is to provide official ballots. Sample ballots shall be open to inspection by all electors in any election, and a sufficient number of reduced-size ballots may be furnished to election officials so that one may be given to any elector desiring same.

Currently, all sample ballots posted in polling places include the date of the election.

**Section 302(b)(2)(C) Are instructions on how to vote, including how to cast a vote and how to cast a provisional ballot posted on election day?**

**No, and further actions are required.**

Section 101.031, *Florida Statutes*, states the Department of State, or in case of municipal elections the governing body of the municipality, shall print, in large type on cards, instructions for the electors to use in voting. It shall provide not less than two cards for each voting precinct for each election and furnish such cards to each supervisor upon requisition. Each supervisor of elections shall send a sufficient number of these cards to the precincts prior to an election. The election inspectors shall display the cards in the polling places as information for electors. The cards shall contain information about how to vote and such other information as the Department of State may deem necessary.

In addition, Section 101.5611, *Florida Statutes*, states the supervisor of elections shall provide instruction at each polling place regarding the manner of voting with the system. The supervisor of elections shall provide instruction on the proper method of casting a ballot for the specific voting system utilized in that jurisdiction.

Many counties have voting instructions in the voting booth and some provide verbal instruction. However, these instructions do not include how to cast a provisional ballot and Florida will have to revise its instructions to meet this requirement.

During the 2002 legislative session, Senate Bill 1350 was passed amending Section 97.026, *Florida Statutes*, and stated that all forms required to be used in chapters 97 through 106 shall be made available upon request, in alternative formats. However, this statute is not in effect during the development of this Plan.

**Planned action before January 1, 2004:**

The Department of State will revise the instructions to electors, which are posted at the polls on election day, to include information regarding how to cast a vote and how to cast a provisional ballot.

**Section 302(b)(2)(D) Are instructions for mail-in registrants and first-time voters under section 303(b) posted on election day?**

**No, and further actions are required.**

**Planned action before January 1, 2004:**

Under Section 101.031(1), *Florida Statutes*, the Department of State is required to print, in large type on cards, instructions for the electors to use in voting. The election inspectors shall display the cards in the polling places as information for electors. The cards shall contain information about how to vote and such other information as the Department of State may deem necessary. The cards must also include the list of rights and responsibilities afforded to Florida voters.



The cards provided at each polling place, which are posted on election day for inspection by voters, will be modified by the Department of State to include instructions for mail-in registrants and first-time voters.

**Section 302(b)(2)(E) Is general information on voting rights, including information on the right of an individual to cast a provisional ballot posted on election day?**

**Yes, and no further actions are required.**

Section 101.031(2), *Florida Statutes*, requires the supervisor of elections in each county to have posted at each polling place the Voter's Bill of Rights and Responsibilities. The Voter's Bill of Rights states that each registered voter in this State has the right to:

1. Vote and have his or her vote accurately counted.
2. Cast a vote if he or she is in line at the official closing of the polls in that county.
3. Ask for and receive assistance in voting.
4. Receive up to two replacement ballots if he or she makes a mistake prior to the ballot being cast.
5. An explanation if his or her registration is in question.
6. If his or her registration is in question, cast a provisional ballot.
7. Prove his or her identity by signing an affidavit if election officials doubt the voter's identity.
8. Written instructions to use when voting, and, upon request, oral instructions in voting from elections officers.
9. Vote free from coercion or intimidation by elections officers or any other person.
10. Vote on a voting system that is in working condition and that will allow votes to be accurately cast.

**Section 302(b)(2)(E) Is contact information posted for voters who allege their rights have been violated?**

**No, and further actions are required.**

**Planned action before January 1, 2004:**

Under Section 101.031(1), *Florida Statutes*, the Department of State is required to print, in large type on cards, instructions for the electors to use in voting. The election inspectors shall display the cards in the polling places as information for electors. The cards shall contain information about how to vote and such other information as the Department of State may deem necessary. The cards must also include the list of rights and responsibilities afforded to Florida voters.

The cards provided at each polling place, which are posted on election day as information for electors, will be modified by the Department of State to include contact information for voters who believe their voting rights have been violated.

**Section 302(b)(2)(F) Is information on laws regarding prohibitions on acts of fraud and misrepresentation posted?**

**Yes, and no further actions are required.**

Section 101.5611(2), *Florida Statutes*, requires the supervisor of elections to have posted at each polling place a notice that reads: "A person who commits or attempts to commit any fraud in connection with voting, votes a fraudulent ballot, or votes more than once in an election can be convicted of a felony of the third degree and fined up to \$5,000 and/or imprisoned for up to 5 years."

**Section 302(c) Are individuals who vote in an election as a result of a court order or any other order extending the time established for closing the polls by a State law required to cast a provisional ballot? This provisional ballot must be separated and held apart from other provisional ballots cast by those not affected by the order.**

**Yes, and no further actions are required.**

Chapter 2003-415, *Laws of Florida*, created s. 101.049, *Florida Statutes*, to require any person voting in an election after the regular poll-closing time pursuant to a court or other order extending the statutory polling hours to vote a provisional ballot. Once voted, the provisional ballot shall be placed in a secrecy envelope and sealed in a provisional ballot envelope. All such provisional ballots will remain sealed and transmitted to the supervisor of elections separate and apart from all other ballots. The supervisor shall ensure that late-voted provisional ballots are not commingled with other ballots.

**Section 302(d) The effective date for complying with the Provisional Voting and Voting Information requirements is on and after January 1, 2004.**

For each requirement in which Florida does not currently comply, planned action for meeting the requirements will take place by January 1, 2004.

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Element 1. Use of Title III Requirements Payments:  
C. Voter Registration

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

**Introduction**

The Help America Vote Act of 2002 (HAVA) establishes minimum requirements for a single, centralized, computerized statewide voter registration list and for mail registration as a part of establishing and maintaining such a list.

The effective and efficient administration of elections depends in a major way on the completeness and accuracy of voter registration lists that can be checked quickly and reliably by election workers. Section 303(a) of HAVA establishes minimum requirements for a "single, uniform, official, centralized, interactive, computerized, statewide voter registration list which shall be the single system for storing and managing the list of registered voters throughout the state for the conduct of all federal elections."

Because many voters register by mail instead of in person, the procedures used for mail registration are an important component of establishing and maintaining a complete and accurate statewide voter registration list. Section 303(b) of HAVA requires that a state's mail voter registration system be administered in a "uniform and nondiscriminatory manner" and establishes minimum requirements for such a system.

Until recently, Florida's voters have relied primarily on voter registration lists established and maintained by independent supervisors of elections in each of Florida's 67 counties.<sup>1</sup> These lists are governed by Florida law that specifies qualifications to register or vote, a registration oath, a uniform statewide voter registration application form, acceptance of applications by supervisors of elections, closing of registration books, late registration, declinations to register, special registration for electors requiring assistance, registration identification card, disposition of applications and procedures for cancellation, notices of changes of address, and operation of registration offices. See Sections 97.032 through 97.055, 97.0585 through 97.105, 98.015 through 98.095, and 98.101 through 98.491, *Florida Statutes*.

Additional requirements for establishing and maintaining voter registration lists were enacted in the Federal Voting Rights Act of 1965 and the National Voter Registration Act of 1993 ("Motor

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<sup>1</sup> A permanent single voter registration system for each Florida county, used for all public elections in that county, improved on practices in early Florida history of requiring separate registrations for municipal elections and new registrations for each new election. See Section 97.105, *Florida Statutes*.

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Voter Law"). Sections 97.057 through 97.0583, *Florida Statutes*, and other provisions of Florida law implemented those Federal laws in the State by providing for registration of voters by the Department of Highway Safety and Motor Vehicles, voter registration agencies,<sup>2</sup> and qualifying educational institutions.

In 1997, the Florida Legislature established a "central voter file" in the Division of Elections that contained voter registration information from all counties. Section 98.097, *Florida Statutes*.

Following the 2000 General Election, the Florida Legislature enacted the Florida Election Reform Act of 2001 that took additional steps to require complete and accurate voter registration lists in the counties and to establish a statewide voter registration database. Sections 98.0977 through 98.0979, *Florida Statutes*, authorized the Department of State to "...analyze, design, develop, operate, and maintain a statewide, on-line voter registration database and associated website, to be fully operational statewide by June 1, 2002. The database shall contain voter registration information from each of the 67 supervisors of elections in this state and shall be accessible through an Internet website. The system shall provide functionality for ensuring that the database is updated on a daily basis to determine if a registered voter is ineligible to vote for any of the following reasons, including, but not limited to:

- (a) The voter is deceased;
- (b) The voter has been convicted of a felony and has not had his or her civil rights restored; or
- (c) The voter has been adjudicated mentally incompetent and his or her mental capacity with respect to voting has not been restored.

The database shall also allow for duplicate voter registrations to be identified."

This statewide database was established in time for use in the 2002 General Elections. Requirements for pre-clearance by the U.S. Department of Justice (DOJ) and negotiations for settlement of a lawsuit by the NAACP delayed use of parts of the database concerning eligibility of voters identified as potentially ineligible because of a felony conviction or adjudication of mental incapacity. With the receipt of DOJ clearance and settlement of the lawsuit now accomplished, the Division of Elections will begin running matches when all issues related to the settlement agreement have been resolved.

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<sup>2</sup> A "voter registration agency" is defined by Section 97.012(37), *Florida Statutes* as "...any office that provides public assistance, any office that serves persons with disabilities, any center for independent living, or any public library."

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**Section 303(a) Computerized Statewide Voter Registration List Requirements**

**Section 303(a)(1)(A)(i)-(vii) and 303(a)(2): Does Florida's existing statewide database meet requirements for implementing and maintaining a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level that contains the name and registration information of every legally registered voter in the State and assigns a unique identifier to each legally registered voter in the State and includes information specified in HAVA?**

**No, and further actions are required.**

Florida has made great strides in recent years in establishing a centralized, computerized statewide voter registration database but that database does not meet the requirements of HAVA Section 303(a)(1)(A) for a single statewide voter registration list "...defined, maintained, and administered at the State level...[with] a unique identifier [assigned] to each legally registered voter in the State..." which serves, under HAVA Section 303(a)(1)(A)(vii), as "...the official voter registration list for the conduct of all elections for Federal office in the State." HAVA Section 303(a)(1)(A)(i) further defines this requirement by specifying that "The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the State." HAVA Section 303(a)(1)(A) also specifies that the chief State election official (in Florida the Secretary of State) shall implement and maintain the single statewide voter registration list.

Florida currently has 67 official voter registration lists, one established and maintained in each county, that are compiled into the statewide voter registration database required by the Florida Election Reform Act of 2001. The 67 county-based lists, not the statewide database, are the official voter registration lists for voters in Florida. The statewide database is intended primarily to assist supervisors of elections to determine if voters are ineligible to vote (deceased, convicted felons who have not had civil rights restored, or adjudicated as mentally incompetent). It also is intended to identify those voters who are listed more than once. It is not intended to serve as "...the single system for storing and managing the official list of registered voters throughout the State..." as required by HAVA. Information in the statewide database is made available to county supervisors of elections who are responsible for making final determinations of a voter's eligibility and for updating voter registration records.

HAVA's requirement for a single computerized statewide voter registration list cannot be fulfilled quickly. In addition to designing and implementing such a single system that is interactive and assigns unique identifiers to each voter, HAVA requires the system to have adequate technological security measures [HAVA Section 303(a)(3)], meet minimum standards of accuracy and currency [HAVA Section 303(a)(4)], provide for verification with other information such as driver's license numbers and Social Security numbers [HAVA Section 303(a)(5)], and meet other standards. Meeting these requirements and standards will take time, expertise and money.

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The Legislature has appropriated \$1 million and nine staff positions to create a master design, including a business plan and budget, for a single statewide voter registration system by January 2004. This design would permit the 2004 Legislature to take action to authorize the implementation of a new single computerized statewide voter registration list in time for the 2006 elections. This timing assumes that the State of Florida will be granted a waiver under HAVA to have a single statewide voter registration system in place by January 1, 2006, instead of by the existing deadline of January 1, 2004. (The requirement for a waiver is discussed subsequently.)

Chapter 2003-415, *Laws of Florida*, authorizes the State to request the Federal Election Assistance Commission to grant a waiver from the January 1, 2004, HAVA deadline. The 2003 Appropriations bill authorizes the funding and staffing positions requested by the Division of Elections.

In the meantime, the Division of Elections has been meeting with representatives of the Florida State Association of Supervisors of Elections, the Department of Highway Safety and Motor Vehicles, the Department of Law Enforcement, the Board of Executive Clemency, the State Technology Office and health officials to begin to find ways to coordinate databases maintained by those agencies as part of the single centralized statewide voter registration list. Because HAVA Sections 303(a)(5)(A)(i)(I) and (II) require an applicant for voter registration to provide either a current and valid driver's license number or supply the last four digits of the applicant's Social Security number, HAVA Sections 303(a)(5)(B)(i)-(ii) require that the State enter into agreements to share such information with the Department of Highway Safety and Motor Vehicles and with the Social Security Administration.

HAVA's requirements are minimum requirements. Florida may establish technology and administrative requirements that are stricter than the Federal requirements as long as they are not inconsistent with HAVA's requirements and other laws, such as the Motor Voter Act, or in conflict with the privacy provisions of the Florida Constitution. See HAVA Section 304.

#### **Section 303(d) Deadlines for Computerized Statewide Voter Registration List**

**Section 303(d)(1)(A): Can Florida meet HAVA's requirement to have operational a computerized statewide voter registration list, as defined by HAVA, by January 1, 2004?**

**No, and further actions are required.**

The State practically cannot meet the January 1, 2004, deadline. Substantial professional and technical work must be done to design and establish a computerized statewide voter registration list that meets HAVA's standards. Although design of such a system can be ready by January 2004, implementation of the system will take a year or more beyond that date. Chapter 2003-415, *Laws of Florida*, authorizes the State to seek a waiver from the Federal Election Assistance Commission permitted under HAVA Section 303(d)(1)(B) from January 1, 2004, to January 1,

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2006, if the State "...will not meet the deadline...for good cause and includes in the certification the reasons for the failure to meet such deadline...."

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

**Section 303(b)(1) through (4): Does Florida meet HAVA's identification requirements for a voter who registers by mail and has not previously voted in an election for Federal office in the State or registers by mail, has not previously voted in the jurisdiction and is in a State that does not have a computerized statewide voter list that meets HAVA's requirements?**

**Yes, and no further actions are required.**

HAVA requires persons who register by mail and have not voted in an election for federal office to provide identification prior to voting. If the State is able to match the voter's driver's license number or Social Security number against an existing State record bearing the same number, name and date of birth, further identification by the voter is not required.

HAVA Sections 303(b)(2)(i) through (ii) require that a first-time voter who votes in person may be identified by a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. A voter who votes by mail may include with the ballot a copy of a current and valid photo identification or a copy of the other documents listed for the voter who appears in person. An exception is made in HAVA Section 303(b)(3) for mail registrants who provide a copy of required identification at the time of registering, mail registrants whose driver's license number or last 4 digits of the Social Security number are matched with an existing State record, and for those who vote under the Uniformed and Overseas Citizens Absentee Voting Act, the Voting Accessibility for the Elderly and Handicapped Act, or under some other provision of Federal law (in which case the specific standards of those acts must be met).

Chapter 2003-415, *Laws of Florida*, amends the following sections of Florida law to conform to HAVA's mail registration and other voter registration requirements:

Section 97.052(3)(g), *Florida Statutes*, to require a statement with the uniform statewide voter registration form that informs the applicant that if the form is submitted by mail and the applicant is registering for the first time, the applicant will be required to provide identification prior to voting for the first time.

Section 97.053(5)(a), *Florida Statutes*, that permits the use of a valid Florida driver's license number or the identification number from a Florida identification card issued under Section 322.051, *Florida Statutes*, for purposes of voter registration.

Section 97.0535, *Florida Statutes*, that specifies at length the requirements for identification that a first-time voter can use and that complies with other HAVA requirements outlined previously.

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Section 101.043, *Florida Statutes*, (a transfer and renumbering of Section 98.471, *Florida Statutes*) to permit a voter to submit to a poll worker at the time of voting a current and valid picture identification with a signature.

**Section 303(b)(4): Does Florida meet HAVA's requirement for language in the mail voter registration form under Section 6 of the National Voter Registration Act of 1993?**

**Yes, and no further actions are required.**

HAVA requires that mail voter registration forms under Section 6 the National Voter Registration Act shall include the following:

(i) The question 'Are you a citizen of the United States of America?' and boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.

(ii) The question 'Will you be 18 years of age on or before election day?' and boxes for the applicant to check to indicate whether or not the applicant will be 18 years of age or older on election day.

(iii) The statement 'If you checked 'no' in response to either of these questions, do not complete this form.'

(iv) A statement informing the individual that if the form is submitted by mail and the individual is registering for the first time, the appropriate information required under this section must be submitted with the mail-in registration form in order to avoid the additional identification requirements upon voting for the first time."

Section 97.052(2)(b) and (r), *Florida Statutes*, requires that the uniform statewide voter registration form must be designed to elicit information from the applicant about the applicant's date of birth and whether the applicant is a citizen of the United States. The form itself, available on the Division of Elections' website at <http://election.dos.state.fl.us>, asks for date of birth and asks "Are you a U.S. citizen?" It does not use the specific language required by HAVA.

Chapter 2003-415, *Laws of Florida*, amends Section 97.052, *Florida Statutes*, by adding subsection (g) that requires language about the need for appropriate identification for first time mail applications. It does not require the specific HAVA language about age and citizenship.

The Division of Elections has reviewed this matter orally with Federal legislative and executive representatives and has concluded that the requirement applies only to Federal applications under Section 6 of the National Voter Registration Act. It believes that putting such language on State application forms will confuse voters and discourage first-time registrants. The age question, for instance, does not specify the exact election day to which it is referring and assumes that young

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voters may be applying to register for a specific election rather than pre-registering as 17 year-olds in order to vote in all elections after they reach the age of 18. The Division notes that the forms used by Florida already elicit the information required by asking for date of birth and citizenship. The forms do not discourage voters by telling them to stop with the application if they must answer "No" to either question. The Division is complying with the substance of HAVA if not with the exact form of the question.

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## Element 2. Local Government Payments and Activities

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

**(A) the criteria to be used to determine the eligibility of such units or entities for receiving the payment; and**

**(B) the methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under paragraph (8).**

### **Introduction**

The Florida Legislature has broad constitutional authority for appropriating federal and State funds annually through the appropriations bill which is eventually signed by the Governor into law. During the annual appropriations process, the Florida Legislature assesses the needs of the State and makes policy and budget decisions which impact every level of government including local government.

The funding of elections in Florida is primarily a local government responsibility since the constitutional authority for running elections rests with the local supervisor of elections. Funding authority for elections resides with the Boards of County Commissioners. Each of Florida's 67 Boards of County Commissioners receives a budget request from the supervisor of elections and then the Board makes policy and budget decisions based upon county priorities.

There has been one major exception to this election funding scenario. Following the controversial 2000 General Election, the Governor and the citizens of Florida asked the Legislature to enact broad election reforms which included providing State financial assistance to local governments. Over a two-year period, the Legislature provided over \$32 million in State funds to supplement local election budgets and to quicken the pace of election reform in Florida. Most of the State funds were appropriated to the Boards of County Commissioners using two different formulas for accomplishing distinct policy goals—to replace voting systems designated to be decertified and to enact comprehensive voter education programs in every county.

The funding formula used to upgrade voting systems had two important policy goals—to provide a minimum voting system standard of precinct-based optical scanning systems throughout Florida and to provide funding assistance to small counties with very small tax bases. The resulting formula achieved that policy goal and was as follows:

- Small Counties (population 75,000 or below) received \$7,500/precinct
- Large Counties (population 75,001 and above) received \$3,750/precinct

The Legislature used a different formula to provide State funds for voter education and poll worker recruitment and training. This formula was based upon taking available State funds and distributing them on a per registered voter basis per county. The resulting formula was determined by taking approximately \$6,000,000 in available State funds and dividing it by the number of registered voters during the 2000 General Election and appropriating that money on a pro-rata basis to each county. The resulting appropriation provided \$5,949,375 to counties to fund comprehensive voter education programs and poll worker recruitment and training programs. The combined State and local efforts led to greater voter satisfaction during the 2002 General Election.

Pursuant to the appropriation, the Florida Legislature required each county supervisor of elections to submit a detailed description of the plans to be implemented and also a detailed report on the success of the voter education effort. These reports were sent to the Division of Elections and subsequently compiled by the Division into a report sent to the Governor and Florida Legislature.

While the State funds were widely valued, the counties still provided a majority of funding for election reform efforts. According to the 2002 Governor's Select Task Force on Election Procedures, Standards and Technology, a survey of 33 county governments revealed they spent nearly \$110 million toward new voting systems before the 2002 primary and general elections.

**If the Florida Legislature determines that it will provide funding for units of local governments and other entities, then how will the requirements payments be distributed and monitored, including—**

- A. A description of the criteria used to determine the eligibility of such units and entities for receiving payment.**
- B. A description of the methods to be used by Florida to monitor the performance of the units of entities to whom the payments is distributed, consistent with the performance goals and measures adopted under paragraph (8).**

The Help America Vote Act of 2002 (HAVA) Planning Committee clearly recognizes its advisory role in election reform and acknowledges the authority of the Florida Legislature to make funding decisions for Florida. During HAVA Planning Committee discussions, members proposed several recommendations that would provide funding for units of local government. The recommended payments to local government are listed below:

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**Replacement and Reimbursement For Punch Card And Lever Machines**

The HAVA Planning Committee recommends that the estimated \$11.74 million received pursuant to Section 102 of HAVA be distributed to the State and to the counties on a pro-rated basis for their respective contributions to replace punch cards and lever machines during the 2001-2002 and 2002-2003 fiscal years.<sup>3</sup>

**Accessible Voting Systems for Voters With Disabilities**

The HAVA Planning Committee recommends that HAVA funds should be distributed to counties during the 2004-2005 fiscal year to help them meet Section 301 Title III accessibility requirements by the January 1, 2006 deadline. The estimated amount to comply with this requirement is \$11.6 million and the funds would be distributed according to the number of machines accessible for persons with disabilities needed for each county to have one per polling place. The Division of Elections would have the responsibility for determining eligibility of counties receiving HAVA funds.

Secondly, if HAVA funds are available, the HAVA Planning Committee recommends that HAVA funds be distributed as a reimbursement on a pro-rated basis to local governments that purchased accessible voting systems and components during the 2001 and 2002 fiscal years.

**Statewide Voter Education Program**

For the 2003-2004, 2004-2005, and 2005-2006 fiscal years, the HAVA Planning Committee recommends that local governments receive a total of \$9 million dollars (\$3 million each fiscal year) for comprehensive voter education efforts. HAVA funds for voter education should be distributed using a similar formula as used in 2001. The Division of Elections should be responsible for determining eligibility of any county for the receipt of State or federal funds used in HAVA election reform activities.

The Division of Elections should be responsible for monitoring the use of funds in accordance with established State procedures. Prior to receiving any funds from the Division, each of Florida's 67 supervisors of elections must enter into a contractual agreement with the State. The contract must affirm what the funds are to be used for and it must provide proof that the counties have matching dollars, if required.

The Division of Elections will monitor the performance of the contract agreements entered into between the State and each county. Each county must meet the contractual requirements before payment is approved.

Standard auditing procedures for monitoring the use of federal funds will be used for the receipt and the distribution of HAVA funds. These standard procedures may include random program

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<sup>3</sup> The 2003 General Appropriations Act passed by the Legislature required the Department of State to transfer all amounts eligible for reimbursement under Section 102 of HAVA to the State's Working Capital Fund.

audits by the Department of State's Inspector General as well as an annual audit by the Florida Auditor General's office to ensure funds are being expended for the authorized purposes.

To monitor the use of the voter education funds at the local level, the HAVA Planning Committee recommends that the Florida Legislature require each county to establish a fund to be used to deposit funds received from the federal or State governments for election reform activities. If a county match is required, it will also be deposited into this account. The funds will not be commingled with other funds which may be appropriated to the supervisor of elections by the county. Funds in this account will be used for the activities for which the funds were received and, unless otherwise specified in the appropriation, there is no requirement for the funds to be used during a certain time.

Also during the 2003-2004, 2004-2005, and 2005-2006 fiscal years, the Division of Elections recommends that the Department of Highway Safety and Motor Vehicles and the Florida Department of Law Enforcement receive HAVA funding to assist in the development of the new statewide voter registration system. The Division of Elections will enter into a contractual agreement with these other state-level departments and monitor the contracts in accordance with standard auditing procedures for monitoring the use of federal funds.

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### Element 3. Voter Education, Election Official Education & Training, Poll Worker Training

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

#### **Introduction**

A wide array of national and State task force reports have highlighted the need for a more informed electorate. To achieve this goal, voters, election officials, and poll workers must receive better information and training. Florida assigns the primary responsibility for these daunting tasks to the Department of State and the county supervisors of elections. Following election 2000, the Legislature has more clearly delineated the role of each in improving the education of voters, election officials, and poll workers.

The Florida Election Reform Act of 2001 set deadlines, included a wide array of topics to be addressed by State and county election officials, granted rule making authority to the Department of State, and established a procedure for measuring the effectiveness of the programs and making recommendations to the Governor and the State Legislature. Various acts passed during the 2002 legislative session broaden the scope of voter education responsibilities, more definitively spell out voter rights, and ensure that Florida's electoral system conforms to the Americans with Disabilities Act of 1990. Each of these changes has been communicated to election officials at all levels and to the public at-large.

The Election Reform Act of 2001 required all 67 county supervisors of elections to file voter education plans with the Division of Elections in the Department of State in order to qualify for State funds. (The Act appropriated nearly \$6 million for voter education in fiscal year 2001-2002 in addition to \$24 million for purchase of new voting equipment, fiscal years 2001-2003.) The Department of State, as directed by the Legislature, established minimum standards for nonpartisan voter education to be met by each county.

Voter education plans filed with the Division of Elections in the Secretary of State's office are filled with creative approaches. These outreach mechanisms are designed by the elections supervisors:

- (1) to better inform their county's residents about registration and voting; and,
- (2) to reduce the levels of voter error and confusion that existed during the 2000 election cycle.

The approaches used by the 67 individual counties vary considerably, reflecting differences in their demographic and socioeconomic composition (e.g., land area, rural-urban location, age, race/ethnicity, education), county funding levels, and media availability.

Significant changes to Florida's election laws and the advent of new voting equipment have made poll worker education a high priority—as recognized in the Florida Election Reform Act of 2001. Florida's counties have restructured their poll worker training programs. State law now requires supervisors of elections to cast their poll worker recruitment nets wider, as the number of poll workers needed escalates in a fast-growing state.

**Section 254(a)(3). How will the State of Florida provide for programs for voter education which will assist the State in meeting the requirements of Title III?**

Florida has adopted extensive voter education requirements and funded county voter education programs (\$6 million in 2001). The Help America Vote Act of 2002 (HAVA) Planning Committee recommends an additional \$3 million in each of the next three fiscal years for local voter education programs.

**Joint Responsibility of Department of State and County Supervisors of Elections**

Section 98.255(1), *Florida Statutes*, directed the Department of State to “adopt rules prescribing minimum standards for nonpartisan voter education” by March 1, 2002. The standards were to address (but were not limited to):

- (1) voter education;
- (2) balloting procedures for absentee and polling place;
- (3) voter rights and responsibilities;
- (4) distribution of sample ballots; and,
- (5) public service announcements.

In developing the rules, the Department was instructed to “review current voter education programs within each county of the state.” The Department of State adopted Rule 1S-2.033, *F. A. C.*, Standards for Nonpartisan Voter Education on May 30, 2002.

Section 98.255(2), *Florida Statutes*, requires each supervisor of elections to “implement the minimum voter education standards” and “to conduct additional nonpartisan education efforts as necessary to ensure that voters have a working knowledge of the voting process.”

**Minimum Nonpartisan Voter Education Standards**

The Department of State's “Standards for Nonpartisan Voter Education,” Rule 1S-2.033, *F. A. C.*, requires the following voter education practices:

Comprehensive Voter Guide: Contents

Department of State Rule 1S-2.033, *F. A. C.*, Standards for Nonpartisan Voter Education, requires supervisors of elections to create a Voter Guide which shall include: how to register to

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vote; where voter registration applications are available; how to register by mail; dates for upcoming elections; registration deadlines for the next primary and general election; how voters should update their voter registration information such as changes in name, address or party affiliation; information on how to obtain, vote and return an absentee ballot; voters' rights and responsibilities pursuant to Section 101.031, *Florida Statutes*; polling information including what times the polls are open, what to bring to the polls, list of acceptable IDs, what to expect at the polls; instructions on the county's particular voting system; supervisor contact information; and any other information the supervisor deems important.

Voter Guide: Extensive Distribution

Department of State Rule 1S-2.033(1)(b), *F.A.C.*, requires supervisors of elections to "provide the Voter Guide at as many places as possible within the county including: agencies designated as voter registration sites pursuant to the National Voter Registration Act; the supervisor's office; public libraries; community centers; post offices; centers for independent living; county governmental offices; and at all registration drives conducted by the supervisor of elections."

Voter Guide, Sample Ballot, & Website Consistency Required

Department of State Rule 1S-2.033(2), *F.A.C.*, states that: "If a supervisor has a website, it must take into account all of the information that is required to be included in the Voter Guide. In addition, when a sample ballot is available, the website must provide either information on how to obtain a sample ballot or a direct hyperlink to a sample ballot."

Targeted Voter Education: High School Students

Florida's Department of State Rule 1S-2.033(3), *F.A.C.*, instructs the supervisors of elections to work with county school boards to develop voter education and registration programs for high school students. Specifically, the rule requires that "At least once a year in each public high school in the county, the supervisor shall conduct a high school voter registration/education program. The program must be developed in cooperation with the local school board and be designed for maximum effectiveness in reaching and educating high school students."

Targeted Voter Education: College Students

Florida's Department of State Rule 1S-2.033(4), *F.A.C.*, dictates that "At least once a year on each college campus in the county, the supervisor shall provide a college registration/education program. This program must be designed for maximum effectiveness in reaching and educating college students."

Targeted Voter Education: Senior Citizens and Minority Groups

Department of State Rule 1S-2.033(7), *F.A.C.*, requires supervisors of elections to "conduct demonstrations of the county's voting equipment in community centers, senior citizen residences, and to various community groups, including minority groups." Rule 1S-2.033(8), *F.A.C.*, specifically instructs the supervisors to use minority media outlets to provide more information to voters.



Targeted Voter Education: Individuals and Groups Sponsoring Voter Registration Drives

Department of State Rule 1S-2.033(6), *F.A.C.*, specifically instructs supervisors of elections to “provide, upon reasonable request and notice, voter registration workshops for individuals and organizations sponsoring voter registration drives.” Section 98.015(9), *Florida Statutes*, states that “each supervisor must make training in the proper implementation of voter registration procedures available to any individual, group, center for independent living, or public library in the supervisor’s county.”

Posting of Educational Materials on Voter Rights and Responsibilities

Department of State Rule 1S-2.033(5), *F.A.C.*, requires supervisors of elections to “post the listing of the voters’ rights and responsibilities pursuant to Section 101.031, *Florida Statutes*, at the supervisor’s office.” Section 101.031(2), *Florida Statutes*, spells out the specific format of the Voter’s Bill of Rights and Responsibilities to be posted by the supervisor of elections at each polling place. The Department of State, or in case of municipal elections the governing body of the municipality, is required “to print, in large type on cards, instructions for electors to use in voting,” including the list of rights and responsibilities and other information about how to vote deemed necessary by the Department of State—Section 101.031(1), *Florida Statutes*. At least two cards shall be provided to each precinct.

Educating Voters About Polling Place and Precinct Changes, Revised Voter Identification Cards

Department of State Rule 1S-2.033, *F.A.C.*, mandates that supervisors of elections “shall provide notice of changes of polling places and precincts to all affected registered voters.” “This notice shall include publication in a newspaper of general circulation as well as posting the changes in at least ten conspicuous places in the county. If the supervisor has a website, the supervisor shall post the changes on the website. The supervisors shall also widely distribute a notice that if a voter does not receive a revised voter identification card within 20 days of the election the voter should contact a specific number at the supervisor’s office to obtain polling place information.”

Voter Education Through the Media

Department of State Rule 1S-2.033(8), *F.A.C.*, requires supervisors of elections to interface with the media to better inform the electorate. Supervisors are to “participate in available radio, television and print programs and interviews, in both general and minority media outlets, to provide voting information.”

Voter Education Through the Internet

The Division of Elections’ website (<http://election.dos.state.fl.us/>) offers extensive information regarding registration, elections (dates, district maps, results, Division reports, forms, publications, voter turnout, supervisor of elections’ contact information), voter fraud, voting systems, laws/opinions/rules, candidates and committees, the initiative petition process, and other helpful government links.

Voter Education About Fraud

Section 97.012(12), *Florida Statutes*, requires the Secretary of State to "...provide election fraud education to the public."

**Procedures for Constant Analysis of Voter Education Effectiveness**

Section 98.255(3)(a), *Florida Statutes*, requires supervisors of elections to file a report by December 15 of each general election year with the Department of State. This report is "a detailed description of the voter education programs implemented and any other information that may be useful in evaluating the effectiveness of voter education efforts."

Section 98.255(3)(b), *Florida Statutes*, requires the Department of State to review the information submitted by the supervisors and "prepare a public report on the effectiveness of voter education programs" and to "submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 31 of each year following a general election."

Further, Section 98.255(3)(c), *Florida Statutes*, instructs the Department of State to use "the findings in the report as a basis for adopting modified [voter education] rules that incorporate successful voter education programs and techniques as necessary."

This procedure was first used in the 2002 election cycle. The Division of Elections requested each supervisor of elections to list in detail the voter education programs conducted during the 2002 election cycle and the approximate cost of each program. The supervisors were asked to rank the effectiveness of each program on a scale of 1 to 5, with 5 being the highest possible rank. On January 31, 2003, the Florida Department of State, Division of Elections, submitted its "Report on Voter Education Programs During the 2002 Election Cycle Pursuant to Section 98.255(3), *Florida Statutes*." The report concluded that "most supervisors ranked the county voter education programs as 4 or 5 in effectiveness in reaching the target community." (There were ten broad categories of voter education programs: sample ballots; elementary/middle school/high school/university and community college outreach; websites; miscellaneous promotional materials; public appearances/television and movie theatre advertisements; banners and billboards, radio and public transport advertisements; newspapers and mailers; voting system demonstrations; outreach to minority, disabled and senior communities; and voter registration drives.) The Department of State made three recommendations in its post-election 2002 report:

- (1) The Legislature should provide funding, contingent upon appropriations from Congress through the Help America Vote Act, to the counties for voter education efforts;
- (2) The Legislature should require sample ballots to be mailed to households or voters prior to each Primary and General Election.
- (3) The Division of Elections should provide a list of cost-effective voter education programs used by counties so that all counties can benefit from these ideas.

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(The 2002 Governor's Select Task Force on Election Procedures, Standards, and Technology report of December 30, 2002 also recommended improving "voter education by requiring all supervisors of elections to mail generic sample ballots to each household with registered voters.")

Section 101.595, *Florida Statutes*, also requires supervisors of elections to submit a report to the Department of State no later than December 15 of each general election year detailing "[t]he total number of overvotes and undervotes in the first race appearing on the ballot pursuant to Section 101.151(2), along with the likely reasons for such overvotes and undervotes and other information as may be useful in evaluating the performance of the voting system and identifying problems with ballot design and instructions which may have contributed to voter confusion." The Department of State must prepare a report analyzing that information and submit it to the Governor, the President of the Senate, and the Speaker of the House by January 31 of the year following a general election. The report is to include recommendations for correcting any problems with ballot design or instructions to voters.

This procedure was first used in the 2002 election cycle. "Analysis and Report of Overvotes and Undervotes for the 2002 General Election Pursuant to Section 101.595, Florida Statutes" found a substantial reduction in the level of overvotes and undervotes in 2002 (compared to 2000) and concluded that new technology and the counties' voter education efforts were major factors contributing to the reduction in voter error. The report's recommendations were:

- (1) The Division of Elections should continue to monitor the overvotes and undervotes from each general election.
- (2) The Florida Legislature should provide funding, contingent upon appropriations from Congress through the Help America Vote Act, to the counties for voter education efforts.
- (3) The Division of Elections should review the recommendations for ballot instructions for incorporation into the uniform ballot rule.
- (4) All voting system vendors should continue to improve the design of their voting systems in order to better meet the needs of Florida's voters.

Florida's system for constant evaluation of the effectiveness of voter education by both the county supervisors of elections and the Department of State is in place and operating.

What needs to be done? Educational materials must be updated to provide absentee voters with better instructions on how to mark a ballot and how to correct their ballots and how to request a replacement ballot if the voter is unable to change the original ballot. (This is necessary to meet Section 301(a)(1)(B) HAVA requirements.) This will be done once the amendment to Section 101.65, *Florida Statutes*, becomes law and Department of State rule changes have been adopted. Both are expected to be in effect by January 1, 2004—before the HAVA deadline of January 2006.

Educational materials must be updated giving a voter written notice at the time of casting a provisional ballot that he or she can find out if the ballot was counted, or if not, why, through a free access system, restricted to the individual voter—Section 302(a)(5)(A)&(B) HAVA requirements.

Educational materials available to voters at the polling place must be updated to conform to HAVA voting information requirements—Section 302(b)(2)(A through F) to post: sample ballots at polls; the election date; identification instructions for mail registrants who are first time voters; and information on who to contact if general voting rights under State and federal laws are violated.

Educational materials should be updated as needed to include information on law and rule changes. The procedures for informing Florida voters, election officials, and poll workers of these changes are in place in statutes and rule making authority.

**Section 254(a)(3). How will the State of Florida provide for programs for election official education and training which will assist the State in meeting the requirements of Title III?**

The State has assigned responsibility for education and training of election officials to the Secretary of State. The Division of Elections prepares and distributes educational materials for, and conducts the training of, supervisors of elections and their staffs.

The Secretary of State is the State's chief election officer whose responsibilities are spelled out in Section 97.012, *Florida Statutes*. Among those responsibilities are explicit requirements to: "provide technical assistance to the supervisors of elections on voter education and election personnel training services;" "provide technical assistance to the supervisors of elections on voting systems;" "provide training to all affected state agencies on the necessary procedures for proper implementation of [Chapter 97 of the Florida Statutes];" and "coordinate with the United States Department of Defense so that armed forces recruitment offices administer voter education in a manner consistent with the procedures set forth in [Florida election] code for voter registration agencies."

The Division of Elections conducts voter education and election personnel training, issues advisory opinions that provide statewide coordination and direction for interpreting and enforcing election law provisions, provides technical advice on voting systems and equipment and State and federal election laws, certifies voting equipment, and provides written election information to candidates (Office of Policy Analysis and Government Responsibility, *Justification Review*, Report No. 02-55, October 2002).

The Division of Elections oversees and approves training courses for continuing education for supervisors of elections. It coordinates, on an annual basis, two statewide workshops for the

supervisors of elections by reviewing and providing updates on the election laws to ensure uniformity statewide in the interpretation of election laws. These are generally held in conjunction with the Florida State Association of Supervisors of Elections' Conferences held in January and June. The division oversees certification for supervisors of elections through which supervisors obtain credits to maintain job proficiency. The Division may also conduct regional workshops for supervisors and staff, universities, and community colleges, and State agencies. When Select Task Forces are created by the Governor, Secretary of State, or other State officials, the Division provides administrative and technical assistance. (Florida Department of State, Division of Elections, 2001 Annual Report).

All Division of Elections' forms, rules, handbooks, opinions, etc. are available on the Internet via the Division's website—an award-winning site (<http://election.dos.state.fl.us/>). Section 97.026, *Florida Statutes*, states "It is the intent of the Legislature that all forms required to be used in chapters 97-106 [the election code], shall be made available upon request, in alternative formats" including the Internet (with the exception of absentee ballots).

The HAVA Planning Committee recommends that the Division of Elections also conduct training courses for the continuing education of city election officials in conjunction with meetings of the Florida Association of City Clerks.

**Section 254(a)(3). How will the State of Florida provide for programs for *poll worker training* which will assist the State in meeting the requirements of Title III?**

Florida has adopted extensive poll worker recruitment and training requirements and funded county poll worker training (as part of the \$6 million voter education appropriation in 2001). The State has: adopted minimum-hours-of-training requirements; spelled out training content requirements; prepared a uniform polling place procedures manual; and mandated a statewide and uniform program for training poll workers on issues of etiquette and sensitivity with respect to disabled voters.

State law permits inspectors, clerks, and deputy sheriffs attending poll worker training to receive compensation and travel expenses—Section 102.021(2), *Florida Statutes*.

**Joint Responsibility of Department of State and County Supervisors of Elections**

Section 102.014, *Florida Statutes*, assigns responsibility for poll worker training to county supervisors of elections and the Department of State.

Section 102.014(1), *Florida Statutes*, requires supervisors of elections to conduct training for inspectors, clerks, and deputy sheriffs prior to each primary, general, and special election "for the purpose of instructing such persons in their duties and responsibilities as election officials." Training is mandatory to work at the polls.

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Section 102.014(5), *Florida Statutes*, directs the Department of State to “create a uniform polling place procedures manual and adopt the manual by rule” and to revise it “as necessary to address new procedures in law or problems encountered by voters and poll workers at the precincts.” Rule 1S-2.034, *F.A.C.*, Polling Place Procedures Manual (Form DS-DE 11; 4/02), was adopted on July 4, 2002. The manual, to be available in either hard copy or electronic form at every precinct on Election Day, must be “indexed by subject, and written in plain, clear, unambiguous language.”

Under Section 102.014(7), *Florida Statutes*, the Department is assigned the responsibility for developing “a mandatory, statewide, and uniform program for training poll workers on issues of etiquette and sensitivity with respect to voters having a disability.” But county supervisors of elections are responsible for conducting such training. They are required to “contract with a recognized disability-related organization, such as a center for independent living, family network on disabilities, deaf service bureau, or other such organization, to develop and assist with training the trainers in disability sensitivity programs.”

#### Poll Worker Training Content

The content of poll worker training is detailed in State statutes.

Clerks must demonstrate “a working knowledge of the laws and procedures relating to voter registration, voting system operation, balloting and polling place procedures, and problem-solving and conflict-resolution skills”—Section 102.014(1), *Florida Statutes*.

The Uniform Polling Place Procedures Manual must include: regulations governing solicitation by individuals and groups at the polling place; procedures to be followed with respect to voters whose names are not on the precinct register; proper operation of the voting system; ballot handling procedures; procedures governing spoiled ballots; procedures to be followed after the polls close; rights of voters at the polls; procedures for handling emergency situations; procedures for dealing with irate voters; the handling and processing of provisional ballots; and security procedures—Section 102.014(5)(a-k), *Florida Statutes*. The manual “shall provide specific examples of common problems encountered at the polls on election day, and detail specific procedures for resolving those problems.”

Poll worker training on issues of etiquette and sensitivity for disabled voters “must include actual demonstrations of obstacles confronted by disabled persons during the voting process, including obtaining access to the polling place, traveling through the polling area, and using the voting system”—Section 102.014(7), *Florida Statutes*.

#### Poll Worker Minimum Hours of Training

Section 102.014(4), *Florida Statutes*, specifies that clerks must have had a minimum of three hours of training prior to each election to be eligible to work at the polls. For inspectors, there is

a minimum of two hours of training. Section 102.014(7), *Florida Statutes*, requires one hour involving training related to etiquette and sensitivity with regard to voters with disabilities.

Poll Worker Recruitment

Supervisors of elections are required to “work with the business and local community to develop public-private programs to ensure the recruitment of skilled inspectors and clerks”—Section 102.014(6), *Florida Statutes*.

What needs to be done? There is no established procedure for evaluating the effectiveness of poll worker training or recruitment as there is for voter education. The 2002 Governor’s Select Task Force on Election Procedures, Standards, and Technology report of December 30, 2002, recommended “establishing minimum standards for poll worker performance” and “improving poll worker recruitment and training by launching a statewide “Be a Poll Worker” campaign.

The HAVA Planning Committee recommends that the Division of Elections establish a procedure to evaluate the effectiveness of poll worker recruitment and training in all 67 counties.

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## Element 4. Voting System Guidelines and Process

**How the State will adopt voting system guidelines and processes which are consistent with the requirements of Section 301.**

### **Introduction**

There are several governmental bodies and agencies that participate in the adoption of voting systems in Florida. The Florida Legislature has great authority to set voting system requirements and does so in Chapter 101, *Florida Statutes*. The legislature also delegates rule making and certification authority to the Bureau of Voting Systems Certification in the Division of Elections under the Secretary of State.

After voting systems are independently tested and certified for use in Florida, Section 101.5604, *Florida Statutes*, provides that the Board of County Commissioners "at any regular or special meeting called for the purpose, may, upon consultation with the supervisor of elections, adopt, purchase or otherwise procure, and provide for the use of any electronic or electromechanical voting system approved by the Department of State in all or a portion of the election precincts of that county."

To keep Florida's voting systems standards up-to-date, Section 101.015, *Florida Statutes*, requires the Department of State to review "the rules governing standards and certification of voting systems to determine the adequacy and effectiveness of such rules in assuring that elections are fair and impartial."

**Section 254(a)(4) How will the State of Florida adopt voting system requirements and processes which are consistent with the requirements of Section 301?**

Florida's laws and regulations for adopting voting systems that are consistent with the requirements of Section 301 are clearly outlined in *Florida Statutes* and the Florida Voting Systems Standards.

Section 101.015, *Florida Statutes*, authorizes the Department of State to adopt rules which establish minimum standards for hardware and software for electronic and electromechanical voting systems.

Section 101.017, *Florida Statutes*, creates the Bureau of Voting Systems Certification which provides technical support to the supervisors of elections and is responsible for voting system standards and certification.

Section 101.5605, *Florida Statutes*, authorizes the Department of State to examine and approve voting systems through a public process to ensure that the voting systems meet the standards

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outlined in Section 101.5606, *Florida Statutes*, and similar standards outlined in the Help America Vote Act of 2002 (HAVA) requirements outlined in Section 301 of Title III.

Section 101.5604, *Florida Statutes*, authorizes the Board of County Commissioners to adopt voting systems.

Sections 101.293-101.295, *Florida Statutes*, outline the public bidding process that counties should follow in purchasing voting systems.

Section 101.56062, *Florida Statutes*, exceeds the accessibility standards of HAVA Section 301 "Accessibility for Individuals With Disabilities." The HAVA Planning Committee has recommended that the Florida Legislature take advantage of federal funding and bring Florida into compliance and make Section 101.56062, *Florida Statutes*, effective by January 1, 2006 or one year after general appropriations are made, whichever is earlier.

Section 101.015, *Florida Statutes*, requires the Department of State to review "the rules governing standards and certification of voting systems to determine the adequacy and effectiveness of such rules in assuring that elections are fair and impartial."

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## Element 5. Florida's Help America Vote Act of 2002 (HAVA) Election Fund

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

To clarify, Section 254(b) states that a fund described in this subsection with respect to a State is a fund which is established in the treasury of the State government, which is used in accordance with paragraph (2), and which consists of the following amounts:

- (A) Amounts appropriated or otherwise made available by the State for carrying out the activities for which the requirements payment is made to the State under this part.
- (B) The requirements payment made to the State under this part.
- (C) Such other amounts as may be appropriated under law.
- (D) Interest earned on deposits of the fund.

**Section 254(a)(5) How will the State of Florida establish a fund for the purpose of administering the State's activities under this part?**

All HAVA funds will be maintained in a trust fund that has already been established by the Department of State. Within this trust fund, monies received for HAVA Sections 101, 102 and Title II will be set up into four accounts: 101-Election Administration, 102-Replace Punch Card and Lever Voting Systems, 251-Requirements Payment, and 261-Access for Individuals with Disabilities.

**Section 254(a)(5) How will the State of Florida manage this fund?**

Any HAVA funds received by the State will be used exclusively for activities authorized by HAVA. The Division of Elections is responsible for tracking and monitoring the use of funds in accordance with established State procedures.

The Director of the Division of Elections will have final signing authority for HAVA expenditures. Any interest earned on this trust fund will be returned to the principal amount of the trust.

Standard auditing procedures for monitoring the use of federal funds will be used for the receipt and the distribution of HAVA funds. These standard procedures include random program audits by the Department of State Inspector General as well as an annual audit by the Florida Auditor General.

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The Governor and Secretary of State will be responsible under HAVA for ensuring compliance with these requirements. The HAVA Planning Committee recommends that the Governor and the Secretary of State maintain contact with the Senate President and the Speaker of the House of Representatives to ensure they remain aware of the strict requirements set in law for the use of HAVA monies placed in this trust fund.

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## Element 6 – Florida’s Budget for Implementing the Help America Vote Act of 2002 (HAVA)

**The State’s proposed budget for activities under this part, based on the State’s best estimates of the costs of such activities and the amount of funds to be made available, including specific information on –**

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

### **Introduction**

The HAVA Planning Committee clearly recognizes its advisory role in election reform and acknowledges the authority of the Florida Legislature to make funding decisions for Florida. This budget reflects the HAVA Planning Committee’s best efforts to divide the funds that may be available during the three years identified in HAVA. If Florida receives more funds than are included in this budget, the HAVA Planning Committee will revise the budget to reflect this change.

During the HAVA Planning Committee discussions, members determined the following to be priorities for using HAVA funds in Florida:

### **Reimbursement for replacement of punch card and lever machines.**

Following the 2000 General Election, the State of Florida assisted counties by investing approximately \$24 million to replace outdated voting machines. Under Section 102 of HAVA, the State of Florida is eligible to receive as a reimbursement approximately \$11.7 million. The HAVA Planning Committee recommends that HAVA funds be distributed to the State and to each county that replaced outdated punch card and lever voting machines following the 2000 General Election on a pro rata basis.

### **Statewide Voter Registration System.**

The HAVA Planning Committee recommends \$1 million in HAVA funds be used for Phase One development of the statewide voter registration system required under Title III. These funds will be used for a variety of consulting fees, purchases of hardware and software for system development, expenses incurred by staff in the Division of Elections and travel expenses for advisory board members who assist with design of the project.

For the development and operation of the new statewide voter registration system required under HAVA, the HAVA Planning Committee recommends that the State of Florida create nine new positions.

- Two positions under the Department of Highway Safety and Motor Vehicles
- Two positions under the Department of Law Enforcement
- Five positions under the Department of State

It is anticipated that a significant portion of HAVA funds will be used for the design and implementation of the statewide voter registration database. Research conducted during Phase One of the system development will provide the State of Florida with an estimate of the cost of the new voter registration system. A preliminary estimate of \$18.5 million has been included in this budget. However, a more precise figure will be determined during Phase One of the system development process and the HAVA Planning Committee will include this new figure in the next update of the HAVA State Plan, if available.

#### **Section 301 Accessible Voting Systems**

The HAVA Planning Committee recommends, in order to meet HAVA accessibility for voters with disabilities requirements, the purchase of Direct Recording Equipment (DRE) accessible to persons with disabilities to ensure that each county has one accessible voting system for each polling place. The estimated cost is \$11.6 million during the 2004-2005 fiscal year.

In addition, the HAVA Planning Committee recommends reimbursing counties that have already purchased voting systems that meet the HAVA accessibility for voters with disabilities requirements. The estimated cost for this reimbursement is \$17 million.

#### **Voter Education**

The HAVA Planning Committee recommends using HAVA funds for the development and implementation of a comprehensive statewide voter education program. The estimated expenditure is a total of \$9 million distributed to the counties and spread over the 2003-2004, 2004-2005 and 2005-2006 fiscal years.

#### **Poll Worker Training**

The HAVA Planning Committee recommends using HAVA funds in the amount of \$250,000 for each fiscal year 2003-2004, 2004-2005 and 2005-2006 for poll worker training. These funds are intended to supplement each county's existing poll worker training budget.

### **Statewide Pollworker Recruitment Campaign**

The HAVA Planning Committee recommends that HAVA funds be used to implement, through the Division of Elections, a statewide campaign to help recruit qualified pollworkers. The increase in the complexity of voting systems and procedures has resulted in a need for more computer literate individuals to staff the polling places and help ensure error-free elections. It is estimated that \$500,000 in HAVA funds should be expended by the Department of State in the 2003-2004 fiscal year.

### **HAVA Oversight and Reporting**

The HAVA Planning Committee recommends that the Department of State create three full time positions to manage HAVA implementation. The estimated cost for HAVA oversight and reporting is \$206,079 for the 2003-2004 fiscal year, \$196,485 for the 2004-2005 fiscal year and \$200,719 for the 2005-2006 fiscal year.

- HAVA administrator
- Grants specialist
- Administrative assistant

### **State Management (HAVA Planning Committee)**

The HAVA Planning Committee recommends that the Secretary of State require it to meet twice each year in 2003-2004 and in 2004-2005 to make recommendations and to resubmit the HAVA State Plan to ensure that Florida is meeting the requirements of the Help America Vote Act. This participatory process will convene once in the 2003-2004 fiscal year at an estimated cost of \$30,000, twice in the 2004-2005 fiscal year at an estimated cost of \$60,000 and once in the 2005-2006 fiscal year at an estimated cost of \$30,000.

### **Performance Goals and Measures Adoptions**

The HAVA Planning Committee recommends the Secretary of State utilize the HAVA Planning Committee to determine performance goals and measures. The estimated cost is \$160,000 to be expended in the 2003-2004 and 2004-2005 fiscal years.

### **Election Administration**

The HAVA Planning Committee recommends HAVA funds be used for the design and production of new voter registration forms and publications, and translations for all election administration forms and publications. The estimated cost is \$250,000 for each fiscal year 2003-2004, 2004-2005 and 2005-2006.

**Complaint Procedures**

Section 402(a) of HAVA requires each State to establish State-based administrative complaint procedures for any person who believes that there is or will be a violation of any of HAVA's Title III requirements. The HAVA Planning Committee recommends that HAVA funds in the amount of \$50,000 per year for the 2004-2005 and 2005-2006 fiscal years be budgeted for the administration of the complaint procedures process.

**Requirement 6**

- (A) Based on the State's best estimates, what are the costs of the activities required to carry out to meet the requirements of Title III?**
- (B) What portion of the requirements payment will be used to carry out activities to meet such requirements?**
- (C) What portion of the requirements payment will be used to carry out other activities?**

This information is displayed in charts on pages 53 and 54.

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<b>HAVA Estimated Budget Funding by Fiscal Year</b>				
	<b>2003-2004</b>	<b>2004-2005</b>	<b>2005-2006</b>	<b>Total</b>
<b>Title I Requirements</b>				
Reimbursement for replacement of punch card and lever machines. (Section 102 HAVA)	11,740,000*			11,740,000
<b>Title III Requirements</b>				
<b>Sec. 303 Statewide Voter Registration System</b>				
Phase One Development –research, planning & design (Section 101 HAVA Funds)	1,000,000*			1,000,000
9 full time positions – salaries	520,000*	533,000	546,325	1,599,325
9 full time positions – expenses	125,235*	97,686	97,686	320,607
Operating capital outlay	13,500*	TBD	TBD	13,500
Phase Two - Develop and implement statewide voter registration system (Section 252 Requirements Payment)		9,250,000	9,250,000	18,500,000
<b>Sec. 301 Voting System Standards (Section 252 Requirements Payment)</b>				
Accessibility for voters with disabilities (compliance)		11,600,000		11,600,000
Accessibility for voters with disabilities (reimbursement to counties)			17,000,000	17,000,000
<b>Other Election Reform Activities (Section 101 HAVA funds 2003-2004 activities; Section 101 and Section 252 HAVA fund activities 2004-2005 and beyond)</b>				
Voter Education Programs	3,000,000*	3,000,000	3,000,000	9,000,000
Poll worker Recruitment Statewide campaign	500,000			500,000
Poll worker Training	250,000	250,000	250,000	750,000
<b>HAVA Oversight and Reporting</b>				
3 full time positions – salaries	165,230*	169,361	173,595	508,186
3 full time positions – expenses	35,849*	27,124	27,124	90,097
Operating capital outlay	5,000*	TBD	TBD	5,000
<b>State Management (HAVA Planning Committee)</b>				
HAVA Planning Committee convenes twice each year (\$30k/mtg)	30,000	60,000	30,000	120,000
HAVA Performance Goals & Measures Adoption HAVA Planning Committee hearings – 4 at \$40k/mtg	80,000	80,000		160,000
Election Administration – design and production of new voter registration forms and publications, translations for all election administration forms and publications.	250,000*	250,000	250,000	750,000
Complaint Procedure §402		50,000	50,000	100,000
<b>Total</b>	<b>17,714,814</b>	<b>25,367,171</b>	<b>30,674,730</b>	<b>73,756,715</b>

\* These items were included in the 2003-2004 General Appropriations Act as passed by the Legislature and signed by the Governor. All expenditures in 2003-2004 will be from Section 101 and Section 102 HAVA funds.

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<b>Election Reform Estimated Revenues 2003-2005 Fiscal Years</b>				
	<b>HAVA 101</b>	<b>HAVA 102</b>	<b>HAVA 252</b>	<b>Total Federal Funds</b>
<b>2003 Estimate</b>	\$ 14,720,000	\$ 11,740,000	\$ 47,528,000	\$ 73,988,000
<b>2004 Estimate</b>	0	0	TBD	TBD
<b>2005 Estimate</b>	0	0	TBD	TDB

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## Element 7. Maintenance of Effort

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

### **Introduction**

The funding provided under the Help America Vote Act of 2002 (HAVA) is intended to pay for new or enhanced election efforts and is not intended to supplant existing funding at the State or county level. The projected HAVA budget is based on the assumption that the State of Florida and counties will maintain the foundation of election operating expenditures for the fiscal year ending prior to November 2000.

The Florida Division of Elections provides statewide coordination and direction for the interpretation and enforcement of election laws. The Division's budget supports year-round staff that provides election-related assistance to Florida's 67 county supervisors of elections and their staff, municipalities, special districts, county and city attorneys, candidates, political committees, committees of continuous existence, elected officials, media, the public and other election officials throughout the United States.

**Section 254(a)(7) How will the State of Florida maintain the expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000?**

In determining Florida's maintenance of effort expenditures, the Division of Elections calculated 1999-2000 fiscal year expenditures which included salaries and benefits, operating capital outlay and voter fraud programs for the Division of Elections Director's office and the portion of Bureau of Election Records' expenditures pertaining to election administration. Florida's expenditures for these activities for 1999-2000 fiscal year totaled \$3,082,224.

In order to comply with Section 254(a)(7) of HAVA, the Florida Department of State will maintain expenditures on similar activities at a level equal to the 1999-2000 fiscal year budget.

The HAVA Planning Committee recommends that the Secretary of State communicate to the Senate President and the Speaker of the House of Representatives the importance of maintaining this maintenance of effort figure, as a minimum level of expenditures, to ensure the required level of spending is appropriated by the Florida Legislature.

## Element 8. Performance Goals and Measures

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

### **Introduction**

Florida has a very decentralized election governance and administrative system. The Secretary of State is appointed by the Governor and is the legal Chief Election Official in Florida. However, the Secretary of State does not supervise the day-to-day operations of the 67 local supervisors of elections and only provides guidance through technical assistance, rules, advisory opinions, voting system certification, and producing standardized election forms.

In Florida, it is the local supervisor of elections that has constitutional authority to conduct elections through State law and rule. The supervisors are elected to 4-year terms by the registered voters of their respective counties (except for Miami-Dade's appointed supervisor) and have broad authority to conduct the day-to-day election operations by appointing local election officials, administering voter registration, preparing ballots, administering absentee voting, conducting poll worker training, and developing voter education programs.

Yet, the new Help America Vote Act of 2002 (HAVA) requires the State and not the local supervisors to adopt performance goals and measures for determining statewide and local election reform success.

It should be noted that Florida already requires certain reports on the performance of voting systems and voter education. By December 15 of each general election year, the Florida Legislature requires local supervisors of elections to report on performance measures such as overvotes and undervotes, ballot designs, and voting instructions (Section 101.595, *Florida Statutes*). Similarly, the Florida Legislature requires local supervisors of elections by December 15 of each year following a general election to prepare a public report on the effectiveness of voter education programs (Section 98.255(3)(a), *Florida Statutes*).

However, neither of these statutes follows the specific format that is required under HAVA. Nor do the statutes or rules outline performance measures for the remaining elements of the HAVA State Plan.

Florida must comply with this HAVA requirement. The most effective and egalitarian way for Florida to define election reform success of HAVA is to carry out a collaborative process similar

to the HAVA Planning Committee. The participatory process will ensure that Florida will clearly define the goals, the success measures, the timetables, and accountable officials through a public forum consisting of State election officials, local election officials, and interested citizens.

**Section 254(a)(12) How will Florida adopt performance goals and measures that will be used by the State to determine its success and the success of local government in carrying out the plan, including—**

- **Timetables for meeting the elements of the plan**
- **Descriptions of the criteria the State will use to measure performance**
- **The process used to develop such criteria**
- **A description of which official is to be held responsible for ensuring that each performance goal is met?**

In the spirit of HAVA and in participatory election reform, the HAVA Planning Committee recommends that the Secretary of State utilize the HAVA Planning Committee for determining its performance measures and goals for successfully carrying out the HAVA State Plan. The composition of the HAVA Planning Committee consists of State and local election officials, along with interested citizens. The overall goals of the HAVA Planning Committee are:

1. To recommend specific success factors, outline timetables, and assign accountability toward meeting the goals of the HAVA State Plan.
2. To continue building public participation and confidence in Florida's election reform process.

The HAVA Planning Committee should begin work as soon as possible and finish its work no later than the end of 2003. It should conduct its business in the same manner as the HAVA State Plan was developed utilizing locations around the State to encourage public participation. The HAVA Planning Committee suggests that the Secretary of State use a qualified facilitator to assist in this process. The funding to develop the performance goals and measures should come from HAVA Section 101 federal funds.

The HAVA Planning Committee should take each element of the HAVA State Plan and provide specific State and local criteria which are measurable and within HAVA deadlines. The HAVA Planning Committee should define the HAVA State Plan elements and prepare specific goals and measurements to determine success. The HAVA Planning Committee should address the following 13 planning elements:

1. Voting Systems—Absentee ballot issues, Accessibility issues (Not in compliance)
2. Provisional Voting and Information (Not in compliance)
3. Voter Registration System (Not in compliance)

4. Voter Education Programs, Election Official Training, and Poll Worker Training (In compliance)
5. Voting System Guidelines and Process (In compliance)
6. State Trust Fund (In compliance)
7. State Budget (In compliance)
8. Maintenance of Effort (In compliance)
9. Administrative Complaint Process (In compliance)
10. Title One Payments and Activities (In compliance)
11. State HAVA Management (In compliance)
12. Changes to HAVA State Plan (In compliance)
13. HAVA Planning Committee and Procedures (In compliance)

The measurable criteria should provide State and local election officials clear information about what stage, how and who is implementing the HAVA State Plan. Listed below is a sample of how the HAVA Planning Committee might outline and define performance goals and measures. Included in this process would be a description of the major elements, the mandated deadline, goals of the planning element, measurable criteria, and the accountable official.

**Sample Performance Measure**

Planning Element:	Accessible Voting Systems
HAVA Deadline:	January 1, 2006
Goal:	Provide one accessible voting system for every polling place.
Measurement:	<ul style="list-style-type: none"> <li>• Division of Elections certifies eligible voting systems;</li> <li>• Local Supervisors submit recommendations for purchase of certified voting systems;</li> <li>• Legislature or Board of County Commissioners appropriates funds for certified voting systems;</li> <li>• Division of Elections conducts statewide census of one certified machine for persons with disabilities for every polling place;</li> <li>• Local Supervisors certify that one accessible voting system is functioning for every polling place.</li> </ul>
Timetable:	Begin August 1, 2003 End December 1, 2005
Accountable Official:	Chief, Bureau of Voting Systems Certification

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## Element 9. State-Based Administrative Complaint Procedures to Remedy Grievances

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

### **Introduction**

To receive any requirements payment pursuant to the Help America Vote Act of 2002 (HAVA), the State of Florida must establish and maintain State-based administrative complaint procedures which meet HAVA's requirements to:

- (1) be uniform and nondiscriminatory;
- (2) provide that any person who believes that there is or will be a violation of any of HAVA's Title III requirements may file a complaint;
- (3) require the complaint to be in writing, sworn and notarized;
- (4) permit complaints to be consolidated;
- (5) hold a hearing on the record at the request of the complainant;
- (6) provide an appropriate remedy if the State determines that there is a violation of any Title III provision;
- (7) if the State determines there is no violation, dismiss the complaint and publish the results of procedures;
- (8) make a final determination on a complaint within 90 days after filing unless the complainant consents to a longer period; and,
- (9) use alternative dispute resolution procedures to resolve the complaint if the State fails to resolve it within 90 days.

<p><b>Section 402(a): Has Florida complied with the requirements of HAVA Section 402(a) to establish State-based administrative complaint procedures to remedy grievances?</b></p>
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**Yes, and no further actions are required.**

Appropriate administrative complaint procedures were included in Chapter 2003-415, *Laws of Florida*. Language in the legislation tracked HAVA's language closely. These procedures are similar to administrative procedures in Section 97.023, *Florida Statutes*, for resolving complaints generated by alleged violations of the National Voter Registration Act of 1993 or a voter registration or removal procedure under the Florida Election Code.

Florida's legislation established a new Section 97.0535, *Florida Statutes*, that, in addition to tracking HAVA's minimum requirements, included the following additional requirements not specified by HAVA:

- (1) the Department of State would have sole jurisdiction for these purposes and the procedures would be the sole avenue of redress for alleged Title III violations;
- (2) a complaint would have to state the alleged violation and the person or entity responsible for the violation;
- (3) the Department of State would be required to inform a complainant in writing if a complaint was legally insufficient;
- (4) proceedings would be exempt from Chapter 120, *Florida Statutes*, (Administrative Procedures Act);
- (5) a hearing would be held by a hearing officer whether or not a complainant requested a hearing and specific procedures for a hearing were included in the legislation;
- (6) the hearing officer would direct an appropriate remedy that then would be enforced by the Department of State;
- (7) mediation would be the alternative dispute resolution method used if a final determination on a complaint was not made within 90 days of filing.

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## Element 10. Effect of Title I Payments

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

### **Introduction**

Title I of the Help America Vote Act of 2002 (HAVA) is an "early out" money program for use in two areas—improving election administration and the replacement of punch card and lever voting systems. Each State is guaranteed to receive a minimum of \$5 million under this program. The HAVA Planning Committee recommends using Section 101 HAVA funds for 2003-2004 activities and a combination of Section 101 and Section 252 HAVA funds for activities beginning in the 2004-2005 fiscal year and beyond.

Under Title I, Section 101 funds are to be used to improve election administration. Approved use of funds under this section includes:

- (A) Complying with the requirements under Title III.
- (B) Improving the administration of elections for Federal office.
- (C) Educating voters concerning voting procedures, voting rights, and voting technology.
- (D) Training election officials, poll workers, and election volunteers.
- (E) Developing the HAVA State Plan for requirements payments.
- (F) Improving, acquiring, leasing, modifying, or replacing voting systems.
- (G) Improving polling place accessibility for voters with disabilities or with limited English.
- (H) Establishing toll-free telephone hotlines for voters to access voting information, report voting fraud, or report voting rights violations.

Under Title I, Section 102 funds are to be used to replace punch card and lever voting systems.

The HAVA Planning Committee clearly recognizes its advisory role in election reform and acknowledges the authority of the Florida Legislature to make funding decisions for Florida. The following recommendations are based on the HAVA Planning Committee meetings held to develop the HAVA State Plan.

<b>Section 101. How will Title I payments to Florida be used for activities to improve administration of elections?</b>
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The State of Florida will use Title I funds for election reform activities necessary to ensure Florida complies with all HAVA requirements. The following list describes the major areas in which funds may be used.



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**(A) Complying with the requirements under Title III**

The Division of Elections will implement a statewide voter registration system to comply with HAVA Title III. The Division of Elections anticipates using \$1 million appropriated from Section 101 funds for Phase One development of the new Statewide Voter Registration system. Expenditures for Phase One will include:

- Consulting fees which will be required for conducting a detailed analysis of connectivity infrastructure available in the 67 supervisor of elections' offices and within all affected offices of the departments of State, Law Enforcement and Highway Safety and Motor Vehicles; working with the counties, the three agencies and the advisory board to create minimum and optimum sets of system requirements; assessing infrastructure needs of all stakeholders to serve the system requirements; conducting "gap" analysis; outlining the physical design of the system; estimating costs and implementation plans for each version for the system to be presented to the 2004 Legislature; and developing and publishing the January 2004 report and recommendations for the 2004 Legislature.
- Purchase hardware and software for project management and system development.
- Expenses incurred by Division of Elections' staff.
- Travel expenses which will involve visiting every supervisor of elections' office and local driver license office.

In addition, Section 101 HAVA funds will be used to create nine full time positions necessary for the design, development and implementation of the Statewide Voter Registration system.

**(B) Improving the administration of elections for Federal office.**

Upon receipt of Title I monies, it is recommended that the Division of Elections use \$250,000 in fiscal year 2003-2004 from Section 101 funds for expenses that include the design and publication of voter registration forms and other election information, translations for all election administration forms and publications, statewide voter education programs and training workshops.

In addition, funds will be required to establish a State-based complaint procedure for anyone who believes that a violation of Title III of the Help America Vote Act has occurred, is occurring or is about to occur. It is estimated that this process will be established at an estimated cost of \$100,000. If no Title I funds are remaining, this activity will be funded from Section 252 HAVA funds.

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**(C) Educating voters concerning voting procedures, voting rights, and voting technology.**

Upon receipt of Title I monies, it is recommended that the Florida Division of Elections use approximately \$9 million over a three year period for voter education programs.

These funds will be divided among Florida's 67 counties. To determine the amount each county will receive, the Division of Elections shall divide the total amount of funds appropriated by the total number of registered voters in the State of Florida for the 2002 General Election to establish a funding level per individual voter. Each county shall receive an amount equal to the funding level per individual voter multiplied by the number of registered voters in the county, as certified by the Department of State for the 2002 General Election.

**(D) Training election officials, poll workers, and election volunteers.**

The HAVA Planning Committee recommends using HAVA funds in the amount of \$250,000 for each fiscal year 2003-2004, 2004-2005 and 2005-2006 for poll worker training. These funds are intended to supplement each county's existing poll worker training budget.

**(E) Developing the HAVA State Plan for requirements payments to be submitted under part 1 of subtitle D of Title II.**

There are no plans to use Title I funds for the development of Florida's HAVA State Plan for 2003-2004 fiscal year. As the State of Florida modifies its plans in future years, HAVA funds may be used.

**(F) Improving, acquiring, leasing, modifying, or replacing voting systems.**

Florida has already replaced its punch card and lever voting systems. It is recommended that Section 102 funds be used to reimburse the State and each eligible county, on a pro rata basis, for punch card and lever machines purchased in 2001-2002 and 2002-2003 fiscal years.

The HAVA Planning Committee also recommends that the State of Florida utilize some HAVA funds to help counties meet the accessibility requirements under Title III by the January 1, 2006 deadline. The estimated amount to comply with this requirement is \$11.6 million and the funds would be distributed according to the number of accessible DREs for each county to have one audio ballot per polling

place. The HAVA Planning Committee estimates that these units will be purchased in the 2004-2005 fiscal year and that Section 252 HAVA funds will be used.

In addition, the HAVA Planning Committee recommends reimbursing counties who have already purchased voting systems that meet the HAVA accessibility for voters with disabilities requirements. The estimated cost for this reimbursement is \$17 million and it is anticipated that Section 252 HAVA funds will be used.

**(G) Improving polling place accessibility for voters with disabilities or with limited English.**

Under Section 261, HAVA states the Secretary of Health and Human Services shall make a payment to eligible States to be used for making polling places accessible to individuals with disabilities and providing information on this accessibility. The State of Florida has applied for available funds under this grant program. It is recommended that these funds be distributed to each county to ensure that individuals with disabilities are provided the same opportunity for access and participation as for other voters.

**(H) Establishing toll-free telephone hotlines for voters to access voting information, report voting fraud, or report voting rights violations.**

Currently, there are no plans to use HAVA funds for establishing a free voting information hotline. If this type of voting information system is desired, it will be the responsibility of each county and monitored by the Division of Elections.

The Division of Elections has already established and plans to expand a voter fraud hotline for individuals who believe they may have witnessed election fraud.

**Section 102. How will payments to Florida be used for the replacement of punch card or lever voting machines?**

Under Section 102, the State of Florida is eligible for approximately \$11.7 million which it will use as reimbursement to the State and eligible counties for funds previously spent to replace punch card and lever voting systems. Currently, 14 counties have replaced punch card and lever machines with machines that are fully compliant with HAVA.

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## Element 11. Help America Vote Act of 2002 (HAVA) State Plan Management

**How the State will conduct ongoing management of the plan, except the State may not make any material change in the administration of the plan unless the change—**

**(A) is developed and published in the Federal Register in accordance with section 255 in the same manner as the State plan;**

**(B) is subject to public notice and comment in accordance with section 256 in the same manner as the State plan; and**

**(C) takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A).**

### **Introduction**

This element of the HAVA State Plan requires Florida to explain how the State of Florida will manage the implementation of the HAVA State Plan and whether it will utilize the same public notice process if any "material change" is made to the administration of the HAVA State Plan.

<b>Section 251(a)(11) How will Florida conduct ongoing management of the HAVA State Plan?</b>
---

As explained in previous sections of this Plan, the administration of elections in Florida occurs at the State and local levels. The Secretary of State is the Chief Election Officer under Florida law. The Secretary of State as the Chief Election Officer is responsible for the coordination of the State's responsibilities under HAVA Section 253. The Director of the Division of Elections reports to the Secretary of State and will be responsible for the day-to-day monitoring and managing of Florida's HAVA State Plan. Through the approval and implementation of this HAVA State Plan, it is expected that the Director will have three new positions dedicated to HAVA program management. The scope of responsibilities will range from federal reporting and grant compliance to assistance with voter education, election official training and updating the HAVA State Plan.

Also at the State level, the Secretary of State will direct the HAVA Planning Committee to update the HAVA State Plan as required in Section 255. Under Florida's HAVA State Plan, the HAVA Planning Committee will be responsible for conducting its business in an open, public forum and for suggesting revisions and updates to the HAVA State Plan.

At the local level, Florida's 67 supervisors of elections will be encouraged to play an active role in the successful implementation of the HAVA State Plan. The Division of Elections will continue to work on a regular basis with local supervisors of elections to develop performance goals and measures, new voter registration improvements, new voting systems certification upgrades, statewide voter education programs, election official training, and other activities outlined in Florida's HAVA State Plan.

**Section 254(a)(11) If Florida makes any material change in the administration of the HAVA State Plan, will the change—**

**(A) be developed and published in the Federal Register in accordance with Section 255 in the same manner as the HAVA State Plan;**

**(B) be subject to public notice and comment in accordance with Section 256 in the same manner as the HAVA State Plan; and**

**(C) take effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A)?**

The State of Florida understands and agrees to comply with the HAVA requirements related to ongoing management of the HAVA State Plan. No material changes in the administration of the plan will be made unless:

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

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## Element 12. Changes to State Plan for Previous Fiscal Year

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

### **Introduction**

This is the State of Florida's first Help America Vote Act of 2002 (HAVA) State Plan. There are no previous plans to describe changes or successes under the HAVA. The HAVA State Plan will be updated in the next fiscal year and the Secretary of State will utilize the HAVA Planning Committee to fulfill this element of the plan.

**Section 254(a)(12) When Florida has a HAVA State Plan for the previous fiscal year, will the State of Florida provide a description of how the plan reflects changes from the HAVA State Plan for the previous fiscal year and how the State succeeded in carrying out the HAVA State Plan for such previous fiscal year?**

**Yes, and no further actions are required.**

020993

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## Element 13. State Plan Development and HAVA Planning Committee

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

### **Introduction**

To comply with the requirements of the Help America Vote Act of 2002 (HAVA), the HAVA State Plan must be developed by the chief State election official through a committee of appropriate individuals. After a preliminary plan is developed, it must be published for public inspection and comment. State officials must take public comments into account in preparing the HAVA State Plan submitted to the Federal Elections Commission.

**Section 255: Has Florida complied with the requirements of section 255(a) to have the chief State election official develop the HAVA State Plan through a committee of appropriate individuals?**

**Yes, and no further actions are required.**

Florida's Chief State Election Official, Secretary of State Glenda Hood, has the responsibility under HAVA to develop the HAVA State Plan with the assistance of the statewide HAVA Planning Committee. Section 255(a) of HAVA requires that "The chief State election official shall develop the HAVA State Plan under this subtitle through a committee of appropriate individuals, including the chief election officials of the two most populous jurisdictions within the State, other local election officials, stakeholders (including representatives of groups of individuals with disabilities), and other citizens, appointed for such purpose by the chief State election official."

Members of the HAVA Planning Committee for the State of Florida, appointed by Secretary of State Hood, are as follows:

### **Chairman:**

Jim Smith of Leon County, former Secretary of State and former Attorney General

### **Chief Election Officials of the Two Most Populous Jurisdictions Within the State:**

Miriam Oliphant, Supervisor of Elections for Broward County

David Leahy, Supervisor of Elections for Miami-Dade County

**Other Local Election Officials:**

Kurt Browning, Supervisor of Elections for Pasco County  
Susan Gill, Supervisor of Elections for Citrus County  
Shirley Green Knight, Supervisor of Elections for Gadsden County

**Stakeholders/Representatives of Groups of Individuals with Disabilities:**

Dave Evans, State Board Member of the National Federation of the Blind  
Jim Kracht, Assistant County Attorney for Miami-Dade County and member of the American Blind Lawyers Association, American Council of the Blind and the Florida Council of the Blind  
Richard LaBelle, Secretary of the Florida Coalition on Disability Rights

**Other Stakeholders and Citizens:**

Joe Celestin, Mayor of the City of North Miami  
Anna Cowin, State Senator from District 20  
Jane Gross, President of the Florida League of Women Voters  
Lindsay Harrington, State Representative from District 72  
Arthur Hernandez, Vice Chairman of the Jacksonville Mayor's Hispanic American Advisory Board  
Percy Luney, Dean and Professor of Law at Florida A&M University  
Reggie McGill, Human Relations Director for the City of Orlando  
Isis Segarra, private citizen from Hillsborough County  
Lori Stelzer, President of the Florida Association of City Clerks and City Clerk for the City of Venice  
Raiza Tamayo, Regional Director of the United States Hispanic Chamber of Commerce

This HAVA Planning Committee convened four times in public meetings to accomplish its work – Tallahassee on April 25, West Palm Beach on May 6, Ft. Myers on May 12 and Orlando on May 15. Press releases were sent to members of the press before each meeting and copies of the press releases were available for the audience at each meeting. In addition, all meetings were noticed in the *Florida Administrative Weekly*. Members of the public and press were welcomed at the meetings. The HAVA Planning Committee heard public comment at each meeting. It was assisted by a non-profit, non-partisan organization, the Collins Center for Public Policy, Inc., that was selected in a public bidding process to serve as staff for the HAVA Planning Committee in developing the HAVA State Plan, and by the Division of Elections of the Florida Department of State.

The HAVA Planning Committee operated in an open process with public deliberations, systematic procedures in accordance with *Robert's Rules of Order*, and majority vote of members who were present when votes were taken. Majority quorums were present at all meetings of the HAVA Planning Committee. The Collins Center, as staff, prepared written materials for the meetings, made presentations to focus the HAVA Planning Committee on



decisions that needed to be made, took notes of all meetings and reported them publicly on its website at [www.collinscenter.org](http://www.collinscenter.org). A formal transcript of each meeting also was made and published on the website along with all agendas and other published materials for meetings of the HAVA Planning Committee. The website of the State Division of Elections also included much of this material.

All meetings were held in accessible facilities and were compliant with the Americans with Disabilities Act. Closed captioning service and signers were available at all meetings. Agendas were printed in Braille as well as Spanish and Creole.

**Section 256: Will Florida comply with the requirement of Section 256 to have the HAVA State Plan meet the public notice and comment requirements of HAVA?**

**Yes, and no further actions are required.**

Section 256 of HAVA requires that the HAVA State Plan meet the following public notice and comment requirements:

- (1) not later than 30 days prior to the submission of the plan, the State shall make a preliminary version of the plan available for public inspection and comment;
- (2) the State shall publish notice that the preliminary version of the plan is so available; and
- (3) the State shall take the public comments made regarding the preliminary version of the plan into account in preparing the plan which will be filed with the Federal Elections Commission.

After the final HAVA State Plan is submitted to the Federal Elections Commission, that Commission shall cause the HAVA State Plan to be published in the Federal Register in accordance with Section 255(b).

These tasks were performed the Division of Elections and not by the HAVA Planning Committee or its consultants. The work of the HAVA Planning Committee and its consultants was completed when a preliminary version of the HAVA State Plan was prepared, approved by the HAVA Planning Committee, and submitted to the Secretary of State.

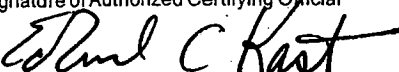
After notice was given in the *Florida Administrative Weekly*, the preliminary version of the HAVA State Plan was posted on the Department of State's and the Governor's websites. A link was available on the Department's website so that public comment could be made electronically. Public comments were also received by U. S. mail. Public comments were received from June 13 through July 13 and those public comments were considered in preparing the final plan.

ORIGINAL

FINANCIAL STATUS REPORT

(Short Form)

(Follow instructions on the back)

1. Federal Agency and Organizational Element to Which Report is Submitted  General Services Administration		2. Federal Grant or Other Identifying Number Assigned By Federal Agency  39.011 Section 102		OMB Approval No. <b>0348-0039</b>	Page of pages
3. Recipient Organization (Name and complete address, including ZIP code) Florida Department of State Division of Elections 107 W. Gaines Street, Rm 100 Tallahassee, FL 32399-0250					
4. Employer Identification Number F593466865		5. Recipient Account Number or Identifying Number 45-20-2-339097-00000000-00-000000-00		6. Final Report <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
7. Basis <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual					
8. Funding/Grant Period (See Instructions) From: (Month, Day, Year) 6-16-03		To: (Month, Day, Year) OPEN		9. Period Covered by this Report From: (Month, Day, Year) 6-16-03	
				To: (Month, Day, Year) 12-31-03	
10. Transactions			I Previously Reported	II This Period	III Cumulative
a. Total outlays					11,581,377
b. Recipient share of outlays					
c. Federal share of outlays					11,581,377
d. Total unliquidated obligations					
e. Recipient share of unliquidated obligations					
f. Federal share of unliquidated obligations					
g. Total Federal share (Sum of lines c and f)					11,581,377
h. Total Federal funds authorized for this funding period					11,581,377
i. Unobligated balance of Federal funds (Line h minus line g)					0
11. Indirect Expense N/A					
a. Type of Rate (Place "X" in appropriate box) <input type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed					
b. Rate		c. Base		d. Total Amount	
				e. Federal Share	
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation.					
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.					
Typed or Printed Name and Title EDWARD C. KAST DIRECTOR, DIVISION OF ELECTIONS				Telephone (Area code, number and extension) 850-245-6200	
Signature of Authorized Certifying Official 				Date Report Submitted 1-20-04	

020997

# FAX



Department of State

Division of Elections

The Collins Building Room 100

107 West Gaines Street

Tallahassee, Florida 32399-0250

Date 01/21/04 10:01 AM

Number of pages including cover sheet 3

**FILE COPY**

To:

General Services Administration

Attn: Deborah Schilling

Director of Budget

Phone # \_\_\_\_\_

Fax # 202-501-1124

From:

Edward C. Kast

Florida Div. of Elections

Phone # (850) 245-6200

Fax # (850) 245-6217

REMARKS:

Per Your Request  For your review  Reply ASAP  Per Conversation

Attached are reports regarding expenditures through December 31, 2003 for HAVA funds. A separate form has been prepared for Section 101 and Section 102 categories as requested. If you have any questions or need additional information, please let us know.

020998

**FILE COPY**

**FINANCIAL STATUS REPORT**

(Short Form)

(Follow Instructions on the back)

1. Federal Agency and Organizational Element to Which Report is Submitted  General Services Administration		2. Federal Grant or Other Identifying Number Assigned By Federal Agency  39.011 Section 102		OMB Approval No. <b>0348-0039</b>	Page of pages
3. Recipient Organization (Name and complete address, including ZIP code)  Florida Department of State Division of Elections 107 W. Gaines Street, Rm 100 Tallahassee, FL 32399-0250					
4. Employer Identification Number  F593466865		5. Recipient Account Number or Identifying Number  45-20-2-339097-00000000-00-000000-00		6. Final Report <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
7. Basis <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual					
8. Funding/Grant Period (See Instructions) From: (Month, Day, Year)  6-16-03		To: (Month, Day, Year)  OPEN		9. Period Covered by this Report From: (Month, Day, Year)  6-16-03	
To: (Month, Day, Year)  12-31-03					
10. Transactions			I Previously Reported	II This Period	III Cumulative
a. Total outlays					11,581,377 /
b. Recipient share of outlays					—
c. Federal share of outlays					11,581,377
d. Total unliquidated obligations					—
e. Recipient share of unliquidated obligations					—
f. Federal share of unliquidated obligations					—
g. Total Federal share (Sum of lines c and f)					11,581,377
h. Total Federal funds authorized for this funding period					11,581,377
i. Unobligated balance of Federal funds (Line h minus line g)					0
11. Indirect Expense N/A					
a. Type of Rate (Place "X" in appropriate box) <input type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed					
b. Rate		c. Base	d. Total Amount	e. Federal Share	
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation.					
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.					
Typed or Printed Name and Title <b>EDWARD C. KAST DIRECTOR, DIVISION OF ELECTIONS</b>			Telephone (Area code, number and extension) <b>850-245-6200</b>		
Signature of Authorized Certifying Official <i>Edward C. Kast</i>			Date Report Submitted <b>1-20-04</b>		

**FINANCIAL STATUS REPORT  
(Long Form)**

*(Follow instructions on the back)*

1. Federal Agency and Organizational Element to Which Report is Submitted <b>U. S. Election Assistance Commission</b>		2. Federal Grant or Other Identifying Number Assigned By Federal Agency <b>39.011 - Title I, Section 102</b>		OMB Approval No. <b>0348-0039</b>	Page of  pages
3. Recipient Organization (Name and complete address, including ZIP code) <b>Florida Department of State 500 South Bronough Street Tallahassee, FL 32399-0250</b>					
4. Employer Identification Number <b>F593466865</b>		5. Recipient Account Number or Identifying Number <b>45-20-2-339097-00000000-00-000000-00</b>		6. Final Report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. Basis <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual					
8. Funding/Grant Period (See instructions) From: (Month, Day, Year) <b>6/16/2003</b>		To: (Month, Day, Year)		9. Period Covered by this Report From: (Month, Day, Year) <b>6/16/2003</b>	
				To: (Month, Day, Year) <b>12/31/2005</b>	
10. Transactions:					
		I Previously Reported	I This Period	III Cumulative	
a. Total outlays		11,581,377.00	0.00	11,581,377.00	
b. Refunds, rebates, etc.				0.00	
c. Program income used in accordance with the deduction alternative				0.00	
d. Net outlays (Line a, less the sum of lines b and c)		11,581,377.00	0.00	11,581,377.00	
<b>Recipient's share of net outlays, consisting of:</b>					
e. Third party (in-kind) contributions				0.00	
f. Other Federal awards authorized to be used to match this award				0.00	
g. Program income used in accordance with the matching or cost sharing alternative				0.00	
h. All other recipient outlays not shown on lines e, f or g				0.00	
i. Total recipient share of net outlays (Sum of lines e, f, g and h)		0.00	0.00	0.00	
j. Federal share of net outlays (line d less line i)		11,581,377.00	0.00	11,581,377.00	
k. Total unliquidated obligations					
l. Recipient's share of unliquidated obligations					
m. Federal share of unliquidated obligations					
n. Total Federal share (sum of lines j and m)				11,581,377.00	
o. Total Federal funds authorized for this funding period				11,615,822.37	
p. Unobligated balance of Federal funds (Line o minus line n)				34,445.37	
<b>Program income, consisting of:</b>					
q. Disbursed program income shown on lines c and/or g above					
r. Disbursed program income using the addition alternative					
s. Undisbursed program income					
t. Total program income realized (Sum of lines q, r and s)				0.00	
11. Indirect Expense		a. Type of Rate (Place "X" in appropriate box) <input checked="" type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed			
		b. Rate <b>N/A</b>	c. Base	d. Total Amount	e. Federal Share
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. <b>This is an amended report for Section 102 funds to reflect Interest accrued on funds in 2003, 2004 and 2005. 2003 - \$32,220.26; 2004 - \$1,049.99; 2005 - \$1,175.12.</b>					
13. Certification: <b>I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.</b>					
Typed or Printed Name and Title <b>Dawn K. Roberts, Director, Division of Elections</b>				Telephone (Area code, number and extension) <b>850-245-6200</b>	
Signature of Authorized Certifying Official <i>Sarah Jane Bradshaw for Dawn Roberts</i>				Date Report Submitted <b>February 28, 2006</b>	

**FLORIDA DEPARTMENT OF STATE  
REPORT ON EXPENDITURE OF TITLE I, SECTION 102 FUNDS**

This serves as an amended report regarding Florida's use of Title I, Section 102 funds through December 31, 2005. Florida received Section 102 funds in the amount of \$11,581,377. The funds were used to reimburse the state for funding provided to Florida's 67 counties in FY 2001-02 and FY 2002-03 to purchase voting systems equipment.

Florida invested Section 102 funds pending transfer of the funds to Florida's Working Capital Fund. Interest has continued to accrue on the initial investment of funds for a total of \$34,445.37 through December 31, 2005.

An amended SF269 form is attached to reflect the balance of Section 102 funds.

021001

REVISED

FINANCIAL STATUS REPORT (Long Form)

(Follow instructions on the back)

1. Federal Agency and Organizational Element to Which Report is Submitted: U. S. Election Assistance Commission
2. Federal Grant or Other Identifying Number Assigned By Federal Agency: 39.011 - Title I, Section 102
OMB Approval No. 0348-0039
Page of pages
3. Recipient Organization (Name and complete address, including ZIP code): Florida Department of State, 500 South Bronough Street, Tallahassee, FL 32399-0250
4. Employer Identification Number: F593466865
5. Recipient Account Number or Identifying Number: 45-20-2-339097-00000000-00-000000-00
6. Final Report: Yes No
7. Basis: Cash Accrual
8. Funding/Grant Period (See Instructions): From: (Month, Day, Year) To: (Month, Day, Year)
9. Period Covered by this Report: From: (Month, Day, Year) To: (Month, Day, Year)
10. Transactions: Table with columns: Previously Reported, This Period, Cumulative. Rows include Total outlays, Refunds, rebates, etc., Program income used in accordance with the deduction alternative, Net outlays, Recipient's share of net outlays, Federal share of net outlays, Total unliquidated obligations, etc.
11. Indirect Expense: Table with columns: Type of Rate, Rate, Base, Total Amount, Federal Share.
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation.
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.
Typed or Printed Name and Title: Dawn K. Roberts, Director, Division of Elections
Telephone (Area code, number and extension): 850-245-6200
Signature of Authorized Certifying Official: Sarah Jane Bradshaw for Dawn Roberts
Date Report Submitted: February 28, 2006

021002

**REVISED**

**FLORIDA DEPARTMENT OF STATE  
REPORT ON EXPENDITURE OF TITLE I, SECTION 102 FUNDS**

This serves as an amended report regarding Florida's use of Title I, Section 102 funds through December 31, 2005. Florida received Section 102 funds in the amount of \$11,581,377. The funds were used to reimburse the state for funding provided to Florida's 67 counties in FY 2001-02 and FY 2002-03 to purchase voting systems equipment.

Florida invested Section 102 funds pending transfer of the funds to Florida's Working Capital Fund. Interest has continued to accrue on the initial investment of funds for a total of \$34,445.37 through December 31, 2005.

An amended SF269 form is attached to reflect the balance of Section 102 funds.

021003



**FINANCIAL STATUS REPORT  
(Long Form)**

**ORIGINAL**

*(Follow instructions on the back)*

1. Federal Agency and Organizational Element to Which Report is Submitted <b>U. S. Election Assistance Commission</b>		2. Federal Grant or Other Identifying Number Assigned By Federal Agency <b>39.011 - Title I, Section 102</b>		OMB Approval No. <b>0348-0039</b>	Page of  pages
3. Recipient Organization (Name and complete address, including ZIP code) <b>Florida Department of State 500 South Bronough Street Tallahassee, FL 32399-0250</b>					
4. Employer Identification Number <b>F593466865</b>		5. Recipient Account Number or Identifying Number <b>45-20-2-339097-00000000-00-000000-00</b>		6. Final Report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. Basis <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual					
8. Funding/Grant Period (See instructions) From: (Month, Day, Year) <b>6/16/2003</b>		To: (Month, Day, Year)		9. Period Covered by this Report From: (Month, Day, Year) <b>6/16/2003</b>	
				To: (Month, Day, Year) <b>12/31/2005</b>	
10. Transactions:					
		I	I	III	
		Previously Reported	This Period	Cumulative	
a. Total outlays		11,581,377.00	0.00	11,581,377.00	
b. Refunds, rebates, etc.				0.00	
c. Program income used in accordance with the deduction alternative				0.00	
d. Net outlays (Line a, less the sum of lines b and c)		11,581,377.00	0.00	11,581,377.00	
<b>Recipient's share of net outlays, consisting of:</b>					
e. Third party (in-kind) contributions				0.00	
f. Other Federal awards authorized to be used to match this award				0.00	
g. Program income used in accordance with the matching or cost sharing alternative				0.00	
h. All other recipient outlays not shown on lines e, f or g				0.00	
i. Total recipient share of net outlays (Sum of lines e, f, g and h)		0.00	0.00	0.00	
j. Federal share of net outlays (line d less line i)		11,581,377.00	0.00	11,581,377.00	
k. Total unliquidated obligations					
l. Recipient's share of unliquidated obligations					
m. Federal share of unliquidated obligations					
n. Total Federal share (sum of lines j and m)				11,581,377.00	
o. Total Federal funds authorized for this funding period				11,615,822.37	
p. Unobligated balance of Federal funds (Line o minus line n)				34,445.37	
<b>Program income, consisting of:</b>					
q. Disbursed program income shown on lines c and/or g above					
r. Disbursed program income using the addition alternative					
s. Undisbursed program income					
t. Total program income realized (Sum of lines q, r and s)				0.00	
11. Indirect Expense					
a. Type of Rate (Place "X" in appropriate box)					
<input checked="" type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed					
b. Rate		c. Base		d. Total Amount	
N/A				e. Federal Share	
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. This is an amended report for Section 102 funds to reflect interest accrued on funds in 2003, 2004 and 2005. 2003 - \$32,220.26; 2004 - \$1,049.99; 2005 - \$1,175.12.					
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.					
Typed or Printed Name and Title <b>Dawn K. Roberts, Director, Division of Elections</b>				Telephone (Area code, number and extension) <b>850-245-6200</b>	
Signature of Authorized Certifying Official <i>Sarah Jane Bradshaw for Dawn Roberts</i>				Date Report Submitted <b>February 28, 2006</b>	

021004

**ORIGINAL**

**FLORIDA DEPARTMENT OF STATE  
REPORT ON EXPENDITURE OF TITLE I, SECTION 102 FUNDS**

This serves as an amended report regarding Florida's use of Title I, Section 102 funds through December 31, 2005. Florida received Section 102 funds in the amount of \$11,581,377. The funds were used to reimburse the state for funding provided to Florida's 67 counties in FY 2001-02 and FY 2002-03 to purchase voting systems equipment.

Florida invested Section 102 funds pending transfer of the funds to Florida's Working Capital Fund. Interest has continued to accrue on the initial investment of funds for a total of \$34,445.37 through December 31, 2005.

An amended SF269 form is attached to reflect the balance of Section 102 funds.

021005



FEB 25 2004

The Honorable Glenda Hood  
The Secretary of State of Florida  
Tallahassee, FL 32399

Dear Ms. Secretary:

Thank you for your letter, dated January 21, 2004, certifying that your State would not meet the deadline of replacing all punch card and/or lever voting systems by the November 2004 general election, and asking for a waiver of the November 2004 deadline under Section 102(a)(3)(B) of the Help America Vote Act. Your request for a waiver of the deadline is approved, and the State shall ensure that all of the punch card and/or lever voting systems in the qualifying precincts within the State shall be replaced in time for the first election for Federal office held after January 1, 2006.

Your State will still be responsible for reporting to the General Services Administration in the manner outlined in our letter of July 28, 2003. The only change will be the extension of the deadline for replacement of the punch card and/or lever voting systems. If you have any questions or comments, please feel free to contact Stephen J. Kulenguski at (202) 501-4496.

Sincerely,

A handwritten signature in cursive script that reads "Deborah J. Schilling".

Deborah J. Schilling  
Director of Budget

cc:

The Honorable Jeb Bush  
Governor of Florida  
Tallahassee, FL 32399

021006



GSA Office of the Chief Financial Officer

MAR 18 2004

The Honorable Glenda Hood  
The Secretary of State of Florida  
Tallahassee, FL 32399

Dear Ms. Secretary:

This is to inform you that we have inadvertently sent out an approved waiver request letter, dated February 25, 2004, to your office in reference to the replacement of all punch card/or lever voting systems, under Section 102(a)(3)(B) of the Help America Vote Act. Please disregard that letter. We apologize for any confusion and inconvenience this may have caused you.

If you have any questions, please feel free to contact Stephen J. Kulenguski at (202) 501-4496.

Sincerely,

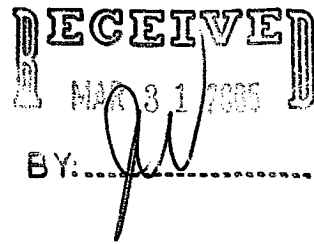
A handwritten signature in cursive script that reads "Deborah J. Schilling".

Deborah J. Schilling  
Director of Budget

cc:  
The Honorable Jeb Bush  
Governor of Florida  
Tallahassee, FL 32399

021007

U.S. General Services Administration  
1800 F Street, NW  
Washington, DC 20405-0002  
www.gsa.gov



Jeb Bush  
Governor

STATE OF FLORIDA  
DEPARTMENT OF STATE  
DIVISION OF ELECTIONS

Glenda E. Hood  
Secretary of State

March 29, 2005

ORIGINAL

The Honorable Gracia M. Hillman, Chair  
U.S. Election Assistance Commission  
State HAVA Funding Report  
1225 New York Avenue, NW – Suite 1100  
Washington, DC 20005

Dear Chairman Hillman:

Enclosed is Florida's report regarding the use of HAVA Title II, Section 251 funds for the period from June 23, 2004 through September 30, 2004. Included with the report is Standard Form 269.

If you have any questions or would like additional information, please let us know.

Sincerely,

Dawn K. Roberts, Esq.  
Director

DKR/aj

Enclosure

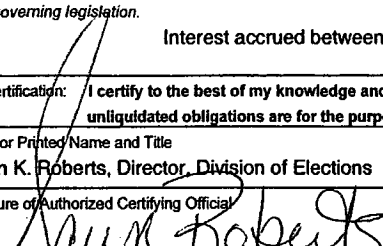
021008

133105.868

**FINANCIAL STATUS REPORT  
(Long Form)**

**ORIGINAL**

*(Follow instructions on the back)*

1. Federal Agency and Organizational Element to Which Report is Submitted <b>U. S. Election Assistance Commission</b>		2. Federal Grant or Other Identifying Number Assigned By Federal Agency <b>39.011 - Title II, Section 251</b>		OMB Approval No. <b>0348-0039</b>	Page of  pages																																																																																												
3. Recipient Organization (Name and complete address, including ZIP code) <b>Florida Department of State 500 South Bronough Street Tallahassee, FL 32399-0250</b>																																																																																																	
4. Employer Identification Number <b>F593466865</b>		5. Recipient Account Number or Identifying Number <b>45-20-2-339097-00000000-00-000000-00</b>		6. Final Report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																																																																																													
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<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:40%;"></th> <th style="width:15%;">I Previously Reported</th> <th style="width:15%;">II This Period</th> <th style="width:30%;">III Cumulative</th> </tr> </thead> <tbody> <tr> <td>a. Total outlays</td> <td></td> <td align="right">0.00</td> <td align="right">0.00</td> </tr> <tr> <td>b. Refunds, rebates, etc.</td> <td></td> <td></td> <td align="right">0.00</td> </tr> <tr> <td>c. Program income used in accordance with the deduction alternative</td> <td></td> <td></td> <td align="right">0.00</td> </tr> <tr> <td>d. Net outlays (Line a, less the sum of lines b and c)</td> <td align="right">0.00</td> <td align="right">0.00</td> <td align="right">0.00</td> </tr> <tr> <td colspan="4"><b>Recipient's share of net outlays, consisting of:</b></td> </tr> <tr> <td>e. Third party (in-kind) contributions</td> <td></td> <td></td> <td align="right">0.00</td> </tr> <tr> <td>f. Other Federal awards authorized to be used to match this award</td> <td></td> <td></td> <td align="right">0.00</td> </tr> <tr> <td>g. Program income used in accordance with the matching or cost sharing alternative</td> <td></td> <td></td> <td align="right">0.00</td> </tr> <tr> <td>h. All other recipient outlays not shown on lines e, f or g</td> <td></td> <td></td> <td align="right">0.00</td> </tr> <tr> <td>i. Total recipient share of net outlays (Sum of lines e, f, g and h)</td> <td align="right">0.00</td> <td align="right">0.00</td> <td align="right">0.00</td> </tr> <tr> <td>j. Federal share of net outlays (line d less line i)</td> <td align="right">0.00</td> <td align="right">0.00</td> <td align="right">0.00</td> </tr> <tr> <td>k. Total unliquidated obligations</td> <td></td> <td></td> <td></td> </tr> <tr> <td>l. Recipient's share of unliquidated obligations</td> <td></td> <td></td> <td></td> </tr> <tr> <td>m. Federal share of unliquidated obligations</td> <td></td> <td></td> <td></td> </tr> <tr> <td>n. Total Federal share (sum of lines j and m)</td> <td></td> <td></td> <td align="right">0.00</td> </tr> <tr> <td>o. Total Federal funds authorized for this funding period</td> <td></td> <td></td> <td align="right">47,416,833.00</td> </tr> <tr> <td>p. Unobligated balance of Federal funds (Line o minus line n)</td> <td></td> <td></td> <td align="right">47,416,833.00</td> </tr> <tr> <td colspan="4"><b>Program income, consisting of:</b></td> </tr> <tr> <td>q. Disbursed program income shown on lines c and/or g above</td> <td></td> <td></td> <td></td> </tr> <tr> <td>r. Disbursed program income using the addition alternative</td> <td></td> <td></td> <td></td> </tr> <tr> <td>s. Undisbursed program income</td> <td></td> <td></td> <td></td> </tr> <tr> <td>t. Total program income realized (Sum of lines q, r and s)</td> <td></td> <td></td> <td align="right">0.00</td> </tr> </tbody> </table>							I Previously Reported	II This Period	III Cumulative	a. Total outlays		0.00	0.00	b. Refunds, rebates, etc.			0.00	c. Program income used in accordance with the deduction alternative			0.00	d. Net outlays (Line a, less the sum of lines b and c)	0.00	0.00	0.00	<b>Recipient's share of net outlays, consisting of:</b>				e. Third party (in-kind) contributions			0.00	f. Other Federal awards authorized to be used to match this award			0.00	g. Program income used in accordance with the matching or cost sharing alternative			0.00	h. All other recipient outlays not shown on lines e, f or g			0.00	i. Total recipient share of net outlays (Sum of lines e, f, g and h)	0.00	0.00	0.00	j. Federal share of net outlays (line d less line i)	0.00	0.00	0.00	k. Total unliquidated obligations				l. Recipient's share of unliquidated obligations				m. Federal share of unliquidated obligations				n. Total Federal share (sum of lines j and m)			0.00	o. Total Federal funds authorized for this funding period			47,416,833.00	p. Unobligated balance of Federal funds (Line o minus line n)			47,416,833.00	<b>Program income, consisting of:</b>				q. Disbursed program income shown on lines c and/or g above				r. Disbursed program income using the addition alternative				s. Undisbursed program income				t. Total program income realized (Sum of lines q, r and s)			0.00
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11. Indirect Expense		a. Type of Rate (Place "X" in appropriate box) <input checked="" type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed																																																																																															
		b. Rate <b>N/A</b>	c. Base	d. Total Amount	e. Federal Share																																																																																												
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. <b>Interest accrued between 6/23/2004 and 9/30/2004 - \$456,770.63</b>																																																																																																	
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.																																																																																																	
Typed or Printed Name and Title <b>Dawn K. Roberts, Director, Division of Elections</b>				Telephone (Area code, number and extension) <b>850-245-6200</b>																																																																																													
Signature of Authorized Certifying Official 				Date Report Submitted <b>March 22, 2005</b>																																																																																													

**FLORIDA DEPARTMENT OF STATE  
REPORT ON EXPENDITURE OF TITLE II FUNDS  
FEDERAL FISCAL YEAR OCTOBER 2003 – SEPTEMBER 2004**

The first report regarding expenditures made with Section 251, Title II HAVA funds covers the period from the date the funds were received in Florida through September 30, 2004. Florida received FY 2003 Section 251, Title II HAVA funds on June 23, 2004.

None of the Title II funds were expended during the current reporting period. While the Florida Legislature authorized the use of HAVA Section 251 funds for state Fiscal Year 2004-05, Florida did not begin disbursing the funds until after September 30, 2004.

**ORIGINAL**

021010

**FINANCIAL STATUS REPORT  
(Long Form)**

*(Follow instructions on the back)*

**REVISED**

1. Federal Agency and Organizational Element to Which Report is Submitted <b>U. S. Election Assistance Commission</b>		2. Federal Grant or Other Identifying Number Assigned By Federal Agency <b>90.401 - Title II, Section 251</b>		OMB Approval No. <b>0348-0039</b>	Page of  pages
3. Recipient Organization (Name and complete address, including ZIP code) <b>Florida Department of State 500 South Bronough Street Tallahassee, FL 32399-0250</b>					
4. Employer Identification Number <b>F593466865</b>		5. Recipient Account Number or Identifying Number <b>45-20-2-339097-00000000-00-000000-00</b>		6. Final Report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. Basis <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual					
8. Funding/Grant Period (See instructions) From: (Month, Day, Year) <b>6/23/2004</b>		To: (Month, Day, Year)		9. Period Covered by this Report From: (Month, Day, Year) <b>6/23/2004</b>	
				To: (Month, Day, Year) <b>9/30/2004</b>	
10. Transactions:					
		I Previously Reported	II This Period	III Cumulative	
a. Total outlays			0.00		0.00
b. Refunds, rebates, etc.					0.00
c. Program income used in accordance with the deduction alternative					0.00
d. Net outlays (Line a, less the sum of lines b and c)		0.00	0.00		0.00
<b>Recipient's share of net outlays, consisting of:</b>					
e. Third party (in-kind) contributions					0.00
f. Other Federal awards authorized to be used to match this award					0.00
g. Program income used in accordance with the matching or cost sharing alternative					0.00
h. All other recipient outlays not shown on lines e, f or g					0.00
i. Total recipient share of net outlays (Sum of lines e, f, g and h)		0.00	0.00		0.00
j. Federal share of net outlays (line d less line i)		0.00	0.00		0.00
k. Total unliquidated obligations					
l. Recipient's share of unliquidated obligations					
m. Federal share of unliquidated obligations					
n. Total Federal share (sum of lines j and m)					0.00
o. Total Federal funds authorized for this funding period					47,873,603.63
p. Unobligated balance of Federal funds (Line o minus line n)					47,873,603.63
<b>Program income, consisting of:</b>					
q. Disbursed program income shown on lines c and/or g above					
r. Disbursed program income using the addition alternative					
s. Undisbursed program income					
t. Total program income realized (Sum of lines q, r and s)					0.00
11. Indirect Expense	a. Type of Rate (Place "X" in appropriate box) <input checked="" type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed				
	b. Rate <b>N/A</b>	c. Base	d. Total Amount	e. Federal Share	
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. <b>Form has been revised to include Interest in the amount of \$456,770.63 accrued between 6/23/2004 and 9/30/2004 on Line "O" - \$456,770.63.</b>					
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.					
Typed or Printed Name and Title <b>Dawn K. Roberts, Director, Division of Elections</b>			Telephone (Area code, number and extension) <b>850-245-6200</b>		
Signature of Authorized Certifying Official <i>Dawn Roberts</i>			Date Report Submitted <b>March 27, 2006</b>		

021011



ORIGINAL

FINANCIAL STATUS REPORT (Long Form)

(Follow instructions on the back)

1. Federal Agency and Organizational Element to Which Report is Submitted: U. S. Election Assistance Commission
2. Federal Grant or Other Identifying Number Assigned By Federal Agency: 90.401 - Title II, Section 251
3. Recipient Organization (Name and complete address, including ZIP code): Florida Department of State, 500 South Bronough Street, Tallahassee, FL 32399-0250
4. Employer Identification Number: F593466865
5. Recipient Account Number or Identifying Number: 45-20-2-339097-00000000-00-000000-00
6. Final Report: Yes No
7. Basis: Cash Accrual
8. Funding/Grant Period (See instructions): From: (Month, Day, Year) 6/23/2004 To: (Month, Day, Year)
9. Period Covered by this Report: From: (Month, Day, Year) 10/1/2004 To: (Month, Day, Year) 9/30/2005
10. Transactions: Table with columns: Previously Reported, This Period, Cumulative. Rows include Total outlays, Refunds, rebates, etc., Program income used in accordance with the deduction alternative, Net outlays, Recipient's share of net outlays, etc.
11. Indirect Expense: a. Type of Rate (Place "X" in appropriate box) Provisional Predetermined Final Fixed; b. Rate N/A; c. Base; d. Total Amount; e. Federal Share
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. State Matching expenditures are shown on line "h." Interest in the amount of \$3,696,730.21 accrued during the current reporting period is included on line "o" with total Federal funds authorized for this funding period.
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.
Typed or Printed Name and Title: Dawn Roberts, Director, Division of Elections, Florida Department of State
Telephone (Area code, number and extension): 850-245-6200
Signature of Authorized Certifying Official: Dawn Roberts
Date Report Submitted: March 29, 2006

021012

ORIGINAL

**FLORIDA DEPARTMENT OF STATE  
REPORT ON EXPENDITURE OF TITLE II, SECTION 251 FUNDS  
OCTOBER 2004 THROUGH SEPTEMBER 2005**

As requested by the U.S. Election Assistance Commission, listed below is a detailed list of expenditures and a description of the related activities conducted by the Florida Department of State utilizing Help America Vote Act (HAVA) Title II, Section 251 funds during the period from October 1, 2004 through September 30, 2005.

**VOTING SYSTEMS ASSISTANCE - \$11.6 Million**

During the current reporting period, Florida distributed \$11.6 million to county supervisors of elections to purchase voting equipment that is accessible to individuals with disabilities. Funds were appropriated by the Florida Legislature in order to ensure that all counties had at least one accessible voting system at each polling place by January 1, 2006. Prior to distribution of the funds, counties were required to provide certified statements to the Department of State indicating the number of polling places in use and the number of accessible voting systems owned by the county. There were fifty-one (51) counties that required accessible voting systems in order to have one per polling place by January 1, 2006.

The HAVA State Plan includes references to acquiring accessible voting equipment for individuals with disabilities on pages 13 through 15 and on page 61.

**STATEWIDE VOTER REGISTRATION LIST - \$11,171,771**

Title II funds were utilized to continue development of a statewide voter registration system pursuant to requirements in Title III, Section 303 of the Help America Vote Act. The Florida Voter Registration System (FVRS) is a real-time system that contains the name and voter registration information of all voters in the state. The system allows counties to continue to use their existing systems with modifications to interface with the FVRS.

During the current reporting period, the Department of State issued bids to procure the services of two contractors to assist with implementing the FVRS. One vendor was selected to serve as the Prime Contractor and provide systems integration and software development for the FVRS. A second vendor was selected to provide project management and quality assurance to oversee the development and implementation phases of the FVRS.

In addition to the two primary contractors, the Department began the process of acquiring the necessary hardware and software required to implement the FVRS including back-up systems. Items purchased included servers, switching modules and various software systems needed to operate the system. An uninterruptible power supply (generator) was purchased to provide back-up operation during electrical outages and/or disasters. Other expenses included training provided to Department of State employees to give them the necessary skills to utilize the software being used to operate the system.

Other costs associated with the FVRS during the current reporting period include salaries for eleven positions in the Department of State, two positions at the Florida Department of Highway Safety and Motor Vehicles and two positions at the Florida Department of Law Enforcement.

These positions provide support for the various hardware and software systems being utilized to operate the system, legal expertise, and administration of a new bureau established to provide voter registration services for all of Florida's 67 counties.

Reference to the statewide voter registration system can be found in the HAVA State Plan on pages 26-31, 56-57 and 61.

**INTEREST ACCRUED - \$3,696,730**

During the current reporting period the Department of State invested Title II, Section 251 funds and accrued Interest in the amount of \$3,696,730.

**STATE MATCHING FUNDS - \$385,000**

During the current reporting period, Florida spent \$385,000 in State Matching funds.

**ORIGINAL**



FLORIDA DEPARTMENT OF STATE  
**Sue M. Cobb**  
Secretary of State  
DIVISION OF ELECTIONS

**REVISED**

March 29, 2006

The Honorable Paul S. DeGregorio, Chairman  
U.S. Election Assistance Commission  
State HAVA Funding Reports  
1225 New York Avenue, NW – Suite 1100  
Washington, D.C. 20005

Dear Mr. DeGregorio:

Enclosed is Florida's narrative report regarding HAVA, Title II, Section 251 funds for the period from October 1, 2004 through September 30, 2005. Form SF 269 regarding Title II, Section 251 funds is also included.

Also enclosed is an updated Form SF 269 for Title II, Section 251 funds covering the period from the initial receipt of funds in June 2004 through September 30, 2004. The entry on Line "o - Total Federal funds authorized for this funding period" has been adjusted to include interest accrued on those funds during that time period.

If you have any questions or would like additional information, please let us know.

Sincerely,

A handwritten signature in cursive script that reads "Dawn K. Roberts".

Dawn K. Roberts, Esq.  
Director, Division of Elections

Enclosures

DKR/BL/aj



## U.S. ELECTION ASSISTANCE COMMISSION

### FAX COVER SHEET

Fax: 202/566-3127

Direct: 202/566-3120

Toll Free: 866-747-1471

---

DATE: December 14, 2004

TO: Governor Bush/FL

FAX NUMBER: 850-922-4292

FROM: Peggy Sims

NUMBER OF PAGES (INCLUDING COVER PAGE): 5

MESSAGE

ORIGINAL TO FOLLOW BY MAIL.

021016



U.S. ELECTION ASSISTANCE COMMISSION  
1225 NEW YORK AVENUE, N.W., SUITE 1100  
WASHINGTON, D.C. 20005

OFFICE OF THE CHAIRMAN

December 14, 2004

The Honorable Jeb Bush  
Governor  
Office of the Governor  
The Capitol  
400 South Monroe Street  
Tallahassee Florida 32399-0001

Dear Governor Bush:

The U. S. Election Assistance Commission (EAC) is pleased to inform you that the Help America Vote Act of 2002 (HAVA) allocation appropriated for your State is now available for disbursement.

HAVA requires the chief executive officer of the State, or designee, in consultation with the chief State election official, to file with EAC a statement certifying that the State is in compliance with the conditions set forth in section 253(b) in order to be eligible for a fiscal year's requirements payment. EAC received a certification statement from your State on December 7, 2004 declaring your State's eligibility for the requirements payment appropriated in fiscal year 2004.

Accordingly, EAC has notified the U.S. General Services Administration (GSA) that approximately \$85,085,258 should be disbursed to your State. Your State should receive these funds within five business days, provided your State has given GSA the information needed for the electronic transfer.

### **Use of Funds**

In accordance with HAVA Section 251(b), these funds are to be used only to meet the requirements of HAVA Title III, except that your State may use this payment to carry out other activities to improve the administration of elections for Federal office if the State certifies to EAC that:

- the State has implemented the requirements of Title III; or
- the amount to be expended with respect to such other activities does not exceed an amount equal to the minimum requirements payment amount applicable to the State.

Section 251(c) of the Act also explains that a State may use a requirements payment:

- as a reimbursement for costs incurred in obtaining voting equipment which meets the requirements of section 301 (voting systems standards) if the State obtains the equipment after the regularly scheduled general election for Federal office held in November 2000, notwithstanding the Act's maintenance of effort requirements<sup>1</sup>; and
- for any costs for voting equipment which meets the requirements of section 301 that were incurred pursuant to a multi-year contract on or after January 1, 2001, except that the amount that the State is otherwise required to contribute under the maintenance of effort requirements must be increased by the amount of the payment made with respect to such multiyear contract.

### **Conforming to Applicable Federal Guidelines**

Please note that the following Office of Management and Budget guidelines apply to these federal funds:

- A-87 - Cost Principles for State, Local and Indian Tribal Governments (Cost Principles).
- A-102 - Grants and Cooperative Agreements with State and Local Governments (Administrative Requirements).
- Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments ("Common Rule", Administrative Requirements, 53 FR 8087, March 11, 1988)
- A-133 – Audits of States, Local Governments, and Non-Profit Organizations (Single Audits, Audit Requirements).

These guidelines may be found at:

<http://www.whitehouse.gov/omb/circulars/index.html>

### **Material Changes to State Plans**

Section 254(a)(11) of HAVA prohibits a State from making material change(s) to the State plan unless the change:

---

<sup>1</sup> Maintenance of effort is addressed in HAVA section 254(a)(7), which requires the State to describe how it will maintain the expenditures of the State for activities funded by the requirements payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000.

- is developed and published in the *Federal Register* in accordance with Section 255 in the same manner as the State plan;
- is subject to public notice and comment in accordance with Section 256 in the same manner as the State plan; and
- takes effect only after the expiration of the 30-day period which begins on the date the change is published in the *Federal Register*.

Accordingly, if your State does make any material change(s) to your current State plan for which you are receiving this requirements payment, you must file an amended State plan with EAC. The amended State plan filed with EAC may be limited to describing in reasonable detail the changes that have been made between the amended State plan and the State plan currently in effect.

## **Reporting**

Also note that HAVA Section 258 requires your State to submit a report to EAC on the activities conducted with the funds provided during the Federal fiscal year, which runs from October 1 through September 30 of each year. This report must include:

- a list of expenditures made with respect to each category of activities described for the use of funds;
- the number and type of articles of voting equipment obtained with the funds; and
- an analysis and description of:
  - the activities funded to meet HAVA requirements; and
  - how such activities conform to the submitted State plan.

This report is due no later than six months after the end of each fiscal year. Accordingly, you should file your first report with EAC no later than March 30, 2005. States should submit Standard Form 269 as part of this report. This form may be found at the following web site:

[http://www.whitehouse.gov/omb/grants/grants\\_forms.html](http://www.whitehouse.gov/omb/grants/grants_forms.html)

## **Recordkeeping and Audits**

HAVA Title IX requires recipients of payments under the Act to keep records consistent with sound accounting principles to facilitate an effective audit. It authorizes EAC to audit or examine books, documents, papers and records of any



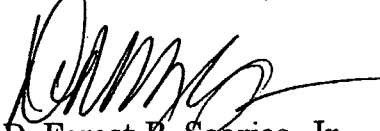
recipient that is deemed pertinent to the payment and stipulates that the provision applies to all recipients of payments under the Act. Such recipients would include local jurisdictions that received funds through the State as a result of the requirements payments.

HAVA also requires that all funds provided under the Act are subject to mandatory audit by the Comptroller General at least once during the lifetime of the program, with the same access to records as the EAC. If the Comptroller General determines that an excess payment has been made or the recipient is not in compliance, the recipient must pay the EAC an amount that reflects the excess payment or the proportion representing noncompliance.

**Assistance**

If you have any questions about this matter, please have your staff contact Peggy Sims, EAC Research Specialist, by email at [psims@eac.gov](mailto:psims@eac.gov) or by phone at 1-866-747-1471 (toll free) or 202-566-3100.

Sincerely yours,



DeForest B. Searies, Jr.  
Chairman



## U.S. ELECTION ASSISTANCE COMMISSION

### FAX COVER SHEET

Fax: 202/566-3127

Direct: 202/566-3120

Toll Free: 866-747-1471

---

DATE: December 14, 2004

TO: Secretary Hood/FL

FAX NUMBER: 850/245-6125

FROM: Peggy Sims

NUMBER OF PAGES (INCLUDING COVER PAGE): 5

MESSAGE

ORIGINAL TO FOLLOW BY MAIL.

021021



U.S. ELECTION ASSISTANCE COMMISSION  
1225 NEW YORK AVENUE, N.W., SUITE 1100  
WASHINGTON, D.C. 20005

OFFICE OF THE CHAIRMAN

December 14, 2004

The Honorable Glenda Hood  
Secretary of State  
R. A. Gray Building  
500 S. Bronough Street, Room 316  
Tallahassee, Florida 32399-0250

Dear Secretary Hood:

The U. S. Election Assistance Commission (EAC) is pleased to inform you that the Help America Vote Act of 2002 (HAVA) allocation appropriated for your State is now available for disbursement.

HAVA requires the chief executive officer of the State, or designee, in consultation with the chief State election official, to file with EAC a statement certifying that the State is in compliance with the conditions set forth in section 253(b) in order to be eligible for a fiscal year's requirements payment. EAC received a certification statement from your State on December 7, 2004 declaring your State's eligibility for the requirements payment appropriated in fiscal year 2004.

Accordingly, EAC has notified the U.S. General Services Administration (GSA) that approximately \$85,085,258 should be disbursed to your State. Your State should receive these funds within five business days, provided your State has given GSA the information needed for the electronic transfer.

### **Use of Funds**

In accordance with HAVA Section 251(b), these funds are to be used only to meet the requirements of HAVA Title III, except that your State may use this payment to carry out other activities to improve the administration of elections for Federal office if the State certifies to EAC that:

- the State has implemented the requirements of Title III; or
- the amount to be expended with respect to such other activities does not exceed an amount equal to the minimum requirements payment amount applicable to the State.

021022

Section 251(c) of the Act also explains that a State may use a requirements payment:

- as a reimbursement for costs incurred in obtaining voting equipment which meets the requirements of section 301 (voting systems standards) if the State obtains the equipment after the regularly scheduled general election for Federal office held in November 2000, notwithstanding the Act's maintenance of effort requirements<sup>1</sup>; and
- for any costs for voting equipment which meets the requirements of section 301 that were incurred pursuant to a multi-year contract on or after January 1, 2001, except that the amount that the State is otherwise required to contribute under the maintenance of effort requirements must be increased by the amount of the payment made with respect to such multiyear contract.

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Sincerely yours,



DeForest B. Soaries, Jr.  
Chairman

021025

# Office of the Governor

THE CAPITOL  
TALLAHASSEE, FLORIDA 32399-0001

www.flgov.com  
850-488-7146  
850-487-0801 fax

RECEIVED  
DEC 07 2004  
BY: PS



JEB BUSH  
GOVERNOR

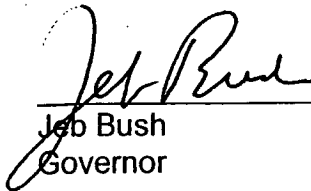
November 17, 2004


The Honorable DeForest B. Soaries, Jr., Chairman  
Election Assistance Commission  
1225 New York Ave. NW  
Suite 1100  
Washington, DC 20005

Dear Chairman Soaries:

The State of Florida's HAVA Plan was updated in June 2004 and has been published in the Federal Register by the Election Assistance Commission. The Plan meets all of the requirements listed in the Help America Vote Act (HAVA) regarding the conditions that must be met before a state is eligible to receive Title II requirements payments. This includes implementation of uniform, non-discriminatory administrative complaint procedures. In addition, Chapter 2003-415, Laws of Florida, implementing HAVA in Florida was pre-cleared by the Department of Justice on October 16, 2003. Therefore, Florida is requesting the requirements payment for Fiscal Year 2004. In making this request, Florida certifies the following:

"The State of Florida hereby certifies that it is in compliance with the requirements referred to in section 253(b) of the Help America Vote Act of 2002."

  
\_\_\_\_\_  
Jeb Bush  
Governor

  
\_\_\_\_\_  
Glenda E. Hood  
Secretary of State



Governor's Mentoring Initiative  
BE A MENTOR. BE A BIG HELP.  
1-800-825-3786

021026

4120104.497



"Leonard, Barbara "  
<BLEonard@dos.state.fl.us>  
12/08/2004 10:38 AM

To "psims@eac.gov" <psims@eac.gov>  
cc "Roberts, Dawn K." <DKRoberts@dos.state.fl.us>,  
"Bradshaw, Sarah" <SBradshaw@dos.state.fl.us>  
bcc  
Subject RE: 2004 HAVA Requirements Payment

Peggy,

The Florida Legislature has appropriated the required matching funds as indicated:

FY 2003-04	\$ 525,000
FY 2004-05	\$6,103,018

If you have any other questions, please let us know.

Thanks,  
Barbara

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Wednesday, December 08, 2004 9:01 AM  
**To:** BLEonard@dos.state.fl.us  
**Subject:** 2004 HAVA Requirements Payment

Hi, Barbara:

This is to confirm that, yesterday, EAC received Florida's certification for its 2004 requirements payment. Tomorrow afternoon, I am scheduled to present my recommendation to the EAC subcommittee set up to review requirements payments submissions. After that, a recommendation will be considered by all four EAC Commissioners on a 48-hour tally vote. I'll keep you posted on our progress, once that part of the process is finished.

I noticed that Florida's certification affirms that the State meets all the requirements in Section 253(b). I assume that includes the requirement in 253(b)(5) that the State has appropriated the 5% match. I saw that the 2004 State plan budgets for this match, but it is not clear if the amount has been appropriated. Because many States had to appropriate additional funds for the match when their share of the 2004 funds became larger than expected, this issue is often something on which the subcommittee members focus. If you could confirm that the State has already appropriated the match, in response to this email, it will help me answer questions that arise in tomorrow's subcommittee meeting. Thanks.

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

021027





U.S. Department of Justice

Civil Rights Division

JDR:JR:ALF:maf  
DJ 166-012-3  
2004-0774  
2004-0775

Voting Section - NWB  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530

March 23, 2004

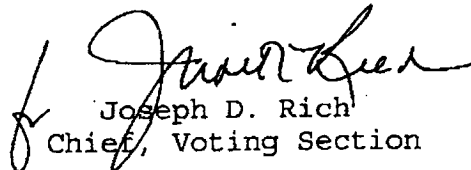
The Honorable Charlie Crist  
Attorney General  
State of Florida  
The Capitol, PL-01  
Tallahassee, Florida 32399-1050

Dear Mr. Attorney General:

This refers to Rule No. 1S-2037 (2003), which prescribes the form of the statewide provisional ballot envelope; and Rule No. 1S-2.038 (2003), which prescribes the complaint form to be used for alleged violations of the Help America Vote Act of 2002, 42 U.S.C. 15301-15545, for the State of Florida, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submissions on February 23, 2004.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. In addition, as authorized by Section 5, we reserve the right to reexamine these submissions if additional information that would otherwise require an objection comes to our attention during the remainder of the sixty-day review period. See Procedures for the Administration of Section 5 of the Voting Rights Act (28 C.F.R. 51.41 and 51.43).

Sincerely,

  
Joseph D. Rich  
Chief, Voting Section

021028



U.S. Department of Justice

Civil Rights Division

JDR:RAK:ALP:jdh  
DJ 166-012-3  
2004-0986

*Voting Section - NWB.  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530*

May 3, 2004

The Honorable Chris Nelson  
Secretary of State  
State of South Dakota  
500 East Capitol Avenue, Suite 204  
Pierre, South Dakota 57501-5070

Dear Mr. Secretary:

This refers to certain acts of the South Dakota Legislature and the administrative regulations promulgated by the South Dakota Board of Elections, submitted on behalf of Shannon and Todd Counties pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. Your submissions include the following:

1. Chapter 118, Section 3 (1974) that amends SDCL 12-4-1, which pertains to persons entitled to register;
2. Chapter 71, Section 2 (1999) that amends SDCL 12-4-1.1, which pertains to release documents for convicted felons;
3. Chapter 118, Section 4 (1974); Chapter 105, Section 1 (1976); Chapter 106, Section 1 (1985); Chapter 107, Section 1 (1994); Chapter 166, Section 3 (1997); and Chapter 83, Section 10 (2003) that amend SDCL 12-4-2, which pertains to the county auditor being in charge of voter registration records;
4. The 1994 promulgation of and the 1997 and 2003 amendments to ARSD 5:02:03:12, which pertains to agency voter registration instructions;
5. The 1994 promulgation of and the 1997 and 2003 amendments to ARSD 5:02:03:13, which pertains to voter registration instructions;
6. Chapter 28, Section 4 (1982) that repeals SDCL 12-4-2.1, which pertains to deputy auditors in unorganized counties;

021029

7. Chapter 28, Section 41 (1982) that repeals SDCL 12-4-2.2, which pertains to compensation for deputy auditors in unorganized counties;

8. Chapter 118, Section 5 (1974); Chapter 105, Section 2 (1976); Chapter 94, Section 3 (1978); and Chapter 107 (1983) that amend SDCL 12-4-3, which pertains to office hours for registration;

9. Chapter 118, Section 200 (1974) that repeals SDCL 12-4-4, which pertains to personal applications for voter registration;

10. Chapter 83, Section 13 (2003) that enacts 12-4-4.10, which pertains to the provision of voter registration procedures to overseas voters;

11. Chapter 118, Section 7 (1974); Chapter 94, Section 1 (1978); Chapter 120, Section 1 (1981); Chapter 106, Section 2 (1985); Chapter 107, Section 1 (1985); Chapter 110, Section 1C (1985); Chapter 107, Section 6 (1994); Section 95, Section 4 (1996); and Chapter 40, Section 5 (2002) that amend SDCL 12-4-5, which pertains to the entry of names in the master registration file;

12. Chapter 118, Section 200 (1974) that repeals SDCL 12-4-5.1, which pertains to the time for registration other than by the county auditor or the deputy;

13. Chapter 119, Section 1 (1974) that enacts SDCL 12-4-5.2, which pertains to the notice of registration procedures;

14. The 1977 promulgation of and the 1979, 1980, 1981, 1985, 1994, 1998, and 2001 amendments to ARSD 5:02:02:04, which pertains to the notice of deadline for voter registration;

15. Chapter 107, Section 7 (1994) and Chapter 95, Section 5 (1996) that enact and amend SDCL 12-4-5.3, which pertains to the review of a voter registration application by the auditor;

16. The 1994 promulgation of and the 1996 and 2002 amendments to ARSD 5:02:03:14, which pertains to the acknowledgment notice for invalid or incomplete voter registration applications;

17. The 1994 promulgation of and the 1996 and 2002 amendments to ARSD 5:02:03:15, which pertains to the acknowledgment notice for valid voter registration applications;

18. Chapter 83, Section 12 (2003) that enacts SDCL 12-4-5.5, which pertains to the verification of a drivers license or social security information;

19. Chapter 118, Section 8 (1974); Chapter 119, Section 13 (1975); and Chapter 107, Section 2 (1985) that amend SDCL 12-4-6, which pertains to filling out the registration card and receipt;

20. Chapter 78, Section 1 (1997) that enacts SDCL 12-4-6.1, which pertains to the effective date for voter registration;

21. Chapter 70, Section 1 (1973); Chapter 119, Section 15 (1975); Chapter 105, Section 4 (1976); Chapter 120, Section 2 (1981) that amend and repeal SDCL 12-4-7, which pertains to the filing, verification, and return of voter registration cards and receipts;

22. Chapter 118, Section 200 (1974) that repeals SDCL 12-4-7.1, which pertains to duplicate registration;

23. Chapter 119, Section 14 (1975); Chapter 105, Section 5 (1976); Chapter 94, Section 2 (1978); Chapter 107, Section 3 (1985); Chapter 127 (1989); and Chapter 110, Section 2 (1993) that enact and amend SDCL 12-4-7.2, which pertains to the duties of voter registrars;

24. Chapter 118, Section 11 (1974); Chapter 107, Section 14 (1994); and Chapter 40, Section 6 (2002) that enact and amend SDCL 12-4-8.2, which pertains to the true copy to replace a duplicate acknowledgment notice;

25. Chapter 118, Section 12 (1974) and Chapter 105, Section 6 (1976) that amend SDCL 12-4-9, which pertains to the master registration list;

26. Chapter 118, Section 200 (1974) that repeals SDCL 12-4-9.1, which pertains to the presidential voter list;

27. Chapter 118, Section 13 (1974); Chapter 120, Section 5 (1975); Chapter 105, Section 7 (1976); Chapter 107, Section 2 (1992); and Chapter 40, Section 2 (2002) that amend SDCL 12-4-10, which pertains to the precinct registration list;

28. Chapter 81 (1973) that enacts SDCL 12-4-10.1, which pertains to the registration lists furnished to the federal court for jury selection;



U.S. Department of Justice

Civil Rights Division

JDR:RPL:TL:jdh:par  
DJ 166-012-3  
2003-2929

*Voting Section  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20035-6128*

October 16, 2003

The Honorable Charlie Crist  
Attorney General  
State of Florida  
The Capitol, PL-01  
Tallahassee, Florida 32399-1050

Dear Attorney General Crist:

This refers to Chapter 2003-415, which revises the Florida Election Code to implement provisions of the Help America Vote Act (HAVA), 42 U.S.C. 15301-15544, and eliminates the second primary election for 2004, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on August 18, 2003.

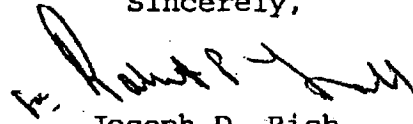
The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Chapter 2003-415 includes provisions that are enabling in nature. Therefore, the State, and other local jurisdictions are not relieved of their responsibility to seek Section 5 preclearance of any changes affecting voting proposed to be implemented pursuant to this legislation (e.g., the requirement that the Department of State prescribe the form for complaints alleging violation of Title III of HAVA, prescribe the form of the provisional ballot envelope, and adopt detailed rules prescribing additional recount procedures for each certified voting system; the requirement that the Division of Elections promulgate rules regarding automatic machine recounts; and the

021032

requirement that each supervisor of elections create a free access system that allows each person casting a provisional vote to learn if the ballot was counted and, if not, why it was not counted). See 28 C.F.R. 51.15.

Sincerely,



Joseph D. Rich  
Chief, Voting Section

021033



## U.S. ELECTION ASSISTANCE COMMISSION

### FAX COVER SHEET

Fax: 202/566-3127

Direct: 202/566-3100

Toll Free: 866-747-1471

DATE: June 17, 2004

TO: *Secretary Hood*

FAX NUMBER: *850-245-6125*

FROM: Peggy Sims

NUMBER OF PAGES (INCLUDING COVER PAGE): 5

MESSAGE

ORIGINAL TO FOLLOW BY MAIL.

021034



U.S. ELECTION ASSISTANCE COMMISSION  
1225 NEW YORK AVENUE, N.W., SUITE 1100  
WASHINGTON, D.C. 20005

June 17, 2004

The Honorable Glenda Hood  
Secretary of State  
R. A. Gray Building  
500 S. Bronough  
Tallahassee, Florida 32399-0250

Dear Secretary Hood:

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HAVA requires the chief executive officer of the State, or designee, in consultation with the chief State election official, to file with the U.S. Election Assistance Commission ("EAC") a statement certifying that the State is in compliance with the conditions set forth in section 253(b) in order to be eligible for a fiscal year's requirements payment. The EAC received a certification statement from your State on June 10, 2004 declaring your State's eligibility for the requirements payment(s) appropriated in fiscal year(s) 2003.

Accordingly, the EAC has notified the U.S. General Services Administration ("GSA") that approximately \$47,416,833 should be disbursed to your State. Your State should receive these funds within five business days, provided your State has given GSA the information needed for the electronic transfer.

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Sincerely yours,



DeForest B. Soaries, Jr.  
Chairman

021038



## U.S. ELECTION ASSISTANCE COMMISSION

### FAX COVER SHEET

Fax: 202/566-3127

Direct: 202/566-3100

Toll Free: 866-747-1471

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DATE: June 17, 2004

TO: Governor Bush

FAX NUMBER: 850-922-4292

FROM: Peggy Sims

NUMBER OF PAGES (INCLUDING COVER PAGE): 5

MESSAGE

ORIGINAL TO FOLLOW BY MAIL.

021039



U.S. ELECTION ASSISTANCE COMMISSION  
1225 NEW YORK AVENUE, N.W., SUITE 1100  
WASHINGTON, D.C. 20005

June 17, 2004

The Honorable Jeb Bush  
Governor  
Office of the Governor  
The Capitol  
400 South Monroe Street  
Tallahassee, Florida 32399-0001

Dear Governor Bush:

The U. S. Elections Assistance Commission is pleased to inform you that the Help America Vote Act of 2002 ("HAVA") allocation appropriated for your State is now available for disbursement.

HAVA requires the chief executive officer of the State, or designee, in consultation with the chief State election official, to file with the U.S. Election Assistance Commission ("EAC") a statement certifying that the State is in compliance with the conditions set forth in section 253(b) in order to be eligible for a fiscal year's requirements payment. The EAC received a certification statement from your State on June 10, 2004 declaring your State's eligibility for the requirements payment(s) appropriated in fiscal year(s) 2003.

Accordingly, the EAC has notified the U.S. General Services Administration ("GSA") that approximately \$47,416,833 should be disbursed to your State. Your State should receive these funds within five business days, provided your State has given GSA the information needed for the electronic transfer.

#### **Use of Funds**

In accordance with HAVA Section 251(b), these funds are to be used only to meet the requirements of HAVA Title III, except that your State may use these payment to carry out other activities to improve the administration of elections for Federal office if the State certifies to the EAC that:

- the State has implemented the requirements of Title III; or
- the amount to be expended with respect to such other activities does not exceed an amount equal to the minimum requirements payment amount applicable to the State.

Section 251(c) of the Act also explains that a State may use a requirements payment:

- as a reimbursement for costs incurred in obtaining voting equipment which meets the requirements of section 301 (voting systems standards) if the State obtains the equipment after the regularly scheduled general election for Federal office held in November 2000, notwithstanding the Act's maintenance of effort requirements<sup>1</sup>; and
- for any costs for voting equipment which meets the requirements of section 301 that were incurred pursuant to a multi-year contract on or after January 1, 2001, except that the amount that the State is otherwise required to contribute under the maintenance of effort requirements must be increased by the amount of the payment made with respect to such multiyear contract.

### **Conforming to Applicable Federal Guidelines**

Please note that the following Office of Management and Budget guidelines apply to these federal funds:

- A-87 - Cost Principles for State, Local and Indian Tribal Governments (Cost Principles).
- A-102 - Grants and Cooperative Agreements with State and Local Governments (Administrative Requirements).
- Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments ("Common Rule", Administrative Requirements, 53 FR 8087, March 11, 1988)
- A-133 – Audits of States, Local Governments, and Non-Profit Organizations (Single Audits, Audit Requirements).

These guidelines may be found at:

<http://www.whitehouse.gov/omb/circulars/index.html>

### **Material Changes to State Plans**

Section 254(a)(11) of HAVA prohibits a State from making material change(s) to the State plan unless the change:

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<sup>1</sup> Maintenance of effort is addressed in HAVA section 254(a)(7), which requires the State to describe how it will maintain the expenditures of the State for activities funded by the requirements payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000.

- is developed and published in the *Federal Register* in accordance with Section 255 in the same manner as the State plan;
- is subject to public notice and comment in accordance with Section 256 in the same manner as the State plan; and
- takes effect only after the expiration of the 30-day period which begins on the date the change is published in the *Federal Register*.

Accordingly, if your State does make any material change(s) to your current State plan for which you are receiving this requirements payment, you must file an amended State plan with the EAC. The amended State plan filed with the EAC may be limited to describing in reasonable detail the changes that have been made between the amended State plan and the State plan currently in effect.

### **Reporting**

Also note that HAVA Section 258 requires your State to submit a report to the EAC on the activities conducted with the funds provided during the federal fiscal year, which runs from October 1 through September 30. This report must include:

- a list of expenditures made with respect to each category of activities described for the use of funds;
- the number and type of articles of voting equipment obtained with the funds; and
- an analysis and description of:
  - the activities funded to meet HAVA requirements; and
  - how such activities conform to the submitted State plan.

This report is due no later than six months after the end of each fiscal year. Accordingly, you should file your first report with the EAC no later than March 30, 2005. States should submit Standard Form 269 as part of this report. This form may be found at the following web site:

[http://www.whitehouse.gov/omb/grants/grants\\_forms.html](http://www.whitehouse.gov/omb/grants/grants_forms.html)

### **Recordkeeping and Audits**

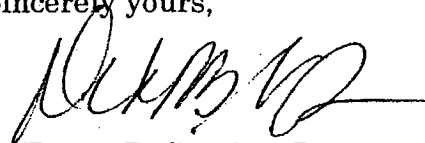
HAVA Title IX requires recipients of payments under the Act to keep records consistent with sound accounting principles to facilitate an effective audit. It authorizes the EAC to audit or examine books, documents, papers and records of any recipient that are deemed pertinent to the payment and stipulates that the provision applies to all recipients of payments under the Act. Such recipients would include local jurisdictions that received funds through the State as a result of the requirements payments.

HAVA also requires that all funds provided under the Act are subject to mandatory audit by the Comptroller General at least once during the lifetime of the program, with the same access to records as the grant-making office. If the Comptroller General determines that an excess payment has been made or the recipient is not in compliance, the recipient must pay the grant-making office an amount that reflects the excess payment or the proportion representing noncompliance.

### **Assistance**

If you have any questions about this matter, please have your staff contact Peggy Sims, EAC Research Specialist, by email at [psims@eac.gov](mailto:psims@eac.gov) or by phone at 1-866-747-1471 (toll free) or 202-566-3100.

Sincerely yours,

A handwritten signature in black ink, appearing to read "DeForest B. Soaries, Jr.", written in a cursive style.

DeForest B. Soaries, Jr.  
Chairman

021043





JEB BUSH  
GOVERNOR

STATE OF FLORIDA

# Office of the Governor

THE CAPITOL  
TALLAHASSEE, FLORIDA 32399-0001

[www.flgov.com](http://www.flgov.com)  
850-488-7146  
850-487-0801 fax

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June 3, 2004


The Honorable DeForest B. Soaries, Jr., Chairman  
Election Assistance Commission  
1225 New York Ave. NW  
Suite 1100  
Washington, DC 20005

Dear Chairman Soaries:

The State of Florida has reviewed the requirements listed in the Help America Vote Act (HAVA) regarding the conditions that must be met before a state is eligible to receive Title II requirements payments. All of the conditions have been met by the State of Florida. This includes implementation of uniform, non-discriminatory administrative complaint procedures. These procedures are referenced in Florida's State Plan on page 59. In addition, Chapter 2003-415, Laws of Florida, implementing HAVA in Florida was pre-cleared by the Department of Justice on October 16, 2003. Therefore, Florida is requesting the requirements payment for fiscal year 2003. In making this request, Florida certifies the following:

"The State of Florida hereby certifies that it is in compliance with the requirements referred to in section 253(b) of the Help America Vote Act of 2002."

  
\_\_\_\_\_  
Jeb Bush  
Governor

  
\_\_\_\_\_  
Glenda E. Hood  
Secretary of State



Governor's Mentoring Initiative  
BE A MENTOR. BE A BIG HELP.  
1-800-825-3786

021044



## U.S. ELECTION ASSISTANCE COMMISSION

### FAX COVER SHEET

Fax: 202/566-3127

Direct: 202/566-3100

Toll Free: 866-747-1471

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DATE: May 7, 2004

TO: Secretary Hood

FAX NUMBER: 850-245-6125

FROM: Peggy Sims

NUMBER OF PAGES (INCLUDING COVER PAGE): 6

MESSAGE

ORIGINAL TO FOLLOW BY MAIL.

021045



U.S. ELECTION ASSISTANCE COMMISSION  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005

OFFICE OF THE CHAIRMAN

May 6, 2004

The Honorable Glenda Hood  
Secretary of State  
The Capitol  
Plaza Level, Room 2  
Tallahassee, Florida 32399-0250

Dear Ms. Hood:

Enclosed, please find a copy of a letter sent by the U.S. Election Assistance Commission (EAC) to the chief executive officer of your State. This letter summarizes provisions for filing statements of certification to receive requirements payments in accordance with the Help America Vote Act of 2002 (HAVA).

As you may know, to receive funds for a fiscal year, HAVA requires the chief executive officer of the State, or designee, in consultation with the chief State election official, to file with the EAC a statement certifying that the State is in compliance with the conditions set forth in HAVA Section 253(b). I hope that the enclosed letter helps you in this process.

Should you have any questions or need further clarification as to the contents of the attached letter, please do not hesitate to contact Peggy Sims at 1-866-747-1471 (toll free) or 202-566-3100.

Sincerely yours,

A handwritten signature in black ink, appearing to read "DeForest B. Soaries, Jr.", with a long horizontal line extending to the right.

DeForest B. Soaries, Jr.  
Chairman

Enclosure

021046



U.S. ELECTION ASSISTANCE COMMISSION  
1225 New York Ave. NW – Suite 1100  
Washington, DC 20005

OFFICE OF THE CHAIRMAN

May 6, 2004

The Honorable Jeb Bush  
Governor  
The Capitol  
400 South Monroe Street  
Tallahassee, FL 32399-0001

Dear Governor Bush:

The Help America Vote Act (hereafter “HAVA” or the “Act”) authorizes payments to States, U.S. Territories and the District of Columbia (hereafter “States”) to assist in meeting the “Uniform and Nondiscriminatory Election Technology and Administration Requirements” in Title III of the Act. In order to be eligible for receipt of a requirements payment, a State must file with the U.S. Election Assistance Commission (hereafter “EAC” or “Commission”) a certification statement for the fiscal year, which declares that such State is in compliance with the required conditions set forth in section 253(b) of the Act. Title II requirements payments for Fiscal Years 2003 and 2004 are available at this time.

**Timing for Filing a Statement of Certification (Section 253(a) and (d))**

To receive funds for a fiscal year, HAVA requires the chief executive officer of the State, or designee, in consultation with the chief State election official, to file with the EAC a statement certifying that the State is in compliance with the conditions set forth in section 253(b).<sup>31</sup> This statement may not be filed until *after* the expiration of a 45-day period that began on March 24, 2004 – which was the day that all 55 State plans were published in the Federal Register by the Commission. The 45-day period expires on May 8, 2004.

**Language for Statement of Certification (Section 253(a))**

Recommended language for the certification statement is contained in Section 253(a) of the Act. Thus, the certification statement for a fiscal year may state the following:

“ \_\_\_\_\_ hereby certifies that it is in compliance with the requirements referred to in section 253(b) of the Help America Vote Act of 2002.”

<sup>31</sup> For the purpose of the requirements payments, the *chief State election official* is the individual designated by the State under section 10 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-8) to be responsible for coordination of the States responsibilities under such Act.

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### Condition for Receipt of Funds (Section 253(b))

The conditions for receipt of a requirements payment contained in section 253(b) require that a state certify to the Commission that, for the fiscal year(s) in which funds are requested, it:

- has filed a State plan with the EAC covering the fiscal year and which the State certifies:
  - contains each of the elements required to be in the State plan, according to section 254, including how the State will establish a State Election Fund in accordance with section 254(b),<sup>32</sup>
  - is developed in accordance with section 255, which describes the process of using a committee of appropriate individuals, including the chief election officials of the two most populous jurisdictions, other local election officials, stake holders (including representatives of groups of individuals with disabilities), and other citizens to develop the plan; and
  - meets the 30-day public notice and comment requirements of section 256.
- has filed with the EAC a plan for the implementation of the uniform, non-discriminatory administrative complaint procedures required under section 402 (or has included such a plan in the State plan), and has such procedures in place. If the State does not include such an implementation plan in the State plan, the *Federal Register* publication and the committee development requirements of sections 255(b) and 256 apply to the implementation of the administrative complaint procedure in the same manner as they apply to the State plan.
- is in compliance with each of the following federal laws as they apply to the Act:
  - The Voting Rights Act of 1965;
  - The Voting Accessibility for the Elderly and Handicapped Act;
  - The Uniformed and Overseas Citizens Absentee Voting Act;
  - The National Voter Registration Act of 1993;
  - The Americans with Disabilities Act of 1990; and
  - The Rehabilitation Act of 1973.
- has provided that, to the extent that any portion of the Title II requirements payment is used for activities other than meeting the requirements of Title III:
  - the State's proposed uses of the requirements payment are not inconsistent with the requirements of Title III; and

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<sup>32</sup> Section 254(b)(1) and (2) of the Act describes the State Election Fund as a fund that is established in the treasury of the State government, which must be used by the State exclusively to carry out the activities for which the requirements payment (title II, Subtitle D, Part 1) is made to the State, and which consists of:

- amounts appropriated or otherwise made available by the State for carrying out the activities for which the requirements payment is made;
- the requirements payment to the State;
- such other amounts as may be appropriated under law; and
- interest earned on deposits of the fund.

HAVA section 254(b)(3) provides that, in the case of a State that requires State legislation to establish a State Election Fund, the EAC is required to defer disbursement of the requirements payment to such State until such time as legislation establishing the fund is enacted.

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- the use of the funds under this paragraph is consistent with the requirements of section 251(b); and
- has appropriated funds for carrying out the activities for which the requirements payment is made in an amount equal to **5 percent** of the total amount to be spent for such activities (taking into account the requirements payment and the amount spent by the State) and, in the case of a State that uses a requirements payment as a reimbursement for voting equipment under 251(c)(2), an additional amount equal to the amount of such reimbursement.<sup>33</sup>

Accordingly, prior to submission of a certification statement for a fiscal year(s) to the EAC, the Commission strongly encourages all States to verify compliance with the required conditions set forth in section 253(b). Should the Commission have any concerns that a particular State – which has submitted a certification statement to the EAC – has not met one of the required conditions, the EAC will immediately contact that particular State and/or communicate its concern in writing.

### **General Services Administration (GSA) Procedures for Payments**

GSA, which will disburse the Title II requirements payments to States under the direction of the EAC, requests that the following procedures be used for disbursement and receipt of these payments:

- **Step One – Registration.** State representatives should contact Sharon Pugh (Sharon.Pugh@GSA.gov) or Brad Farris (Brad.Farris@GSA.gov) on (816) 823-3108, as soon as possible, with information on State contact points, including name, address and email address. These contacts may very well be the same personnel that GSA worked with in distributing HAVA Title I funding. GSA will verify this information.
- **Step Two – EFT Setup.** GSA will contact the State representatives to obtain banking information required for an Electronic Funds Transfer (EFT). Again, this may be the same information submitted for HAVA Title I funding. Payments should be made into the Election Fund described in HAVA Section 254(b)(1). All funds will be disbursed via EFT.
- **Step Three – State Certification Statement to EAC** – States will submit required certification information to the EAC, as outlined above, after the completion of the 45-day period for publication of the State plan in the Federal Register.
- **Step Four – Notification to GSA by EAC** – Based upon the certification statement, the EAC will notify GSA that a State is due receipt of its Title II payment for a particular fiscal year (i.e., either FY 2003 funds, FY 2004 funds, or both).
- **Step Five – Disbursement of Title II Funds** – GSA will disburse the Title II funds for a particular fiscal year to the accounts specified by the States, and will notify the States and the EAC of the disbursement in writing.

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<sup>33</sup> For purposes of declaring sufficient funds are available for the State to carry out activities to meet Title III requirements, if the requirements payment is to be used as a reimbursement for voting equipment obtained on and after January 1, 2004 through multi-year contracts, the activity is not treated as an activity to meet Title III requirements.

Finally, the Commission has received numerous inquiries regarding the concern that the Title II requirements funds will no longer be available for disbursement to the States after the end of the current fiscal year (i.e., September 30, 2004). However, the Commission points to section 257(b) of the Act, which states in part:

“(b) AVAILABILITY- Any amounts appropriated pursuant to the authority of subsection (a) shall remain available *without fiscal year limitation until expended.*” (Emphasis added.)

Based upon the above statutory language, the Commission believes Congress’ intent was clear in that the Title II funds remain available to the States until fully disbursed by the EAC.

The Commission looks forward to working closely with all States as we enter into this next phase of HAVA implementation. Should you have any questions or need further clarification as to the contents of this letter, please do not hesitate to contact Peggy Sims at 1-866-747-1471 (toll free) or 202-566-3100.

Sincerely yours,



DeForest B. Soaries, Jr.  
Chairman

cc: The Honorable Glenda Hood, Florida Secretary of State

021058



U.S. ELECTION ASSISTANCE COMMISSION  
1225 NEW YORK AVENUE, N.W., SUITE 1100  
WASHINGTON, D.C. 20005

OFFICE OF THE CHAIRMAN

February 17, 2006

The Honorable Sue Cobb  
Secretary of State  
R. A. Gray Building  
500 S. Bronough Street, Room 316  
Tallahassee Florida 32399-0250

Dear Secretary Cobb:

This letter serves as a reminder that reports on funds provided to States under the Help America Vote Act of 2002 (HAVA), Title I, Sections 101 and 102, and Title II, Section 251, are due soon to the U.S. Election Assistance Commission (EAC). Attached is a chart summarizing the due dates for the reports, the CFDA numbers applicable to the funds provided, the coverage dates for each report, and the form and content of the reports.

All reports on the HAVA Title I funds and Title II, Section 251 requirements payments should be submitted to the following address:

State HAVA Funding Reports  
U.S. Election Assistance Commission  
1225 New York Avenue, NW – Suite 1100  
Washington, DC 20005

If you have any questions about this matter, please contact Peggy Sims, Election Research Specialist. You can reach her by email at [psims@eac.gov](mailto:psims@eac.gov), or by phone at 1-866-747-1471 (toll free) or 202-566-3120.

Sincerely yours,

Paul S. DeGregorio  
Chairman

Attachment



**SCHEDULE OF HAVA REPORTS DUE TO EAG IN 2006**

<b>Due Date</b>	<b>HAVA Title &amp; Section</b>	<b>CFDA #</b>	<b>Coverage Dates</b>	<b>Report Form and Contents<sup>2</sup></b>
February 28, 2006	Title I, Section 101	39.011	January 1, 2005-December 31, 2005	Standard Form 269 with the following attached: <ul style="list-style-type: none"> <li>• a detailed list of expenditures by program, function, or task (including dollar amount) made with respect to each category of activities described for the permissible use of funds in HAVA Section 101(b);</li> <li>• the number and type of articles of voting equipment obtained with the funds; and</li> <li>• an analysis and description of the activities funded and how such activities conform to the submitted State plan.</li> </ul>
February 28, 2006	Title I, Section 102	39.011	January 1, 2005-December 31, 2005	Standard Form 269 with the following attached: <ul style="list-style-type: none"> <li>• a detailed list of expenditures (including dollar amount) made for the replacement of punchcard and lever voting systems in accordance with HAVA Section 102(a)(2);</li> <li>• the number and type of articles of voting equipment obtained with the funds; and</li> <li>• an analysis and description of how the expenditures conform to the submitted State plan.</li> </ul>
March 30, 2006	Title II, Section 251	90.401	October 1, 2004-September 30, 2005	Standard Form 269 with the following attached: <ul style="list-style-type: none"> <li>• a list of expenditures made with respect to each category of activities described for the use of funds in HAVA Section 251;</li> <li>• the number and type of articles of voting equipment obtained with the funds; and</li> <li>• an analysis and description of the activities funded to meet HAVA requirements and how such activities conform to the submitted State plan.</li> </ul>

<sup>1</sup> Reports are due if the State has received funds under the HAVA title and section noted, and has not previously reported the expenditure of all such funds (including interest earned and, in the case of Title II, Section 251 payments, the 5% match).

<sup>2</sup> Standard Form 269 may be accessed at <http://www.whitehouse.gov/omb/grants/sf269.pdf>.

021052



U.S. ELECTION ASSISTANCE COMMISSION  
1225 NEW YORK AVENUE, N.W., SUITE 1100  
WASHINGTON, D.C. 20005

OFFICE OF THE CHAIRMAN

January 26, 2005

The Honorable Glenda Hood  
Secretary of State  
R. A. Gray Building  
500 S. Bronough Street, Room 316  
Tallahassee, Florida 32399-0250

Dear Secretary Hood:

This letter is in response to numerous State inquiries about future reporting responsibilities for funds provided under Title I, Sections 101 and 102, of the Help America Vote Act (HAVA).

In a July 2003 letter, the General Services Administration (GSA) notified your State that separate reports for Section 101 and 102 funds, covering financial activity from the date of GSA's disbursement of the funds to your State through December 31, 2003, were to be filed with GSA by January 21, 2004. GSA noted that States should report using Standard Form 269, with a separate form to be filed for Section 101 and, if applicable, 102 funds received by the State. GSA required each funding recipient to submit verification of actual purchases and expenditures.

The GSA letter also noted that the agency would provide information from these reports to Election Assistance Commission (EAC), once it was up and running, and that reporting dates would be subject to change by EAC. EAC has assumed the responsibility for receiving reports regarding these funds, in accordance with the agency's assumption of its audit responsibilities under HAVA, Title IX, Section 902.

EAC therefore requests that your State file your next report(s) no later than February 28, 2005 regarding all HAVA Title I funds provided to your State that had not been disbursed as of December 31, 2003 (the closing date of the report to GSA). Separate reports must be filed for the Section 101 and, if applicable, 102 funds that were received by your State; should cover financial activity during the period beginning January 1, 2004 and ending December 31, 2004; and must include the following information:

- a detailed list of expenditures by program, function, or task (including dollar amount) made with respect to each category of activities described for the permissible use of funds in HAVA sections 101(b) and 102(a)(2);

- the number and type of articles of voting equipment obtained with the funds; and
- an analysis and description of:
  - the activities funded to meet HAVA requirements; and
  - how such activities conform to the submitted State plan.

States should submit Standard Form 269 as part of each report. This form may be found at the <http://www.whitehouse.gov/omb/grants/sf269.pdf>.


Subsequent reports providing the same information on HAVA Title I expenditures will be due annually on February 28, covering the financial activity for the previous calendar year, until the State has filed final reports indicating that no such funds remain to be disbursed.

All reports on the HAVA Title I funds must be submitted to the following address:

State HAVA Funding Reports  
U.S. Election Assistance Commission  
1225 New York Avenue, NW – Suite 1100  
Washington, DC 20005

If you have any questions about this matter, please contact Peggy Sims, Election Research Specialist, by email at [psims@eac.gov](mailto:psims@eac.gov) or by phone at 1-866-747-1471 (toll free) or 202-566-3120.

Sincerely yours,



Gracia M. Hillman  
Chair



GSA Office of the Chief Financial Officer

July 28, 2003

The Honorable Jeb Bush  
Governor of Florida  
Tallahassee, FL 32399

Dear Governor Bush:

This letter describes the final distribution of funds by the General Services Administration (GSA), in carrying out our responsibilities under Title 1 of Public Law (P.L.) 107-252, the Help America Vote Act (HAVA, "the Act"). The Act tasks GSA with responsibility for disbursing funds to the States, the District of Columbia and the Territories to implement various improvements to the Federal election process, including the replacement of voting equipment. Please see the enclosed letter (Enclosure 1) for background information on the program, original plans for applying for funds, timeline, et cetera.

### Payments

Florida applied and certified timely to Sections 101 and 102 of HAVA, Title I. GSA, as described in Enclosure 1, processed an initial payment of \$5,000,000.00, which was transferred electronically on 4/23/2003 to the account specified by Edward Kast, Director, Division of Elections. Once all of the State applications were received and verified, GSA determined the final distribution of funds to the States, according to HAVA instructions, and processed the final payments. An additional payment of \$21,028,957.00 was made to the same account specified, again by Electronic Funds Transfer (EFT), and GSA verified receipt of the funds to that account on Monday, June 16, 2003. Thus, Florida received a total of \$26,028,957.00, consisting of a Section 101 payment of \$14,447,580.00, and a Section 102 payment of \$11,581,377.00. We will assume that your Chief Election Official and designee for payment of funds is Glenda Hood, Secretary of State, unless you notify us differently.

The Section 101 payment is for one or more of the following purposes, as indicated by Florida's certification of Section 101:

- Complying with the requirements of Title III of the Act;
- Improving the administration of elections for Federal office;
- Educating voters concerning voting procedures, voting rights, and voting technology;

U.S. General Services Administration  
1800 F Street, NW  
Washington, DC 20405-0002  
www.gsa.gov

021055

- Training election officials, poll workers, and election volunteers;
- Developing the State plan for requirements payments to be submitted under Part 1 of Subtitle D of Title II (Sections 251-257) of the Act;
- Improving, acquiring, leasing, modifying, or replacing voting systems and technology and methods for the casting and counting of votes;
- Improving the accessibility and quantity of polling places, including providing physical access for individuals with disabilities, providing non-visual access for individuals with visual impairments, and providing assistance to Native Americans, Alaska Native citizens, and to individuals with limited proficiency in the English language; and/or
- Establishing a toll-free telephone hotline that voters may use to report possible voting fraud and voting rights violations, to obtain general election information, and to access detailed automated information on their own voter registration status, specified polling place locations, and other relevant information.

The Section 102 payment is for the following purpose as indicated by Florida's certification of Section 102, for 3,628 total qualifying precincts, consisting of 3,588 punch card precincts and 40 lever voter system precincts:

- A State is obligated to use the funding (either directly or as a reimbursement for costs incurred on or after January 1, 2001) to replace punch card voting systems or lever voting systems in precincts within that State that used such systems in the November 2000 election ("qualifying precincts").
- A State that receives funding for this program must ensure that all of the punch card voting systems or lever systems in the qualifying precincts within that State will be replaced in time for the regularly scheduled general election for Federal office to be held in November 2004 (unless a waiver is obtained under Section 102(a)(3)(B)).
- Section 102(a)(3)(B) says that States may request a waiver by certifying to the Administrator of General Services not later than January 1, 2004, that the State will not meet the deadline specified above, for good cause and including in the certification the reasons for the failure to meet such deadline, the State shall ensure that all of the punch card voting systems or lever voting systems in the qualifying precincts within the State will be replaced in time for the first election for Federal office held after January 1, 2006.
- Section 102(d) deals with repayment of funds for failure to meet the deadline, and says that if a State receiving Section 102 funds fails to meet the deadlines stated above, the State shall pay to the Administrator an amount equal to the noncompliant precinct percentage of the amount of the funds provided to the State under the program. This amount will be \$3,192.22 per noncompliant precinct.
- The State will continue to comply with current voting laws stated in Section 906; and,
- The replacement voting systems will meet the requirements of Title III, Section 301.

021056

## Method of Calculations

The following describes the method of calculations for distribution of the HAVA Title I funds, which was reviewed and cleared with both House and Senate staff, our General Counsel's office, and our Inspector General's office.

Total Availability. The total amount available for distribution is \$649,500,000, calculated by taking the total \$650,000,000 appropriated for this purpose in Public Law 108-7, and subtracting the \$500,000 allowed for GSA administrative costs.<sup>1</sup> For initial calculations, this amount is divided evenly between Sections 101 and 102 at \$324,750,000 per section.

Section 101. Step one of two gives one-half of one percent of \$324,750,000 to each State and the District of Columbia (\$1,623,750) and one tenth of one percent of the total (\$324,750) to Guam, Puerto Rico, the U.S. Virgin Islands and America Samoa. The total distributed under step one is \$84,110,250.

The second step allocates funds from the \$324,750,000 not allocated in the first step (totaling \$240,639,750) based on each State and Territory's proportionate share of the voting age population as reported in the 2000 Census (total 212,050,630, including Territories). The sum of the funds allocated in the first step and the second step equals \$324,750,000.

Section 102. First, \$4000 was allocated to each State for each precinct that used punch card or lever voting machines in the 2000 election, as certified by the State, totaling \$376,312,000. The State totals were then reduced on a pro rata basis to 86.29807 percent of the original total, so that the nationwide total of funds allocated did not exceed \$324,750,000.

Section 103. Section 103 of the Act guarantees that each State will receive a minimum payment of \$5,000,000 and each territory will receive a minimum payment of \$1,000,000. If a State were to receive less than \$5,000,000 (or a Territory less than \$1,000,000) for both programs, based on the calculations described above for Sections 101 and 102, that State's or Territory's payment was increased to the minimum. The remaining States' payments under Sections 101 and 102 were reduced on a pro rata basis, per Section 103(b), so that the total did not exceed the \$649,500,000 total availability. The amount of the reduction to the remaining States' payments was \$44,460,348. This required a pro rata reduction of 7.52341 percent to the remaining State's Sections 101 and 102 payments. After all reductions, the net amount per qualifying precinct for voting machine replacement is \$3,192.22.

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<sup>1</sup> GSA's administrative costs will be substantially less than \$500,000, and the amount not used by GSA will be transferred to the Election Assistance Commission when it becomes operational.

## **Reporting and Conformance**

By January 21, 2004, States will provide reports to GSA on actual expenditures as of December 31, 2003. Each funding recipient will be required to submit verification of actual purchases and expenditures. States should report using Standard Form 269 for Sections 101 and 102 categories. A separate form should be used for each section. Information regarding actual funds expended will be reconciled against funding provided. GSA will provide this information to the Election Assistance Commission once it becomes operational, and reporting dates are subject to change by the Commission.

State recipients of these funds are required to conform to the following Office of Management and Budget (OMB) grant guidelines found at <http://www.whitehouse.gov/omb/circulars/index.html> :

- OMB Circular A-87, Cost Principles for State, Local and Indian Tribal Governments (Cost Principles)
- OMB Circular A-102, Grants and Cooperative Agreements With State and Local Governments (Administrative Requirements)
- Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments ("Common Rule", Administrative Requirement, 53 FR 8087, March 11, 1988)
- OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations (Single Audits, Audit Requirements).
- In addition, Title I funds are subject to the Cash Management Improvement Act (CMIA) that is generally applicable to all Federal grants. State Treasurers/Chief Financial Officers are very familiar with CMIA and should be able to offer guidance on requirements.

The Catalog of Federal Domestic Assistance number assigned to this project is 39.011, Election Reform Payments. Please see the following reference for further information:

- <http://www.cfda.gov/public/viewprog.asp?progid=1668>

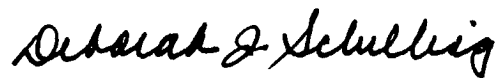
## **Audits**

Title IX, Section 902 of Public Law 107-252, states that with respect to any grant or payment made in accordance with this Act by GSA, the Election Assistance Commission must be regarded as the office making the grant or payment, for the purposes of audits.

**Assistance**

If you have any questions or comments, please feel free to contact me at 202.501.0719, or Stephen Kulenguski at 202.501.4496. Questions about transfers of funds may be addressed to Sharon Pugh or Brad Farris at 816.823.3108 in our regional Finance Center. The GSA Regional Administrator for Florida is Edwin E Fielder, Jr., telephone 404.331.3200. Thank you.

Sincerely,



Deborah J. Schilling  
Director of Budget

**Enclosures**

Copies sent to:  
Chief Election Official, Glenda Hood, Secretary of State  
Chief Financial Officer, Tom Gallagher, State Treasurer  
Regional Administrators



# FAX

Department of State

Division of Elections

Room 316, R.A. Gray Building

500 South Bronough Street

Tallahassee, Florida 32399-0250



Date 01/12/07 4:20 PM

Number of pages including cover sheet     

To:

Mr. Edgardo Cortes

Election Assistance Commission

Phone # 202-566-3100

Fax # 202-566-1392

From:

Amy K. Tuck

Director, Division of Elections

Phone # (850) 245-6200

Fax # (850) 245-6217

REMARKS:

Per Your Request  For your review  Reply ASAP  Per Conversation

Re: CERTIFICATION: USE OF HAVA SECTION 102 FUNDS AND REPLACEMENT OF PUNCH CARD AND LEVER MACHINES

021060



### CERTIFICATION: USE OF HAVA SECTION 102 FUNDS AND REPLACEMENT OF PUNCH CARD AND LEVER MACHINES

I, the undersigned, having investigated or caused to be investigated each matter, below; certify, affirm and acknowledge that each of the following numbered statements, and any attachments to this certification document, are true and accurately reflect the status, condition and operations of Florida (hereinafter "state") as they related to the use and status of Help America Vote Act (HAVA) Section 102 Funds and the replacement of punch card or lever machines.

I understand that by certifying the information below, I am making a statement or representation to the U.S. Election Assistance Commission, an independent Federal Agency, necessary for the agency to determine Florida's required compliance with HAVA Section 102. (42 U.S.C. §15302). Compliance with HAVA Section 102 is required by the state as a result of its accepting Federal funds under that provision. As a condition of receiving 102 funds, the state certified that it would "use the payment... to replace punch card voting systems or lever voting systems (as the case may be) in the qualifying precincts within the state by the deadline prescribed... [regularly scheduled general election for Federal office to be held in November 2004]." (42 U.S.C. §15302(b)).

I further understand that to the extent any of the below (or attached) representations or certifications are found to be materially false, the Federal funds received by the state will be subject to audit and possible recoupment. Further, such false statements may subject the undersigned to criminal prosecution under 18 U.S.C. §1001 or other Federal Statutes.

**I. BACKGROUND.** Read the statements below and initial the items that you certify as true and accurate. If you are not able to certify one or more of the following statements, you must line through the statement at issue and attach a signed explanation identifying it and explaining why it may not be certified. The statement (attachment) should provide all necessary facts and concisely explain the conditions that make certification a problem. The explanation shall be labeled "Attachment A, Background."

1. **Signing Official.** I hereby certify that I am the Chief State Election Official for Florida, per 42 U.S.C. 1973gg-8 (National Voter Registration Act).

Initials: *[Signature]*

2. **Triggering Election.** The regularly scheduled general election for Federal Office in November 2004 (triggering the deadline noted in 42 U.S.C. 15302 (a)(3)(A)) for the state was held on November 2, 2004.

Initials: *[Signature]*

3. **Funds Received.** The State received \$11,581,377.00 in Federal Funds pursuant to HAVA section 102.

Initials: *[Signature]*

**IL PUNCH CARD OR LEVER MACHINE REPLACEMENT.** *Read the statements below and initial the items that you certify as true and accurate. If you are not able to certify one or more of the below statements, you must line through the statement at issue and attach a signed explanation identifying it and explaining why it may not be certified. The statement (attachment) should provide all necessary facts and concisely explain the conditions that make certification a problem. The explanation shall be labeled "Attachment B. Punch Card or Lever Machine Replacement."*

1. **Qualified Precincts.** The State had 3,628 total qualified precincts (precincts which used punch card or lever machines to administer the regularly scheduled general election for Federal office held in November of 2000).

Initials: *[Signature]*

2. **Qualified Precincts: No Punch Card or Lever Machine Used.** None of the qualifying precincts, noted in statement 1 above, used a lever or punch card machine in an election for Federal office on or after November 2, 2004.

Initials: *[Signature]*

3. **No Punch Card or Lever Machine Used in State.** No precinct in the state used a punch card or lever machine for an election for Federal office on or after November 2, 2004.

Initials: *[Signature]*

4. **Replacement Machines.** All machines purchased, leased or otherwise procured to replace punch card or lever machines in qualifying precincts meet the requirements of HAVA section 301 (42 U.S.C. §15481) and comply with all other relevant Federal statutory requirements (noted in 42 U.S.C. §15545). This includes the requirement that each polling place have at least one voting system equipped for individuals with disabilities. *Please provide (below) a complete list of all voting systems procured, leased or otherwise obtained to replace the state's punch card or lever machines.*

Manufacturer	Name	Version	Quantity
1. ES&S	iVotronic	6.1.3.1	19,416
2. ES&S	iVotronic 15"	6.2.0.3	37
3. ES&S	M100	4.5.5	146
4. Sequoia	Edge 1	3.1	11,220
5. Global (Diebold)	Accuvote	1.94	511
6.			
7.			

*If you need additional space, please continue this table on a separate, signed attachment.*

Initials: *[Signature]*

5. **Voting Systems in Place.** All voting systems procured to replace punch card or lever machines were in place and used in the state's November 2, 2004 Federal election.

Initials: *[Signature]*

**III. HAVA § 102 FUNDS.** Read the statements below and initial the items that you certify as true and accurate. If you are not able to certify to either response "a" or "b" in statement 1 or statement 2, below, you must line through the statement and attach a signed document explaining why you could not make a certification. The explanation (attachment) should provide all necessary facts and concisely explain the conditions that make certification a problem. The explanation shall be labeled "Attachment C, HAVA §102 Funds."

1. **Status of HAVA §102 Funds.** Please check the statement below that applies to your state. (Check only one statement).

(a) The state had none of the \$11,581,377 it received pursuant to HAVA §102 remaining in its election fund after November 2, 2004. This means that as of this date, all 102 funds were expended. Funds are expended when finally transferred to another party (manufacturer or vendor) for consideration (voting system).

(b) The state had only obligated funds remaining in its election fund after November 2, 2004. This means that as of this date, all funds were either expended or obligated. Funds are expended when finally transferred to another party (manufacturer or vendor) for consideration (voting system). Funds are properly obligated when the state has incurred a legally enforceable liability (such as a grant agreement, contract or lease) to another party (such as a local government or contractor) for a specific portion of the 102 funds. *If the state had only obligated funds in its election funds after the above date, attach a statement explaining the obligation(s). This statement must clearly explain and state the value of the obligated funds remaining and the nature of the obligation. Documentation regarding the obligation should also be attached and explained (e.g. documents from vendor contracts or agreements with local governments). This explanation and supporting documentation shall be labeled "Attachment D, Obligated Funds."*

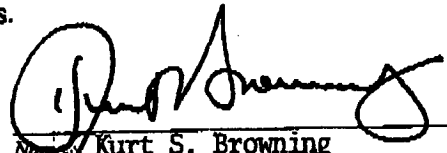
Initials: *AB*

2. **Use of HAVA §102 Funds.** All HAVA §102 funds expended or obligated by the state were used to replace punch card or lever machines in qualifying precincts per 42 U.S.C. §15302(a)(2).

Initials: *AB*

I, by signing my name below, certify, affirm and acknowledge, under penalty of Federal law, that each of the above numbered paragraphs initialed above accurately represent the operations, conditions and practices of Florida as they related to the use and status of HAVA Section 102 Funds and the replacement of punch card or lever machines.

Signed this day, 1/12/07 :  
Date

  
Name: Kurt S. Browning  
Secretary of State  
Title



## CERTIFICATION: USE OF HAVA SECTION 102 FUNDS AND REPLACEMENT OF PUNCH CARD AND LEVER MACHINES


I, the undersigned, having investigated or caused to be investigated each matter, below; certify, affirm and acknowledge that each of the following numbered statements, and any attachments to this certification document, are true and accurately reflect the status, condition and operations of Florida (hereinafter "state") as they related to the use and status of Help America Vote Act (HAVA) Section 102 Funds and the replacement of punch card or lever machines.

I understand that by certifying the information below, I am making a statement or representation to the U.S. Election Assistance Commission, an independent Federal Agency, necessary for the agency to determine Florida's required compliance with HAVA Section 102. (42 U.S.C. §15302). Compliance with HAVA Section 102 is required by the state as a result of its accepting Federal funds under that provision. As a condition of receiving 102 funds, the state certified that it would "use the payment... to replace punch card voting systems or lever voting systems (as the case may be) in the qualifying precincts within the state by the deadline prescribed... [regularly scheduled general election for Federal office to be held in November 2004]." (42 U.S.C. §15302(b)).


I further understand that to the extent any of the below (or attached) representations or certifications are found to be materially false, the Federal funds received by the state will be subject to audit and possible recoupment. Further, such false statements may subject the undersigned to criminal prosecution under 18 U.S.C. §1001 or other Federal Statutes.

**I. BACKGROUND.** *Read the statements below and initial the items that you certify as true and accurate. If you are not able to certify one or more of the following statements, you must line through the statement at issue and attach a signed explanation identifying it and explaining why it may not be certified. The statement (attachment) should provide all necessary facts and concisely explain the conditions that make certification a problem. The explanation shall be labeled "Attachment A, Background."*

1. **Signing Official.** I hereby certify that I am the Chief State Election Official for Florida, per 42 U.S.C. 1973gg-8 (National Voter Registration Act).

Initials: 

2. **Triggering Election.** The regularly scheduled general election for Federal Office in November 2004 (triggering the deadline noted in 42 U.S.C. 15302 (a)(3)(A)) for the state was held on November 2, 2004.

Initials: 

3. **Funds Received.** The State received \$11,581,377.00 in Federal Funds pursuant to HAVA section 102.

Initials: 

021064

**II. PUNCH CARD OR LEVER MACHINE REPLACEMENT.** *Read the statements below and initial the items that you certify as true and accurate. If you are not able to certify one or more of the below statements, you must line through the statement at issue and attach a signed explanation identifying it and explaining why it may not be certified. The statement (attachment) should provide all necessary facts and concisely explain the conditions that make certification a problem. The explanation shall be labeled "Attachment B, Punch Card or Lever Machine Replacement."*

1. **Qualified Precincts.** The State had 3,628 total qualified precincts (precincts which used punch card or lever machines to administer the regularly scheduled general election for Federal office held in November of 2000).

Initials: *[Signature]*

2. **Qualified Precincts: No Punch Card or Lever Machine Used.** None of the qualifying precincts, noted in statement 1 above, used a lever or punch card machine in an election for Federal office on or after November 2, 2004.

Initials: *[Signature]*

3. **No Punch Card or Lever Machine Used in State.** No precinct in the state used a punch card or lever machine for an election for Federal office on or after November 2, 2004.

Initials: *[Signature]*

4. **Replacement Machines.** All machines purchased, leased or otherwise procured to replace punch card or lever machines in qualifying precincts meet the requirements of HAVA section 301 (42 U.S.C. §15481) and comply with all other relevant Federal statutory requirements (noted in 42 U.S.C. §15545). This includes the requirement that each polling place have at least one voting system equipped for individuals with disabilities. *Please provide (below) a complete list of all voting systems procured, leased or otherwise obtained to replace the state's punch card or lever machines.*

	Manufacturer	Model	Version	Quantity
1.	ES&S	iVotronic	6.1.3.1	19,416
2.	ES&S	iVotronic 15"	6.2.0.3	37
3.	ES&S	M100	4.5.5	146
4.	Sequoia	Edge 1	3.1	11,220
5.	Global (Diebold)	Accuvote	1.94	511
6.				
7.				

*If you need additional space, please continue this table on a separate, signed attachment.*

Initials: *[Signature]*

5. **Voting Systems in Place.** All voting systems procured to replace punch card or lever machines were in place and used in the state's November 2, 2004 Federal election.

Initials: *[Signature]*

**III. HAVA § 102 FUNDS.** Read the statements below and initial the items that you certify as true and accurate. If you are not able to certify to either response "a" or "b" in statement 1 or statement 2, below, you must line through the statement and attach a signed document explaining why you could not make a certification. The explanation (attachment) should provide all necessary facts and concisely explain the conditions that make certification a problem. The explanation shall be labeled "Attachment C, HAVA §102 Funds."

1. **Status of HAVA §102 Funds.** Please check the statement below that applies to your state. (Check only one statement).

(a) The state had none of the \$11,581,377 it received pursuant to HAVA §102 remaining in its election fund after November 2, 2004. This means that as of this date, all 102 funds were expended. Funds are expended when finally transferred to another party (manufacturer or vendor) for consideration (voting system).

(b) The state had only obligated funds remaining in its election fund after November 2, 2004. This means that as of this date, all funds were either expended or obligated. Funds are expended when finally transferred to another party (manufacturer or vendor) for consideration (voting system). Funds are properly obligated when the state has incurred a legally enforceable liability (such as a grant agreement, contract or lease) to another party (such as a local government or contractor) for a specific portion of the 102 funds. *If the state had only obligated funds in its election funds after the above date, attach a statement explaining the obligation(s). This statement must clearly explain and state the value of the obligated funds remaining and the nature of the obligation. Documentation regarding the obligation should also be attached and explained (e.g. documents from vendor contracts or agreements with local governments). This explanation and supporting documentation shall be labeled "Attachment D, Obligated Funds."*

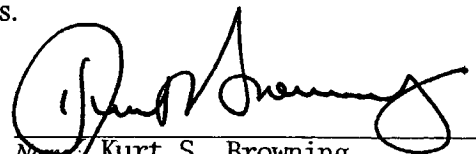
Initials: *KB*

2. **Use of HAVA §102 Funds.** All HAVA §102 funds expended or obligated by the state were used to replace punch card or lever machines in qualifying precincts per 42 U.S.C. §15302(a)(2).

Initials: *KB*

I, by signing my name below, certify, affirm and acknowledge, under penalty of Federal law, that each of the above numbered paragraphs initialed above accurately represent the operations, conditions and practices of Florida as they related to the use and status of HAVA Section 102 Funds and the replacement of punch card or lever machines.

Signed this day, 1/12/07 :  
Date

  
Name / Kurt S. Browning  
Secretary of State  
Title

021066



U. S. ELECTION ASSISTANCE COMMISSION  
 OFFICE OF THE EXECUTIVE DIRECTOR  
 1225 New York Avenue, NW, Suite 1100  
 Washington, DC. 20005

**FILE COPY**

December 14, 2006

Sue Cobb  
 Secretary of State  
 R. A. Gray Building  
 500 S. Bronough Street, Room 316  
 Tallahassee, Florida 32399-0250

**RE: Certification—HAVA 102 Funding**

Dear Secretary Cobb,

The purpose of this letter is to obtain a certification from you, as Florida's Chief State Election Official, regarding the state's use of funds provided under section 102 of the Help America Vote Act (HAVA). These funds were granted to the state for the replacement of punch card or lever voting machines (42 U.S.C. §15302). The U.S. Election Assistance Commission (EAC or Commission) is the Federal agency responsible for administering HAVA §102 funds. The regularly scheduled general election for Federal office in November 2004 was held on November 2, 2004. The date of this election represents the deadline for the state's use of the Federal funds it received pursuant to HAVA section 102. (42 USC §15302(a)(3)) Now that this deadline has passed, the state must demonstrate that the funds it received were used for the purpose and by the deadlines set forth in HAVA (42 U.S.C. §15302 (a) & (b)). A certification document has been enclosed for this purpose. If Florida cannot certify the proper and timely use of the 102 funds, HAVA requires that they are returned to the EAC to be dispersed as requirements payments. (42 U.S.C. §§ 15304 & 15401).

**Replacement of Voting Systems.** In order to avoid repayment of funds, Florida will be required to certify the total number of qualified precincts<sup>5</sup> which replaced all punch card or lever machines in time for the regularly scheduled general election for Federal office in November 2004 that took place on November 2, 2004. This means that no punch card or lever voting systems were used in the qualified precinct.<sup>6</sup> The replacement systems must (1) not use punch cards or levers, (2) meet the requirements of HAVA section 301 (42 U.S.C. §15481) and (3) comply with all other relevant Federal statutory requirements (noted in 42 U.S.C. §15545). Failure to demonstrate compliance will require repayment. The repayment provisions of HAVA require repayment of funds on a prorated basis. The rate is established by taking the total

<sup>5</sup> Those precincts which used punch card or lever machines to administer the regularly scheduled general election for Federal office held in November of 2000.

<sup>6</sup> Replaced punch card or lever voting systems may not be transferred for use in a different precinct.

021067



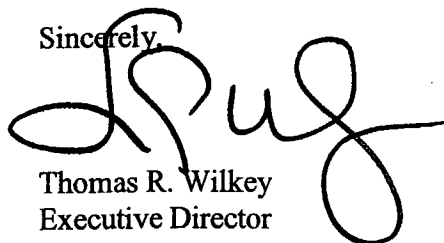
number of qualifying precincts which have **fully** met the requirements of HAVA, as a function of the total number of qualifying precincts within the State. (See 42 USC §15302(d)).

**Timely Expenditure of Funds.** To avoid repayment, Florida must also show that all HAVA 102 funds received were used for their designated purpose prior to the November 2, 2004 HAVA deadline. This means that all 102 funds were either expended (finally transferred to another party for consideration) and/or obligated in such a way that the state incurred a legally enforceable liability to another party (such as a local government or contractor) for the full value of its 102 funding. Florida must be able to document and certify the status of the 102 funding it received. In the event Florida possesses unobligated 102 funds after the deadline, the state will be required to return either an amount equal to the noncompliant precinct percentage, as discussed above, or the total amount of unobligated 102 funds, whichever is greater.

**Certification.** As Chief State Election Official, we ask that you carefully review the enclosed certification and its instructions. The document shall be filled out by initialing each statement that is true and accurate. If a statement may not be certified as true and accurate it must be lined through and a written and signed explanation attached (see instructions in italics). **The certification must be completed and received by the Commission no later than January 15, 2007. Failure to timely file the enclosed certification will result in the Commission's forwarding of this matter to the EAC's Office of the Inspector General for action.**

Thank you for your attention to this matter. All questions or correspondence should be directed to Edgardo Cortes, Election Assistance Commission, 102 Funds Certification, 1225 New York Ave., NW, Suite 1100, Washington, D.C. 20005 [(202) 566-3100].

Sincerely,



Thomas R. Wilkey  
Executive Director

Enclosure

021068



## CERTIFICATION: USE OF HAVA SECTION 102 FUNDS AND REPLACEMENT OF PUNCH CARD AND LEVER MACHINES

I, the undersigned, having investigated or caused to be investigated each matter, below; certify, affirm and acknowledge that each of the following numbered statements, and any attachments to this certification document, are true and accurately reflect the status, condition and operations of Florida (hereinafter "state") as they related to the use and status of Help America Vote Act (HAVA) Section 102 Funds and the replacement of punch card or lever machines.

I understand that by certifying the information below, I am making a statement or representation to the U.S. Election Assistance Commission, an independent Federal Agency, necessary for the agency to determine Florida's required compliance with HAVA Section 102. (42 U.S.C. §15302). Compliance with HAVA Section 102 is required by the state as a result of its accepting Federal funds under that provision. As a condition of receiving 102 funds, the state certified that it would "use the payment... to replace punch card voting systems or lever voting systems (as the case may be) in the qualifying precincts within the state by the deadline prescribed... [regularly scheduled general election for Federal office to be held in November 2004]." (42 U.S.C. §15302(b)).

I further understand that to the extent any of the below (or attached) representations or certifications are found to be materially false, the Federal funds received by the state will be subject to audit and possible recoupment. Further, such false statements may subject the undersigned to criminal prosecution under 18 U.S.C. §1001 or other Federal Statutes.

**I. BACKGROUND.** *Read the statements below and initial the items that you certify as true and accurate. If you are not able to certify one or more of the following statements, you must line through the statement at issue and attach a signed explanation identifying it and explaining why it may not be certified. The statement (attachment) should provide all necessary facts and concisely explain the conditions that make certification a problem. The explanation shall be labeled "Attachment A, Background."*

1. **Signing Official.** I hereby certify that I am the Chief State Election Official for Florida, per 42 U.S.C. 1973gg-8 (National Voter Registration Act).

*Initials:* \_\_\_\_\_

2. **Triggering Election.** The regularly scheduled general election for Federal Office in November 2004 (triggering the deadline noted in 42 U.S.C. 15302 (a)(3)(A)) for the state was held on November 2, 2004.

*Initials:* \_\_\_\_\_

3. **Funds Received.** The State received \$11,581,377.00 in Federal Funds pursuant to HAVA section 102.

*Initials:* \_\_\_\_\_

021069

**II. PUNCH CARD OR LEVER MACHINE REPLACEMENT.** *Read the statements below and initial the items that you certify as true and accurate. If you are not able to certify one or more of the below statements, you must line through the statement at issue and attach a signed explanation identifying it and explaining why it may not be certified. The statement (attachment) should provide all necessary facts and concisely explain the conditions that make certification a problem. The explanation shall be labeled "Attachment B, Punch Card or Lever Machine Replacement."*

**1. Qualified Precincts.** The State had 3,628 total qualified precincts (precincts which used punch card or lever machines to administer the regularly scheduled general election for Federal office held in November of 2000).

*Initials:* \_\_\_\_\_

**2. Qualified Precincts: No Punch Card or Lever Machine Used.** None of the qualifying precincts, noted in statement 1 above, used a lever or punch card machine in an election for Federal office on or after November 2, 2004.

*Initials:* \_\_\_\_\_

**3. No Punch Card or Lever Machine Used in State.** No precinct in the state used a punch card or lever machine for an election for Federal office on or after November 2, 2004.

*Initials:* \_\_\_\_\_

**4. Replacement Machines.** All machines purchased, leased or otherwise procured to replace punch card or lever machines in qualifying precincts meet the requirements of HAVA section 301 (42 U.S.C. §15481) and comply with all other relevant Federal statutory requirements (noted in 42 U.S.C. §15545). This includes the requirement that each polling place have at least one voting system equipped for individuals with disabilities. *Please provide (below) a complete list of all voting systems procured, leased or otherwise obtained to replace the state's punch card or lever machines.*

Manufacturer	Model	Version	Quantity
1.			
2.			
3.			
4.			
5.			
6.			
7.			

*If you need additional space, please continue this table on a separate, signed attachment.*

*Initials:* \_\_\_\_\_

**5. Voting Systems in Place.** All voting systems procured to replace punch card or lever machines were in place and used in the state's November 2, 2004 Federal election.

*Initials:* \_\_\_\_\_

**III. HAVA § 102 FUNDS.** *Read the statements below and initial the items that you certify as true and accurate. If you are not able to certify to either response "a" or "b" in statement 1 or statement 2, below, you must line through the statement and attach a signed document explaining why you could not make a certification. The explanation (attachment) should provide all necessary facts and concisely explain the conditions that make certification a problem. The explanation shall be labeled "Attachment C, HAVA §102 Funds."*

1. **Status of HAVA §102 Funds.** Please check the statement below that applies to your state. (*Check only one statement*).

\_\_\_ (a) The state had none of the \$11,581,377 it received pursuant to HAVA §102 remaining in its election fund after November 2, 2004. This means that as of this date, all 102 funds were expended. Funds are expended when finally transferred to another party (manufacturer or vendor) for consideration (voting system).

\_\_\_ (b) The state had **only** obligated funds remaining in its election fund after November 2, 2004. This means that as of this date, all funds were either expended or obligated. Funds are expended when finally transferred to another party (manufacturer or vendor) for consideration (voting system). Funds are properly obligated when the state has incurred a legally enforceable liability (such as a grant agreement, contract or lease) to another party (such as a local government or contractor) for a specific portion of the 102 funds. *If the state had only obligated funds in its election funds after the above date, attach a statement explaining the obligation(s). This statement must clearly explain and state the value of the obligated funds remaining and the nature of the obligation. Documentation regarding the obligation should also be attached and explained (e.g. documents from vendor contracts or agreements with local governments). This explanation and supporting documentation shall be labeled "Attachment D, Obligated Funds."*

*Initials:* \_\_\_\_\_

2. **Use of HAVA §102 Funds.** All HAVA §102 funds expended or obligated by the state were used to replace punch card or lever machines in qualifying precincts per 42 U.S.C. §15302(a)(2).

*Initials:* \_\_\_\_\_

I, by signing my name below, certify, affirm and acknowledge, under penalty of Federal law, that each of the above numbered paragraphs initialed above accurately represent the operations, conditions and practices of Florida as they related to the use and status of HAVA Section 102 Funds and the replacement of punch card or lever machines.

Signed this day, \_\_\_\_\_:

*Date*

\_\_\_\_\_  
*Name*

\_\_\_\_\_  
*Title*


021071


SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A. Signature <b>X</b> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to: <b>Sue Cobb            A.A. Gray Bldg            500 S. Bronough St            Rm. 316            Tallahassee FL            32399</b>	B. Received by (Printed Name) C. Date of Delivery  D. Is delivery address different from item A? If YES, enter delivery address below:
2. Article Number (Transfer from service label)	<b>DEPT OF STATE</b>  <b>DEC 20 2006</b>  <b>CLEARED</b>
PS Form 3811, February 2004	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes  <b>7005 0390 0002 5027 6914</b> Domestic Return Receipt 102595-02-M-1540

**U.S. Postal Service™**  
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7005 0390 0002 5027 6914



UNITED STATES POSTAGE  
  
 FITNEY BOWES  
 02 1A \$ 00.00  
 0004354297 DEC 14 2006  
 MAILED FROM ZIP CODE 20005

Sent To	<b>Sue Cobb Sec. of State RA Gray Bldg</b>
Street, Apt. No., or PO Box No.	<b>500 S. Bronough St. Rm 316</b>
City, State, ZIP+4	<b>Tallahassee, FL 32399-0250</b>

PS Form 3800, June 2002 See Reverse for Instructions

021072



**STATE OF FLORIDA  
DEPARTMENT OF STATE**

**JEB BUSH**  
*Governor*

**SUE M. COBB**  
*Secretary of State*

28 August 2006

Thomas R. Wilkey  
Executive Director  
U.S. Election Assistance Commission  
1225 New York Avenue N.W., Suite - 1100  
Washington, DC 20005

Dear Mr. Wilkey:

On behalf of Secretary of State, Sue M. Cobb, the chief elections official for the State of Florida, we hereby submit this certification to the U.S. Elections Assistance Commission that the State of Florida has fully implemented the requirements of Title III of the Help America Vote Act of 2002. Pursuant to section 251(b)(2) of the Title II of the Help America Vote Act of 2002(HAVA), such certification permits the State to use HAVA requirements funds for other activities to improve the administration of elections for Federal office.

If you have any comments or questions regarding this certification, please do not hesitate to contact us at 850-245-6500.

Sincerely,

  
Dawn K. Roberts, Director, Division of Elections

Cc: Sue M. Cobb, Secretary of State  
Heidi Hughes, Chief of Staff and General Counsel  
Barbara Leonard, HAVA Funds Coordinator  
Maria Matthews, designated staff attorney for HAVA



STATE OF FLORIDA  
DEPARTMENT OF STATE

JEB BUSH  
Governor

SUE M. COBB  
Secretary of State

13 March 2006

Thomas R. Wilkey  
Executive Director  
U.S. Election Assistance Commission  
1225 New York Avenue N.W., Suite - 1100  
Washington, DC 20005

Dear Mr. Wilkey:

On behalf of Secretary of State, Sue M. Cobb, the chief elections official for the State of Florida, we hereby submit this certification to the U.S. Elections Assistance Commission regarding our state's intended use of the requirements payments to carry out other activities to improve election administration for Federal office.

Pursuant to section 251(b)(2) of the Title II of the Help America Vote Act of 2002(HAVA), the State of Florida certifies that it intends to use \$4,000,000.00 of the requirements payment for improving election administration. More specifically, these funds will be used to complete major poll worker recruitment and training efforts statewide that primarily begin in June 2006 and end by August 2006, before the primary election scheduled for September 5, 2006. Three million dollars will be distributed to the counties for their recruitment and training activities. The county must provide a 15% match. The remaining one million dollars will be used by the Department of State to develop a statewide poll worker curriculum to be used by all counties to assure uniform poll worker training.

We also certify that the \$4,000,000.00 is an amount that does not exceed the amount equal to the total minimum requirements payment amount applicable to Florida under section 252(c) if Title II of HAVA which has been determined to be \$11,596,803.00.

If you have any comments or questions regarding this certification, please do not hesitate to contact us at 850-245-6500.

Sincerely,

Dawn K. Roberts, Director, Division of Elections

Cc: Sue M. Cobb, Secretary of State  
Heidi Hughes, Chief of Staff and General Counsel  
Barbara Leonard, HAVA Funds Coordinator  
Maria Matthews, designated staff attorney for HAVA

Office of the Secretary

R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250  
Telephone: (850) 245-6500 • Facsimile: (850) 245-6125 • <http://www.dos.state.fl.us>

021074



U.S. ELECTION ASSISTANCE COMMISSION  
1225 New York Ave. NW – Suite 1100  
Washington, DC 20005

January 11, 2007

**MEMORANDUM**

**TO:** State HAVA Coordinators

**FROM:** Edgardo Cortés, Election Research Specialist *EC*

**SUBJECT:** Request for Amended Reports on Help America Vote Act Expenditures from Chief State Election Officials, due January 26, 2007

This is to inform you that the U.S. Election Assistance Commission (EAC) has requested that your Chief State Election Official provide amended (corrected) reports on the use of funds provided to your State under the Help America Vote Act of 2002 (HAVA) Title I and Title II, Section 251. Copies of all letters sent regarding this request are enclosed with this Memorandum. Each letter details the corrections and clarifications required for the Standard Form (SF) 269s and accompanying narratives now on file with the EAC. As your State's designated HAVA coordinator, we ask your help to ensure that the amended reports are filed by the deadline.

Enclosed in this packet is a color-coded illustration of the SF 269 form to assist you in filling out the form correctly. Two sample narratives are also enclosed that show different, acceptable styles of documenting HAVA activities and expenditures during the reporting period. Please review these models carefully as they are designed to help you meet your State's reporting obligations. A PDF copy of SF 269 may be found at <http://www.whitehouse.gov/omb/grants/sf269.pdf>.

**All amended reports and narratives are due by January 26, 2007.** If your state will not be able to meet this deadline, you need to request an extension in writing and provide a reason for the delay and the expected completion date. The necessary reports or requests for extensions should be mailed to my attention at the address above. Please let me know if you have any questions about this process. You can reach me at [ecortes@eac.gov](mailto:ecortes@eac.gov), (202) 566-3126, or (866) 747-1471.

021075





U. S. ELECTION ASSISTANCE COMMISSION  
OFFICE OF THE EXECUTIVE DIRECTOR  
1225 New York Avenue, NW, Suite 1100  
Washington, DC. 20005  
(202) 566-3100

January 10, 2007

Secretary Kurt Browning  
Secretary of State  
R. A. Gray Building  
500 S. Bronough Street, Room 316  
Tallahassee, Florida 32399-0250

Reference: Amended HAVA Reports Title I, Section 102 for Calendar Years 2004 and 2005

**Response Due Date:**  
**January 26, 2007**

Dear Secretary Browning:

The purpose of this letter is to obtain corrected (amended) reports for your state's use of funds under Title I, Section 102 of the *Help America Vote Act of 2002 (HAVA)* for the Calendar Years (CY) 2004 and 2005. The amended SF 269 reports are essential as the U.S. Election Assistance Commission (EAC) prepares its *Annual Report to Congress* which will summarize HAVA funds expenditures, as reported by Florida.

Below is an itemization of the information required in your Amended SF 269 report(s) for Title I, Section 102:

- The State's report dated 1/20/04 for the period beginning 6/16/03 to 12/31/03 indicates that it is a FINAL report. However, a seceding report dated 2/28/06 for the period 6/16/03 to 12/31/05 is Amended to show interest on those funds for three years. Please submit Amended reports indicating whether or not the fund has been fully expended or the correct interest on the remainder.

Please review the guidance provided in the color-coded Model SF 269 *Long Form* and the Model Narratives enclosed for more information about how to prepare the Amended Title I, Section 102 report(s). A blank copy of the auto-fill form can be found at [www.whitehouse.gov/omb/grants/sf269.pdf](http://www.whitehouse.gov/omb/grants/sf269.pdf).

There is also a list of Frequently Asked Questions and other information under the Funding for States section on the EAC website at <http://www.eac.gov/>. Contact Edgardo Cortes by e-mail at [ecortes@eac.gov](mailto:ecortes@eac.gov), by phone at 1-866-747-1471 (toll free) or 202-566-3116 (direct) should you have additional questions.

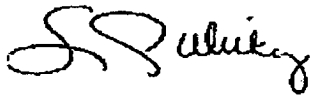
021076

**The requested Amended report(s) for Title I, Section 102 must be completed and received by the Commission no later than January 26, 2007. If you fail to respond by that time, EAC will have no choice but to forward this matter to the EAC's Office of the Inspector General for review and investigation.**

Amended reports should be mailed to the Election Assistance Commission, Amended 102 Reports, 1225 New York Ave., NW, Suite 1100, Washington, D.C. 20005.

Thank you for your attention to this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "T. Wilkey". The signature is stylized with large, flowing loops.

Thomas R. Wilkey  
Executive Director

Enclosures:

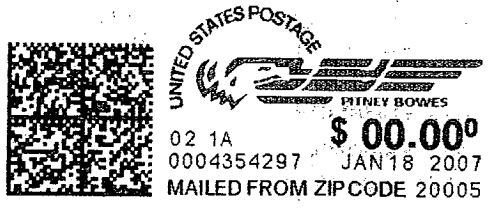
Model SF 269 *Long Form*  
Model Narratives

**U.S. Postal Service™ Delivery Confirmation™ Receipt**

DELIVERY CONFIRMATION NUMBER:  
1 5574 9902

Ms. Barbara Leonard  
HAVA Coordinator  
Office of the Secretary of State  
R. A. Gray Building  
500 S. Bronough Street, Room 316  
Tallahassee, Florida 32399-0250

re mailing.



PS Form 152, May 2002

(See Reverse)

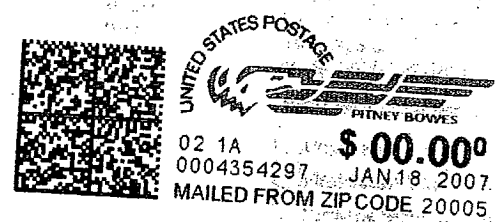
**U.S. Postal Service™ Delivery Confirmation™ Receipt**

DELIVERY CONFIRMATION NUMBER:  
1 5538 9911

Ms. Deborah Garrison  
Accounting Services Supervisor  
Department of State  
Tallahassee, Florida

mailing.

POSTAL CUSTOMER:



PS Form 152, May 2002



U.S. ELECTION ASSISTANCE COMMISSION  
1225 New York Ave. NW – Suite 1100  
Washington, DC 20005

January 11, 2007

**MEMORANDUM**

**TO:** State HAVA Coordinators

**FROM:** Edgardo Cortés, Election Research Specialist *EC*

**SUBJECT:** Request for Amended Reports on Help America Vote Act Expenditures from Chief State Election Officials, due January 26, 2007

This is to inform you that the U.S. Election Assistance Commission (EAC) has requested that your Chief State Election Official provide amended (corrected) reports on the use of funds provided to your State under the Help America Vote Act of 2002 (HAVA) Title I and Title II, Section 251. Copies of all letters sent regarding this request are enclosed with this Memorandum. Each letter details the corrections and clarifications required for the Standard Form (SF) 269s and accompanying narratives now on file with the EAC. As your State's designated HAVA coordinator, we ask your help to ensure that the amended reports are filed by the deadline.

Enclosed in this packet is a color-coded illustration of the SF 269 form to assist you in filling out the form correctly. Two sample narratives are also enclosed that show different, acceptable styles of documenting HAVA activities and expenditures during the reporting period. Please review these models carefully as they are designed to help you meet your State's reporting obligations. A PDF copy of SF 269 may be found at <http://www.whitehouse.gov/omb/grants/sf269.pdf>.

**All amended reports and narratives are due by January 26, 2007.** If your state will not be able to meet this deadline, you need to request an extension in writing and provide a reason for the delay and the expected completion date. The necessary reports or requests for extensions should be mailed to my attention at the address above. Please let me know if you have any questions about this process. You can reach me at [ecortes@eac.gov](mailto:ecortes@eac.gov), (202) 566-3126, or (866) 747-1471.

021079



U. S. ELECTION ASSISTANCE COMMISSION  
OFFICE OF THE EXECUTIVE DIRECTOR  
1225 New York Avenue, NW, Suite 1100  
Washington, DC. 20005  
(202) 566-3100

January 10, 2007

Secretary Kurt Browning  
Secretary of State  
R. A. Gray Building  
500 S. Bronough Street, Room 316  
Tallahassee, Florida 32399-0250

Reference: Amended HAVA Reports Title I, Section 102 for Calendar Years 2004 and 2005

**Response Due Date:**  
**January 26, 2007**

Dear Secretary Browning:

The purpose of this letter is to obtain corrected (amended) reports for your state's use of funds under Title I, Section 102 of the *Help America Vote Act of 2002 (HAVA)* for the Calendar Years (CY) 2004 and 2005. The amended SF 269 reports are essential as the U.S. Election Assistance Commission (EAC) prepares its *Annual Report to Congress* which will summarize HAVA funds expenditures, as reported by Florida.

Below is an itemization of the information required in your Amended SF 269 report(s) for Title I, Section 102:

- The State's report dated 1/20/04 for the period beginning 6/16/03 to 12/31/03 indicates that it is a FINAL report. However, a seceding report dated 2/28/06 for the period 6/16/03 to 12/31/05 is Amended to show interest on those funds for three years. Please submit Amended reports indicating whether or not the fund has been fully expended or the correct interest on the remainder.

Please review the guidance provided in the color-coded Model SF 269 *Long Form* and the Model Narratives enclosed for more information about how to prepare the Amended Title I, Section 102 report(s). A blank copy of the auto-fill form can be found at [www.whitehouse.gov/omb/grants/sf269.pdf](http://www.whitehouse.gov/omb/grants/sf269.pdf).

There is also a list of Frequently Asked Questions and other information under the Funding for States section on the EAC website at <http://www.eac.gov/>. Contact Edgardo Cortes by e-mail at [ecortes@eac.gov](mailto:ecortes@eac.gov), by phone at 1-866-747-1471 (toll free) or 202-566-3116 (direct) should you have additional questions.

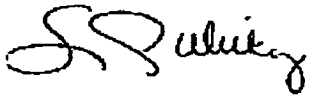
021080

**The requested Amended report(s) for Title I, Section 102 must be completed and received by the Commission no later than January 26, 2007. If you fail to respond by that time, EAC will have no choice but to forward this matter to the EAC's Office of the Inspector General for review and investigation.**

Amended reports should be mailed to the Election Assistance Commission, Amended 102 Reports, 1225 New York Ave., NW, Suite 1100, Washington, D.C. 20005.

Thank you for your attention to this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "T. Wilkey". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Thomas R. Wilkey  
Executive Director

Enclosures:

Model SF 269 *Long Form*  
Model Narratives



## FLORIDA DEPARTMENT OF STATE

**CHARLIE CRIST**  
Governor

**KURT S. BROWNING**  
Secretary of State

March 29, 2007

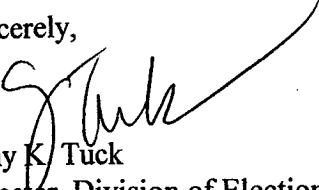
Mr. Thomas R. Wilkey  
Executive Director  
U. S. Election Assistance Commission  
1225 New York Avenue, NW – Suite 1100  
Washington, DC 20005

Dear Mr. Wilkey:

Enclosed is Florida's narrative report regarding HAVA, Title II, Section 251 funds for the period from October 1, 2005 through September 30, 2006. Form SF 269 regarding Title II, Section 251 funds is also included.

If you have any questions or would like additional information, please let us know.

Sincerely,

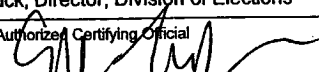
  
Amy K. Tuck  
Director, Division of Elections

Enclosures

AKT/BL/aj

**FINANCIAL STATUS REPORT**  
(Long Form)

(Follow instructions on the back)

1. Federal Agency and Organizational Element to Which Report is Submitted <b>U. S. Election Assistance Commission</b>		2. Federal Grant or Other Identifying Number Assigned By Federal Agency <b>Title II, 251</b>		OMB Approval No. <b>0348-0039</b>	Page of <b>1</b> of <b>1</b> pages
3. Recipient Organization (Name and complete address, including ZIP code) <b>Florida Department of State 500 South Bronough Street Tallahassee, FL 32399-0250</b>					
4. Employer Identification Number <b>F593466865</b>		5. Recipient Account Number or Identifying Number <b>CFDA 90.401</b>		6. Final Report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. Basis <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual					
8. Funding/Grant Period (See Instructions) From: (Month, Day, Year) <b>6/23/2004</b>		To: (Month, Day, Year) <b>Until disbursed</b>		9. Period Covered by this Report From: (Month, Day, Year) <b>10/1/2005</b>	
To: (Month, Day, Year) <b>9/30/2006</b>					
10. Transactions:					
				I	II
				Previously Reported	This Period
				III	Cumulative
a. Total outlays		23,156,764.78	29,021,508.00	52,178,272.78	
b. Refunds, rebates, etc.			615,316.09	615,316.09	
c. Program income used in accordance with the deduction alternative				0.00	
d. Net outlays (Line a, less the sum of lines b and c)		23,156,764.78	28,406,191.91	51,562,956.69	
<b>Recipient's share of net outlays, consisting of:</b>					
e. Third party (in-kind) contributions				0.00	
f. Other Federal awards authorized to be used to match this award				0.00	
g. Program income used in accordance with the matching or cost sharing alternative				0.00	
h. All other recipient outlays not shown on lines e, f or g <b>State Matching Funds</b>		385,000.00	1,484,094.35	1,869,094.35	
i. Total recipient share of net outlays (Sum of lines e, f, g and h)		385,000.00	1,484,094.35	1,869,094.35	
j. Federal share of net outlays (line d less line i)		22,771,764.78	26,922,097.56	49,693,862.34	
k. Total unliquidated obligations				212,999.89	
l. Recipient's share of unliquidated obligations				56,300.00	
m. Federal share of unliquidated obligations				156,699.89	
n. Total Federal share (sum of lines j and m)				49,850,562.23	
o. Total Federal funds authorized for this funding period				140,414,512.85	
p. Unobligated balance of Federal funds (Line o minus line n)				90,563,950.62	
<b>Program Income, consisting of:</b>					
q. Disbursed program income shown on lines c and/or g above				0.00	
r. Disbursed program income using the addition alternative				0.00	
s. Undisbursed program income				0.00	
t. Total program income realized (Sum of lines q, r and s)				0.00	
11. Indirect Expense					
a. Type of Rate (Place "X" in appropriate box)					
<input checked="" type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed					
b. Rate		c. Base		d. Total Amount	
N/A				e. Federal Share	
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. Line O - Sec. 251 cumulative interest thru 9-30-2006 - \$7,912,421.85. Sec. 251 interest accrued current reporting period - \$3,758,921.01. Total appropriation for State Match - \$6,628,018. State Match cumulative interest - \$439,618.54. FY 2005-06 MOE expend. - \$3,570,408. See Attachment.					
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.					
Typed or Printed Name and Title <b>Amy K. Tuck, Director, Division of Elections</b>				Telephone (Area code, number and extension) <b>850-245-6200</b>	
Signature of Authorized Certifying Official 				Date Report Submitted <b>March 28, 2007</b>	



FLORIDA DEPARTMENT OF STATE  
DIVISION OF ELECTIONS

ATTACHMENT TO FINANCIAL STATUS REPORT, SF 269  
REPORTING PERIOD FROM OCTOBER 1, 2005 THROUGH SEPTEMBER 30, 2006

Line 12, Remarks:

The instructions for completing SF 269 Form, Section 12 include a request for states to report the total Maintenance of Effort appropriated for the next state fiscal year.

Florida does not appropriate funds based on Maintenance of Effort. Although the required Maintenance of Effort is considered during the appropriation process, funds are appropriated at a higher aggregate level. Florida fully anticipates meeting its required Maintenance of Effort level although actual expenditures will not be available until the end of the state's fiscal year.

021084

**FLORIDA DEPARTMENT OF STATE  
REPORT ON EXPENDITURE OF TITLE II, SECTION 251 FUNDS  
OCTOBER 2005 THROUGH SEPTEMBER 2006**

As requested by the U.S. Election Assistance Commission, listed below is a detailed list of expenditures and a description of the related activities conducted by the Florida Department of State utilizing Help America Vote Act (HAVA) Title II, Section 251 funds during the period from October 1, 2005 through September 30, 2006.

**VOTING SYSTEMS ASSISTANCE – \$12,576,798**

During the current reporting period, Florida provided funds to sixteen county supervisors of elections to reimburse them for disability-accessible voting systems that had been purchased prior to July 1, 2004. Distribution of funds was based on the same formula used to distribute funds in FY 2004-05 to fifty-one counties that were required to purchase accessible voting systems in order to have one accessible voting system for each polling place by January 1, 2006. In addition to the sixteen counties, an additional eight counties received reimbursement for existing DRE's for which funding was not previously provided.

In addition to the Section 251 funds used for this purpose, Florida used state matching funds for a portion of the expenditures made to supervisors of elections to assist with accessible voting systems. Please see the section "State Matching Funds" at the end of this report.

The HAVA State Plan includes references to acquiring accessible voting equipment for individuals with disabilities on pages 13 through 15 and on page 61.

**STATEWIDE VOTER REGISTRATION LIST - \$11,960,615**

During the current reporting period, Florida completed development of the statewide voter registration system and moved into the operational phase of the project. The Florida Voter Registration System (FVRS) is a real-time system that contains the name and voter registration information of all voters in the state. The system allows counties to continue to use their existing systems with modifications to interface with the FVRS.

Expenditures for this activity included payments to the vendor that served as Prime Contractor in developing the system as well as the vendor that provided quality assurance and oversight during the developmental phase of the project. Other costs incurred included servers, software and related license fees, network fees to establish the statewide frame relay network for the FVRS, a risk assessment study for the FVRS, training for Department of State employees related to software systems being utilized to operate the FVRS, and costs associated with establishing and operating a bureau to handle voter registration services at the state level for Florida's 67 counties. The bureau is responsible for processing voter registration applications as well as reviewing and verifying potential matches in the FVRS for felons, persons declared mentally incompetent and deceased persons.

Other expenditures included salaries and related expenses for thirty-three positions associated with operating and maintaining voter registration services provided through the FVRS. These include thirty-one positions in the Department of State and two positions at the Florida Department of Highway Safety and Motor Vehicles. These positions provide support for the various hardware and software systems being utilized to operate the system, legal expertise, and voter registration services for Florida's counties.

Reference to the statewide voter registration system can be found in the HAVA State Plan on pages 26-31, 56-57 and 61.

**POLL WORKER RECRUITMENT AND TRAINING - \$3,000,000**

In March 2006 Florida submitted a certification to the Election Assistance Commission regarding Florida's intention to use a portion of the requirements payment to assist with poll worker recruitment and training efforts. Funds were distributed to Florida's 67 supervisors of elections in order to provide funds statewide to assist with recruiting and training poll workers. Prior to receiving the funds, supervisors of elections were required to submit a plan to the Department of State describing the intended use of the funds. In addition, each county was required to provide 15% matching funds to be used exclusively for activities associated with recruiting and training poll workers.

Reference to poll worker recruitment and training is included in the HAVA State Plan on pages 49-51 and page 61.

**INTEREST ACCRUED - \$3,758,921.01**

During the current reporting period the Department of State invested Title II, Section 251 funds and accrued Interest in the amount of \$3,758,921.01.

**STATE MATCHING FUNDS - \$1,484,094**

During the current reporting period, Florida spent \$1,484,094.35 in State Matching funds.



ORIGINAL

**FLORIDA DEPARTMENT of STATE**

**CHARLIE CRIST**  
Governor

**KURT S. BROWNING**  
Secretary of State

February 23, 2007

Mr. Thomas R. Wilkey  
Executive Director  
U. S. Election Assistance Commission  
1225 New York Avenue, NW – Suite 1100  
Washington, DC 20005

RECEIVED  
U.S. ELECTION ASSISTANCE  
COMMISSION  
2007 FEB 26 PM 4:02

Dear Mr. Wilkey:

Enclosed are Florida's narrative reports regarding HAVA, Title I, Section 101 and 102 funds for the period from January 1, 2006 through December 31, 2006. A separate SF 269 form is included for Section 101 and 102 funds.

If you have any questions or would like additional information, please let us know.

Sincerely,

A handwritten signature in black ink, appearing to read "Amy R. Tuck".

Amy R. Tuck  
Director, Division of Elections

Enclosures

AKT/BL/aj

Division of Elections  
R. A. Gray Building, Room 316 • 500 South Bronough Street • Tallahassee, Florida 32399-0250

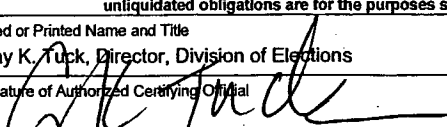
Telephone: (850) 245-6200 • Facsimile: (850) 245-6217  
election.dos.state.fl.us

021087

**FINANCIAL STATUS REPORT**  
(Long Form)

**ORIGINAL**

(Follow instructions on the back)

1. Federal Agency and Organizational Element to Which Report is Submitted <b>U. S. Election Assistance Commission</b>		2. Federal Grant or Other Identifying Number Assigned By Federal Agency <b>Title I, 101</b>		OMB Approval No. <b>0348-0039</b>	Page of <b>1</b> of <b>1</b> pages
3. Recipient Organization (Name and complete address, including ZIP code) <b>Florida Department of State 500 South Bronough Street Tallahassee, FL 32399-0250</b>					
4. Employer Identification Number <b>F593466865</b>		5. Recipient Account Number or Identifying Number <b>CFDA 39.011</b>		6. Final Report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. Basis <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual					
8. Funding/Grant Period (See instructions) From: (Month, Day, Year) <b>4/23/2003</b>		9. Period Covered by this Report From: (Month, Day, Year) <b>1/1/2006</b>		To: (Month, Day, Year) <b>12/31/2006</b>	
10. Transactions:		I	I	III	
		Previously Reported	This Period	Cumulative	
a. Total outlays		10,846,401.97	1,425,146.79	12,271,548.76	
b. Refunds, rebates, etc.				0.00	
c. Program income used in accordance with the deduction alternative				0.00	
d. Net outlays (Line a, less the sum of lines b and c)		10,846,401.97	1,425,146.79	12,271,548.76	
<b>Recipient's share of net outlays, consisting of:</b>					
e. Third party (in-kind) contributions				0.00	
f. Other Federal awards authorized to be used to match this award				0.00	
g. Program income used in accordance with the matching or cost sharing alternative				0.00	
h. All other recipient outlays not shown on lines e, f or g <b>State Matching Funds</b>		508,662.50	0.00	508,662.50	
i. Total recipient share of net outlays (Sum of lines e, f, g and h)		508,662.50	0.00	508,662.50	
j. Federal share of net outlays (line d less line i)		10,337,739.47	1,425,146.79	11,762,886.26	
k. Total unliquidated obligations				109,456.00	
l. Recipient's share of unliquidated obligations				0.00	
m. Federal share of unliquidated obligations				109,456.00	
n. Total Federal share (sum of lines j and m)				11,872,342.26	
o. Total Federal funds authorized for this funding period				15,517,295.67	
p. Unobligated balance of Federal funds (Line o minus line n)				3,644,953.41	
<b>Program Income, consisting of:</b>					
q. Disbursed program income shown on lines c and/or g above				0.00	
r. Disbursed program income using the addition alternative				0.00	
s. Undisbursed program income				0.00	
t. Total program income realized (Sum of lines q, r and s)				0.00	
11. Indirect Expense	a. Type of Rate (Place "X" in appropriate box) <input checked="" type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed				
	b. Rate <b>N/A</b>	c. Base	d. Total Amount	e. Federal Share	
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. <b>Line O includes total interest accrued through 2006 in the amount of \$1,069,715.67. 2003 = \$286,380.60; 2004 = \$347,160.86; 2005 = \$250,596.63; 2006 = \$185,577.58</b>					
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.					
Typed or Printed Name and Title <b>Amy K. Tuck, Director, Division of Elections</b>			Telephone (Area code, number and extension) <b>850-245-6200</b>		
Signature of Authorized Certifying Official 			Date Report Submitted <b>February 20, 2007</b>		

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**FLORIDA DEPARTMENT OF STATE  
REPORT ON EXPENDITURE OF TITLE I, SECTION 101 FUNDS DURING 2006**

As requested by the U.S. Election Assistance Commission, listed below is a detailed list of expenditures and a description of the related activities conducted by the Florida Department of State during calendar year 2006 utilizing Help America Vote Act (HAVA) Title I, Section 101 funds.

**VOTER EDUCATION - \$1,073,923**

During calendar year 2006, Florida distributed \$1,073,923 to the 67 county supervisors of elections to be utilized for voter education purposes. In order to receive the funds each supervisor of elections was required to submit a detailed plan outlining the anticipated uses of the funds. In addition to the plan, each local Board of County Commissioners was required to provide fifteen percent in matching funds to be used exclusively for voter education purposes.

County supervisors of elections are required to submit a report to the Department of State on an annual basis regarding voter education programs conducted in the counties until the funds distributed by the state are depleted. Based on the latest reports from supervisors of elections, counties continue to employ numerous voter education activities in an effort to involve citizens in the elections process.

These activities include printing and mailing sample ballots to registered voters, conducting voter registration drives at various locations and events throughout the county, disseminating information regarding election dates and related deadlines through a variety of media sources, and conducting demonstrations on the use of voting systems equipment.

Florida's voter education program is discussed in the HAVA State Plan on pages 37 through 47 and on page 58.

**ELECTION ADMINISTRATION - \$193,434**

Florida established three positions in the Department of State to provide administrative oversight and coordination for HAVA-related activities. Employees in these positions are responsible for monitoring HAVA expenditures to ensure compliance with federal requirements. The positions administer several contract programs that provide funds to county supervisors of elections for HAVA-related activities including voter education, voting systems assistance as well as poll worker recruitment and training programs. In addition, the positions are responsible for administering grant funds awarded by the U. S. Department of Health and Human Services under the Voting Access for Individuals with Disability (VOTE) grant program.

Recommendations regarding establishment of positions associated with HAVA Oversight and Reporting can be found on page 59 in the HAVA State Plan.

**STATE PLAN - \$2,991**

The HAVA State Planning Committee held two meetings in order to update the HAVA State Plan. The meetings were held in Pensacola and Miami in an effort to provide an opportunity for participation by citizens in various locations throughout the state. Expenditures included travel expenses for HAVA State Planning Committee members as well as Department of State staff who participated in the meetings.

Reference to managing the State Plan is included on pages 82-83 in the HAVA State Plan.

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2007 FEB 26 PM 4:04

**TRAINING ELECTION OFFICIALS, POLL WORKERS AND ELECTION VOLUNTEERS – \$154,800**

The Florida Division of Elections contracted with a video production company to produce two videos that could be used in conducting training for poll workers. The videos were distributed to Florida's 67 county supervisors of elections to use in poll worker training sessions. One of the videos covered sensitivity issues when dealing with individuals with disabilities and the other video provided conflict management training skills for poll workers.

The Florida Department of State contracted with one of Florida's universities to develop a statewide poll worker curriculum to be used by Florida's 67 county supervisors of elections. The curriculum is intended to provide uniformity in poll worker training efforts throughout the state.

Florida's efforts to assist supervisors of elections in conducting training for poll workers can be found in the HAVA State Plan on pages 49 through 51, pages 58 through 61.

**INTEREST ACCRUED - \$185,577.58**

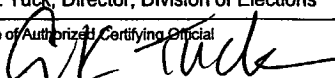
During 2006, the Department of State invested Title I, Section 101 funds and accrued interest in the amount of \$185,577.58.

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**FINANCIAL STATUS REPORT  
(Long Form)**

**CRITICAL**

*(Follow instructions on the back)*

1. Federal Agency and Organizational Element to Which Report is Submitted <b>U. S. Election Assistance Commission</b>		2. Federal Grant or Other Identifying Number Assigned By Federal Agency <b>Title I, Section 102</b>		OMB Approval No. <b>0348-0039</b>	Page of  pages
3. Recipient Organization (Name and complete address, including ZIP code) <b>Florida Department of State 500 South Bronough Street Tallahassee, FL 32399-0250</b>					
4. Employer Identification Number <b>F593466865</b>		5. Recipient Account Number or Identifying Number <b>CFDA #39.011</b>		6. Final Report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. Basis <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual					
8. Funding/Grant Period (See instructions) From: (Month, Day, Year) <b>6/16/2003</b>		9. Period Covered by this Report From: (Month, Day, Year) <b>1/1/2006</b>		To: (Month, Day, Year) <b>12/31/2006</b>	
10. Transactions:		I Previously Reported	I This Period	III Cumulative	
a. Total outlays		11,581,377.00	0.00	11,581,377.00	
b. Refunds, rebates, etc.				0.00	
c. Program income used in accordance with the deduction alternative				0.00	
d. Net outlays (Line a, less the sum of lines b and c)		11,581,377.00	0.00	11,581,377.00	
<b>Recipient's share of net outlays, consisting of:</b>					
e. Third party (in-kind) contributions		0.00		0.00	
f. Other Federal awards authorized to be used to match this award		0.00		0.00	
g. Program income used in accordance with the matching or cost sharing alternative		0.00		0.00	
h. All other recipient outlays not shown on lines e, f or g		0.00		0.00	
i. Total recipient share of net outlays (Sum of lines e, f, g and h)		0.00	0.00	0.00	
j. Federal share of net outlays (line d less line i)		11,581,377.00	0.00	11,581,377.00	
k. Total unliquidated obligations				0.00	
l. Recipient's share of unliquidated obligations				0.00	
m. Federal share of unliquidated obligations				0.00	
n. Total Federal share (sum of lines j and m)				11,581,377.00	
o. Total Federal funds authorized for this funding period				11,617,405.56	
p. Unobligated balance of Federal funds (Line o minus line n)				36,028.56	
<b>Program income, consisting of:</b>					
q. Disbursed program income shown on lines c and/or g above				0.00	
r. Disbursed program income using the addition alternative				0.00	
s. Undisbursed program income				0.00	
t. Total program income realized (Sum of lines q, r and s)				0.00	
11. Indirect Expense	a. Type of Rate (Place "X" in appropriate box) <input checked="" type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed				
	b. Rate <b>N/A</b>	c. Base	d. Total Amount	e. Federal Share	
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. <b>Total interest earned through 12-31-2006 is \$36,028.56. Interest accrued in 2006 - \$1,583.19</b>					
13. Certification: <b>I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.</b>					
Typed or Printed Name and Title <b>Amy K. Tuck, Director, Division of Elections</b>			Telephone (Area code, number and extension) <b>850-245-6200</b>		
Signature of Authorized Certifying Official 			Date Report Submitted <b>February 20, 2007</b>		

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2007 FEB 20 PM 4:04

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**FLORIDA DEPARTMENT OF STATE  
REPORT ON TITLE I, SECTION 102 FUNDS**

Florida received \$11,581,377 from Title I, Section 102 funds. The funds were invested pending transfer to Florida's Working Capital Fund to reimburse the state for funding provided to Florida's 67 counties in FY 2001-02 and FY 2002-03 to purchase voting systems equipment.

Interest on the initial investment has continued to accrue with earnings in the amount of \$1,583.19 reported for calendar year 2006.

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021092



U. S. ELECTION ASSISTANCE COMMISSION  
OFFICE OF THE EXECUTIVE DIRECTOR  
1225 New York Avenue, NW, Suite 1100  
Washington, DC. 20005  
(202) 566-3100

January 10, 2007

Secretary Kurt Browning  
Secretary of State  
R. A. Gray Building  
500 S. Bronough Street, Room 316  
Tallahassee, Florida 32399-0250

Reference: Amended HAVA Reports Title I, Section 102 for Calendar Years 2004 and 2005

**Response Due Date:**  
**January 26, 2007**

Dear Secretary Browning:

The purpose of this letter is to obtain corrected (amended) reports for your state's use of funds under Title I, Section 102 of the *Help America Vote Act of 2002 (HAVA)* for the Calendar Years (CY) 2004 and 2005. The amended SF 269 reports are essential as the U.S. Election Assistance Commission (EAC) prepares its *Annual Report to Congress* which will summarize HAVA funds expenditures, as reported by Florida.

Below is an itemization of the information required in your Amended SF 269 report(s) for Title I, Section 102:

- The State's report dated 1/20/04 for the period beginning 6/16/03 to 12/31/03 indicates that it is a FINAL report. However, a seceding report dated 2/28/06 for the period 6/16/03 to 12/31/05 is Amended to show interest on those funds for three years. Please submit Amended reports indicating whether or not the fund has been fully expended or the correct interest on the remainder.

Please review the guidance provided in the color-coded Model SF 269 *Long Form* and the Model Narratives enclosed for more information about how to prepare the Amended Title I, Section 102 report(s). A blank copy of the auto-fill form can be found at [www.whitehouse.gov/omb/grants/sf269.pdf](http://www.whitehouse.gov/omb/grants/sf269.pdf).

There is also a list of Frequently Asked Questions and other information under the Funding for States section on the EAC website at <http://www.eac.gov/>. Contact Edgardo Cortes by e-mail at [ecortes@eac.gov](mailto:ecortes@eac.gov), by phone at 1-866-747-1471 (toll free) or 202-566-3116 (direct) should you have additional questions.

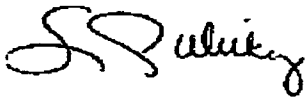
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**The requested Amended report(s) for Title I, Section 102 must be completed and received by the Commission no later than January 26, 2007. If you fail to respond by that time, EAC will have no choice but to forward this matter to the EAC's Office of the Inspector General for review and investigation.**

Amended reports should be mailed to the Election Assistance Commission, Amended 102 Reports, 1225 New York Ave., NW, Suite 1100, Washington, D.C. 20005.

Thank you for your attention to this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "T. Wilkey". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Thomas R. Wilkey  
Executive Director

Enclosures:

Model SF 269 *Long Form*  
Model Narratives

7005 3110 0002 9823 5222

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JAN 10 2007

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City, State  
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Secretary Sue Cobb  
Secretary of State  
R. A. Gray Building  
500 S. Bronough Street, Room 316  
Tallahassee, Florida 32399-0250

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

**1. Article Addressed to:**

ning  
R. A. Gray Building  
500 S. Bronough Street, Room 316  
Tallahassee, Florida 32399-0250

**2. Article Number**  
(Transfer from ser

7005 3110 0002 9823 5222

**COMPLETE THIS SECTION ON DELIVERY**

**A. Signature**

X

- Agent
- Addressee

**B. Received by (Printed Name)**

**C. Date of Delivery**

**D. Is delivery address different from item 1?**

- Yes
- No

If YES, enter delivery address below:

JAN 16 2007

**CLEARED**

**3. Service Type**

- Certified Mail
- Express Mail
- Registered
- Return Receipt for Merchandise
- Insured Mail
- C.O.D.

**4. Restricted Delivery? (Extra Fee)**

- Yes

021095



REVISED

FLORIDA DEPARTMENT of STATE

CHARLIE CRIST  
Governor

KURT S. BROWNING  
Secretary of State

January 25, 2007


Mr. Thomas R. Wilkey  
Executive Director  
Election Assistance Commission  
1225 New York Ave., N.W., Suite 1100  
Washington, D.C. 20005

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U.S. ELECTION ASSISTANCE  
COMMISSION  
2007 JAN 26 PM 5:02

Dear Mr. Wilkey:

As requested in your letter of January 10, 2007 enclosed are amended financial reports (SF 269) regarding Florida's use of HAVA Title I, Section 102 funds. If you have any questions or would like additional information, please let us know.

Sincerely,

  
Amy K. Tuck  
Director, Division of Elections

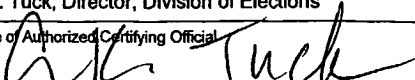
Enclosures

021096

**FINANCIAL STATUS REPORT**  
(Long Form)

**REVISED**

(Follow instructions on the back)

1. Federal Agency and Organizational Element to Which Report is Submitted <b>U. S. Election Assistance Commission</b>		2. Federal Grant or Other Identifying Number Assigned By Federal Agency <b>Title I, Section 102</b>		OMB Approval No. <b>0348-0039</b>	Page of  pages
3. Recipient Organization (Name and complete address, including ZIP code) <b>Florida Department of State 500 South Bronough Street Tallahassee, FL 32399-0250</b>					
4. Employer Identification Number <b>F593466865</b>		5. Recipient Account Number or Identifying Number <b>CFDA #39.011</b>		6. Final Report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. Basis <input type="checkbox"/> Cash <input checked="" type="checkbox"/> Accrual					
8. Funding/Grant Period (See instructions) From: (Month, Day, Year) <b>6/16/2003</b>		9. Period Covered by this Report From: (Month, Day, Year) <b>6/16/2003</b> <small>*State deadline for Section 102*</small>		To: (Month, Day, Year) <b>12/31/2003</b>	
10. Transactions:					
				I	III
				Previously Reported	This Period
				Cumulative	
a. Total outlays				11,581,377.00	11,581,377.00
b. Refunds, rebates, etc.					0.00
c. Program income used in accordance with the deduction alternative					0.00
d. Net outlays (Line a, less the sum of lines b and c)		0.00		11,581,377.00	11,581,377.00
<b>Recipient's share of net outlays, consisting of:</b>					
e. Third party (in-kind) contributions					0.00
f. Other Federal awards authorized to be used to match this award					0.00
g. Program income used in accordance with the matching or cost sharing alternative					0.00
h. All other recipient outlays not shown on lines e, f or g					0.00
i. Total recipient share of net outlays (Sum of lines e, f, g and h)		0.00		0.00	0.00
j. Federal share of net outlays (line d less line i)		0.00		11,581,377.00	11,581,377.00
k. Total unliquidated obligations					0.00
l. Recipient's share of unliquidated obligations					0.00
m. Federal share of unliquidated obligations					0.00
n. Total Federal share (sum of lines j and m)					11,581,377.00
o. Total Federal funds authorized for this funding period					11,613,597.26
p. Unobligated balance of Federal funds (Line o minus line n)					32,220.26
<b>Program Income, consisting of:</b>					
q. Disbursed program income shown on lines c and/or g above					
r. Disbursed program income using the addition alternative					
s. Undisbursed program income					
t. Total program income realized (Sum of lines q, r and s)					0.00
11. Indirect Expense		a. Type of Rate (Place "X" in appropriate box) <input checked="" type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed			
		b. Rate <b>N/A</b>	c. Base	d. Total Amount	e. Federal Share
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. Note: This is an amended report to include Interest earned during 2003. Line o includes Interest in the amount of \$32,220.26.					
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.					
Typed or Printed Name and Title <b>Amy K. Tuck, Director, Division of Elections</b>				Telephone (Area code, number and extension) <b>850-245-6200</b>	
Signature of Authorized Certifying Official 				Date Report Submitted <b>January 25, 2007</b>	

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COMMISSION

REVISED

FINANCIAL STATUS REPORT (Long Form)

(Follow instructions on the back)

1. Federal Agency and Organizational Element to Which Report is Submitted: U. S. Election Assistance Commission
2. Federal Grant or Other Identifying Number Assigned By Federal Agency: Title I, Section 102
3. Recipient Organization (Name and complete address, including ZIP code): Florida Department of State, 500 South Bronough Street, Tallahassee, FL 32399-0250
4. Employer Identification Number: F593466865
5. Recipient Account Number or Identifying Number: CFDA #39.011
6. Final Report: [X] Yes [ ] No
7. Basis: [X] Cash [ ] Accrual
8. Funding/Grant Period (See instructions): From: (Month, Day, Year) 6/16/2003 To: (Month, Day, Year) 12/31/2004
9. Period Covered by this Report: From: (Month, Day, Year) 1/1/2004 To: (Month, Day, Year) 12/31/2004
10. Transactions: Table with columns: Previously Reported, This Period, Cumulative. Rows include Total outlays, Refunds, rebates, etc., Program income used in accordance with the deduction alternative, Net outlays, Recipient's share of net outlays, Federal share of net outlays, Total unliquidated obligations, Recipient's share of unliquidated obligations, Federal share of unliquidated obligations, Total Federal share, Total Federal funds authorized for this funding period, Unobligated balance of Federal funds, Program Income, Disbursed program income shown on lines c and/or g above, Disbursed program income using the addition alternative, Undisbursed program income, Total program income realized.
11. Indirect Expense: a. Type of Rate (Place "X" in appropriate box) [X] Provisional [ ] Predetermined [ ] Final [ ] Fixed; b. Rate N/A; c. Base; d. Total Amount; e. Federal Share
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. Note: This is an amended report to include Interest earned during 2004 in the amount of \$1,049.99. Total Interest earned through 12-31-2004 is \$33,270.25
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.
Typed or Printed Name and Title: Amy K. Tuck, Director, Division of Elections; Telephone (Area code, number and extension): 850-245-6200
Signature of Authorized Certifying Official: [Signature]; Date Report Submitted: January 25, 2007

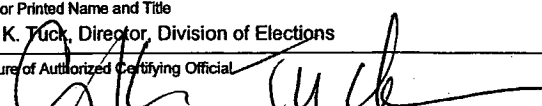
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021097

**FINANCIAL STATUS REPORT  
(Long Form)**

**REVISED**

*(Follow instructions on the back)*

1. Federal Agency and Organizational Element to Which Report is Submitted <b>U. S. Election Assistance Commission</b>		2. Federal Grant or Other Identifying Number Assigned By Federal Agency <b>Title I, Section 102</b>		OMB Approval No. <b>0348-0039</b>	Page of  pages
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4. Employer Identification Number <b>F593466865</b>		5. Recipient Account Number or Identifying Number <b>CFDA #39.011</b>		6. Final Report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. Basis <input type="checkbox"/> Cash <input checked="" type="checkbox"/> Accrual					
8. Funding/Grant Period (See instructions) From: (Month, Day, Year) <b>6/16/2003</b>		9. Period Covered by this Report From: (Month, Day, Year) <b>1/1/2005</b>		To: (Month, Day, Year) <b>12/31/2005</b>	
10. Transactions:		I Previously Reported	I This Period	III Cumulative	
a. Total outlays		11,581,377.00	0.00	11,581,377.00	
b. Refunds, rebates, etc.				0.00	
c. Program income used in accordance with the deduction alternative				0.00	
d. Net outlays (Line a, less the sum of lines b and c)		11,581,377.00	0.00	11,581,377.00	
<b>Recipient's share of net outlays, consisting of:</b>					
e. Third party (in-kind) contributions		0.00		0.00	
f. Other Federal awards authorized to be used to match this award		0.00		0.00	
g. Program income used in accordance with the matching or cost sharing alternative		0.00		0.00	
h. All other recipient outlays not shown on lines e, f or g		0.00		0.00	
i. Total recipient share of net outlays (Sum of lines e, f, g and h)		0.00	0.00	0.00	
j. Federal share of net outlays (line d less line i)		11,581,377.00	0.00	11,581,377.00	
k. Total unliquidated obligations				0.00	
l. Recipient's share of unliquidated obligations				0.00	
m. Federal share of unliquidated obligations				0.00	
n. Total Federal share (sum of lines j and m)				11,581,377.00	
o. Total Federal funds authorized for this funding period				11,615,822.37	
p. Unobligated balance of Federal funds (Line o minus line n)				34,445.37	
<b>Program Income, consisting of:</b>					
q. Disbursed program income shown on lines c and/or g above				0.00	
r. Disbursed program income using the addition alternative				0.00	
s. Undisbursed program income				0.00	
t. Total program income realized (Sum of lines q, r and s)				0.00	
11. Indirect Expense		a. Type of Rate (Place "X" in appropriate box) <input checked="" type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed			
		b. Rate <b>N/A</b>	c. Base	d. Total Amount	e. Federal Share
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. <b>Note: This is an amended report to include Interest earned during 2005 in the amount of \$1,175.12. Total Interest earned through 12-31-2005 is \$34,445.37.</b>					
13. Certification: <b>I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.</b>					
Typed or Printed Name and Title <b>Amy K. Tuck, Director, Division of Elections</b>				Telephone (Area code, number and extension) <b>850-245-6200</b>	
Signature of Authorized Certifying Official 				Date Report Submitted <b>January 25, 2007</b>	

RECEIVED  
U.S. ELECTION ASSISTANCE  
COMMISSION





"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>

To ecortes@eac.gov  
cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>  
bcc

03/30/2007 04:15 PM

Subject Question Regarding Section 101 Funds

History:

✉ This message has been replied to.

Hi Edgardo,

Would you please give me a call. We have a question regarding the use of HAVA Section 101 funds.

Thanks,  
Barbara Leonard  
Florida Division of Elections  
850-245-6201

This response is provided for reference only and does not constitute legal advice or representation. As applied to a particular set of facts or circumstances, interested parties should refer to the Florida Statutes and applicable case law, and/or consult a private attorney before drawing any legal conclusions or relying upon the information provided.

Please note: Florida has a very broad public records law. Written communications to or from state officials regarding state business constitute public records and are available to the public and media upon request unless the information is subject to a specific statutory exemption. Therefore, your e-mail message may be subject to public disclosure.

021099



"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>

03/21/2007 08:14 AM

To ecortes@eac.gov

cc

bcc

Subject RE: HAVA Funding for Voter Verifiable Paper Audit Records

History

 This message has been replied to.

Edgardo,

The legislative budget issue requesting additional funds for state match was inadvertently scanned twice. It is only one page.

Thanks,  
Barbara

-----Original Message-----

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]

**Sent:** Tuesday, March 20, 2007 4:03 PM

**To:** Leonard, Barbara M.

**Subject:** RE: HAVA Funding for Voter Verifiable Paper Audit Records

No problem, let me know in the morn. Thanks!

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

021100



"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>

To ecortes@eac.gov

cc

03/20/2007 04:01 PM

bcc

Subject RE: HAVA Funding for Voter Verifiable Paper Audit Records

History:

 This message has been replied to.

Edgardo,

The person who forwarded the file to me is not in the office this afternoon. I'll let you know in the morning. Sorry for the confusion.

Barbara

-----Original Message-----

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]

**Sent:** Tuesday, March 20, 2007 3:24 PM

**To:** Leonard, Barbara M.

**Subject:** RE: HAVA Funding for Voter Verifiable Paper Audit Records

Barbara,

Both pages in the PDF that shows the legislative budget request appear to be the same. Are the pages different or was the same page copied twice?

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>

03/20/2007 01:40 PM

To ecortes@eac.gov

cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>, "Bradshaw, Sarah"

<SBradshaw@dos.state.fl.us>

Subject RE: HAVA Funding for Voter Verifiable Paper Audit Records

021101

Edgardo,

Attached are the following documents providing updated information regarding the findings included in the Florida Auditor General's Operational Audit Report # 2006-194:

Department of State Inspector General's Follow-up Review to Auditor General Report Number 2006-194

Letter dated December 13, 2006 from Inspector General to Secretary of State Cobb  
Budget issue included in the FY 2007-08 Legislative Budget Request regarding additional funds for State Match

Florida Voting Systems Certification Checklist & Test Record

If you have any questions, please let us know.

Thanks,  
Barbara

-----Original Message-----

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]

**Sent:** Friday, March 16, 2007 11:36 AM

**To:** Tuck, Amy K.

**Cc:** Leonard, Barbara M.

**Subject:** Re: HAVA Funding for Voter Verifiable Paper Audit Records

Amy and Barbara,

Do you have any additional documentation for the issues identified during your state single audit. I have a copy of your response letter to the state auditor dated June 15, 2006 but many of the items are planned actions. Do you have supporting documentation to show you've completed those things? I am trying to write our audit resolution report and would prefer it show as much completed as possible rather than using the report to ask for this info. Let me know. Thanks.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

021102



"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>

03/20/2007 01:40 PM

To ecortes@eac.gov  
cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>, "Bradshaw, Sarah" <SBradshaw@dos.state.fl.us>  
bcc

Subject RE: HAVA Funding for Voter Verifiable Paper Audit Records

History This message has been replied to

Edgardo,

Attached are the following documents providing updated information regarding the findings included in the Florida Auditor General's Operational Audit Report # 2006-194:

- Department of State Inspector General's Follow-up Review to Auditor General Report Number 2006-194
- Letter dated December 13, 2006 from Inspector General to Secretary of State Cobb
- Budget issue included in the FY 2007-08 Legislative Budget Request regarding additional funds for State Match
- Florida Voting Systems Certification Checklist & Test Record

If you have any questions, please let us know.

Thanks,  
Barbara

-----Original Message-----

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]  
**Sent:** Friday, March 16, 2007 11:36 AM  
**To:** Tuck, Amy K.  
**Cc:** Leonard, Barbara M.  
**Subject:** Re: HAVA Funding for Voter Verifiable Paper Audit Records

Amy and Barbara,  
Do you have any additional documentation for the issues identified during your state single audit. I have a copy of your response letter to the state auditor dated June 15, 2006 but many of the items are planned actions. Do you have supporting documentation to show you've completed those things? I am trying to write our audit resolution report and would prefer it show as much completed as possible rather than using the report to ask for this info. Let me know. Thanks.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax



ecortes@eac.gov 2007-005 AG follow up HAVA FVRS dr final.doc 2007-005 Cover Letter HAVA FVRS.doc

021103



BVSC-010 Florida Voting Systems Certification Checklist and Test Record.doc FY 2007-08 LBR HAVA State Match.pdf

021104



"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>

03/16/2007 03:35 PM

To ecortes@eac.gov

cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>

bcc

Subject RE: HAVA Funding for Voter Verifiable Paper Audit Records

History

This message has been replied to

Edgardo,

How about Monday about 1:30 pm? I'll give you a call if that time is agreeable.

Barbara

-----Original Message-----

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]

**Sent:** Friday, March 16, 2007 2:18 PM

**To:** Leonard, Barbara M.

**Subject:** RE: HAVA Funding for Voter Verifiable Paper Audit Records

Great! Can we set up a time to chat on Monday? I'm available anytime after 10am.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>

03/16/2007 02:00 PM

To ecortes@eac.gov

cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>

Subject RE: HAVA Funding for Voter Verifiable Paper Audit Records

021105

Edgardo,

We should be able to forward something to you next week to document the steps that have been taken. We'll check with you first to be sure we're getting the information you need for your report.

Thanks,  
Barbara

-----Original Message-----

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]

**Sent:** Friday, March 16, 2007 11:36 AM

**To:** Tuck, Amy K.

**Cc:** Leonard, Barbara M.

**Subject:** Re: HAVA Funding for Voter Verifiable Paper Audit Records

Amy and Barbara,

Do you have any additional documentation for the issues identified during your state single audit. I have a copy of your response letter to the state auditor dated June 15, 2006 but many of the items are planned actions. Do you have supporting documentation to show you've completed those things? I am trying to write our audit resolution report and would prefer it show as much completed as possible rather than using the report to ask for this info. Let me know. Thanks.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

021106





"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>

To ecortes@eac.gov  
cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>  
bcc

03/16/2007 02:00 PM

Subject RE: HAVA Funding for Voter Verifiable Paper Audit Records

History:

✉ This message has been replied to.

Edgardo,

We should be able to forward something to you next week to document the steps that have been taken. We'll check with you first to be sure we're getting the information you need for your report.

Thanks,  
Barbara

-----Original Message-----

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]  
**Sent:** Friday, March 16, 2007 11:36 AM  
**To:** Tuck, Amy K.  
**Cc:** Leonard, Barbara M.  
**Subject:** Re: HAVA Funding for Voter Verifiable Paper Audit Records

Amy and Barbara,

Do you have any additional documentation for the issues identified during your state single audit. I have a copy of your response letter to the state auditor dated June 15, 2006 but many of the items are planned actions. Do you have supporting documentation to show you've completed those things? I am trying to write our audit resolution report and would prefer it show as much completed as possible rather than using the report to ask for this info. Let me know. Thanks.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

021107



"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>

02/16/2007 05:08 PM

To ecortes@eac.gov

cc

bcc

Subject RE: FW: Guidance Regarding Use of HAVA Funds

Edgardo,

Thank you so much for the response. I know you've been very busy and also knew of the bad weather. Hopefully the weather has cleared up a little by now. Have a great week-end.

Thanks,  
Barbara

-----Original Message-----

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]

**Sent:** Friday, February 16, 2007 4:45 PM

**To:** Leonard, Barbara M.

**Subject:** Re: FW: Guidance Regarding Use of HAVA Funds

Barbara,

Sorry for the delay but I was at the NASS and NASED conference over the weekend and then we had some bad weather that kept me from coming in. In regards to question #2, this is a purchase that is solely related to the statewide voter registration and therefore does not require pre-approval from the EAC. Just make sure to keep the proper records for audit purposes. Hope this helps. Thanks.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

"Leonard, Barbara M." <BMLeonard@dos.state.fl.us>

02/13/2007 02:02 PM

To ecortes@eac.gov

cc

SubjectFW: Guidance Regarding Use of HAVA Funds

021108

Edgardo,

Have you had a chance to review question #2 in our request below regarding the purchase of additional memory for our statewide voter registration system?

Thanks,  
Barbara

-----Original Message-----

**From:** Leonard, Barbara M.  
**Sent:** Friday, January 26, 2007 11:48 AM  
**To:** 'ecortes@eac.gov'  
**Cc:** Tuck, Amy K.; Bradshaw, Sarah  
**Subject:** RE: Guidance Regarding Use of HAVA Funds

Edgardo,

I believe that question #3 is related to the state single audit findings. It was included in the Operational Audit conducted by the Florida Auditor General's Office. I will forward you the original request for guidance that we sent to Peggy Sims last summer in case you don't have access to it.

Thanks,  
Barbara

-----Original Message-----

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]  
**Sent:** Friday, January 26, 2007 10:03 AM  
**To:** Leonard, Barbara M.  
**Subject:** Re: Guidance Regarding Use of HAVA Funds

Barbara,

Just a quick question about #3. Is this question related to the state single audit findings? I am working on some audit resolutions and wanted to make sure its the same issue.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct

021109

202-566-3127 fax  
ecortes@eac.gov

"Leonard, Barbara M."  
<BMLEonard@dos.state.fl.us>

01/10/2007 04:08 PM

To ecortes@eac.gov  
cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>, "Bradshaw, Sarah"  
<SBradshaw@dos.state.fl.us>  
Subject Guidance Regarding Use of HAVA Funds

Edgardo,

The Florida Department of State is requesting guidance regarding the use of HAVA funds for several items:

1. The computer equipment used to operate Florida's statewide voter registration system is currently housed in a state-owned facility that is in the process of being sold. As a result, the Department is moving its computer operations to a private facility.

Following our conversation this morning, the Department has determined that State funds will be used to pay for the expenses associated with moving all of the equipment (including the statewide voter registration system equipment) to the new location.

However, after the Department has completed its relocation of the computer room to another facility, it will be necessary to make rental payments to the owner of the building. Is it possible for the Department to use HAVA funds to pay a portion of the rent for the space occupied by computer equipment used to support the statewide voter registration system?

2. The Department needs to purchase additional memory in order to provide an identical back-up computer for the statewide voter registration system in case of a disaster. We have received quotes from three contractors on the State Purchasing Contract with the lowest quote being from

021110

Hewlett Packard at \$81,760. We are requesting EAC approval to use HAVA Section 251 funds for this purchase.

3. During the summer of 2006 the Department requested guidance from the EAC regarding the use of HAVA funds for annual and/or sick leave payments to employees filling HAVA-funded positions who terminated employment with the State. Could you check on the status of a response regarding this issue. If you need additional information, please let us know and we'll forward the original questions.

If you need any additional information regarding these items, please let us know. Thank you very much for your assistance.

Thanks,  
Barbara Leonard  
Florida Division of Elections  
HAVA Unit  
850-245-6201

021111



"Leonard, Barbara M."  
<BMLEonard@dos.state.fl.us>

To ecortes@eac.gov  
cc  
bcc

02/13/2007 02:02 PM

Subject FW: Guidance Regarding Use of HAVA Funds

History

This message has been replied to.

Edgardo,

Have you had a chance to review question #2 in our request below regarding the purchase of additional memory for our statewide voter registration system?

Thanks,  
Barbara

-----Original Message-----

**From:** Leonard, Barbara M.  
**Sent:** Friday, January 26, 2007 11:48 AM  
**To:** 'ecortes@eac.gov'  
**Cc:** Tuck, Amy K.; Bradshaw, Sarah  
**Subject:** RE: Guidance Regarding Use of HAVA Funds

Edgardo,

I believe that question #3 is related to the state single audit findings. It was included in the Operational Audit conducted by the Florida Auditor General's Office. I will forward you the original request for guidance that we sent to Peggy Sims last summer in case you don't have access to it.

Thanks,  
Barbara

-----Original Message-----

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]  
**Sent:** Friday, January 26, 2007 10:03 AM  
**To:** Leonard, Barbara M.  
**Subject:** Re: Guidance Regarding Use of HAVA Funds

Barbara,

Just a quick question about #3. Is this question related to the state single audit findings? I am working on some audit resolutions and wanted to make sure its the same issue.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax

021112

ecortes@eac.gov

"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>

01/10/2007 04:08 PM

To ecortes@eac.gov  
cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>, "Bradshaw, Sarah"  
<SBradshaw@dos.state.fl.us>  
Subject Guidance Regarding Use of HAVA Funds

Edgardo,

The Florida Department of State is requesting guidance regarding the use of HAVA funds for several items:

1. The computer equipment used to operate Florida's statewide voter registration system is currently housed in a state-owned facility that is in the process of being sold. As a result, the Department is moving its computer operations to a private facility.

Following our conversation this morning, the Department has determined that State funds will be used to pay for the expenses associated with moving all of the equipment (including the statewide voter registration system equipment) to the new location.

However, after the Department has completed its relocation of the computer room to another facility, it will be necessary to make rental payments to the owner of the building. Is it possible for the Department to use HAVA funds to pay a portion of the rent for the space occupied by computer equipment used to support the statewide voter registration system?

2. The Department needs to purchase additional memory in order to provide an identical back-up computer for the statewide voter registration system in case of a disaster. We have received quotes from three contractors on the State Purchasing Contract with the lowest quote being from Hewlett Packard at \$81,760. We are requesting EAC approval to use HAVA Section 251 funds for this purchase.

3. During the summer of 2006 the Department requested guidance from the EAC regarding the use of HAVA funds for annual and/or sick leave payments to employees filling HAVA-funded positions who terminated employment with the State. Could you check on the status of a response regarding this issue. If you need additional information, please let us know and we'll forward the original questions.

021113

If you need any additional information regarding these items, please let us know. Thank you very much for your assistance.

Thanks,  
Barbara Leonard  
Florida Division of Elections  
HAVA Unit  
850-245-6201

021114





"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>

01/26/2007 03:04 PM

To ecortes@eac.gov

cc

bcc

Subject RE: Guidance Regarding Use of HAVA Funds

Edgardo,

Thanks for your help with this.

Barbara

-----Original Message-----

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]  
**Sent:** Friday, January 26, 2007 2:31 PM  
**To:** Leonard, Barbara M.  
**Cc:** Tuck, Amy K.; Bradshaw, Sarah  
**Subject:** RE: Guidance Regarding Use of HAVA Funds

Barbara,

This was great information. This is the same issue I am working on in relation to the single audit. Just so you know, this means you will get the answer from me, but then it will also be addressed in an audit resolution report. That resolution report will cover this issue and the other issues identified during the single audit. Since EAC oversees HAVA funds, we are responsible for resolving issues identified during audits conducted by our Inspector General and also single audits conducted by each state. I'll keep you posted as we move forward in that process. Let me know if you have any questions. Thanks.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>

01/26/2007 11:48 AM

To ecortes@eac.gov

cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>, "Bradshaw, Sarah"

<SBradshaw@dos.state.fl.us>

Subject RE: Guidance Regarding Use of HAVA Funds

021115

Edgardo,

I believe that question #3 is related to the state single audit findings. It was included in the Operational Audit conducted by the Florida Auditor General's Office. I will forward you the original request for guidance that we sent to Peggy Sims last summer in case you don't have access to it.

Thanks,  
Barbara

-----Original Message-----

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]  
**Sent:** Friday, January 26, 2007 10:03 AM  
**To:** Leonard, Barbara M.  
**Subject:** Re: Guidance Regarding Use of HAVA Funds

Barbara,  
Just a quick question about #3. Is this question related to the state single audit findings? I am working on some audit resolutions and wanted to make sure its the same issue.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>

01/10/2007 04:08 PM

To ecortes@eac.gov  
cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>, "Bradshaw, Sarah"  
<SBradshaw@dos.state.fl.us>  
Subject Guidance Regarding Use of HAVA Funds

021116

Edgardo,

The Florida Department of State is requesting guidance regarding the use of HAVA funds for several items:

1. The computer equipment used to operate Florida's statewide voter registration system is currently housed in a state-owned facility that is in the process of being sold. As a result, the Department is moving its computer operations to a private facility.

Following our conversation this morning, the Department has determined that State funds will be used to pay for the expenses associated with moving all of the equipment (including the statewide voter registration system equipment) to the new location.

However, after the Department has completed its relocation of the computer room to another facility, it will be necessary to make rental payments to the owner of the building. Is it possible for the Department to use HAVA funds to pay a portion of the rent for the space occupied by computer equipment used to support the statewide voter registration system?

2. The Department needs to purchase additional memory in order to provide an identical back-up computer for the statewide voter registration system in case of a disaster. We have received quotes from three contractors on the State Purchasing Contract with the lowest quote being from Hewlett Packard at \$81,760. We are requesting EAC approval to use HAVA Section 251 funds for this purchase.

3. During the summer of 2006 the Department requested guidance from the EAC regarding the use of HAVA funds for annual and/or sick leave payments to employees filling HAVA-funded positions who terminated employment with the State. Could you check on the status of a response regarding this issue. If you need additional information, please let us know and we'll forward the original questions.

If you need any additional information regarding these items, please let us know. Thank you very much for your assistance.

Thanks,  
Barbara Leonard

021117

Florida Division of Elections  
HAVA Unit  
850-245-6201

021118



"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>

01/26/2007 11:51 AM

To ecortes@eac.gov

cc

bcc

Subject FW: Leave Payments to Terminating Employees

Edgardo,

This is the initial request regarding leave payments to terminating employees.

Thanks,  
Barbara

-----Original Message-----

**From:** Leonard, Barbara

**Sent:** Friday, June 23, 2006 9:57 AM

**To:** 'psims@eac.gov'

**Cc:** Roberts, Dawn K.; Bradshaw, Sarah; Gomez, Mike; Durbin, Joyce A.

**Subject:** Leave Payments to Terminating Employees

Peggy,

The Florida Department of State is requesting guidance from the EAC regarding leave payments to employees who have resigned from the Department of State and terminated employment in state government. Upon termination from the Department, these individuals have/will be paid for annual leave hours that were accrued during their tenure as state employees. During their employment with the Department of State, each employee was assigned to a position that worked exclusively on HAVA-related activities and was funded with HAVA dollars.

One individual was employed by the Department of State for eight months. However, he had been in state government for several years and transferred to the Department of State from another state agency. During that time he accrued 386 hours of annual leave. He accrued an additional 83 hours while employed at the Department of State. Upon termination from the Department, he was paid for 470 annual leave hours.

The other employee has been employed by the Department of State since mid-September 2003 and has worked exclusively in a HAVA-funded position during this period. He will be eligible for annual leave payments upon termination from state government at the end of June 2006. All of the annual leave hours were earned while he was working on HAVA activities.

In reviewing the language in federal OMB Circular A-87, it appears that it will be necessary for the Department of State to use state funds rather than HAVA funds for the leave payments to each of these individuals. However, since one individual was employed exclusively in a HAVA-funded position and earned the leave during this time, is it possible to use HAVA funds to pay for the accrued annual leave that will be paid to the individual upon termination from state government?

The situations referenced above relate to accrued annual leave. However, the same questions will apply when an employee filling a HAVA-funded position terminates from state government and is eligible to receive payment for sick leave.

We appreciate your assistance in determining the appropriate funding source when processing leave payments to individuals who worked in a HAVA-funded position at the time of termination from state

021119

government.

Thanks,  
Barbara Leonard  
Florida Division of Elections  
850-245-6201

021120



"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>

01/26/2007 11:48 AM

To ecortes@eac.gov

cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>, "Bradshaw, Sarah" <SBradshaw@dos.state.fl.us>

bcc

Subject RE: Guidance Regarding Use of HAVA Funds

History

✉ This message has been replied to.

Edgardo,

I believe that question #3 is related to the state single audit findings. It was included in the Operational Audit conducted by the Florida Auditor General's Office. I will forward you the original request for guidance that we sent to Peggy Sims last summer in case you don't have access to it.

Thanks,  
Barbara

-----Original Message-----

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]

**Sent:** Friday, January 26, 2007 10:03 AM

**To:** Leonard, Barbara M.

**Subject:** Re: Guidance Regarding Use of HAVA Funds

Barbara,

Just a quick question about #3. Is this question related to the state single audit findings? I am working on some audit resolutions and wanted to make sure its the same issue.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>

01/10/2007 04:08 PM

To ecortes@eac.gov

cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>, "Bradshaw, Sarah" <SBradshaw@dos.state.fl.us>

Subject Guidance Regarding Use of HAVA Funds

021121

Edgardo,

The Florida Department of State is requesting guidance regarding the use of HAVA funds for several items:

1. The computer equipment used to operate Florida's statewide voter registration system is currently housed in a state-owned facility that is in the process of being sold. As a result, the Department is moving its computer operations to a private facility.

Following our conversation this morning, the Department has determined that State funds will be used to pay for the expenses associated with moving all of the equipment (including the statewide voter registration system equipment) to the new location.

However, after the Department has completed its relocation of the computer room to another facility, it will be necessary to make rental payments to the owner of the building. Is it possible for the Department to use HAVA funds to pay a portion of the rent for the space occupied by computer equipment used to support the statewide voter registration system?

2. The Department needs to purchase additional memory in order to provide an identical back-up computer for the statewide voter registration system in case of a disaster. We have received quotes from three contractors on the State Purchasing Contract with the lowest quote being from Hewlett Packard at \$81,760. We are requesting EAC approval to use HAVA Section 251 funds for this purchase.

3. During the summer of 2006 the Department requested guidance from the EAC regarding the use of HAVA funds for annual and/or sick leave payments to employees filling HAVA-funded positions who terminated employment with the State. Could you check on the status of a response regarding this issue. If you need additional information, please let us know and we'll forward the original questions.

If you need any additional information regarding these items, please let us know. Thank you very much for your assistance.

Thanks,  
Barbara Leonard  
Florida Division of Elections  
HAVA Unit  
850-245-6201

021122





"Leonard, Barbara M."  
<BMLEonard@dos.state.fl.us>

01/10/2007 04:08 PM

To ecortes@eac.gov

cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>, "Bradshaw,  
Sarah" <SBradshaw@dos.state.fl.us>

bcc

Subject Guidance Regarding Use of HAVA Funds

History

This message has been replied to and forwarded

Edgardo,

The Florida Department of State is requesting guidance regarding the use of HAVA funds for several items:

1. The computer equipment used to operate Florida's statewide voter registration system is currently housed in a state-owned facility that is in the process of being sold. As a result, the Department is moving its computer operations to a private facility.

Following our conversation this morning, the Department has determined that State funds will be used to pay for the expenses associated with moving all of the equipment (including the statewide voter registration system equipment) to the new location.

However, after the Department has completed its relocation of the computer room to another facility, it will be necessary to make rental payments to the owner of the building. Is it possible for the Department to use HAVA funds to pay a portion of the rent for the space occupied by computer equipment used to support the statewide voter registration system?

2. The Department needs to purchase additional memory in order to provide an identical back-up computer for the statewide voter registration system in case of a disaster. We have received quotes from three contractors on the State Purchasing Contract with the lowest quote being from Hewlett Packard at \$81,760. We are requesting EAC approval to use HAVA Section 251 funds for this purchase.

3. During the summer of 2006 the Department requested guidance from the EAC regarding the use of HAVA funds for annual and/or sick leave payments to employees filling HAVA-funded positions who terminated employment with the State. Could you check on the status of a response regarding this issue. If you need additional information, please let us know and we'll forward the original questions.

If you need any additional information regarding these items, please let us know. Thank you very much for your assistance.

Thanks,  
Barbara Leonard  
Florida Division of Elections  
HAVA Unit  
850-245-6201

021123



"Tuck, Amy K."  
<AKTuck@dos.state.fl.us>  
04/05/2007 06:11 PM

To ecortes@eac.gov, "Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>  
cc "Browning, Kurt S." <KSBrowning@dos.state.fl.us>,  
"Kennedy, Jennifer L." <JLKennedy@dos.state.fl.us>,  
twilkey@eac.gov

bcc

Subject RE: Question Regarding Section 101 Funds

History

This message has been replied to

Edgardo,

It is the same question that I posed before regarding moving to optical scan systems and voter verifiable paper audit records. This also includes using ballot on demand and Automark. Jennifer Kennedy (Deputy Secretary of State) spoke with Tom Wilkey on Tuesday and I spoke with him on Tuesday as well. From what I understand, the decision that you previously gave me stands. However, we need something more formal in writing. As you know, we are in legislative session and this is a request not only from us, but from both of our legislative houses. I would really appreciate getting it as soon as possible.

Thank you again for all your help on this. I know you guys are busy. Please let me know if there is anything I can do to help.

Amy Tuck

---

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]  
**Sent:** Thursday, April 05, 2007 4:16 PM  
**To:** Leonard, Barbara M.  
**Cc:** Tuck, Amy K.  
**Subject:** Re: Question Regarding Section 101 Funds

Barbara,

Sorry for the delay in getting back to you - we have been swamped this week. I won't be in the office tomorrow but if you can email me the question, I can work on it over the weekend to get you a response for Monday. Thanks.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

"Leonard, Barbara M." <BMLeonard@dos.state.fl.us>

03/30/2007 04:15 PM

To ecortes@eac.gov

021124

cc:"Tuck, Amy K." <AKTuck@dos.state.fl.us>  
Subject: Question Regarding Section 101 Funds

Hi Edgardo,

Would you please give me a call. We have a question regarding the use of HAVA Section 101 funds.

Thanks,  
Barbara Leonard  
Florida Division of Elections  
850-245-6201

This response is provided for reference only and does not constitute legal advice or representation. As applied to a particular set of facts or circumstances, interested parties should refer to the Florida Statutes and applicable case law, and/or consult a private attorney before drawing any legal conclusions or relying upon the information provided.

Please note: Florida has a very broad public records law. Written communications to or from state officials regarding state business constitute public records and are available to the public and media upon request unless the information is subject to a specific statutory exemption. Therefore, your e-mail message may be subject to public disclosure.

021125



"Tuck, Amy K."  
<AKTuck@dos.state.fl.us>  
03/21/2007 11:12 AM

To ecortes@eac.gov  
cc  
bcc  
Subject RE: HAVA Funding

Edgardo,

Again, thanks for your quick response on all of this. One more question... If counties used a ballot on demand system, which is basically just a ballot "printing" service at the early voting sites, could HAVA funding be used? Let me know if you need me to call or explain further.

Thank you,  
Amy

---

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]  
**Sent:** Wednesday, March 14, 2007 4:54 PM  
**To:** Tuck, Amy K.  
**Cc:** jhodgkins@eac.gov  
**Subject:** RE: HAVA Funding

Amy,

Sorry for the longer response on this email. Its been a pretty busy day.

With question 1, I forgot that Florida did file a certification under HAVA section 251(b)(2)(A). This means you are correct, Florida can use any remaining requirements payments for the improvement of administration of elections for federal office. No additional certification is needed. VVPAR would fall under this category. Section 101 funds can be used for this purpose without any certification.

With #2, you are correct. Replacement of newly purchased equipment that is HAVA compliant and in good working order does not appear to meet the test of reasonableness for using federal funds. Our initial take on the automark system is that it would fall into this category because you would be replacing the current DREs with a new system.

Again, this is our general take on this without having reviewed any detailed information about Florida's particular situation. Let me know if you need any more info. Thanks.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

"Tuck, Amy K." <AKTuck@dos.state.fl.us>

03/14/2007 11:30 AM

To ecortes@eac.gov

021126

cc

SubjectRE: HAVA Funding

Sorry – one more issue. There is some consideration of using an “AutoMARK” system instead of the VVPAR. I would assume this would follow along the same lines as the considerations for the VVPAR. Let me know if you need more information on that before responding.

Thanks again.

---

**From:** Tuck, Amy K.  
**Sent:** Wednesday, March 14, 2007 11:25 AM  
**To:** ecortes@eac.gov  
**Subject:** HAVA Funding  
**Importance:** High

Edgardo,

I wanted to summarize our earlier conversation to make sure I am clear on how to proceed on this issue.

1. VVPAR (Voter verifiable paper audit record)

These can be paid for from HAVA funding under certain circumstances although this is not a requirement in HAVA and does not meet Title 3 requirements.

Section 251 funding can be used for Title 3 activities or for improving the administration of elections for federal office. Under this guideline, Florida can do the following:

- a. Certify that we have met the requirements of Title 3 and use the remaining 251 funds for improving federal elections.
- b. Or if we have not met the requirements for Title 3, we can certify that we will not use more than the minimum payment (est. 11.6m) for “non-Title 3” activities.

As a state, we did certify in August, 2006 that we have met the requirements for Title 3, so we would be in position a. (above). I would assume that we could then use the Section 251 funds to provide voter verifiable paper audit record devices for touchscreens under the argument that it is to improve federal elections.

021127

Section 101 funding can be used to improve administration of elections for federal office. If Florida decided to use this funding, we would not have to certify to the EAC.

2. Optical Scan

If the touchscreens that are being replaced were purchased with HAVA funding, then further HAVA funding may not be used for this purpose. If the touchscreens were purchased from state funding, then HAVA funding could be used for this purpose. I would assume we would follow the same guidelines in #1 concerning both the 251 and 101 funding.

And, of course, we are free to use state funding (or funding from the purchase of the systems) to upgrade as long as we remain in compliance with federal and state guidelines.

Thank you (and Julie) for taking the time to speak with me today. I appreciate the time and quick response. I look forward to hearing back from you.

Sincerely,

**Amy K. Tuck, Esq.**

Director, Division of Elections  
Florida Department of State  
The R.A. Gray Building  
500 South Bronough Street, Room 316  
Tallahassee, Florida 32399  
850.245.6200 phone  
850.245.6217 fax

021128



"Tuck, Amy K."  
<AKTuck@dos.state.fl.us>  
03/14/2007 10:04 PM

To ecortes@eac.gov  
cc  
bcc  
Subject RE: HAVA Funding

Thank you for the response. We might have some additional questions. But, again, thank you for taking the time. I appreciate it. Amy

---

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]  
**Sent:** Wednesday, March 14, 2007 4:54 PM  
**To:** Tuck, Amy K.  
**Cc:** jhodgkins@eac.gov  
**Subject:** RE: HAVA Funding

Amy,

Sorry for the longer response on this email. Its been a pretty busy day. With question 1, I forgot that Florida did file a certification under HAVA section 251(b)(2)(A). This means you are correct, Florida can use any remaining requirements payments for the improvement of administration of elections for federal office. No additional certification is needed. VVPAR would fall under this category. Section 101 funds can be used for this purpose without any certification. With #2, you are correct. Replacement of newly purchased equipment that is HAVA compliant and in good working order does not appear to meet the test of reasonableness for using federal funds. Our initial take on the automark system is that it would fall into this category because you would be replacing the current DREs with a new system. Again, this is our general take on this without having reviewed any detailed information about Florida's particular situation. Let me know if you need any more info. Thanks.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

"Tuck, Amy K." <AKTuck@dos.state.fl.us>

03/14/2007 11:30 AM

To ecortes@eac.gov  
cc  
Subject RE: HAVA Funding

021129

Sorry – one more issue. There is some consideration of using an “AutoMARK” system instead of the VVPAR. I would assume this would follow along the same lines as the considerations for the VVPAR. Let me know if you need more information on that before responding.

Thanks again.

---

**From:** Tuck, Amy K.  
**Sent:** Wednesday, March 14, 2007 11:25 AM  
**To:** ecortes@eac.gov  
**Subject:** HAVA Funding  
**Importance:** High

Edgardo,

I wanted to summarize our earlier conversation to make sure I am clear on how to proceed on this issue.

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These can be paid for from HAVA funding under certain circumstances although this is not a requirement in HAVA and does not meet Title 3 requirements.

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- a. Certify that we have met the requirements of Title 3 and use the remaining 251 funds for improving federal elections.
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As a state, we did certify in August, 2006 that we have met the requirements for Title 3, so we would be in position a. (above). I would assume that we could then use the Section 251 funds to provide voter verifiable paper audit record devices for touchscreens under the argument that it is to improve federal elections.

Section 101 funding can be used to improve administration of elections for federal office. If Florida decided to use this funding, we would not have to certify to the EAC.

2. Optical Scan

021130



If the touchscreens that are being replaced were purchased with HAVA funding, then further HAVA funding may not be used for this purpose. If the touchscreens were purchased from state funding, then HAVA funding could be used for this purpose. I would assume we would follow the same guidelines in #1 concerning both the 251 and 101 funding.

And, of course, we are free to use state funding (or funding from the purchase of the systems) to upgrade as long as we remain in compliance with federal and state guidelines.

Thank you (and Julie) for taking the time to speak with me today. I appreciate the time and quick response. I look forward to hearing back from you.

Sincerely,

**Amy K. Tuck, Esq.**

Director, Division of Elections

Florida Department of State

The R.A. Gray Building

500 South Bronough Street, Room 316

Tallahassee, Florida 32399

850.245.6200 phone

850.245.6217 fax

021131



"Tuck, Amy K."  
<AKTuck@dos.state.fl.us>  
03/14/2007 11:30 AM

To ecortes@eac.gov  
cc  
bcc

Subject RE: HAVA Funding

History

✉ This message has been replied to and forwarded

Sorry – one more issue. There is some consideration of using an “AutoMARK” system instead of the VVPAR. I would assume this would follow along the same lines as the considerations for the VVPAR. Let me know if you need more information on that before responding.

Thanks again.

---

**From:** Tuck, Amy K.  
**Sent:** Wednesday, March 14, 2007 11:25 AM  
**To:** ecortes@eac.gov  
**Subject:** HAVA Funding  
**Importance:** High

Edgardo,

I wanted to summarize our earlier conversation to make sure I am clear on how to proceed on this issue.

1. VVPAR (Voter verifiable paper audit record)

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- a. Certify that we have met the requirements of Title 3 and use the remaining 251 funds for improving federal elections.
- b. Or if we have not met the requirements for Title 3, we can certify that we will not use more than the minimum payment (est. 11.6m) for “non-Title 3” activities.

As a state, we did certify in August, 2006 that we have met the requirements for Title 3, so we would be in position a. (above). I would assume that we could then use the Section 251 funds to provide voter verifiable paper audit record devices for touchscreens under the argument that it is to improve federal elections.

Section 101 funding can be used to improve administration of elections for federal office. If Florida decided to use this funding, we would not have to certify to the EAC.

2. Optical Scan

If the touchscreens that are being replaced were purchased with HAVA funding, then further HAVA funding may not be used for this purpose. If the touchscreens were purchased from state funding, then HAVA funding could be used for this purpose. I would assume we would follow the same guidelines in #1 concerning both the 251 and 101 funding.

And, of course, we are free to use state funding (or funding from the purchase of the systems) to upgrade as long as we remain in compliance with federal and state guidelines.

021132

Thank you (and Julie) for taking the time to speak with me today. I appreciate the time and quick response. I look forward to hearing back from you.

Sincerely,

**Amy K. Tuck, Esq.**

Director, Division of Elections

Florida Department of State

The R.A. Gray Building

500 South Bronough Street, Room 316

Tallahassee, Florida 32399

850.245.6200 phone

850.245.6217 fax

021133



"Tuck, Amy K."  
<AKTuck@dos.state.fl.us>  
03/14/2007 11:25 AM

To ecortes@eac.gov  
cc  
bcc  
Subject HAVA Funding

Edgardo,

I wanted to summarize our earlier conversation to make sure I am clear on how to proceed on this issue.

1. VVPAR (Voter verifiable paper audit record).

These can be paid for from HAVA funding under certain circumstances although this is not a requirement in HAVA and does not meet Title 3 requirements.

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- a. Certify that we have met the requirements of Title 3 and use the remaining 251 funds for improving federal elections.
- b. Or if we have not met the requirements for Title 3, we can certify that we will not use more than the minimum payment (est. 11.6m) for "non-Title 3" activities.

As a state, we did certify in August, 2006 that we have met the requirements for Title 3, so we would be in position a. (above). I would assume that we could then use the Section 251 funds to provide voter verifiable paper audit record devices for touchscreens under the argument that it is to improve federal elections.

Section 101 funding can be used to improve administration of elections for federal office. If Florida decided to use this funding, we would not have to certify to the EAC.

2. Optical Scan

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And, of course, we are free to use state funding (or funding from the purchase of the systems) to upgrade as long as we remain in compliance with federal and state guidelines.

Thank you (and Julie) for taking the time to speak with me today. I appreciate the time and quick response. I look forward to hearing back from you.

Sincerely,

**Amy K. Tuck, Esq.**  
Director, Division of Elections  
Florida Department of State  
The R.A. Gray Building  
500 South Bronough Street, Room 316  
Tallahassee, Florida 32399  
850.245.6200 phone  
850.245.6217 fax

021134



"Tuck, Amy K."  
<AKTuck@dos.state.fl.us>  
03/14/2007 10:42 AM

To ecortes@eac.gov  
cc  
bcc  
Subject RE: Response: Using HAVA funds to replace voting equipment

History

This message has been replied to

I'm in the office now – meeting got moved to 12. If you have time, I can give you a call right now.

---

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]  
**Sent:** Wednesday, March 14, 2007 10:13 AM  
**To:** Tuck, Amy K.  
**Subject:** RE: Response: Using HAVA funds to replace voting equipment

I have a meeting at noon but we can do it after your 11am, depending on when that is over. If not, we can schedule for sometime this afternoon. Our general counsel will be joining us on the call.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

"Tuck, Amy K." <AKTuck@dos.state.fl.us>

03/14/2007 08:43 AM

To ecortes@eac.gov  
cc  
Subject RE: Response: Using HAVA funds to replace voting equipment

That would be great. I have a meeting at 11 but am otherwise here this

021135

morning. Let me know your schedule and we'll call you.

-----Original Message-----

From: ecortes@eac.gov [mailto:ecortes@eac.gov]  
Sent: Wednesday, March 14, 2007 8:36 AM  
To: Tuck, Amy K.  
Subject: Re: Response: Using HAVA funds to replace voting equipment

I can be available for a call later this morning if you want. Let me know.

----- Original Message -----

From: "Tuck, Amy K." [AKTuck@dos.state.fl.us]  
Sent: 03/14/2007 08:30 AM AST  
To: Edgardo Cortes  
Subject: RE: Response: Using HAVA funds to replace voting equipment

Thank you. I guess we are all a little confused. We had originally thought we could use some funding for the optical scan part of the legislation but not for the vvpats. Based on this response it would seem that we could not use any of the funding for this legislation.

-----Original Message-----

From: ecortes@eac.gov [mailto:ecortes@eac.gov]  
Sent: Wednesday, March 14, 2007 8:14 AM  
To: Tuck, Amy K.  
Cc: Leonard, Barbara M.  
Subject: Fw: Response: Using HAVA funds to replace voting equipment  
Importance: High

Amy,

I am on my way to work but am delayed due to traffic. However, I am forwarding you this response I sent to Bob West from the FL legislature who asked this question on Monday. Please read this over and let me know if it helps. Thanks.

----- Original Message -----

From: Edgardo Cortes  
Sent: 03/12/2007 02:41 PM EDT  
To: bob.west@myfloridahouse.gov  
Subject: Response: Using HAVA funds to replace voting equipment

Mr. West,

You requested information this morning via telephone on whether Florida could use its remaining HAVA \$251 funds to replace DREs previously purchased with HAVA funds with optical scan voting systems. Since you have requested an answer by this afternoon to assist in your legislative session and a specific answer to your question would require us to collect additional information and would take additional time, I am including a response sent to Washington State regarding a similar question. Please review this and see if it is sufficient for what you need. I have also included an explanation of acceptable uses of HAVA funds as well as other federal rules and regulations that are applicable to the use of HAVA funds. I have highlighted the sections most closely related to your request. Please let me know if you have any additional questions or if you need further clarification. Thank you.

021136

## Sources and Uses of HAVA Funds

There are three sources of funding provided by HAVA for use to improve the administration of federal elections and to meet the requirements of Title III of HAVA (specifically to implement provisional voting, to improve voting technology, to develop and implement a statewide voter registration database, to provide information to voters, and to verify and identify voters according to the procedures set forth in HAVA). Those sources are Section 101, Section 102 and Section 251 funds.

The funds received by a state under Section 101 can be used for the following purposes:

- A. Complying with the requirements under title III.
- B. Improving the administration of elections for Federal office.
- C. Educating voters concerning voting procedures, voting rights, and voting technology.
- D. Training election officials, poll workers, and election volunteers.
- E. Developing the State plan for requirements payments to be submitted under part 1 of subtitle D of title II.
- F. Improving, acquiring, leasing, modifying, or replacing voting systems and technology and methods for casting and counting votes.
- G. Improving the accessibility and quantity of polling places, including providing physical access for individuals with disabilities, providing non-visual access for individuals with visual impairments, and providing assistance to Native Americans, Alaska Native citizens, and to individuals with limited proficiency in the English language.
- H. Establishing toll-free telephone hotlines that voters may use to report possible voting fraud and voting rights violations, to obtain general election information, and to access detailed automated information on their own voter registration status, specific polling place locations, and other relevant information.

Section 102 funds can be used ONLY for the purposes of replacing punch card and lever voting systems with voting systems that comply with Section 301(a) of HAVA.

Section 251 funds can be used to implement any of the Title III requirements, including purchasing compliant voting systems, implementing provisional voting, providing information to voters in the polling place, developing and implementing a statewide voter registration list, and identifying voters. In addition, states and local governments can use HAVA funds to improve the administration of elections for Federal office when one of two conditions is met: (1) the state has met the requirements of Title III; or (2) the state notifies EAC of its intention to use an amount not to exceed the amount of the minimum payment that the state either did or could have received under the Section 252 formula for that purpose.

The uses of Section 251 funds (and Section 101 funds, when used to meet the requirements of Title III) must be accounted for in the state's plan as originally submitted or later amended. Any material change in the use of 251 funds (and Section 101 funds as specified above) from the approved state plan will require the state to revise its plan and submit the revisions to the EAC for publication and approval.

Costs must be Allowable, Allocable and Reasonable

In addition to the restrictions on the uses of funds imposed by HAVA, when these funds were distributed by either the General Services

021137

Administration (GSA) or the EAC, those funds were made subject to several circulars developed by the Office of Management and Budget, specifically OMB Circulars A-87 (governs the use of federal funds to purchase goods for state and local governments), A-102 (governs the management of federal funds for state and local governments), A-122 (governs the use of federal funds to purchase goods for non-profits) and A-133 (dealing with audits). These circulars further restrict the appropriate uses of Federal funds requiring generally that costs paid for by HAVA funds are allowable, allocable (directly or through an indirect cost rate), and reasonable.

#### Allowable Costs

A cost is allowable if it is necessary for the proper and efficient performance and administration of the federally sponsored program. Costs that fall within the specifically identified uses of HAVA funds in either Sections 101, 102 or Title III are allowable.

#### Allocable Costs

A state can allocate an expense by charging only a portion equal to the percentage of use for HAVA related purposes to the HAVA grant. This can be accomplished by either using only that percentage of HAVA fund per unit cost or by seeking reimbursement from the other departments within the state for their portion of the usage. The question of allocability arises generally in one of two circumstances. First, is the cost allocable to the program to which it is billed? Just because a cost is allowable under one or more funding programs of HAVA do not mean that it is allocable to each and every program. For example, if an expense is not directly related to meeting any of the Title III requirements, it is allocable only to Section 101 funds and Section 251 funds pursuant to the provisions of Section 251(b) that allow for the use of Title II funds for the improvement of the administration of elections for federal office only up to the minimum payment amount. Second, is the cost allocable to benefit a Federal election? Most of the uses identified in HAVA require the funds to be used to benefit a Federal election. Thus, costs that strictly benefit a state or local election are not allocable to the HAVA funding programs.

#### Indirect Costs

In some circumstances, the expense may be an indirect one that can be covered by an indirect cost rate. In that instance, the state may submit an indirect cost rate proposal in which it identifies and supplies information regarding direct and indirect costs of operation. Circular A-87 and ASMB C-10, Cost Principles and Procedures for Developing Cost Allocation Plans and Indirect Cost Allocation Plans and Indirect Cost Rates for Agreements with the Federal Government, provide guidance on negotiating indirect costs rates.

An indirect cost rate provides a state with the basis for allocating administrative costs that are inextricably linked to other services provided by the Secretary of State such that they cannot easily be segregated into those costs that directly benefit the HAVA funding program and those that do not. For example, the cost of printers and copy machines that are used for both Federal and State election activities and that are below the State's threshold for capitalized equipment may be expensed and included in the indirect cost pool. On the other hand, if you include an asset in the fixed capital assets section of your balance sheet and depreciate the asset, you should consider the asset as a capital expenditure and include only depreciation expense in the pool. Click here to see a power point presentation on indirect costs presented by KPMG on behalf of the EAC.



## Reasonable Costs

A state must do some assessment as to whether the costs are reasonable. This is done by determining that the cost is justified based upon factors such as the frequency of use, leasing versus purchasing, and actual cost for the good or service.

Excerpt from response to Washington State, sent August 10, 2006:

"The question of the Snohomish County audio units brings up several issues. The issue as I understand it is that Snohomish County bought some accessible voting systems with HAVA funds that do not meet the 2002 requirements. Although it is possible, it is also unlikely that a voting system could be compliant with HAVA Section 301(a) and not meet the 2002 FEC Voting System Standards (particularly in regards to the tested error rate). Please see EAC Advisory 2005-004 for more information on helping to determine whether a particular system meets the standards of Section 301(a).

If the county purchased equipment which was not compliant with HAVA section 301(a), then HAVA funds could not be used to purchase these systems. Any use of HAVA funds for the purpose of purchasing voting equipment that is not compliant with 301(a) is a misuse of HAVA funds and should be reimbursed to the state Election Fund. While Snohomish County did take initiative to purchase equipment early, it turns out that this equipment is not usable. If this is the case, then HAVA funds can be used for the purchase of replacement voting systems.

If the county has already purchased a voting system which is compliant with Section 301(a) and are simply replacing the system because they are not happy with it or feel they could get something better, then this cannot be paid for using HAVA funds. Replacement of newly purchased equipment that is HAVA compliant and in good working order does not appear to meet the test of reasonableness for using federal funds.

Purchasing voting systems is an acceptable use of HAVA funds. You must determine which of the above scenarios Snohomish County falls into in order to decide which system HAVA funds will be used for. The other system should be paid for with non-HAVA funds. In either scenario, HAVA funds cannot be used to purchase both voting systems."

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

021139



"Tuck, Amy K."  
<AKTuck@dos.state.fl.us>  
03/14/2007 08:43 AM

To ecortes@eac.gov  
cc  
bcc

Subject RE: Response: Using HAVA funds to replace voting  
equipment

History

 This message has been replied to.

That would be great. I have a meeting at 11 but am otherwise here this morning. Let me know your schedule and we'll call you.

-----Original Message-----

From: ecortes@eac.gov [mailto:ecortes@eac.gov]  
Sent: Wednesday, March 14, 2007 8:36 AM  
To: Tuck, Amy K.  
Subject: Re: Response: Using HAVA funds to replace voting equipment

I can be available for a call later this morning if you want. Let me know.

----- Original Message -----

From: "Tuck, Amy K." [AKTuck@dos.state.fl.us]  
Sent: 03/14/2007 08:30 AM AST  
To: Edgardo Cortes  
Subject: RE: Response: Using HAVA funds to replace voting equipment

Thank you. I guess we are all a little confused. We had originally thought we could use some funding for the optical scan part of the legislation but not for the vvpats. Based on this response it would seem that we could not use any of the funding for this legislation.

-----Original Message-----

From: ecortes@eac.gov [mailto:ecortes@eac.gov]  
Sent: Wednesday, March 14, 2007 8:14 AM  
To: Tuck, Amy K.  
Cc: Leonard, Barbara M.  
Subject: Fw: Response: Using HAVA funds to replace voting equipment  
Importance: High

Amy,

I am on my way to work but am delayed due to traffic. However, I am forwarding you this response I sent to Bob West from the FL legislature who asked this question on Monday. Please read this over and let me know if it helps. Thanks.

----- Original Message -----

From: Edgardo Cortes  
Sent: 03/12/2007 02:41 PM EDT  
To: bob.west@myfloridahouse.gov  
Subject: Response: Using HAVA funds to replace voting equipment

Mr. West,

You requested information this morning via telephone on whether Florida could use its remaining HAVA \$251 funds to replace DRES previously

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purchased with HAVA funds with optical scan voting systems. Since you have requested an answer by this afternoon to assist in your legislative session and a specific answer to your question would require us to collect additional information and would take additional time, I am including a response sent to Washington State regarding a similar question. Please review this and see if it is sufficient for what you need. I have also included an explanation of acceptable uses of HAVA funds as well as other federal rules and regulations that are applicable to the use of HAVA funds. I have highlighted the sections most closely related to your request. Please let me know if you have any additional questions or if you need further clarification. Thank you.

#### Sources and Uses of HAVA Funds

There are three sources of funding provided by HAVA for use to improve the administration of federal elections and to meet the requirements of Title III of HAVA (specifically to implement provisional voting, to improve voting technology, to develop and implement a statewide voter registration database, to provide information to voters, and to verify and identify voters according to the procedures set forth in HAVA). Those sources are Section 101, Section 102 and Section 251 funds.

The funds received by a state under Section 101 can be used for the following purposes:

- A. Complying with the requirements under title III.
- B. Improving the administration of elections for Federal office.
- C. Educating voters concerning voting procedures, voting rights, and voting technology.
- D. Training election officials, poll workers, and election volunteers.
- E. Developing the State plan for requirements payments to be submitted under part 1 of subtitle D of title II.
- F. Improving, acquiring, leasing, modifying, or replacing voting systems and technology and methods for casting and counting votes.
- G. Improving the accessibility and quantity of polling places, including providing physical access for individuals with disabilities, providing non-visual access for individuals with visual impairments, and providing assistance to Native Americans, Alaska Native citizens, and to individuals with limited proficiency in the English language.
- H. Establishing toll-free telephone hotlines that voters may use to report possible voting fraud and voting rights violations, to obtain general election information, and to access detailed automated information on their own voter registration status, specific polling place locations, and other relevant information.

Section 102 funds can be used ONLY for the purposes of replacing punch card and lever voting systems with voting systems that comply with Section 301(a) of HAVA.

Section 251 funds can be used to implement any of the Title III requirements, including purchasing compliant voting systems, implementing provisional voting, providing information to voters in the polling place, developing and implementing a statewide voter registration list, and identifying voters. In addition, states and local governments can use HAVA funds to improve the administration of elections for Federal office when one of two conditions is met: (1) the state has met the requirements of Title III; or (2) the state notifies EAC of its intention to use an amount not to exceed the amount of the minimum payment that the state either did or could have received under the Section 252 formula for that purpose.

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The uses of Section 251 funds (and Section 101 funds, when used to meet the requirements of Title III) must be accounted for in the state's plan as originally submitted or later amended. Any material change in the use of 251 funds (and Section 101 funds as specified above) from the approved state plan will require the state to revise its plan and submit the revisions to the EAC for publication and approval.

Costs must be Allowable, Allocable and Reasonable

In addition to the restrictions on the uses of funds imposed by HAVA, when these funds were distributed by either the General Services Administration (GSA) or the EAC, those funds were made subject to several circulars developed by the Office of Management and Budget, specifically OMB Circulars A-87 (governs the use of federal funds to purchase goods for state and local governments), A-102 (governs the management of federal funds for state and local governments), A-122 (governs the use of federal funds to purchase goods for non-profits) and A-133 (dealing with audits). These circulars further restrict the appropriate uses of Federal funds requiring generally that costs paid for by HAVA funds are allowable, allocable (directly or through an indirect cost rate), and reasonable.

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A state can allocate an expense by charging only a portion equal to the percentage of use for HAVA related purposes to the HAVA grant. This can be accomplished by either using only that percentage of HAVA fund per unit cost or by seeking reimbursement from the other departments within the state for their portion of the usage. The question of allocability arises generally in one of two circumstances. First, is the cost allocable to the program to which it is billed? Just because a cost is allowable under one or more funding programs of HAVA do not mean that it is allocable to each and every program. For example, if an expense is not directly related to meeting any of the Title III requirements, it is allocable only to Section 101 funds and Section 251 funds pursuant to the provisions of Section 251(b) that allow for the use of Title II funds for the improvement of the administration of elections for federal office only up to the minimum payment amount. Second, is the cost allocable to benefit a Federal election? Most of the uses identified in HAVA require the funds to be used to benefit a Federal election. Thus, costs that strictly benefit a state or local election are not allocable to the HAVA funding programs.

#### Indirect Costs

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An indirect cost rate provides a state with the basis for allocating

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administrative costs that are inextricably linked to other services provided by the Secretary of State such that they cannot easily be segregated into those costs that directly benefit the HAVA funding program and those that do not. For example, the cost of printers and copy machines that are used for both Federal and State election activities and that are below the State's threshold for capitalized equipment may be expensed and included in the indirect cost pool. On the other hand, if you include an asset in the fixed capital assets section of your balance sheet and depreciate the asset, you should consider the asset as a capital expenditure and include only depreciation expense in the pool. Click here to see a power point presentation on indirect costs presented by KPMG on behalf of the EAC.

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"The question of the Snohomish County audio units brings up several issues. The issue as I understand it is that Snohomish County bought some accessible voting systems with HAVA funds that do not meet the 2002 requirements. Although it is possible, it is also unlikely that a voting system could be compliant with HAVA Section 301(a) and not meet the 2002 FEC Voting System Standards (particularly in regards to the tested error rate). Please see EAC Advisory 2005-004 for more information on helping to determine whether a particular system meets the standards of Section 301(a).

If the county purchased equipment which was not compliant with HAVA section 301(a), then HAVA funds could not be used to purchase these systems. Any use of HAVA funds for the purpose of purchasing voting equipment that is not compliant with 301(a) is a misuse of HAVA funds and should be reimbursed to the state Election Fund. While Snohomish County did take initiative to purchase equipment early, it turns out that this equipment is not usable. If this is the case, then HAVA funds can be used for the purchase of replacement voting systems.

If the county has already purchased a voting system which is compliant with Section 301(a) and are simply replacing the system because they are not happy with it or feel they could get something better, then this cannot be paid for using HAVA funds. Replacement of newly purchased equipment that is HAVA compliant and in good working order does not appear to meet the test of reasonableness for using federal funds.

Purchasing voting systems is an acceptable use of HAVA funds. You must determine which of the above scenarios Snohomish County falls into in order to decide which system HAVA funds will be used for. The other system should be paid for with non-HAVA funds. In either scenario, HAVA funds cannot be used to purchase both voting systems."

Edgardo Cortés  
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1225 New York Ave. NW, Ste. 1100  
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021143

202-566-3127 fax  
ecortes@eac.gov

021144



"Tuck, Amy K."  
<AKTuck@dos.state.fl.us>  
03/14/2007 08:30 AM

To ecortes@eac.gov  
cc  
bcc

Subject RE: Response: Using HAVA funds to replace voting equipment

History: This message has been replied to and forwarded

Thank you. I guess we are all a little confused. We had originally thought we could use some funding for the optical scan part of the legislation but not for the vvpats. Based on this response it would seem that we could not use any of the funding for this legislation.

-----Original Message-----

From: ecortes@eac.gov [mailto:ecortes@eac.gov]  
Sent: Wednesday, March 14, 2007 8:14 AM  
To: Tuck, Amy K.  
Cc: Leonard, Barbara M.  
Subject: Fw: Response: Using HAVA funds to replace voting equipment  
Importance: High

Amy,

I am on my way to work but am delayed due to traffic. However, I am forwarding you this response I sent to Bob West from the FL legislature who asked this question on Monday. Please read this over and let me know if it helps. Thanks.

----- Original Message -----

From: Edgardo Cortes  
Sent: 03/12/2007 02:41 PM EDT  
To: bob.west@myfloridahouse.gov  
Subject: Response: Using HAVA funds to replace voting equipment

Mr. West,

You requested information this morning via telephone on whether Florida could use its remaining HAVA \$251 funds to replace DREs previously purchased with HAVA funds with optical scan voting systems. Since you have requested an answer by this afternoon to assist in your legislative session and a specific answer to your question would require us to collect additional information and would take additional time, I am including a response sent to Washington State regarding a similar question. Please review this and see if it is sufficient for what you need. I have also included an explanation of acceptable uses of HAVA funds as well as other federal rules and regulations that are applicable to the use of HAVA funds. I have highlighted the sections most closely related to your request. Please let me know if you have any additional questions or if you need further clarification. Thank you.

#### Sources and Uses of HAVA Funds

There are three sources of funding provided by HAVA for use to improve the administration of federal elections and to meet the requirements of Title III of HAVA (specifically to implement provisional voting, to improve voting technology, to develop and implement a statewide voter registration database, to provide information to voters, and to verify and identify voters according to the procedures set forth in HAVA).

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Those sources are Section 101, Section 102 and Section 251 funds.

The funds received by a state under Section 101 can be used for the following purposes:

- A. Complying with the requirements under title III.
- B. Improving the administration of elections for Federal office.
- C. Educating voters concerning voting procedures, voting rights, and voting technology.
- D. Training election officials, poll workers, and election volunteers.
- E. Developing the State plan for requirements payments to be submitted under part 1 of subtitle D of title II.
- F. Improving, acquiring, leasing, modifying, or replacing voting systems and technology and methods for casting and counting votes.
- G. Improving the accessibility and quantity of polling places, including providing physical access for individuals with disabilities, providing non-visual access for individuals with visual impairments, and providing assistance to Native Americans, Alaska Native citizens, and to individuals with limited proficiency in the English language.
- H. Establishing toll-free telephone hotlines that voters may use to report possible voting fraud and voting rights violations, to obtain general election information, and to access detailed automated information on their own voter registration status, specific polling place locations, and other relevant information.

Section 102 funds can be used ONLY for the purposes of replacing punch card and lever voting systems with voting systems that comply with Section 301(a) of HAVA.

Section 251 funds can be used to implement any of the Title III requirements, including purchasing compliant voting systems, implementing provisional voting, providing information to voters in the polling place, developing and implementing a statewide voter registration list, and identifying voters. In addition, states and local governments can use HAVA funds to improve the administration of elections for Federal office when one of two conditions is met: (1) the state has met the requirements of Title III; or (2) the state notifies EAC of its intention to use an amount not to exceed the amount of the minimum payment that the state either did or could have received under the Section 252 formula for that purpose.

The uses of Section 251 funds (and Section 101 funds, when used to meet the requirements of Title III) must be accounted for in the state's plan as originally submitted or later amended. Any material change in the use of 251 funds (and Section 101 funds as specified above) from the approved state plan will require the state to revise its plan and submit the revisions to the EAC for publication and approval.

Costs must be Allowable, Allocable and Reasonable

In addition to the restrictions on the uses of funds imposed by HAVA, when these funds were distributed by either the General Services Administration (GSA) or the EAC, those funds were made subject to several circulars developed by the Office of Management and Budget, specifically OMB Circulars A-87 (governs the use of federal funds to purchase goods for state and local governments), A-102 (governs the management of federal funds for state and local governments), A-122 (governs the use of federal funds to purchase goods for non-profits) and A-133 (dealing with audits). These circulars further restrict the appropriate uses of Federal funds requiring generally that costs paid for by HAVA funds are allowable,

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allocable (directly or through an indirect cost rate), and reasonable.

#### Allowable Costs

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#### Allocable Costs

A state can allocate an expense by charging only a portion equal to the percentage of use for HAVA related purposes to the HAVA grant. This can be accomplished by either using only that percentage of HAVA fund per unit cost or by seeking reimbursement from the other departments within the state for their portion of the usage. The question of allocability arises generally in one of two circumstances. First, is the cost allocable to the program to which it is billed? Just because a cost is allowable under one or more funding programs of HAVA do not mean that it is allocable to each and every program. For example, if an expense is not directly related to meeting any of the Title III requirements, it is allocable only to Section 101 funds and Section 251 funds pursuant to the provisions of Section 251(b) that allow for the use of Title II funds for the improvement of the administration of elections for federal office only up to the minimum payment amount. Second, is the cost allocable to benefit a Federal election? Most of the uses identified in HAVA require the funds to be used to benefit a Federal election. Thus, costs that strictly benefit a state or local election are not allocable to the HAVA funding programs.

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#### Reasonable Costs

A state must do some assessment as to whether the costs are reasonable. This is done by determining that the cost is justified based upon factors such as the frequency of use, leasing versus purchasing, and actual cost for the good or service.

021147

Excerpt from response to Washington State, sent August 10, 2006:

"The question of the Snohomish County audio units brings up several issues. The issue as I understand it is that Snohomish County bought some accessible voting systems with HAVA funds that do not meet the 2002 requirements. Although it is possible, it is also unlikely that a voting system could be compliant with HAVA Section 301(a) and not meet the 2002 FEC Voting System Standards (particularly in regards to the tested error rate). Please see EAC Advisory 2005-004 for more information on helping to determine whether a particular system meets the standards of Section 301(a).

If the county purchased equipment which was not compliant with HAVA section 301(a), then HAVA funds could not be used to purchase these systems. Any use of HAVA funds for the purpose of purchasing voting equipment that is not compliant with 301(a) is a misuse of HAVA funds and should be reimbursed to the state Election Fund. While Snohomish County did take initiative to purchase equipment early, it turns out that this equipment is not usable. If this is the case, then HAVA funds can be used for the purchase of replacement voting systems.

If the county has already purchased a voting system which is compliant with Section 301(a) and are simply replacing the system because they are not happy with it or feel they could get something better, then this cannot be paid for using HAVA funds. Replacement of newly purchased equipment that is HAVA compliant and in good working order does not appear to meet the test of reasonableness for using federal funds.

Purchasing voting systems is an acceptable use of HAVA funds. You must determine which of the above scenarios Snohomish County falls into in order to decide which system HAVA funds will be used for. The other system should be paid for with non-HAVA funds. In either scenario, HAVA funds cannot be used to purchase both voting systems."

Edgardo Cortés  
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202-566-3127 fax  
ecortes@eac.gov

021143



"Tuck, Amy K."  
<AKTuck@dos.state.fl.us>  
03/13/2007 11:00 PM

To ecortes@eac.gov  
cc "Leonard, Barbara M." <BMLeonard@dos.state.fl.us>  
bcc  
Subject HAVA Funding for Voter Verifiable Paper Audit Records

History:

✉ This message has been replied to

Mr. Cortes,

Florida is requesting guidance on whether HAVA Section 251 funds can be used to purchase optical scan voting systems to replace existing touchscreen voting systems that are compliant with HAVA Section 301(a).

Prior to passage of the Help America Vote Act, during the 2001 Legislative Session, the Florida Legislature passed the Florida Election Reform Act of 2001, Chapter 2001-40, Laws of Florida. The legislation included an appropriation of funds to be distributed to counties for voting systems assistance.

The funds were distributed to counties in equal installments over a two year period to assist with purchasing voting systems to replace lever and punch cards machines as well as paper ballot voting systems. Florida distributed \$24,093,750 to assist counties with purchasing new voting systems.

At the time that counties were replacing voting systems to comply with changes to Florida law, fifteen counties opted to purchase touchscreen voting systems and the remaining counties either purchased or already had precinct-based optical scan voting systems.

We are currently in the 2007 Legislative Session. The Governor has some proposed legislation that would provide the following:

1. A precinct-based optical scan in all precincts.
2. One touchscreen with voter verifiable paper audit record in each precinct (ADA)
3. Allow for counties to either use an optical scan or touchscreen (retrofitted) for use for early voting.

In reviewing this legislation, the question has been asked as to what HAVA funds, if any, we can use to pay for these changes. Although I know we've been working off the FAQ and advice you've given other states, I thought it was important to ask based on our circumstances as to what we can and cannot fund with HAVA funds.

I realize this is late notice, but we do need an answer sooner rather than later. If you need to call to discuss further, please feel free to do so. My direct line is 850.245.6285 and my cell is 850.294.5298. I apologize for the urgency but as we move through session, it has become an issue that we need to be able to answer definitively. I look forward to hearing from you.

Thank you.

Amy K. Tuck  
Director  
Division of Elections  
Florida Department of State

021149



"West, Bob"  
<Bob.West@myfloridahouse.gov>  
04/02/2007 03:26 PM

To ecortes@eac.gov  
cc  
bcc  
Subject RE: Response: Using HAVA funds to replace voting equipment

History

This message has been replied to and forwarded.

Edgardo,

What are the restrictions on the use of the interest from the HAVA money and were do I find those rules. Can we use the interest to replace Florida DRE's with optical scan?

Thanks

Bob West - Legislative Analyst  
Florida House of Representatives  
Ethics and Elections  
402 HOB  
Tallahassee, FL 32399-1300  
Office 850-488-9204  
Direct 850-922-9457

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**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]  
**Sent:** Monday, March 12, 2007 2:41 PM  
**To:** West, Bob  
**Subject:** Response: Using HAVA funds to replace voting equipment  
**Importance:** High

Mr. West,

You requested information this morning via telephone on whether Florida could use its remaining HAVA §251 funds to replace DREs previously purchased with HAVA funds with optical scan voting systems. Since you have requested an answer by this afternoon to assist in your legislative session and a specific answer to your question would require us to collect additional information and would take additional time, I am including a response sent to Washington State regarding a similar question. Please review this and see if it is sufficient for what you need. I have also included an explanation of acceptable uses of HAVA funds as well as other federal rules and regulations that are applicable to the use of HAVA funds. I have highlighted the sections most closely related to your request. Please let me know if you have any additional questions or if you need further clarification. Thank you.

**Sources and Uses of HAVA Funds**

There are three sources of funding provided by HAVA for use to improve the administration of federal elections and to meet the requirements of Title III of HAVA (specifically to implement provisional voting, to improve voting technology, to develop and implement a statewide voter

021150

registration database, to provide information to voters, and to verify and identify voters according to the procedures set forth in HAVA). Those sources are Section 101, Section 102 and Section 251 funds.

The funds received by a state under Section 101 can be used for the following purposes:

- A. Complying with the requirements under title III.
- B. Improving the administration of elections for Federal office.
- C. Educating voters concerning voting procedures, voting rights, and voting technology.
- D. Training election officials, poll workers, and election volunteers.
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- G. Improving the accessibility and quantity of polling places, including providing physical access for individuals with disabilities, providing non-visual access for individuals with visual impairments, and providing assistance to Native Americans, Alaska Native citizens, and to individuals with limited proficiency in the English language.
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Section 102 funds can be used ONLY for the purposes of replacing punch card and lever voting systems with voting systems that comply with Section 301(a) of HAVA.

Section 251 funds can be used to implement any of the Title III requirements, including purchasing compliant voting systems, implementing provisional voting, providing information to voters in the polling place, developing and implementing a statewide voter registration list, and identifying voters. In addition, states and local governments can use HAVA funds to improve the administration of elections for Federal office when one of two conditions is met: (1) the state has met the requirements of Title III; or (2) the state notifies EAC of its intention to use an amount not to exceed the amount of the minimum payment that the state either did or could have received under the Section 252 formula for that purpose.

The uses of Section 251 funds (and Section 101 funds, when used to meet the requirements of Title III) must be accounted for in the state's plan as originally submitted or later amended. Any material change in the use of 251 funds (and Section 101 funds as specified above) from the approved state plan will require the state to revise its plan and submit the revisions to the EAC for publication and approval.

**Costs must be Allowable, Allocable and Reasonable**

In addition to the restrictions on the uses of funds imposed by HAVA, when these funds were distributed by either the General Services Administration (GSA) or the EAC, those funds were

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made subject to several circulars developed by the Office of Management and Budget, specifically OMB Circulars A-87 (governs the use of federal funds to purchase goods for state and local governments), A-102 (governs the management of federal funds for state and local governments), A-122 (governs the use of federal funds to purchase goods for non-profits) and A-133 (dealing with audits). These circulars further restrict the appropriate uses of Federal funds requiring generally that costs paid for by HAVA funds are allowable, allocable (directly or through an indirect cost rate), and reasonable.

### Allowable Costs

A cost is allowable if it is necessary for the proper and efficient performance and administration of the federally sponsored program. Costs that fall within the specifically identified uses of HAVA funds in either Sections 101, 102 or Title III are allowable.

### Allocable Costs

A state can allocate an expense by charging only a portion equal to the percentage of use for HAVA related purposes to the HAVA grant. This can be accomplished by either using only that percentage of HAVA fund per unit cost or by seeking reimbursement from the other departments within the state for their portion of the usage. The question of allocability arises generally in one of two circumstances. First, is the cost allocable to the program to which it is billed? Just because a cost is allowable under one or more funding programs of HAVA do not mean that it is allocable to each and every program. For example, if an expense is not directly related to meeting any of the Title III requirements, it is allocable only to Section 101 funds and Section 251 funds pursuant to the provisions of Section 251(b) that allow for the use of Title II funds for the improvement of the administration of elections for federal office only up to the minimum payment amount. Second, is the cost allocable to benefit a Federal election? Most of the uses identified in HAVA require the funds to be used to benefit a Federal election. Thus, costs that strictly benefit a state or local election are not allocable to the HAVA funding programs.

### Indirect Costs

In some circumstances, the expense may be an indirect one that can be covered by an indirect cost rate. In that instance, the state may submit an indirect cost rate proposal in which it identifies and supplies information regarding direct and indirect costs of operation. Circular A-87 and ASMB C-10, *Cost Principles and Procedures for Developing Cost Allocation Plans and Indirect Cost Allocation Plans and Indirect Cost Rates for Agreements with the Federal Government*, provide guidance on negotiating indirect costs rates.

An indirect cost rate provides a state with the basis for allocating administrative costs that are inextricably linked to other services provided by the Secretary of State such that they cannot easily be segregated into those costs that directly benefit the HAVA funding program and those that do not. For example, the cost of printers and copy machines that are used for both Federal and State election activities and that are below the State's threshold for capitalized equipment may be expensed and included in the indirect cost pool. On the other hand, if you include an asset

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in the fixed capital assets section of your balance sheet and depreciate the asset, you should consider the asset as a capital expenditure and include only depreciation expense in the pool. [Click here](#) to see a power point presentation on indirect costs presented by KPMG on behalf of the EAC.

### Reasonable Costs

A state must do some assessment as to whether the costs are reasonable. This is done by determining that the cost is justified based upon factors such as the frequency of use, leasing versus purchasing, and actual cost for the good or service.

### **Excerpt from response to Washington State, sent August 10, 2006:**

“The question of the Snohomish County audio units brings up several issues. The issue as I understand it is that Snohomish County bought some accessible voting systems with HAVA funds that do not meet the 2002 requirements. Although it is possible, it is also unlikely that a voting system could be compliant with HAVA Section 301(a) and not meet the 2002 FEC Voting System Standards (particularly in regards to the tested error rate). Please see EAC Advisory 2005-004 for more information on helping to determine whether a particular system meets the standards of Section 301(a).

If the county purchased equipment which was not compliant with HAVA section 301(a), then HAVA funds could not be used to purchase these systems. Any use of HAVA funds for the purpose of purchasing voting equipment that is not compliant with 301(a) is a misuse of HAVA funds and should be reimbursed to the state Election Fund. While Snohomish County did take initiative to purchase equipment early, it turns out that this equipment is not usable. If this is the case, then HAVA funds can be used for the purchase of replacement voting systems.

If the county has already purchased a voting system which is compliant with Section 301(a) and are simply replacing the system because they are not happy with it or feel they could get something better, then this cannot be paid for using HAVA funds. Replacement of newly purchased equipment that is HAVA compliant and in good working order does not appear to meet the test of reasonableness for using federal funds.

Purchasing voting systems is an acceptable use of HAVA funds. You must determine which of the above scenarios Snohomish County falls into in order to decide which system HAVA funds will be used for. The other system should be paid for with non-HAVA funds. In either scenario, HAVA funds cannot be used to purchase both voting systems.”

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct

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202-566-3127 fax  
ecortes@eac.gov

021154





"Bradshaw, Sarah"  
<SBradshaw@dos.state.fl.us>

11/16/2006 11:28 AM

To psims@eac.gov, BLeonard@dos.state.fl.us  
cc ecortes@eac.gov, scogan@eac.gov  
bcc  
Subject RE: Permission to Use HAVA Report Narratives

Peggy:

Yes, it is fine with us. We're glad that our reports include what you are looking for.

Sarah Jane

---

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Thursday, November 16, 2006 10:34 AM  
**To:** BLeonard@dos.state.fl.us; Bradshaw, Sarah  
**Cc:** ecortes@eac.gov; scogan@eac.gov  
**Subject:** Permission to Use HAVA Report Narratives

Dear Barbara and Sarah Jane:

EAC would like to use portions of the good supporting narrative provided with your state's annual HAVA reports as an example for states that are having difficulty providing the supporting information sought by EAC and required by HAVA. Would this be OK with you?

Peggy Sims  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

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Edgardo Cortes /EAC/GOV  
04/10/2007 10:18 AM

To "West, Bob"  
<Bob.West@myfloridahouse.gov>@GSAEXTERNAL  
cc  
bcc  
Subject RE: Response: Using HAVA funds to replace voting  
equipment

Bob,  
I apologize for the delayed response but I have been out of the office for a few days. We have also received an almost identical question from your Secretary of State's office and are preparing a formal response in coordination with our General Counsel's office. We realize you are currently in legislative session and need these answers as soon as possible. Please let me know if there are additional questions you would like us to include in this response. Thanks.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov  
"West, Bob" <Bob.West@myfloridahouse.gov>



"West, Bob"  
<Bob.West@myfloridahouse.gov>  
04/02/2007 03:26 PM

To ecortes@eac.gov  
cc  
Subject RE: Response: Using HAVA funds to replace voting  
equipment

Edgardo,

What are the restrictions on the use of the interest from the HAVA money and were do I find those rules. Can we use the interest to replace Florida DRE's with optical scan?

Thanks

Bob West - Legislative Analyst  
Florida House of Representatives  
Ethics and Elections  
402 HOB  
Tallahassee, FL 32399-1300  
Office 850-488-9204  
Direct 850-922-9457

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]  
**Sent:** Monday, March 12, 2007 2:41 PM  
**To:** West, Bob

021156

**Subject:** Response: Using HAVA funds to replace voting equipment

**Importance:** High

Mr. West,

You requested information this morning via telephone on whether Florida could use its remaining HAVA §251 funds to replace DREs previously purchased with HAVA funds with optical scan voting systems. Since you have requested an answer by this afternoon to assist in your legislative session and a specific answer to your question would require us to collect additional information and would take additional time, I am including a response sent to Washington State regarding a similar question. Please review this and see if it is sufficient for what you need. I have also included an explanation of acceptable uses of HAVA funds as well as other federal rules and regulations that are applicable to the use of HAVA funds. I have highlighted the sections most closely related to your request. Please let me know if you have any additional questions or if you need further clarification. Thank you.

### Sources and Uses of HAVA Funds

There are three sources of funding provided by HAVA for use to improve the administration of federal elections and to meet the requirements of Title III of HAVA (specifically to implement provisional voting, to improve voting technology, to develop and implement a statewide voter registration database, to provide information to voters, and to verify and identify voters according to the procedures set forth in HAVA). Those sources are Section 101, Section 102 and Section 251 funds.

The funds received by a state under Section 101 can be used for the following purposes:

- A. Complying with the requirements under title III.
- B. Improving the administration of elections for Federal office.
- C. Educating voters concerning voting procedures, voting rights, and voting technology.
- D. Training election officials, poll workers, and election volunteers.
- E. Developing the State plan for requirements payments to be submitted under part 1 of subtitle D of title II.
- F. Improving, acquiring, leasing, modifying, or replacing voting systems and technology and methods for casting and counting votes.
- G. Improving the accessibility and quantity of polling places, including providing physical access for individuals with disabilities, providing non-visual access for individuals with visual impairments, and providing assistance to Native Americans, Alaska Native citizens, and to individuals with limited proficiency in the English language.
- H. Establishing toll-free telephone hotlines that voters may use to report possible voting fraud and voting rights violations, to obtain general election information, and to access detailed automated information on their own voter registration status, specific polling place locations, and other relevant information.

Section 102 funds can be used ONLY for the purposes of replacing punch card and lever voting

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systems with voting systems that comply with Section 301(a) of HAVA.

Section 251 funds can be used to implement any of the Title III requirements, including purchasing compliant voting systems, implementing provisional voting, providing information to voters in the polling place, developing and implementing a statewide voter registration list, and identifying voters. In addition, states and local governments can use HAVA funds to improve the administration of elections for Federal office when one of two conditions is met: (1) the state has met the requirements of Title III; or (2) the state notifies EAC of its intention to use an amount not to exceed the amount of the minimum payment that the state either did or could have received under the Section 252 formula for that purpose.

The uses of Section 251 funds (and Section 101 funds, when used to meet the requirements of Title III) must be accounted for in the state's plan as originally submitted or later amended. Any material change in the use of 251 funds (and Section 101 funds as specified above) from the approved state plan will require the state to revise its plan and submit the revisions to the EAC for publication and approval.

#### **Costs must be Allowable, Allocable and Reasonable**

In addition to the restrictions on the uses of funds imposed by HAVA, when these funds were distributed by either the General Services Administration (GSA) or the EAC, those funds were made subject to several circulars developed by the Office of Management and Budget, specifically OMB Circulars A-87 (governs the use of federal funds to purchase goods for state and local governments), A-102 (governs the management of federal funds for state and local governments), A-122 (governs the use of federal funds to purchase goods for non-profits) and A-133 (dealing with audits). These circulars further restrict the appropriate uses of Federal funds requiring generally that costs paid for by HAVA funds are allowable, allocable (directly or through an indirect cost rate), and reasonable.

#### **Allowable Costs**

A cost is allowable if it is necessary for the proper and efficient performance and administration of the federally sponsored program. Costs that fall within the specifically identified uses of HAVA funds in either Sections 101, 102 or Title III are allowable.

#### **Allocable Costs**

A state can allocate an expense by charging only a portion equal to the percentage of use for HAVA related purposes to the HAVA grant. This can be accomplished by either using only that percentage of HAVA fund per unit cost or by seeking reimbursement from the other departments within the state for their portion of the usage. The question of allocability arises generally in one of two circumstances. First, is the cost allocable to the program to which it is billed? Just because a cost is allowable under one or more funding programs of HAVA do not mean that it is allocable to each and every program. For example, if an expense is not directly related to meeting any of the Title III requirements, it is allocable only to Section 101 funds and Section

251 funds pursuant to the provisions of Section 251(b) that allow for the use of Title II funds for the improvement of the administration of elections for federal office only up to the minimum payment amount. Second, is the cost allocable to benefit a Federal election? Most of the uses identified in HAVA require the funds to be used to benefit a Federal election. Thus, costs that strictly benefit a state or local election are not allocable to the HAVA funding programs.

### Indirect Costs

In some circumstances, the expense may be an indirect one that can be covered by an indirect cost rate. In that instance, the state may submit an indirect cost rate proposal in which it identifies and supplies information regarding direct and indirect costs of operation. Circular A-87 and ASMB C-10, *Cost Principles and Procedures for Developing Cost Allocation Plans and Indirect Cost Allocation Plans and Indirect Cost Rates for Agreements with the Federal Government*, provide guidance on negotiating indirect costs rates.

An indirect cost rate provides a state with the basis for allocating administrative costs that are inextricably linked to other services provided by the Secretary of State such that they cannot easily be segregated into those costs that directly benefit the HAVA funding program and those that do not. For example, the cost of printers and copy machines that are used for both Federal and State election activities and that are below the State's threshold for capitalized equipment may be expensed and included in the indirect cost pool. On the other hand, if you include an asset in the fixed capital assets section of your balance sheet and depreciate the asset, you should consider the asset as a capital expenditure and include only depreciation expense in the pool. [Click here](#) to see a power point presentation on indirect costs presented by KPMG on behalf of the EAC.

### Reasonable Costs

A state must do some assessment as to whether the costs are reasonable. This is done by determining that the cost is justified based upon factors such as the frequency of use, leasing versus purchasing, and actual cost for the good or service.

### **Excerpt from response to Washington State, sent August 10, 2006:**

"The question of the Snohomish County audio units brings up several issues. The issue as I understand it is that Snohomish County bought some accessible voting systems with HAVA funds that do not meet the 2002 requirements. Although it is possible, it is also unlikely that a voting system could be compliant with HAVA Section 301(a) and not meet the 2002 FEC Voting System Standards (particularly in regards to the tested error rate). Please see EAC Advisory 2005-004 for more information on helping to determine whether a particular system meets the standards of Section 301(a).

If the county purchased equipment which was not compliant with HAVA section 301(a), then HAVA funds could not be used to purchase these systems. Any use of HAVA funds for the purpose of purchasing voting equipment that is not compliant with 301(a) is a misuse of HAVA

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funds and should be reimbursed to the state Election Fund. While Snohomish County did take initiative to purchase equipment early, it turns out that this equipment is not usable. If this is the case, then HAVA funds can be used for the purchase of replacement voting systems.

If the county has already purchased a voting system which is compliant with Section 301(a) and are simply replacing the system because they are not happy with it or feel they could get something better, then this cannot be paid for using HAVA funds. Replacement of newly purchased equipment that is HAVA compliant and in good working order does not appear to meet the test of reasonableness for using federal funds.

Purchasing voting systems is an acceptable use of HAVA funds. You must determine which of the above scenarios Snohomish County falls into in order to decide which system HAVA funds will be used for. The other system should be paid for with non-HAVA funds. In either scenario, HAVA funds cannot be used to purchase both voting systems.”

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
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Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

021160

Edgardo Cortes /EAC/GOV  
03/12/2007 02:41 PM

To bob.west@myfloridahouse.gov  
cc  
bcc Jeannie Layson/EAC/GOV; Juliet E. Hodgkins/EAC/GOV;  
Margaret Sims/EAC/GOV  
Subject Response: Using HAVA funds to replace voting equipment

Mr. West,

You requested information this morning via telephone on whether Florida could use its remaining HAVA §251 funds to replace DREs previously purchased with HAVA funds with optical scan voting systems. Since you have requested an answer by this afternoon to assist in your legislative session and a specific answer to your question would require us to collect additional information and would take additional time, I am including a response sent to Washington State regarding a similar question. Please review this and see if it is sufficient for what you need. I have also included an explanation of acceptable uses of HAVA funds as well as other federal rules and regulations that are applicable to the use of HAVA funds. I have highlighted the sections most closely related to your request. Please let me know if you have any additional questions or if you need further clarification. Thank you.

### Sources and Uses of HAVA Funds

There are three sources of funding provided by HAVA for use to improve the administration of federal elections and to meet the requirements of Title III of HAVA (specifically to implement provisional voting, to improve voting technology, to develop and implement a statewide voter registration database, to provide information to voters, and to verify and identify voters according to the procedures set forth in HAVA). Those sources are Section 101, Section 102 and Section 251 funds.

The funds received by a state under Section 101 can be used for the following purposes:

- A. Complying with the requirements under title III.
- B. Improving the administration of elections for Federal office.
- C. Educating voters concerning voting procedures, voting rights, and voting technology.
- D. Training election officials, poll workers, and election volunteers.
- E. Developing the State plan for requirements payments to be submitted under part 1 of subtitle D of title II.
- F. Improving, acquiring, leasing, modifying, or replacing voting systems and technology and methods for casting and counting votes.
- G. Improving the accessibility and quantity of polling places, including providing physical access for individuals with disabilities, providing non-visual access for individuals with visual impairments, and providing assistance to Native Americans, Alaska Native citizens, and to individuals with limited proficiency in the English language.
- H. Establishing toll-free telephone hotlines that voters may use to report possible voting fraud and voting rights violations, to obtain general election

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information, and to access detailed automated information on their own voter registration status, specific polling place locations, and other relevant information.

Section 102 funds can be used ONLY for the purposes of replacing punch card and lever voting systems with voting systems that comply with Section 301(a) of HAVA.

Section 251 funds can be used to implement any of the Title III requirements, including purchasing compliant voting systems, implementing provisional voting, providing information to voters in the polling place, developing and implementing a statewide voter registration list, and identifying voters. In addition, states and local governments can use HAVA funds to improve the administration of elections for Federal office when one of two conditions is met: (1) the state has met the requirements of Title III; or (2) the state notifies EAC of its intention to use an amount not to exceed the amount of the minimum payment that the state either did or could have received under the Section 252 formula for that purpose.

The uses of Section 251 funds (and Section 101 funds, when used to meet the requirements of Title III) must be accounted for in the state's plan as originally submitted or later amended. Any material change in the use of 251 funds (and Section 101 funds as specified above) from the approved state plan will require the state to revise its plan and submit the revisions to the EAC for publication and approval.

### **Costs must be Allowable, Allocable and Reasonable**

In addition to the restrictions on the uses of funds imposed by HAVA, when these funds were distributed by either the General Services Administration (GSA) or the EAC, those funds were made subject to several circulars developed by the Office of Management and Budget, specifically OMB Circulars A-87 (governs the use of federal funds to purchase goods for state and local governments), A-102 (governs the management of federal funds for state and local governments), A-122 (governs the use of federal funds to purchase goods for non-profits) and A-133 (dealing with audits). These circulars further restrict the appropriate uses of Federal funds requiring generally that costs paid for by HAVA funds are allowable, allocable (directly or through an indirect cost rate), and reasonable.

#### **Allowable Costs**

A cost is allowable if it is necessary for the proper and efficient performance and administration of the federally sponsored program. Costs that fall within the specifically identified uses of HAVA funds in either Sections 101, 102 or Title III are allowable.

#### **Allocable Costs**

A state can allocate an expense by charging only a portion equal to the percentage of use for HAVA related purposes to the HAVA grant. This can be accomplished by either using only that percentage of HAVA fund per unit cost or by seeking reimbursement from the other



departments within the state for their portion of the usage. The question of allocability arises generally in one of two circumstances. First, is the cost allocable to the program to which it is billed? Just because a cost is allowable under one or more funding programs of HAVA do not mean that it is allocable to each and every program. For example, if an expense is not directly related to meeting any of the Title III requirements, it is allocable only to Section 101 funds and Section 251 funds pursuant to the provisions of Section 251(b) that allow for the use of Title II funds for the improvement of the administration of elections for federal office only up to the minimum payment amount. Second, is the cost allocable to benefit a Federal election? Most of the uses identified in HAVA require the funds to be used to benefit a Federal election. Thus, costs that strictly benefit a state or local election are not allocable to the HAVA funding programs.

### Indirect Costs

In some circumstances, the expense may be an indirect one that can be covered by an indirect cost rate. In that instance, the state may submit an indirect cost rate proposal in which it identifies and supplies information regarding direct and indirect costs of operation. Circular A-87 and ASMB C-10, *Cost Principles and Procedures for Developing Cost Allocation Plans and Indirect Cost Allocation Plans and Indirect Cost Rates for Agreements with the Federal Government*, provide guidance on negotiating indirect costs rates.

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### Reasonable Costs

A state must do some assessment as to whether the costs are reasonable. This is done by determining that the cost is justified based upon factors such as the frequency of use, leasing versus purchasing, and actual cost for the good or service.

### **Excerpt from response to Washington State, sent August 10, 2006:**

"The question of the Snohomish County audio units brings up several issues. The issue as I understand it is that Snohomish County bought some accessible voting systems with HAVA funds that do not meet the 2002 requirements. Although it is possible, it is also unlikely that a voting system could be compliant with HAVA Section 301(a) and not meet the 2002 FEC Voting System Standards (particularly in regards to the tested error rate). Please see EAC Advisory

021163

2005-004 for more information on helping to determine whether a particular system meets the standards of Section 301(a).

If the county purchased equipment which was not compliant with HAVA section 301(a), then HAVA funds could not be used to purchase these systems. Any use of HAVA funds for the purpose of purchasing voting equipment that is not compliant with 301(a) is a misuse of HAVA funds and should be reimbursed to the state Election Fund. While Snohomish County did take initiative to purchase equipment early, it turns out that this equipment is not usable. If this is the case, then HAVA funds can be used for the purchase of replacement voting systems.

If the county has already purchased a voting system which is compliant with Section 301(a) and are simply replacing the system because they are not happy with it or feel they could get something better, then this cannot be paid for using HAVA funds. Replacement of newly purchased equipment that is HAVA compliant and in good working order does not appear to meet the test of reasonableness for using federal funds.

Purchasing voting systems is an acceptable use of HAVA funds. You must determine which of the above scenarios Snohomish County falls into in order to decide which system HAVA funds will be used for. The other system should be paid for with non-HAVA funds. In either scenario, HAVA funds cannot be used to purchase both voting systems.”

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
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Washington, DC 20005  
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202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

021164

Edgardo Cortes /EAC/GOV  
03/14/2007 08:36 AM

To "Amy K. Tuck" <AKTuck@dos.state.fl.us>  
cc  
bcc  
Subject Re: Response: Using HAVA funds to replace voting  
equipment

I can be available for a call later this morning if you want. Let me know.

----- Original Message -----

From: "Tuck, Amy K." [AKTuck@dos.state.fl.us]  
Sent: 03/14/2007 08:30 AM AST  
To: Edgardo Cortes  
Subject: RE: Response: Using HAVA funds to replace voting equipment

Thank you. I guess we are all a little confused. We had originally thought we could use some funding for the optical scan part of the legislation but not for the vvpats. Based on this response it would seem that we could not use any of the funding for this legislation.

-----Original Message-----

From: ecortes@eac.gov [mailto:ecortes@eac.gov]  
Sent: Wednesday, March 14, 2007 8:14 AM  
To: Tuck, Amy K.  
Cc: Leonard, Barbara M.  
Subject: Fw: Response: Using HAVA funds to replace voting equipment  
Importance: High

Amy,

I am on my way to work but am delayed due to traffic. However, I am forwarding you this response I sent to Bob West from the FL legislature who asked this question on Monday. Please read this over and let me know if it helps. Thanks.

----- Original Message -----

From: Edgardo Cortes  
Sent: 03/12/2007 02:41 PM EDT  
To: bob.west@myfloridahouse.gov  
Subject: Response: Using HAVA funds to replace voting equipment

Mr. West,

You requested information this morning via telephone on whether Florida could use its remaining HAVA \$251 funds to replace DREs previously purchased with HAVA funds with optical scan voting systems. Since you have requested an answer by this afternoon to assist in your legislative session and a specific answer to your question would require us to collect additional information and would take additional time, I am including a response sent to Washington State regarding a similar question. Please review this and see if it is sufficient for what you need. I have also included an explanation of acceptable uses of HAVA funds as well as other federal rules and regulations that are applicable to the use of HAVA funds. I have highlighted the sections most closely related to your request. Please let me know if you have any additional questions or if you need

021165

further clarification. Thank you.

#### Sources and Uses of HAVA Funds

There are three sources of funding provided by HAVA for use to improve the administration of federal elections and to meet the requirements of Title III of HAVA (specifically to implement provisional voting, to improve voting technology, to develop and implement a statewide voter registration database, to provide information to voters, and to verify and identify voters according to the procedures set forth in HAVA). Those sources are Section 101, Section 102 and Section 251 funds.

The funds received by a state under Section 101 can be used for the following purposes:

- A. Complying with the requirements under title III.
- B. Improving the administration of elections for Federal office.
- C. Educating voters concerning voting procedures, voting rights, and voting technology.
- D. Training election officials, poll workers, and election volunteers.
- E. Developing the State plan for requirements payments to be submitted under part 1 of subtitle D of title II.
- F. Improving, acquiring, leasing, modifying, or replacing voting systems and technology and methods for casting and counting votes.
- G. Improving the accessibility and quantity of polling places, including providing physical access for individuals with disabilities, providing non-visual access for individuals with visual impairments, and providing assistance to Native Americans, Alaska Native citizens, and to individuals with limited proficiency in the English language.
- H. Establishing toll-free telephone hotlines that voters may use to report possible voting fraud and voting rights violations, to obtain general election information, and to access detailed automated information on their own voter registration status, specific polling place locations, and other relevant information.

Section 102 funds can be used ONLY for the purposes of replacing punch card and lever voting systems with voting systems that comply with Section 301(a) of HAVA.

Section 251 funds can be used to implement any of the Title III requirements, including purchasing compliant voting systems, implementing provisional voting, providing information to voters in the polling place, developing and implementing a statewide voter registration list, and identifying voters. In addition, states and local governments can use HAVA funds to improve the administration of elections for Federal office when one of two conditions is met: (1) the state has met the requirements of Title III; or (2) the state notifies EAC of its intention to use an amount not to exceed the amount of the minimum payment that the state either did or could have received under the Section 252 formula for that purpose.

The uses of Section 251 funds (and Section 101 funds, when used to meet the requirements of Title III) must be accounted for in the state's plan as originally submitted or later amended. Any material change in the use of 251 funds (and Section 101 funds as specified above) from the approved state plan will require the state to revise its plan and submit the revisions to the EAC for publication and approval.

Costs must be Allowable, Allocable and Reasonable

021166

In addition to the restrictions on the uses of funds imposed by HAVA, when these funds were distributed by either the General Services Administration (GSA) or the EAC, those funds were made subject to several circulars developed by the Office of Management and Budget, specifically OMB Circulars A-87 (governs the use of federal funds to purchase goods for state and local governments), A-102 (governs the management of federal funds for state and local governments), A-122 (governs the use of federal funds to purchase goods for non-profits) and A-133 (dealing with audits). These circulars further restrict the appropriate uses of Federal funds requiring generally that costs paid for by HAVA funds are allowable, allocable (directly or through an indirect cost rate), and reasonable.

#### Allowable Costs

A cost is allowable if it is necessary for the proper and efficient performance and administration of the federally sponsored program. Costs that fall within the specifically identified uses of HAVA funds in either Sections 101, 102 or Title III are allowable.

#### Allocable Costs

A state can allocate an expense by charging only a portion equal to the percentage of use for HAVA related purposes to the HAVA grant. This can be accomplished by either using only that percentage of HAVA fund per unit cost or by seeking reimbursement from the other departments within the state for their portion of the usage. The question of allocability arises generally in one of two circumstances. First, is the cost allocable to the program to which it is billed? Just because a cost is allowable under one or more funding programs of HAVA do not mean that it is allocable to each and every program. For example, if an expense is not directly related to meeting any of the Title III requirements, it is allocable only to Section 101 funds and Section 251 funds pursuant to the provisions of Section 251(b) that allow for the use of Title II funds for the improvement of the administration of elections for federal office only up to the minimum payment amount. Second, is the cost allocable to benefit a Federal election? Most of the uses identified in HAVA require the funds to be used to benefit a Federal election. Thus, costs that strictly benefit a state or local election are not allocable to the HAVA funding programs.

#### Indirect Costs

In some circumstances, the expense may be an indirect one that can be covered by an indirect cost rate. In that instance, the state may submit an indirect cost rate proposal in which it identifies and supplies information regarding direct and indirect costs of operation. Circular A-87 and ASMB C-10, Cost Principles and Procedures for Developing Cost Allocation Plans and Indirect Cost Allocation Plans and Indirect Cost Rates for Agreements with the Federal Government, provide guidance on negotiating indirect costs rates.

An indirect cost rate provides a state with the basis for allocating administrative costs that are inextricably linked to other services provided by the Secretary of State such that they cannot easily be segregated into those costs that directly benefit the HAVA funding program and those that do not. For example, the cost of printers and copy machines that are used for both Federal and State election activities and that are below the State's threshold for capitalized equipment may be expensed and included in the indirect cost pool. On the other hand, if you include an asset in the fixed capital assets section of your balance sheet and depreciate the asset, you should consider the asset as a capital expenditure and include only depreciation expense in the pool. [Click here](#)

021167

to see a power point presentation on indirect costs presented by KPMG on behalf of the EAC.

#### Reasonable Costs

A state must do some assessment as to whether the costs are reasonable. This is done by determining that the cost is justified based upon factors such as the frequency of use, leasing versus purchasing, and actual cost for the good or service.

Excerpt from response to Washington State, sent August 10, 2006:

"The question of the Snohomish County audio units brings up several issues. The issue as I understand it is that Snohomish County bought some accessible voting systems with HAVA funds that do not meet the 2002 requirements. Although it is possible, it is also unlikely that a voting system could be compliant with HAVA Section 301(a) and not meet the 2002 FEC Voting System Standards (particularly in regards to the tested error rate). Please see EAC Advisory 2005-004 for more information on helping to determine whether a particular system meets the standards of Section 301(a).

If the county purchased equipment which was not compliant with HAVA section 301(a), then HAVA funds could not be used to purchase these systems. Any use of HAVA funds for the purpose of purchasing voting equipment that is not compliant with 301(a) is a misuse of HAVA funds and should be reimbursed to the state Election Fund. While Snohomish County did take initiative to purchase equipment early, it turns out that this equipment is not usable. If this is the case, then HAVA funds can be used for the purchase of replacement voting systems.

If the county has already purchased a voting system which is compliant with Section 301(a) and are simply replacing the system because they are not happy with it or feel they could get something better, then this cannot be paid for using HAVA funds. Replacement of newly purchased equipment that is HAVA compliant and in good working order does not appear to meet the test of reasonableness for using federal funds.

Purchasing voting systems is an acceptable use of HAVA funds. You must determine which of the above scenarios Snohomish County falls into in order to decide which system HAVA funds will be used for. The other system should be paid for with non-HAVA funds. In either scenario, HAVA funds cannot be used to purchase both voting systems."

Edgardo Cortés  
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202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

021168

Edgardo Cortes /EAC/GOV  
03/14/2007 08:14 AM

To "Amy K. Tuck" <AKTuck@dos.state.fl.us>  
cc "Barbara M. Leonard" <BMLeonard@dos.state.fl.us>  
bcc  
Subject Fw: Response: Using HAVA funds to replace voting equipment

Amy,

I am on my way to work but am delayed due to traffic. However, I am forwarding you this response I sent to Bob West from the FL legislature who asked this question on Monday. Please read this over and let me know if it helps. Thanks.

Edgardo Cortes

----- Original Message -----

**From:** Edgardo Cortes  
**Sent:** 03/12/2007 02:41 PM EDT  
**To:** bob.west@myfloridahouse.gov  
**Subject:** Response: Using HAVA funds to replace voting equipment

Mr. West,

You requested information this morning via telephone on whether Florida could use its remaining HAVA §251 funds to replace DREs previously purchased with HAVA funds with optical scan voting systems. Since you have requested an answer by this afternoon to assist in your legislative session and a specific answer to your question would require us to collect additional information and would take additional time, I am including a response sent to Washington State regarding a similar question. Please review this and see if it is sufficient for what you need. I have also included an explanation of acceptable uses of HAVA funds as well as other federal rules and regulations that are applicable to the use of HAVA funds. I have highlighted the sections most closely related to your request. Please let me know if you have any additional questions or if you need further clarification. Thank you.

### Sources and Uses of HAVA Funds

There are three sources of funding provided by HAVA for use to improve the administration of federal elections and to meet the requirements of Title III of HAVA (specifically to implement provisional voting, to improve voting technology, to develop and implement a statewide voter registration database, to provide information to voters, and to verify and identify voters according to the procedures set forth in HAVA). Those sources are Section 101, Section 102 and Section 251 funds.

The funds received by a state under Section 101 can be used for the following purposes:

- A. Complying with the requirements under title III.
- B. Improving the administration of elections for Federal office.
- C. Educating voters concerning voting procedures, voting rights, and voting technology.
- D. Training election officials, poll workers, and election volunteers.
- E. Developing the State plan for requirements payments to be submitted

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under part 1 of subtitle D of title II.

F. Improving, acquiring, leasing, modifying, or replacing voting systems and technology and methods for casting and counting votes.

G. Improving the accessibility and quantity of polling places, including providing physical access for individuals with disabilities, providing non-visual access for individuals with visual impairments, and providing assistance to Native Americans, Alaska Native citizens, and to individuals with limited proficiency in the English language.

H. Establishing toll-free telephone hotlines that voters may use to report possible voting fraud and voting rights violations, to obtain general election information, and to access detailed automated information on their own voter registration status, specific polling place locations, and other relevant information.

Section 102 funds can be used ONLY for the purposes of replacing punch card and lever voting systems with voting systems that comply with Section 301(a) of HAVA.

Section 251 funds can be used to implement any of the Title III requirements, including purchasing compliant voting systems, implementing provisional voting, providing information to voters in the polling place, developing and implementing a statewide voter registration list, and identifying voters. In addition, states and local governments can use HAVA funds to improve the administration of elections for Federal office when one of two conditions is met: (1) the state has met the requirements of Title III; or (2) the state notifies EAC of its intention to use an amount not to exceed the amount of the minimum payment that the state either did or could have received under the Section 252 formula for that purpose.

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### **Allowable Costs**

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**Excerpt from response to Washington State, sent August 10, 2006:**

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Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

021172

Edgardo Cortes /EAC/GOV

03/16/2007 11:35 AM

To "Tuck, Amy K."

<AKTuck@dos.state.fl.us>@GSAEXTERNAL

cc "Leonard, Barbara M." <BMLeonard@dos.state.fl.us>

bcc

Subject Re: HAVA Funding for Voter Verifiable Paper Audit Records




Amy and Barbara,

Do you have any additional documentation for the issues identified during your state single audit. I have a copy of your response letter to the state auditor dated June 15, 2006 but many of the items are planned actions. Do you have supporting documentation to show you've completed those things? I am trying to write our audit resolution report and would prefer it show as much completed as possible rather than using the report to ask for this info. Let me know. Thanks.

Edgardo Cortés  
Election Research Specialist  
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1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
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202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

021173

Edgardo Cortes /EAC/GOV  
03/14/2007 04:54 PM

To "Tuck, Amy K."  
<AKTuck@dos.state.fl.us>@GSAEXTERNAL  
cc Juliet E. Hodgkins/EAC/GOV  
bcc Jeannie Layson/EAC/GOV  
Subject RE: HAVA Funding 

Amy,

Sorry for the longer response on this email. Its been a pretty busy day.  
With question 1, I forgot that Florida did file a certification under HAVA section 251(b)(2)(A). This means you are correct, Florida can use any remaining requirements payments for the improvement of administration of elections for federal office. No additional certification is needed. VVPAR would fall under this category. Section 101 funds can be used for this purpose without any certification.  
With #2, you are correct. Replacement of newly purchased equipment that is HAVA compliant and in good working order does not appear to meet the test of reasonableness for using federal funds. Our initial take on the automark system is that it would fall into this category because you would be replacing the current DREs with a new system.  
Again, this is our general take on this without having reviewed any detailed information about Florida's particular situation. Let me know if you need any more info. Thanks.

Edgardo Cortés  
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202-566-3127 fax  
ecortes@eac.gov  
"Tuck, Amy K." <AKTuck@dos.state.fl.us>



"Tuck, Amy K."  
<AKTuck@dos.state.fl.us>  
03/14/2007 11:30 AM

To ecortes@eac.gov  
cc  
Subject RE: HAVA Funding

Sorry – one more issue. There is some consideration of using an "AutoMARK" system instead of the VVPAR. I would assume this would follow along the same lines as the considerations for the VVPAR. Let me know if you need more information on that before responding.

Thanks again.

---

**From:** Tuck, Amy K.  
**Sent:** Wednesday, March 14, 2007 11:25 AM  
**To:** ecortes@eac.gov  
**Subject:** HAVA Funding  
**Importance:** High

Edgardo,

021174

I wanted to summarize our earlier conversation to make sure I am clear on how to proceed on this issue.

1. VVPAR (Voter verifiable paper audit record)

These can be paid for from HAVA funding under certain circumstances although this is not a requirement in HAVA and does not meet Title 3 requirements.

Section 251 funding can be used for Title 3 activities or for improving the administration of elections for federal office. Under this guideline, Florida can do the following:

- a. Certify that we have met the requirements of Title 3 and use the remaining 251 funds for improving federal elections.
- b. Or if we have not met the requirements for Title 3, we can certify that we will not use more than the minimum payment (est. 11.6m) for "non-Title 3" activities.

As a state, we did certify in August, 2006 that we have met the requirements for Title 3, so we would be in position a. (above). I would assume that we could then use the Section 251 funds to provide voter verifiable paper audit record devices for touchscreens under the argument that it is to improve federal elections.

Section 101 funding can be used to improve administration of elections for federal office. If Florida decided to use this funding, we would not have to certify to the EAC.

2. Optical Scan

If the touchscreens that are being replaced were purchased with HAVA funding, then further HAVA funding may not be used for this purpose. If the touchscreens were purchased from state funding, then HAVA funding could be used for this purpose. I would assume we would follow the same guidelines in #1 concerning both the 251 and 101 funding.

And, of course, we are free to use state funding (or funding from the purchase of the systems) to upgrade as long as we remain in compliance with federal and state guidelines.

Thank you (and Julie) for taking the time to speak with me today. I appreciate the time and quick response. I look forward to hearing back from you.

Sincerely,

**Amy K. Tuck, Esq.**

Director, Division of Elections  
Florida Department of State  
The R.A. Gray Building  
500 South Bronough Street, Room 316  
Tallahassee, Florida 32399  
850.245.6200 phone  
850.245.6217 fax

021175

Edgardo Cortes /EAC/GOV  
03/14/2007 10:47 AM

To "Tuck, Amy K."  
<AKTuck@dos.state.fl.us>@GSAEXTERNAL  
cc  
bcc  
Subject RE: Response: Using HAVA funds to replace voting  
equipment

We can do 11am. Please call my direct line - 202-566-3126.

Edgardo Cortés  
Election Research Specialist  
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"Tuck, Amy K." <AKTuck@dos.state.fl.us>



"Tuck, Amy K."  
<AKTuck@dos.state.fl.us>  
03/14/2007 10:42 AM

To ecortes@eac.gov  
cc  
Subject RE: Response: Using HAVA funds to replace voting  
equipment

I'm in the office now – meeting got moved to 12. If you have time, I can give you a call right now.

---

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]  
**Sent:** Wednesday, March 14, 2007 10:13 AM  
**To:** Tuck, Amy K.  
**Subject:** RE: Response: Using HAVA funds to replace voting equipment

I have a meeting at noon but we can do it after your 11am, depending on when that is over. If not, we can schedule for sometime this afternoon. Our general counsel will be joining us on the call.

Edgardo Cortés  
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ecortes@eac.gov

021176

"Tuck, Amy K." <AKTuck@dos.state.fl.us>

03/14/2007 08:43 AM

To: ecortes@eac.gov

cc

Subject: RE: Response: Using HAVA funds to replace voting equipment

That would be great. I have a meeting at 11 but am otherwise here this morning. Let me know your schedule and we'll call you.

-----Original Message-----

From: ecortes@eac.gov [mailto:ecortes@eac.gov]  
Sent: Wednesday, March 14, 2007 8:36 AM  
To: Tuck, Amy K.  
Subject: Re: Response: Using HAVA funds to replace voting equipment

I can be available for a call later this morning if you want. Let me know.

----- Original Message -----

From: "Tuck, Amy K." [AKTuck@dos.state.fl.us]  
Sent: 03/14/2007 08:30 AM AST  
To: Edgardo Cortes  
Subject: RE: Response: Using HAVA funds to replace voting equipment

Thank you. I guess we are all a little confused. We had originally thought we could use some funding for the optical scan part of the legislation but not for the vvpats. Based on this response it would seem that we could not use any of the funding for this legislation.

-----Original Message-----

From: ecortes@eac.gov [mailto:ecortes@eac.gov]  
Sent: Wednesday, March 14, 2007 8:14 AM  
To: Tuck, Amy K.  
Cc: Leonard, Barbara M.  
Subject: Fw: Response: Using HAVA funds to replace voting equipment  
Importance: High

Amy,

I am on my way to work but am delayed due to traffic. However, I am forwarding you this response I sent to Bob West from the FL legislature who asked this question on Monday. Please read this over and let me know if it helps. Thanks.

----- Original Message -----

021177

From: Edgardo Cortes  
Sent: 03/12/2007 02:41 PM EDT  
To: bob.west@myfloridahouse.gov  
Subject: Response: Using HAVA funds to replace voting equipment

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#### Sources and Uses of HAVA Funds

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- B. Improving the administration of elections for Federal office.
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- D. Training election officials, poll workers, and election volunteers.
- E. Developing the State plan for requirements payments to be submitted under part 1 of subtitle D of title II.
- F. Improving, acquiring, leasing, modifying, or replacing voting systems and technology and methods for casting and counting votes.
- G. Improving the accessibility and quantity of polling places, including providing physical access for individuals with disabilities, providing non-visual access for individuals with visual impairments, and providing assistance to Native Americans, Alaska Native citizens, and to individuals with limited proficiency in the English language.
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021178



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Excerpt from response to Washington State, sent August 10, 2006:

"The question of the Snohomish County audio units brings up several issues. The issue as I understand it is that Snohomish County bought some accessible voting systems with HAVA funds that do not meet the 2002 requirements. Although it is possible, it is also unlikely that a voting system could be compliant with HAVA Section 301(a) and not meet the 2002 FEC Voting System Standards (particularly in regards to the tested error rate). Please see EAC Advisory 2005-004 for more information on helping to determine whether a particular system meets the standards of Section 301(a).

If the county purchased equipment which was not compliant with HAVA section 301(a), then HAVA funds could not be used to purchase these systems. Any use of HAVA funds for the purpose of purchasing voting equipment that is not compliant with 301(a) is a misuse of HAVA funds and should be reimbursed to the state Election Fund. While Snohomish County did take initiative to purchase equipment early, it turns out that this equipment is not usable. If this is the case, then HAVA funds can be used for the purchase of replacement voting systems.

If the county has already purchased a voting system which is compliant with Section 301(a) and are simply replacing the system because they are not happy with it or feel they could get something better, then this cannot be paid for using HAVA funds. Replacement of newly purchased equipment that is HAVA compliant and in good working order does not appear to meet the test of reasonableness for using federal funds.

Purchasing voting systems is an acceptable use of HAVA funds. You must determine which of the above scenarios Snohomish County falls into in order to decide which system HAVA funds will be used for. The other system should be paid for with non-HAVA funds. In either scenario, HAVA funds cannot be used to purchase both voting systems."

021180

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

021181

Edgardo Cortes /EAC/GOV  
03/14/2007 10:12 AM

To "Tuck, Amy K."  
<AKTuck@dos.state.fl.us>@GSAEXTERNAL  
cc  
bcc  
Subject RE: Response: Using HAVA funds to replace voting  
equipment

I have a meeting at noon but we can do it after your 11am, depending on when that is over. If not, we can schedule for sometime this afternoon. Our general counsel will be joining us on the call.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
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202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov  
"Tuck, Amy K." <AKTuck@dos.state.fl.us>



"Tuck, Amy K."  
<AKTuck@dos.state.fl.us>  
03/14/2007 08:43 AM

To ecortes@eac.gov  
cc  
Subject RE: Response: Using HAVA funds to replace voting  
equipment

That would be great. I have a meeting at 11 but am otherwise here this morning. Let me know your schedule and we'll call you.

-----Original Message-----

From: ecortes@eac.gov [mailto:ecortes@eac.gov]  
Sent: Wednesday, March 14, 2007 8:36 AM  
To: Tuck, Amy K.  
Subject: Re: Response: Using HAVA funds to replace voting equipment

I can be available for a call later this morning if you want. Let me know.

----- Original Message -----

From: "Tuck, Amy K." [AKTuck@dos.state.fl.us]  
Sent: 03/14/2007 08:30 AM AST  
To: Edgardo Cortes  
Subject: RE: Response: Using HAVA funds to replace voting equipment

Thank you. I guess we are all a little confused. We had originally thought we could use some funding for the optical scan part of the legislation but not for the vvpats. Based on this response it would seem that we could not use any of the funding for this legislation.

021182

-----Original Message-----

From: ecortes@eac.gov [mailto:ecortes@eac.gov]  
Sent: Wednesday, March 14, 2007 8:14 AM  
To: Tuck, Amy K.  
Cc: Leonard, Barbara M.  
Subject: Fw: Response: Using HAVA funds to replace voting equipment  
Importance: High

Amy,

I am on my way to work but am delayed due to traffic. However, I am forwarding you this response I sent to Bob West from the FL legislature who asked this question on Monday. Please read this over and let me know if it helps. Thanks.

----- Original Message -----

From: Edgardo Cortes  
Sent: 03/12/2007 02:41 PM EDT  
To: bob.west@myfloridahouse.gov  
Subject: Response: Using HAVA funds to replace voting equipment

Mr. West,

You requested information this morning via telephone on whether Florida could use its remaining HAVA \$251 funds to replace DREs previously purchased with HAVA funds with optical scan voting systems. Since you have requested an answer by this afternoon to assist in your legislative session and a specific answer to your question would require us to collect additional information and would take additional time, I am including a response sent to Washington State regarding a similar question. Please review this and see if it is sufficient for what you need. I have also included an explanation of acceptable uses of HAVA funds as well as other federal rules and regulations that are applicable to the use of HAVA funds. I have highlighted the sections most closely related to your request. Please let me know if you have any additional questions or if you need further clarification. Thank you.

#### Sources and Uses of HAVA Funds

There are three sources of funding provided by HAVA for use to improve the administration of federal elections and to meet the requirements of Title III of HAVA (specifically to implement provisional voting, to improve voting technology, to develop and implement a statewide voter registration database, to provide information to voters, and to verify and identify voters according to the procedures set forth in HAVA). Those sources are Section 101, Section 102 and Section 251 funds.

The funds received by a state under Section 101 can be used for the following purposes:

- A. Complying with the requirements under title III.
- B. Improving the administration of elections for Federal office.
- C. Educating voters concerning voting procedures, voting rights, and voting technology.
- D. Training election officials, poll workers, and election volunteers.
- E. Developing the State plan for requirements payments to be submitted under part 1 of subtitle D of title II.
- F. Improving, acquiring, leasing, modifying, or replacing voting systems and technology and methods for casting and counting votes.
- G. Improving the accessibility and quantity of polling places,

021183

including providing physical access for individuals with disabilities, providing non-visual access for individuals with visual impairments, and providing assistance to Native Americans, Alaska Native citizens, and to individuals with limited proficiency in the English language.

H. Establishing toll-free telephone hotlines that voters may use to report possible voting fraud and voting rights violations, to obtain general election information, and to access detailed automated information on their own voter registration status, specific polling place locations, and other relevant information.

Section 102 funds can be used ONLY for the purposes of replacing punch card and lever voting systems with voting systems that comply with Section 301(a) of HAVA.

Section 251 funds can be used to implement any of the Title III requirements, including purchasing compliant voting systems, implementing provisional voting, providing information to voters in the polling place, developing and implementing a statewide voter registration list, and identifying voters. In addition, states and local governments can use HAVA funds to improve the administration of elections for Federal office when one of two conditions is met: (1) the state has met the requirements of Title III; or (2) the state notifies EAC of its intention to use an amount not to exceed the amount of the minimum payment that the state either did or could have received under the Section 252 formula for that purpose.

The uses of Section 251 funds (and Section 101 funds, when used to meet the requirements of Title III) must be accounted for in the state's plan as originally submitted or later amended. Any material change in the use of 251 funds (and Section 101 funds as specified above) from the approved state plan will require the state to revise its plan and submit the revisions to the EAC for publication and approval.

Costs must be Allowable, Allocable and Reasonable

In addition to the restrictions on the uses of funds imposed by HAVA, when these funds were distributed by either the General Services Administration (GSA) or the EAC, those funds were made subject to several circulars developed by the Office of Management and Budget, specifically OMB Circulars A-87 (governs the use of federal funds to purchase goods for state and local governments), A-102 (governs the management of federal funds for state and local governments), A-122 (governs the use of federal funds to purchase goods for non-profits) and A-133 (dealing with audits). These circulars further restrict the appropriate uses of Federal funds requiring generally that costs paid for by HAVA funds are allowable, allocable (directly or through an indirect cost rate), and reasonable.

#### Allowable Costs

A cost is allowable if it is necessary for the proper and efficient performance and administration of the federally sponsored program. Costs that fall within the specifically identified uses of HAVA funds in either Sections 101, 102 or Title III are allowable.

#### Allocable Costs

A state can allocate an expense by charging only a portion equal to the percentage of use for HAVA related purposes to the HAVA grant. This can be accomplished by either using only that percentage of HAVA fund per unit cost or by seeking reimbursement from the other departments within the state for their portion of the usage. The question of allocability arises

021184

generally in one of two circumstances. First, is the cost allocable to the program to which it is billed? Just because a cost is allowable under one or more funding programs of HAVA do not mean that it is allocable to each and every program. For example, if an expense is not directly related to meeting any of the Title III requirements, it is allocable only to Section 101 funds and Section 251 funds pursuant to the provisions of Section 251(b) that allow for the use of Title II funds for the improvement of the administration of elections for federal office only up to the minimum payment amount. Second, is the cost allocable to benefit a Federal election? Most of the uses identified in HAVA require the funds to be used to benefit a Federal election. Thus, costs that strictly benefit a state or local election are not allocable to the HAVA funding programs.

#### Indirect Costs

In some circumstances, the expense may be an indirect one that can be covered by an indirect cost rate. In that instance, the state may submit an indirect cost rate proposal in which it identifies and supplies information regarding direct and indirect costs of operation. Circular A-87 and ASMB C-10, Cost Principles and Procedures for Developing Cost Allocation Plans and Indirect Cost Allocation Plans and Indirect Cost Rates for Agreements with the Federal Government, provide guidance on negotiating indirect costs rates.

An indirect cost rate provides a state with the basis for allocating administrative costs that are inextricably linked to other services provided by the Secretary of State such that they cannot easily be segregated into those costs that directly benefit the HAVA funding program and those that do not. For example, the cost of printers and copy machines that are used for both Federal and State election activities and that are below the State's threshold for capitalized equipment may be expensed and included in the indirect cost pool. On the other hand, if you include an asset in the fixed capital assets section of your balance sheet and depreciate the asset, you should consider the asset as a capital expenditure and include only depreciation expense in the pool. [Click here](#) to see a power point presentation on indirect costs presented by KPMG on behalf of the EAC.

#### Reasonable Costs

A state must do some assessment as to whether the costs are reasonable. This is done by determining that the cost is justified based upon factors such as the frequency of use, leasing versus purchasing, and actual cost for the good or service.

Excerpt from response to Washington State, sent August 10, 2006:

"The question of the Snohomish County audio units brings up several issues. The issue as I understand it is that Snohomish County bought some accessible voting systems with HAVA funds that do not meet the 2002 requirements. Although it is possible, it is also unlikely that a voting system could be compliant with HAVA Section 301(a) and not meet the 2002 FEC Voting System Standards (particularly in regards to the tested error rate). Please see EAC Advisory 2005-004 for more information on helping to determine whether a particular system meets the standards of Section 301(a).

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021185

reimbursed to the state Election Fund. While Snohomish County did take initiative to purchase equipment early, it turns out that this equipment is not usable. If this is the case, then HAVA funds can be used for the purchase of replacement voting systems.

If the county has already purchased a voting system which is compliant with Section 301(a) and are simply replacing the system because they are not happy with it or feel they could get something better, then this cannot be paid for using HAVA funds. Replacement of newly purchased equipment that is HAVA compliant and in good working order does not appear to meet the test of reasonableness for using federal funds.

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Edgardo Cortés  
Election Research Specialist  
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202-566-3126 direct  
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ecortes@eac.gov

021186



Edgardo Cortes /EAC/GOV  
04/05/2007 04:15 PM

To "Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>@GSAEXTERNAL  
cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>  
bcc

Subject Re: Question Regarding Section 101 Funds

Barbara,  
Sorry for the delay in getting back to you - we have been swamped this week. I won't be in the office tomorrow but if you can email me the question, I can work on it over the weekend to get you a response for Monday. Thanks.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
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202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov  
"Leonard, Barbara M." <BMLeonard@dos.state.fl.us>



"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>  
>  
03/30/2007 04:15 PM

To ecortes@eac.gov  
cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>  
Subject Question Regarding Section 101 Funds

Hi Edgardo,

Would you please give me a call. We have a question regarding the use of HAVA Section 101 funds.

Thanks,  
Barbara Leonard  
Florida Division of Elections  
850-245-6201

This response is provided for reference only and does not constitute legal advice or representation. As applied to a particular set of facts or circumstances, interested parties should refer to the Florida Statutes and applicable case law, and/or consult a private attorney before drawing any legal conclusions or relying upon the information provided.

Please note: Florida has a very broad public records law. Written communications to or from state officials regarding state business constitute public records and are available to the public and media upon request unless the information is subject to a specific statutory exemption. Therefore, your e-mail message may be subject to public disclosure.

021187

Edgardo Cortes /EAC/GOV  
03/30/2007 03:19 PM

To "Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>@GSAEXTERNAL, "Tuck,  
Amy K." <AKTuck@dos.state.fl.us>  
cc Jeannie Layson/EAC/GOV

bcc

Subject FL Audit Resolution 

Amy and Barbara,  
Attached is a PDF of the audit resolution for the Florida single audit. The original is being mailed out to Secretary Browning today and this will be posted on our website Monday afternoon. As always, our communications director Jeannie Layson is available to assist with any media inquiries regarding our audit resolutions. Please let me know if you have any questions. Thanks.




Audit Resolution 3-30-07 FL 1.PDF

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
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ecortes@eac.gov

021188

Edgardo Cortes /EAC/GOV  
03/21/2007 09:12 AM

To "Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>@GSAEXTERNAL  
cc  
bcc  
Subject RE: HAVA Funding for Voter Verifiable Paper Audit Records  


Thanks so much. I'll forward you a copy of the resolution once its finished.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
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202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov  
"Leonard, Barbara M." <BMLeonard@dos.state.fl.us>



"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us  
>  
03/21/2007 08:14 AM

To ecortes@eac.gov  
cc  
Subject RE: HAVA Funding for Voter Verifiable Paper Audit Records

Edgardo,

The legislative budget issue requesting additional funds for state match was inadvertently scanned twice.  
It is only one page.

Thanks,  
Barbara

-----Original Message-----

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]  
**Sent:** Tuesday, March 20, 2007 4:03 PM  
**To:** Leonard, Barbara M.  
**Subject:** RE: HAVA Funding for Voter Verifiable Paper Audit Records

No problem, let me know in the morn. Thanks!


Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
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202-566-3126 direct

021189

202-566-3127 fax  
ecortes@eac.gov

021190

Edgardo Cortes /EAC/GOV  
03/20/2007 04:02 PM


To "Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>@GSAEXTERNAL  
cc  
bcc  
Subject RE: HAVA Funding for Voter Verifiable Paper Audit Records  


No problem, let me know in the morn. Thanks!

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
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202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

021191

Edgardo Cortes /EAC/GOV  
03/20/2007 03:24 PM

To "Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>@GSAEXTERNAL  
cc  
bcc  
Subject RE: HAVA Funding for Voter Verifiable Paper Audit Records  


Barbara,  
Both pages in the PDF that shows the legislative budget request appear to be the same. Are the pages different or was the same page copied twice?

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov  
"Leonard, Barbara M." <BMLeonard@dos.state.fl.us>



"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>  
>  
03/20/2007 01:40 PM

To ecortes@eac.gov  
cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>, "Bradshaw,  
Sarah" <SBradshaw@dos.state.fl.us>  
Subject RE: HAVA Funding for Voter Verifiable Paper Audit Records

Edgardo,

Attached are the following documents providing updated information regarding the findings included in the Florida Auditor General's Operational Audit Report # 2006-194:

Department of State Inspector General's Follow-up Review to Auditor General Report Number  
2006-194  
Letter dated December 13, 2006 from Inspector General to Secretary of State Cobb  
Budget issue included in the FY 2007-08 Legislative Budget Request regarding additional funds for  
State Match  
Florida Voting Systems Certification Checklist & Test Record

If you have any questions, please let us know.

Thanks,  
Barbara

-----Original Message-----

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]  
**Sent:** Friday, March 16, 2007 11:36 AM  
**To:** Tuck, Amy K.  
**Cc:** Leonard, Barbara M.

021192

**Subject:** Re: HAVA Funding for Voter Verifiable Paper Audit Records

Amy and Barbara,

Do you have any additional documentation for the issues identified during your state single audit. I have a copy of your response letter to the state auditor dated June 15, 2006 but many of the items are planned actions. Do you have supporting documentation to show you've completed those things? I am trying to write our audit resolution report and would prefer it show as much completed as possible rather than using the report to ask for this info. Let me know. Thanks.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
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ecortes@eac.gov 2007-005 AG follow up HAVA FVRS dr final.doc 2007-005 Cover Letter HAVA FVRS.doc



BVSC-010 Florida Voting Systems Certification Checklist and Test Record.doc FY 2007-08 LBR HAVA State Match.pdf

021193

Edgardo Cortes /EAC/GOV  
03/19/2007 01:36 PM

To "Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>@GSAEXTERNAL  
cc  
bcc  
Subject RE: HAVA Funding for Voter Verifiable Paper Audit Records  


I just got back to the office. I'm available whenever you're ready.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
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202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

021194



Edgardo Cortes /EAC/GOV  
03/16/2007 03:48 PM

To "Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>@GSAEXTERNAL  
cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>  
bcc  
Subject RE: HAVA Funding for Voter Verifiable Paper Audit Records

1:30 sounds great. I'll be here.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
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202-566-3126 direct  
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ecortes@eac.gov  
"Leonard, Barbara M." <BMLeonard@dos.state.fl.us>



"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>  
>  
03/16/2007 03:35 PM

To ecortes@eac.gov  
cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>  
Subject RE: HAVA Funding for Voter Verifiable Paper Audit Records

Edgardo,

How about Monday about 1:30 pm? I'll give you a call if that time is agreeable.

Barbara

-----Original Message-----

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]  
**Sent:** Friday, March 16, 2007 2:18 PM  
**To:** Leonard, Barbara M.  
**Subject:** RE: HAVA Funding for Voter Verifiable Paper Audit Records

Great! Can we set up a time to chat on Monday? I'm available anytime after 10am.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct

021195

202-566-3127 fax  
ecortes@eac.gov

"Leonard, Barbara M." <BMLeonard@dos.state.fl.us>

03/16/2007 02:00 PM

To: ecortes@eac.gov  
CC: "Tuck, Amy K." <AKTuck@dos.state.fl.us>  
Subject: RE: HAVA Funding for Voter Verifiable Paper Audit Records

Edgardo,

We should be able to forward something to you next week to document the steps that have been taken. We'll check with you first to be sure we're getting the information you need for your report.

Thanks,  
Barbara

-----Original Message-----

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]  
**Sent:** Friday, March 16, 2007 11:36 AM  
**To:** Tuck, Amy K.  
**Cc:** Leonard, Barbara M.  
**Subject:** Re: HAVA Funding for Voter Verifiable Paper Audit Records

Amy and Barbara,  
Do you have any additional documentation for the issues identified during your state single audit. I have a copy of your response letter to the state auditor dated June 15, 2006 but many of the items are planned actions. Do you have supporting documentation to show you've completed those things? I am trying to write our audit resolution report and would prefer it show as much completed as possible rather than using the report to ask for this info. Let me know. Thanks.

Edgardo Cortés  
Election Research Specialist  
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ecortes@eac.gov

021196

Edgardo Cortes /EAC/GOV  
03/16/2007 02:18 PM

To "Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>@GSAEXTERNAL  
cc  
bcc  
Subject RE: HAVA Funding for Voter Verifiable Paper Audit Records

Great! Can we set up a time to chat on Monday? I'm available anytime after 10am.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
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202-566-3127 fax  
ecortes@eac.gov  
"Leonard, Barbara M." <BMLeonard@dos.state.fl.us>



"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us  
>  
03/16/2007 02:00 PM

To ecortes@eac.gov  
cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>  
Subject RE: HAVA Funding for Voter Verifiable Paper Audit Records

Edgardo,

We should be able to forward something to you next week to document the steps that have been taken. We'll check with you first to be sure we're getting the information you need for your report.

Thanks,  
Barbara

-----Original Message-----

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]  
**Sent:** Friday, March 16, 2007 11:36 AM  
**To:** Tuck, Amy K.  
**Cc:** Leonard, Barbara M.  
**Subject:** Re: HAVA Funding for Voter Verifiable Paper Audit Records

Amy and Barbara,  
Do you have any additional documentation for the issues identified during your state single audit. I have a copy of your response letter to the state auditor dated June 15, 2006 but many of the items are planned actions. Do you have supporting documentation to show you've completed those things? I am trying to write our audit resolution report and would prefer it show as much completed as possible rather than using the report to ask for this info. Let me know. Thanks.

Edgardo Cortés

021197

Election Research Specialist  
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202-566-3127 fax  
ecortes@eac.gov

021198

Edgardo Cortes /EAC/GOV  
02/16/2007 04:45 PM

To "Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>@GSAEXTERNAL  
cc  
bcc  
Subject Re: FW: Guidance Regarding Use of HAVA Funds

Barbara,  
Sorry for the delay but I was at the NASS and NASED conference over the weekend and then we had some bad weather that kept me from coming in. In regards to question #2, this is a purchase that is solely related to the statewide voter registration and therefore does not require pre-approval from the EAC. Just make sure to keep the proper records for audit purposes. Hope this helps. Thanks.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
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202-566-3127 fax  
ecortes@eac.gov  
"Leonard, Barbara M." <BMLeonard@dos.state.fl.us>



"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us  
>

To ecortes@eac.gov  
cc  
Subject FW: Guidance Regarding Use of HAVA Funds

02/13/2007 02:02 PM

Edgardo,

Have you had a chance to review question #2 in our request below regarding the purchase of additional memory for our statewide voter registration system?

Thanks,  
Barbara

-----Original Message-----

**From:** Leonard, Barbara M.  
**Sent:** Friday, January 26, 2007 11:48 AM  
**To:** 'ecortes@eac.gov'  
**Cc:** Tuck, Amy K.; Bradshaw, Sarah  
**Subject:** RE: Guidance Regarding Use of HAVA Funds

Edgardo,

I believe that question #3 is related to the state single audit findings. It was included in the Operational Audit conducted by the Florida Auditor General's Office. I will forward you the original request for

021199

guidance that we sent to Peggy Sims last summer in case you don't have access to it.

Thanks,  
Barbara

-----Original Message-----

**From:** ecortes@eac.gov [mailto:ecortes@eac.gov]  
**Sent:** Friday, January 26, 2007 10:03 AM  
**To:** Leonard, Barbara M.  
**Subject:** Re: Guidance Regarding Use of HAVA Funds

Barbara,  
Just a quick question about #3. Is this question related to the state single audit findings? I am working on some audit resolutions and wanted to make sure its the same issue.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

"Leonard, Barbara M."  
<BMLEonard@dos.state.fl.us>

01/10/2007 04:08 PM

To ecortes@eac.gov  
cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>, "Bradshaw, Sarah"  
<SBradshaw@dos.state.fl.us>  
Subject Guidance Regarding Use of HAVA Funds

Edgardo,

The Florida Department of State is requesting guidance regarding the use of HAVA funds for several items:

1. The computer equipment used to operate Florida's statewide voter registration system is currently housed in a state-owned facility that is in the process of being sold. As a result, the Department is moving its computer operations to a private facility.

Following our conversation this morning, the Department has determined that State funds will be

021200

used to pay for the expenses associated with moving all of the equipment (including the statewide voter registration system equipment) to the new location.

However, after the Department has completed its relocation of the computer room to another facility, it will be necessary to make rental payments to the owner of the building. Is it possible for the Department to use HAVA funds to pay a portion of the rent for the space occupied by computer equipment used to support the statewide voter registration system?

2. The Department needs to purchase additional memory in order to provide an identical back-up computer for the statewide voter registration system in case of a disaster. We have received quotes from three contractors on the State Purchasing Contract with the lowest quote being from Hewlett Packard at \$81,760. We are requesting EAC approval to use HAVA Section 251 funds for this purchase.

3. During the summer of 2006 the Department requested guidance from the EAC regarding the use of HAVA funds for annual and/or sick leave payments to employees filling HAVA-funded positions who terminated employment with the State. Could you check on the status of a response regarding this issue. If you need additional information, please let us know and we'll forward the original questions.

If you need any additional information regarding these items, please let us know. Thank you very much for your assistance.

Thanks,  
Barbara Leonard  
Florida Division of Elections  
HAVA Unit  
850-245-6201

021201

Edgardo Cortes /EAC/GOV  
01/26/2007 02:31 PM

To "Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>@GSAEXTERNAL  
cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>, "Bradshaw,  
Sarah" <SBradshaw@dos.state.fl.us>  
bcc

Subject RE: Guidance Regarding Use of HAVA Funds

Barbara,

This was great information. This is the same issue I am working on in relation to the single audit. Just so you know, this means you will get the answer from me, but then it will also be addressed in an audit resolution report. That resolution report will cover this issue and the other issues identified during the single audit. Since EAC oversees HAVA funds, we are responsible for resolving issues identified during audits conducted by our Inspector General and also single audits conducted by each state. I'll keep you posted as we move forward in that process. Let me know if you have any questions. Thanks.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov  
"Leonard, Barbara M." <BMLeonard@dos.state.fl.us>



"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>  
>  
01/26/2007 11:48 AM

To ecortes@eac.gov  
cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>, "Bradshaw,  
Sarah" <SBradshaw@dos.state.fl.us>  
Subject RE: Guidance Regarding Use of HAVA Funds

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Barbara

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**Sent:** Friday, January 26, 2007 10:03 AM  
**To:** Leonard, Barbara M.  
**Subject:** Re: Guidance Regarding Use of HAVA Funds

Barbara,  
Just a quick question about #3. Is this question related to the state single audit findings? I am

021202



working on some audit resolutions and wanted to make sure its the same issue.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>

01/10/2007 04:08 PM

To ecortes@eac.gov  
cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>, "Bradshaw, Sarah"  
<SBradshaw@dos.state.fl.us>  
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021203

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Thanks,  
Barbara Leonard  
Florida Division of Elections  
HAVA Unit  
850-245-6201

021204

Edgardo Cortes /EAC/GOV  
01/26/2007 10:02 AM

To "Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>@GSAEXTERNAL  
cc  
bcc  
Subject Re: Guidance Regarding Use of HAVA Funds

Barbara,  
Just a quick question about #3. Is this question related to the state single audit findings? I am working on some audit resolutions and wanted to make sure its the same issue.

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov  
"Leonard, Barbara M." <BMLeonard@dos.state.fl.us>



"Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us  
>  
01/10/2007 04:08 PM

To ecortes@eac.gov  
cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>, "Bradshaw,  
Sarah" <SBradshaw@dos.state.fl.us>  
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021205

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Thanks,  
Barbara Leonard  
Florida Division of Elections  
HAVA Unit  
850-245-6201

021206

Edgardo Cortes /EAC/GOV  
01/16/2007 04:45 PM

To "Leonard, Barbara M."  
<BMLeonard@dos.state.fl.us>@GSAEXTERNAL  
cc Margaret Sims/EAC/GOV@EAC  
bcc

Subject Amending HAVA Financial Reports 

Dear Barbara,

You have asked whether your state was sent a request for amended financial reports of HAVA funds. The EAC mailed a notice to your chief state election official on January 10, 2007. Attached are electronic copies of the letters that were sent regarding your state and copies of the attachments. Please let me know if you have any additional questions about this request. Thank you.



Florida 102.doc



Model 269 Title II final.pdf



Coordinator Memo final.pdf



FL Sample Narrative.pdf



HI Sample Narrative.pdf



Model 269 Title I final.pdf

Edgardo Cortés  
Election Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave. NW, Ste. 1100  
Washington, DC 20005  
866-747-1471 toll free  
202-566-3126 direct  
202-566-3127 fax  
ecortes@eac.gov

021207



U.S. ELECTION ASSISTANCE COMMISSION  
1225 NEW YORK AVENUE, N.W., SUITE 1100  
WASHINGTON, D.C. 20005

March 30, 2007

Kurt Browning  
Secretary of State  
R. A. Gray Building  
500 S. Bronough Street, Room 316  
Tallahassee, Florida 32399-0250

Dear Secretary Browning:

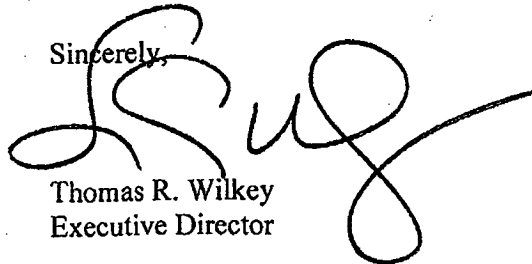
Attached is the final audit resolution report of the U.S. Election Assistance Commission (EAC) regarding the single audit of Help America Vote Act (HAVA) funds expended by the Florida Secretary of State's Office. The resolution is based upon the information provided by the audit conducted by the Auditor General of the State of Florida.

After careful consideration of all the facts presented, EAC has determined that the state must submit documentation that details the new state procedures to maintain an accurate and current list of voting systems in the state. The state must submit a timeline to the EAC indicating when the revised state plan will be submitted to EAC for publication in the *Federal Register*. The state must submit a copy of the new department policy indicating the requirement to sign salary certification statements.

If the state believes that anything in this final management decision is an adverse action and the state does not agree, the state shall have 30 days to appeal EAC's management decision. The appeal must be made in writing to the Chairman of the EAC. Within 30 days of receiving the appeal, the Commission may hold a hearing to consider the appeal, take evidence or testimony related to the appeal, and render a decision on the appeal, if appropriate at that time. The Commission will render a final and binding decision on the appeal no later than 60 days following the receipt of the appeal or the receipt of any requested additional information. If the state does not file an appeal, this decision will become final and binding at the expiration of the appeal period.

We appreciate your cooperation in this matter as we work together to ensure that HAVA funds are used in accordance with the law.

Sincerely,



Thomas R. Wilkey  
Executive Director



U.S. ELECTION ASSISTANCE COMMISSION  
1225 New York Ave. NW – Suite 1100  
Washington, DC 20005

**Final Audit Resolution Report**  
**Florida Single Audit – Assignment No. E-SA-FL-11-06**  
**Issued March 30, 2007**

**Summary of Decision**

The U.S. Election Assistance Commission (EAC or Commission) has determined that the state must submit documentation that details the new state procedures to maintain an accurate and current list of voting systems in the state. The state must submit a timeline to the EAC indicating when the revised state plan will be submitted to EAC for publication in the *Federal Register*. The state must submit a copy of the new department policy indicating the requirement to sign salary certification statements.

**Background**

The EAC is an independent, bipartisan agency created by Help of America Vote Act of 2002 (HAVA). It assists and guides state and local election administrators in improving the administration of elections for federal office. EAC provides assistance by dispersing federal funds to states to implement HAVA requirements, adopting the voluntary voting system guidelines, and serving as a national clearinghouse and resource of information regarding election administration. EAC is also responsible for the accreditation of testing laboratories and the certification, decertification, and recertification of voting systems.

In addition to EAC's role in distributing HAVA funds, the agency is responsible for monitoring the fiscally responsible use of HAVA funding by the states. The EAC seeks to ensure funds distributed under HAVA are being utilized for the purposes mandated by HAVA to ultimately improve the administration of federal elections. To fulfill this responsibility, the EAC conducts periodic fiscal audits of state HAVA fund expenditures and determines the any corrective actions necessary to resolve issues identified during audits. EAC is also responsible for resolving issues identified during state single audits conducted under the Single Audit Act. The EAC Office of Inspector General (OIG) has established a regular audit program in order to review the use of HAVA funds by states. The OIG's audit plan and audit findings can be found at [www.eac.gov](http://www.eac.gov).

The Audit Follow-up Policy approved by the Commission authorizes the EAC Executive Director to issue the management decision for external audits and single audits. The Executive Director has delegated the evaluation of final audit reports provided by the OIG and single audit reports issued by the states to the EAC Programs and Services Division. The Division provides a recommended course of action to the Executive Director for resolving questioned costs, administrative deficiencies, and other issues identified during an audit. The EAC Executive

Director issues a Final Audit Resolution (management decision) that addresses the findings of the audit and details corrective measures to be taken by the state.

When an audit identifies questioned costs, the EAC considers not only whether the state followed proper procurement procedures, but also whether the expenditures actually served to further the goals of HAVA. EAC has identified three methods of resolution regarding questioned costs: 1) Expenditures that were identified as permissible under HAVA and federal cost principles, but did not follow appropriate procedures do not have to be repaid; 2) Expenditures that may have been permissible under HAVA but lacked adequate documentation must be repaid to the state election fund, which was created in accordance with HAVA section 254(b)(1); and 3) Expenditures that were clearly not permissible under HAVA or federal cost principles must be repaid to the U.S. Treasury. In addition to repayment of funds, the EAC may require future reporting by a state to ensure that proper internal controls and procedures have been established to prevent future problems.

States may appeal the EAC management decision. The EAC Commissioners serve as the appeal authority. A state has 30 days to appeal EAC's management decision. All appeals must be made in writing to the Chair of the Commission. The Commission will render a decision on the appeal no later than 60 days following receipt of the appeal or, in the case where additional information is needed and requested, 60 days from the date that the information is received from the state. The appeal decision is final and binding.

### **Audit History**

The Auditor General of the State of Florida conducted an audit under the Single Audit Act that covered the use of HAVA funds provided to Florida. The single audit report (Assignment No. E-SA-FL-11-06) for the State of Florida identified six issues that require EAC resolution.

### **Audit Resolution**

The following categories explain the results of the audit outlined in the final audit report and how the EAC reached its final audit resolution regarding the issues identified by the OIG.

#### **State did not maintain a current list of certified voting systems used by counties**

EAC agrees with the finding that the state did not maintain a current listing of voting systems certified and in use by the counties. The state is creating new procedures to update the state list of voting systems on a regular basis, updated the list of voting systems certified and in use by Florida counties, and made the list available on its website at <http://election.dos.state.fl.us>. Within 30 calendar days, the state must submit documentation that details the new state procedures to maintain an accurate and current list of voting systems in the state.

#### **State incorrectly calculated Maintenance of Effort**

EAC agrees with the findings that the state did not properly calculate the required maintenance of effort and did not maintain this level of expenditure for the 2004-2005 fiscal year. The state must update its HAVA state plan to account for the maintenance of effort. The state has indicated it has begun the process of updating the state plan. The



updated state plan must include how the state will spend the \$7,630 shortfall in maintenance of effort spending during the 2004-2005 fiscal year in the future. Within 30 calendar days, the state must submit a timeline to the EAC indicating when the revised state plan will be submitted to EAC for publication in the *Federal Register*.

**Salaries were not properly supported**

We agree with the findings that the state did not maintain appropriate records to document employee time spent on HAVA activities. EAC has requested that the OIG conduct a more in-depth review of these salary expenses to determine if costs allocated to salaries should be questioned in addition to the finding on lack of supporting documentation. In response to the findings on supporting documentation for salary costs, Florida has implemented new policies and procedures to appropriately track employee time spent on HAVA related activities. Within 30 calendar days, the state must submit a copy of the new department policy indicating the requirement to sign salary certification statements.

**Payments for unused leave to terminated employees was charged as a direct cost**

The state has repaid the state election fund for all unused leave payments made to terminated employees and charged as a direct cost to HAVA funds. The state has also requested the EAC to issue guidance on this issue to assist states in appropriately paying out unused leave to terminated employees working on HAVA programs. EAC will issue guidance on this matter during the 2007 federal fiscal year. No further action is required by the state on this matter at this time.

**Proper supporting documentation for expenditures was not always maintained**

EAC agrees with the finding that the state did not always properly support expenditures made with HAVA programs. The amount of expenditures that were not properly supported was not quantified during the single audit and no expenditures made with HAVA funded contracts were questioned. EAC will not make any determinations on potential repayment of unsupported costs until the OIG conducts a full audit of Florida's usage of HAVA funds through the regular OIG audit program. The state has detailed the new procedures it has put in place to ensure that all future payments made with HAVA funds have all the necessary supporting documentation prior to payment by the state. No further action is required by the state on this matter at this time.

**State did not follow federal requirements for interagency agreements**

EAC agrees with the finding that the state did not follow federal requirements for interagency agreements financed with HAVA funds. The state has detailed the new procedures it has put in place to ensure that all future interagency agreements made with HAVA funds meet all the necessary federal requirements and that appropriate monitoring is conducted by the state. No further action is required by the state on this matter at this time.

## **Final Management Decision**

EAC has determined that the state must submit documentation that details the new state procedures to maintain an accurate and current list of voting systems in the state. The state must submit a timeline to the EAC indicating when the revised state plan will be submitted to EAC for publication in the *Federal Register*. The state must submit a copy of the new department policy indicating the requirement to sign salary certification statements. All additional information requested from the state must be submitted to the EAC within 30 calendar days.

Florida shall have 30 days to appeal EAC's management decision. The appeal must be made in writing to the Chairman of the EAC. Within 30 days of receiving the appeal, the Commission may hold a hearing to consider the appeal, take evidence or testimony related to the appeal, and render a decision on the appeal, if appropriate at that time. The Commission will render a final and binding decision on the appeal no later than 60 days following the receipt of the appeal or the receipt of any requested additional information. If the state does not file an appeal, this decision will become final and binding at the expiration of the appeal period.

**Final Audit Resolution Report**

**Florida Single Audit – Assignment No. E-SA-FL-11-06**

**Attachment 1**

021213



U.S. ELECTION ASSISTANCE COMMISSION  
OFFICE OF INSPECTOR GENERAL  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005

September 25, 2006

Memorandum

To: Thomas Wilkey  
Executive Director

From: Curtis W. Crider *Curtis W. Crider*  
Inspector General

Subject: Findings in the State of Florida Auditor General Audit of the Department of State Help America Vote Act and the Florida Registration System  
(Assignment No. E-SA-FL-11-06)

The subject report (Attachment 1) contains several findings related to the Florida Department of State's (Department) administration of Help America Vote Act (HAVA) funds. The audit was performed by the Auditor General of the State of Florida, who is responsible for the report's findings.

The findings and recommendations are summarized below and presented in further detail in the attachment.

**Finding 3:** The Department did not maintain a current listing of voting systems certified and in use by the counties.

**Recommendation:** The Department should develop a current, reliable control listing; establish procedures to ensure that Supervisors of Elections submit all voting system information required by State law, and periodically confirm the accuracy of its listing with the Supervisor of Elections. Such confirmations should be made in connection with the Department's periodic reconciliation of its control listing to the voter systems information provided and on file at the Department.

**Proposed Corrective Actions:** The Department agreed that updated information was essential to determining whether the voting systems used by the counties met the requirements of the law. The Department indicated that it would institute a process to periodically confirm with the Supervisor of Elections that the information they have filed with the Department is accurate and that all information required by law is on file with the Department.

021214

**Finding 4:** The Department incorrectly calculated the required Maintenance of Effort (MOE) and did not maintain the required level of expenditures for the 2004-2005 fiscal year.

**Recommendation:** The Department should update the HAVA Plan to reflect the revised MOE amount. The Department should ensure that the required MOE level is met each fiscal year.

**Proposed Corrective Actions:** The Department agreed to update the State of Florida HAVA plan to reflect the revised required MOE amounts. In addition, the Department indicated that it will continue to review state expenditures in future years to ensure that the MOE threshold is exceeded. The Department indicated that in future years, the level of state effort should exceed the required threshold, compensating for the \$7,630 MOE shortfall for the 2004-2005 fiscal year.

**Finding 5:** Salary certifications required for employees who worked solely on HAVA were not maintained. Activity reports were not always maintained to support personnel costs charged to the HAVA program.

**Recommendation:** The Department's procedures should ensure that required documentation supporting charges to the HAVA Program (including certifications and personnel activity report) is properly and timely prepared and maintained. For any costs improperly charged to the HAVA Program, appropriate corrections should be made.

**Proposed Corrective Actions:** The Department indicated that it has instituted a procedure for obtaining time certifications from employees in HAVA funded positions. The certifications will be obtained on a semi-annual basis. If the Department becomes aware that any employee has worked on activities not related to the HAVA program, the costs associated with those other activities will be reimbursed to the HAVA program.

**Finding 6:** Contrary to Federal cost principles, payments for unused leave to terminated employees was charged as a direct cost instead of being allocated as a general administrative expense to all activities of the governmental unit.

**Recommendation:** The Department, in compliance with Federal cost principles; allocate as a general administrative expense unused leave payments. In addition, any costs improperly charged to the HAVA Program should be corrected.

**Proposed Corrective Actions:** The Department indicated that it would seek guidance from the Elections Assistance Commission on the proper disposition of unused leave payments.

**Finding 8:** HAVA program, expenditures were not always properly supported.

**Recommendation:** The Department should ensure that required contractual terms are met and services are received prior to payment. In addition, the Department should only pay contractors in amounts agreed upon by specific contract or purchase order.

021215

**Proposed Corrective Actions:** The Department indicated that the contract manager would review and certify that the requests for payment were properly supported and that contract requirements, milestones, and deliverables have been met prior to submitting the requests to Budget and Financial Services.

**Finding 9:** The Department did not always follow Federal requirements with regards to awards to other State agencies.

**Recommendation:** The Department should take steps to ensure that interagency agreements include all applicable Federal information and requirements and that appropriate monitoring is performed.

**Proposed Corrective Actions:** The Department indicated that it will ensure that interagency agreements with state agencies Utilizing HAVA funds include all of the information required by Federal standards. In addition, the Department would obtain the appropriate documentation to evidence expenditure of HAVA funds by the other State agencies.

Based on the findings, we recommend that the EAC ensure that the department completes its planned corrective actions. Please provide us with documentation of the action(s) taken to implement this recommendation by November 1, 2006. If you have any questions about this matter, please call me at (202) 566-3125.

cc: Chairman, U.S. Election Assistance  
Commission

Attachment

021216



# AUDITOR GENERAL

WILLIAM O. MONROE, CPA



## DEPARTMENT OF STATE HELP AMERICA VOTE ACT (HAVA) AND THE FLORIDA VOTER REGISTRATION SYSTEM (FVRS) Operational Audit

### SUMMARY

This operational audit focused on the Department of State's administration of the Federal Help America Vote Act of 2002 (HAVA) during the period July 1, 2004, through February 28, 2006, and selected actions taken through May 23, 2006. In addition, we evaluated the effectiveness of selected controls related to the Florida Voter Registration System, implemented to satisfy specific requirements of the Act for a computerized Statewide voter registration list. Through June 30, 2005, the Department has been awarded \$160 million in HAVA funding on behalf of Florida.

#### HELP AMERICA VOTE ACT

**Finding No. 1:** The Department did not have a procedure in place to evidence for the public record that voting systems being certified had met the requirements of Florida law.

**Finding No. 2:** The Department's established procedures did not prohibit the Secretary of State and any examiners from having a pecuniary (financial) interest in the examination of and approval of voting equipment.

**Finding No. 3:** The Department did not maintain a current, reliable control listing of voting systems certified and in use by the counties. In addition, the Department did not have a procedure in place to ensure that voting system information was on file with the Department.

**Finding No. 4:** The Department incorrectly calculated the required maintenance of effort that

was included in the State of Florida HAVA Plan and also did not maintain the required level of expenditures for the 2004-05 fiscal year.

**Finding No. 5:** Salary certifications required for employees who worked solely on the HAVA Program were not maintained. Also, personnel activity reports were not always maintained to support personnel costs charged to the HAVA Program.

**Finding No. 6:** Contrary to Federal cost principles, payment for unused leave to a terminating employee was charged as a direct cost to the Program instead of being allocated as a general administrative expense to all activities of the governmental unit.

**Finding No. 7:** Controls to ensure that voter education programs were in compliance with Florida law and Department rule were insufficient.

**Finding No. 8:** HAVA Program expenditures were not always properly supported.

**Finding No. 9:** The Department did not always follow Federal requirements with regards to awards to other State agencies.

#### FLORIDA VOTER REGISTRATION SYSTEM (FVRS)

**Finding No. 10:** Improvements were needed in the Department's Information Technology (IT) risk management practices.

**Finding No. 11:** The Department had not adopted a governance model addressing the management, use, and operation of FVRS commensurate with its authority and

responsibility to ensure the system's security, uniformity, and integrity.

**Finding No. 12:** Although the Department had put measures in place to help ensure the integrity of data in FVRS, improvements were needed in the processes for identifying duplicate registrations and ineligible voters.

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#### BACKGROUND

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With the passage and signing of the Help America Vote Act (HAVA) on October 29, 2002, election reform began throughout our nation. HAVA contains numerous requirements that every state must meet to improve election administration in many areas. The requirements, most of which were to take effect between January 1, 2004, and January 1, 2006, include replacing punch card and lever-operated voting machines, allowing voters to verify their votes before casting their ballots, providing voters with provisional ballots, providing access for voters with disabilities, and creating a Statewide voter registration list.

HAVA created the Election Assistance Commission (EAC) as an independent commission to administer the provisions of the Act. Specifically, HAVA charges the EAC with administering payments to states and developing guidance to meet HAVA requirements, implementing election administration improvements, adopting voluntary voting system guidelines, and developing a national certification program for voting systems. The EAC also serves as a national clearinghouse and resource of information regarding election administration.

Funding comes from four different HAVA programs. As shown on Appendix A, through June 30, 2005, the Department had been awarded \$160,207,602 in HAVA funding on behalf of Florida relating to Titles I and II. For each of the four programs, HAVA limits the use of funds to particular purposes as follows:

- Title I, Section 101 funding is available to improve the overall administration of elections, including the training of voters and election officials.
- Title I, Section 102 funding (fully expended as of July 2003) provides funding for the replacement of punch card and lever-operated voting machines.

- Title II, Section 251 funding allows states to meet uniform minimum voting system standards; provide a provisional voting mechanism, as well as minimal voter information requirements; and maintain a single computerized statewide voter registration list. However, states, once meeting these requirements, can use the funds to improve the administration of Federal elections.
- Title II, Section 261 funding supports efforts undertaken to make polling locations accessible for individuals with disabilities.

Appendix B shows for each of the four programs the funds received, amounts spent or obligated, and the available balances.

In response to audit inquiry, the Department provided us with a document titled *Funds Revenue and Usage Life of HAVA Grant* that projects HAVA funds being fully depleted sometime during the 2019-20 fiscal year. For the majority of the awarded funds, there is no deadline by which the Department must expend the funds received. However, included in the award total is \$1.676 million in Title II, Section 261 funds that are available for drawdown from the Federal Government as expended. These funds must be expended within five years of the original award year.

HAVA requires all states to develop and implement a Statewide plan that includes 13 primary elements. The State of Florida HAVA Plan incorporated these 13 primary elements, and Appendix C contains a listing of the elements. Florida enacted legislative and local reforms to ensure that the elements are consistent with and clearly outlined in Florida Statutes, *Florida System Voting Standards (Standards)*, rules, and regulations.

The administration of elections in Florida occurs at the State and local levels. The Secretary of State is the Chief Election Officer under Florida law.<sup>1</sup> As Chief Election Officer, the Secretary of State is responsible for the coordination of the State's responsibilities under HAVA.

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<sup>1</sup> Section 97.012, Florida Statutes.



## FINDINGS AND RECOMMENDATIONS

## Help America Vote Act (HAVA)

**Finding No. 1: Voting System Certification Checklist**

In accordance with Florida law,<sup>2</sup> the Department is to examine all makes of electronic or electromechanical voting systems submitted to it by any person owning (such as vendors) or interested in an electronic or electromechanical voting system (such as boards of county commissioners of any county seeking approval of a given system) and determine whether such systems comply with the voting systems requirements provided in Section 101.5606, Florida Statutes. Additionally, the Department has developed *Standards* that provide information and guidance on the State's requirements and evaluation methods for voting system certification. Upon determining that the voting system complies with such requirements, the Department issues a certificate.

Our audit disclosed that the Department had implemented voter system certification procedures that incorporated the requirements included in Section 101.5606, Florida Statutes. However, we noted that a procedure was not in place to evidence for the public record that the voting systems being certified had met the requirements of Florida law. Therefore, a determination could not be made by us as to whether the requirements of Florida law had been met with regard to voter system certifications.

Department personnel indicated during our field work that a document titled *Florida Voting Systems Certification Checklist & Test Record (Checklist)* had been drafted that would provide a mechanism to document the Department's processes performed relating to Section 101.5606, Florida Statutes. However, this *Checklist* was not in use during the audit period and no other document was available for such purposes.

<sup>2</sup> Sections 101.5605(1) and (2), Florida Statutes.

**Recommendation:** We recommend that the Department finalize the *Checklist* and utilize it to document for the public record that its voting system certification procedures meet the requirements of Florida law.

**Finding No. 2: Pecuniary Interests**

Florida law<sup>3</sup> states that neither the Secretary of State nor any examiner shall have any pecuniary (financial) interest in the examination and approval of voting equipment.

In response to audit inquiry as to Department procedures to ensure compliance with the above-noted Florida law, Department staff referred us to the section of the *Department of State Employee Handbook (Handbook)* titled "Relationships with Regulated Entities." This section of the *Handbook* requires employees to disclose in writing to the Secretary of State or his/her designee of a financial interest in a regulated entity. While the *Handbook* provision may provide some assurance of the disclosure of pecuniary interests should they exist, a procedure requiring an affirmation as to the absence of pecuniary interests may be more effective and responsive to the significant loss of credibility that would result should the existence of a conflict of interest go undisclosed.

**Recommendation:** We recommend that the Department establish procedures requiring the periodic affirmation of the absence of pecuniary and other conflicts of interests.

**Finding No. 3: Certified Voting Systems**

Florida election laws require the Department, among other duties, to:

- Examine and approve voting systems through a public process to ensure that the voting systems meet the standards outlined in Section 101.5606, Florida Statutes, and similar standards outlined in HAVA requirements under Section 301 of Title III. (Section 101.5605, Florida Statutes.)

<sup>3</sup> Section 101.5605(2)(c), Florida Statutes.

- Maintain voting system information including copies of the program codes, user and operator manuals, software, and any other information, specifications, or documentation relating to an approved electronic or electromechanical voting system and its equipment. (Section 101.5607, Florida Statutes.)

The Department is also responsible for demonstrating compliance with Federal laws, regulations, and contracts governing the use of HAVA funds.

To allow for a ready demonstration of record that all voting systems meet the requirements of State laws and HAVA requirements, the Department should have in place a current inventory of the voting systems in place in each county. To ensure the accuracy and completeness of voting system records and files, this inventory should then be compared periodically to the voting system information maintained on file pursuant to State law.<sup>4</sup> Our audit tests disclosed that such procedures were not in place. Specifically:

- The Department did not maintain a current, reliable control listing of specific certified voting systems and system configurations implemented in each county. In response to our request for an official control listing of voting systems currently in use by all 67 counties, the Bureau Chief of Voting Systems Certification referred us to a Web site maintained by the Department that provides a link to information about specific certified voting systems and the system configurations being implemented by each county and stated, "The web site is updated as we receive 'system acquisition' reports from the counties. There may be a lag between the time a county acquires its system and the time we receive such a report. In some cases, a county may forget to notify us. In addition, I don't think there is any such 'official' listing." Our review of the Web site and other listings provided by the Department disclosed several instances in which the voting systems shown were not HAVA compliant.

Absent a current, reliable control listing of specific certified voting systems and system configurations implemented in each county, the Department cannot be assured and demonstrate that voting systems in use by the counties meet the standards outlined in Section 101.5606, Florida Statutes, and similar standards outlined in HAVA requirements.

- The Department did not have a procedure in place to ensure that copies of program codes, user and operator manuals, software, and any other information, specifications, or documentation related to an approved electronic or electromechanical voting system and its equipment were on file with the Bureau of Voting Systems Certification. Section 101.5607(1)(a), Florida Statutes, requires that this information be filed with the Department by the Supervisor of Elections at the time of purchase or implementation. An appropriate procedure would include a periodic comparison of the control listing referenced in the preceding bullet to the voting system information on file at the Department.

During the audit period, funds were provided to counties for the purpose of purchasing accessible voting systems as required by Title III, Section 301, HAVA. We selected disbursements made to four counties and requested documentation from the Department demonstrating compliance with Section 101.5607(1)(a), Florida Statutes. Specifically, we examined Department records to determine if such information for the counties was on file. Our examination disclosed that voting system information was not available for one county; incomplete voting system information was available for another county; and, although some voting system information was on file for a third county, the information on file did not appear to reflect the purchase of the accessible voting system.

In response to audit inquiry, we were informed that the Department requests this information from the counties when the Department becomes aware that a county has purchased new equipment and that the Department currently has no procedures in place for routinely requesting such information periodically from each of the counties.

State law<sup>5</sup> requires the Department to maintain voting system information and provides that any such information or materials that are not on file with and approved by the Department, including any updated or modified materials, may not be used in an election. This is especially important because voting systems are upgraded, modified, and changed both before and after delivery to the counties, and the Department has a responsibility to maintain current and accurate voting system information for each county.

<sup>4</sup> Section 101.5607, Florida Statutes.

<sup>5</sup> Section 101.5607(1)(a), Florida Statutes.

Details of the exceptions noted in the bullets above were provided by us to the Department for immediate resolution.

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**Recommendation:** We recommend that the Department develop a current, reliable control listing; establish procedures to ensure that Supervisors of Elections submit all voting system information required by State law,<sup>6</sup> and periodically confirm the accuracy of its listing with the Supervisors of Elections. Such confirmations should be made in connection with the Department's periodic reconciliation of its control listing to the voting systems information provided and on file at the Department.

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**Finding No. 4: Maintenance of Effort**

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For activities funded by HAVA, the Department is to maintain the expenditures of the State at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ended June 30, 2000. The State of Florida HAVA Plan stated that, in determining Florida's maintenance of effort (MOE) expenditures, the Division of Elections' calculation included 1999-00 fiscal year expenditures for salaries and benefits, operating capital outlay, and voter fraud programs for the Division of Elections' Director's Office and the portion of the Bureau of Election Records' expenditures pertaining to election administration. The amount calculated and reported in the State of Florida HAVA Plan for the 1999-00 MOE totaled \$3,082,224.

Our tests of the data supporting the Department's MOE calculation disclosed that the Department failed to use the final expenditure data reported in the State's accounting system (Florida Accounting Information Resource Subsystem). The amounts used were those recorded as of June 28, 2000. Our tests also disclosed that the Department's calculation included, in some instances, budgeted rather than actual salary expenditures.

The final expenditure data as of June 30, 2000, as shown by the State's accounting system totaled \$3,570,408 (or \$488,184 more than the MOE

expenditure amount reported in the HAVA Plan). In addition, our tests disclosed that the Department MOE for the 2004-05 fiscal year totaled \$3,562,778, resulting in the Department failing to meet the required MOE of \$3,570,408 by \$7,630.

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**Recommendation:** The Department should update the State of Florida HAVA Plan to reflect the revised required MOE amount and ensure that the required MOE level is met each fiscal year in accordance with HAVA requirements.

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**Finding No. 5: Salary Certifications and Activity Reports**

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Federal cost principles<sup>7</sup> require that charges for salaries for employees who are expected to work solely on a single Federal award or cost objective be supported by periodic certifications that indicate that the employee worked solely on that program for the period covered by the certification. These certifications are to be prepared at least semiannually and signed by the employee or supervisory official having first-hand knowledge of the work performed by the employee. These principles also require that charges for salaries of employees who work on multiple activities or cost objectives should be distributed and supported by personnel activity reports or equivalent documentation.

In response to audit inquiry, the Department provided us with a listing of employees who worked solely on the HAVA Program during the period July 1, 2004, through February 28, 2006. We then requested certifications for each of the employees identified by the Department. We also selected nine employees who the Department represented to us had worked solely on the HAVA Program to verify that they had not worked on any other activity. These audit procedures disclosed the following deficiencies:

- Certifications were not always prepared in compliance with Federal cost principles. Specifically, certifications were not prepared for 12 employees who worked solely on the HAVA Program during the period July 1, 2004, through June 30, 2005. The salaries and benefits for these

<sup>6</sup> Section 101.5607(1)(a), Florida Statutes.

<sup>7</sup> Office of Management and Budget Circular No. A-87.

12 employees totaled \$524,787.63. Additionally, for 25 of the 27 employees who worked solely on the HAVA Program during the period July 1, 2005, through December 31, 2005, certifications were not obtained until April 2006. For 2 of the 27 employees, no certifications were on file. In response to audit inquiry, Department staff provided one certification that was signed on May 12, 2006, by an employee's supervisor attesting that the employee had worked solely on the HAVA Program. The employee had resigned on October 31, 2005. For the other instance, the Department stated that the employee worked on non-HAVA related activities and, since there are no time reports documenting the employee's work activities, the Department estimated that approximately 10 percent of the employee's time during the July 2005 through January 2006 period was related to non-HAVA related activities and that the Department was currently preparing correcting entries to reimburse the HAVA Program for the improper costs.

- For another employee working on multiple activities, charges were not supported by personnel activity reports, contrary to Federal cost principles. The employee, even though he had completed a certification that he worked solely on the HAVA Program, indicated to us that only approximately 75 percent of the time worked was related to the HAVA Program. However, the employee's personnel activity report did not identify the specific program areas worked on and, as a result, salary and benefits totaling approximately \$3,600 monthly were charged to the HAVA Program.

Without adequate procedures and supporting documentation, the Department cannot ensure that Federal funds have been expended only for authorized purposes.

In response to audit inquiry, Department staff stated, "After the Department of State became aware of the requirement for individuals filling HAVA-funded positions to complete certifications regarding work performed, a form was developed that could be customized for each employee. The certifications will be prepared on a semi-annual basis to coincide with the first and last six months of the state fiscal year. The first work certification forms cover the period from July 2005 through December 2005." The Department further indicated that it was in the process

of developing written procedures to address the certification requirements.

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**Recommendation:** We recommend that the Department's procedures ensure that required documentation supporting charges to the HAVA Program (including certifications and personnel activity reports) is properly and timely prepared and maintained. For any costs improperly charged to the HAVA Program, appropriate corrections should be made.

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**Finding No. 6: Unused Leave Payments**

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Federal cost principles<sup>8</sup> provide that payments to terminating employees for unused leave are allowable in the year of payment provided the payments are allocated as a general administrative expense to all activities of the governmental unit or component.

Our tests of salary expenditures disclosed that the Department did not allocate as a general administrative expense an unused leave payment, contrary to Federal cost principles. An employee terminated employment on October 31, 2005, and was paid \$22,274 for 470 hours of unused annual leave. The entire amount was paid from HAVA funds.

In response to audit inquiry, Department staff indicated that this payment was made in compliance with Department of Management Services Rule 60L-34.0041(6)(b), Florida Administrative Code. The Rule provides that a senior management service or selected exempt service employee who separates from State government shall be paid for unused annual leave up to a maximum of 480 hours. Department staff further indicated that Federal cost principles supported this unused leave payment. We disagree, as discussed above, because Federal cost principles require that such payments be allocated as a general administrative expense to all activities of the governmental unit or component.

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<sup>8</sup> Office of Management and Budget Circular No. A-87.

**Recommendation:** We recommend that the Department, in compliance with Federal cost principles, allocate as a general administrative expense unused leave payments. We also recommend that, for any costs improperly charged to the HAVA Program, appropriate corrections be made.

**Finding No. 7: Voter Education**

To receive Federal funds under HAVA,<sup>9</sup> the Department is required to describe how the State will provide for voter education. Under Florida law,<sup>10</sup> the Legislature appropriated \$3,000,000 from HAVA funds in each of the 2004-05 and 2005-06 fiscal years to the Department to be distributed to county Supervisors of Elections for voter education. To receive funds from these appropriations, Supervisors of Elections were required to submit to the Department a detailed description of the voter education program (Plan). Additionally, counties were required to certify to the Department that the county would provide matching funds for voter education in the amount equal to 15 percent of the amount received from the State.

We examined payments made to three counties from funds provided under Florida law.<sup>11</sup> We noted that each of the counties had entered into a *Memorandum of Agreement for Receipt and Use of Voter Education Funds (Agreement)*. This *Agreement* required Supervisors of Elections to annually submit a report to the Department detailing the actual expenditures made under the Plan.

Our audit disclosed:

- The Plan for one county failed to include four of the five voter education elements contained in the Standards for Nonpartisan Voter Education (Department rule).<sup>12</sup> The Plan failed to address a high school voter registration/education program; a college voter registration/education program; voter registration workshops; and the conduct of

demonstrations of county voting equipment. Voter education funds received by the county totaled \$27,127. Absent the voting education activities described above, the Department has no assurance that State law and HAVA requirements will be met.

- The activities, as reported in the expenditure report for another county, included \$109,021 for banner and billboard advertisements. This type of activity was not included in the county's Plan submitted to the Department. However, if included in the Plan, these expenditures would have been allowable. Subsequent to audit inquiry, Department staff stated that it appears that some counties had utilized voter education funds for activities that were not included in their Plans and that changes would be made to Department procedures to compare county-planned activities with actual voter education activities.
- The expenditure report for one county failed to delineate, as required by the standard reporting form, the State and county funds expended. Therefore, the Department could not determine from a review of the report if appropriate matching funds for voter education had been expended by the county. The county received State funds totaling \$180,910 and certified matching funds totaling \$27,136. Subsequent to audit inquiry, Department staff stated they will include language in the *Agreements* requiring a separate accounting for expenditures made with State and county funds.

In the instances noted above, the Department failed to ensure that the required Plans and expenditure reports submitted by the Supervisors of Elections were in compliance with Department rules and *Agreements*. This failure by the Department could result in noncompliance with Florida law and rules and HAVA requirements. (See Appendix C, Element 3.)

**Recommendation:** We recommend that the Department ensure that all Plans are in compliance with Department rules and *Agreements* and that voter education expenditures correspond with detailed descriptions in the Plans. In addition, we recommend the Department ensure that the matching expenditures are reported separately on the expenditure report.

<sup>9</sup> Section 254a3, HAVA.

<sup>10</sup> Chapters 2004-268 and 2005-70, Laws of Florida.

<sup>11</sup> Chapters 2004-268 and 2005-70, Laws of Florida.

<sup>12</sup> Department of State Rule 1S-2.033, Florida Administrative Code.

**Finding No. 8: Program Expenditures**

Federal cost principles<sup>13</sup> require appropriate documentation of expenditures. Absent such documentation, expenditures are not allowable for payment by Federal award. The Division of Elections is responsible for tracking and monitoring the use of HAVA funds in accordance with established State procedures, and the Director of the Division of Elections has final signature authority for HAVA expenditures. Our audit included examining Department records related to 19 HAVA expenditures totaling approximately \$8.9 million, excluding salary expenditures. We noted:

- A \$3,333.33 monthly payment was not supported by evidence showing that the required work had been completed. This payment was made pursuant to a contract for consulting services related to assisting the 67 counties in developing and implementing plans mandated by HAVA for the accessibility of polling places and voting equipment for persons with disabilities. The agreement, providing for payments totaling \$50,000, specified that a progress report was to be provided with the invoice. Subsequent to audit inquiry, Department staff stated that, rather than progress reports, the vendor was submitting weekly activity reports to the Assistant Secretary of State and the Director of the Division of Elections. Our review of the activity reports subsequently provided by the Department disclosed one activity report had been requested, after audit inquiry, on May 16, 2006, and another one was received after the invoice was paid. In addition, there was no evidence that the Department had reviewed the activity reports prior to making the payment. Also, the listed activity (traveling to Washington, D.C., to meet with congressional representatives) for one weekly activity report (week beginning November 2, 2004) did not appear to relate to the activities set out in the contract.

The process of receiving weekly activity reports from the contractor did not comply with the contract terms and did not allow for a proper preaudit as such documentation apparently was not forwarded to appropriate staff responsible for processing payments to the contractor.

- A \$39,645.48 payment to a contractor was not properly supported by evidence showing that the invoiced items were received. The payment related to uniform voter registration application forms that were to be provided to various cities. Documentation supporting the payment did not evidence that the forms ordered were shipped to and received in the proper quantities or types by the various cities listed on the vendor invoice. Such documentation may include, for example, notes on Department confirmation with the cities that the forms had been received. In addition, we noted that the combined payments to this contractor exceeded the purchase order total of \$75,750 by \$1,253. Department staff indicated that an appropriate change order had not been prepared.

For the instances described above, absent documentation to support the expenditures, the Department cannot demonstrate that, at the time of payment, the services or activities had been delivered or received and that the expenditures were allowable for payment by Federal award.

**Recommendation:** We recommend that the Department ensure that required contractual terms are met and services are received prior to payment. In addition, we recommend that the Department only pay contractors in amounts agreed upon by specific contract or purchase order.

**Finding No. 9: Interagency Agreements**

According to HAVA,<sup>14</sup> each state is to implement a computerized statewide voter registration list containing the name and registration of every legally registered voter in the state. The Department was awarded Federal funds on behalf of the State of Florida to meet the HAVA requirements.

Chapter 2003-397, Laws of Florida, appropriated the Department a lump sum totaling \$2,114,814 to implement HAVA and also provided that both the Florida Department of Law Enforcement (FDLE) and the Florida Department of Highway Safety and Motor Vehicles (DHSMV) each would receive two full-time equivalent positions and \$145,830 to assist in the development of the Statewide voter registration list.

<sup>13</sup> Office of Management and Budget Circular No. A-87.

<sup>14</sup> Section 303, HAVA.

The Department was required to enter into interagency agreements with both of these agencies prior to the release of the funds.

As the Department is using HAVA funds to develop the Statewide voter registration system, the Department should ensure that the interagency agreement includes all the specific Federal information associated with the HAVA program. Our review of one of the interagency agreements (FDLE) disclosed that the agreement did not provide all of the specific information related to the HAVA program. Specifically, we noted that the agreement did not include the:

- CFDA title and number.
- Name of the Federal agency.
- Requirements of Federal laws and regulations.
- Requirement of access to records by the Department and its auditors.

In addition, our examination of the \$145,830 interagency payment to FDLE disclosed that the Department failed to obtain evidence that the agency used the \$145,830 for only HAVA activities. Such evidence should include applicable salary records evidencing payroll amounts and salary certifications or activity reports.

Subsequent to audit inquiry, the Department requested and received salary certifications from FDLE evidencing that the employees assigned to the positions worked solely on the HAVA activities. However, no documentation was provided to evidence that the \$145,830 was actually expended for salary and benefit costs.

When the Department fails to monitor and include in interagency agreements specific Federal information associated with the HAVA program, assurance is reduced that Federal funds will be expended for allowable activities and accounted for in accordance with Federal cost principles and, if applicable, subject to audit in compliance with the applicable Federal requirements.

**Recommendation:** We recommend that the Department take the necessary steps to ensure that the interagency agreements include all applicable Federal information and requirements and that appropriate monitoring is performed.

#### FLORIDA VOTER REGISTRATION SYSTEM (FVRS)

The Department began developing FVRS in 2003 to comply with HAVA requirements. The State received a waiver from the EAC, permitted under HAVA provisions, and was granted an extension from January 1, 2004, until January 1, 2006, to implement FVRS. Pivotal to the design of FVRS was the retention of county voter registration systems. Each of the 67 counties was to remediate its registration systems to accommodate the FVRS interface and operating specifications. FVRS communicated with county voter registration systems using a service-oriented architecture that supported establishing communication and information exchange by providing a platform for receiving requests and generating response messages that were processed by county voter registration systems.

In accordance with Florida law,<sup>15</sup> each Supervisor of Elections maintained responsibility for updating voter registration information, entering new voter registrations into the Statewide voter registration system, and acting as the official custodian of documents received by the Supervisor of Elections related to the registration and changes in voter registration status of electors of the Supervisor of Elections county. While the Department was responsible for the overall security and integrity of FVRS, each Supervisor of Elections was responsible for ensuring that all voter registration and list maintenance procedures conducted were in compliance with any applicable requirements prescribed by rules of the Department through the Statewide voter registration system or prescribed by the Voting Rights Act of 1965, the National Voter Registration Act of 1993, or HAVA.

<sup>15</sup> Section 98.015, Florida Statutes.

### **Finding No. 10: Information Technology Risk Management**

An effective risk management process is an important component of a successful information technology (IT) security program. Risk management is the process of identifying vulnerabilities and threats to IT resources used by an organization in achieving business objectives and deciding what measures, if any, to take in reducing risk to an acceptable level. Risk assessment is a tool that can provide information for the design and implementation of internal controls and in the monitoring and evaluation of those controls. Risk analysis forms the basis for developing effective security practices that include periodic reviews of user access rights and comparison of resources with recorded accountability to reduce the risk of errors, misuse, or unauthorized alteration.

During the audit, we noted certain deficiencies in the Department's IT risk management practices as follows:

- The Department had not completed a formal risk assessment for FVRS. In October 2005, the Department contracted with Integrated Computer Systems, Inc. (ICS), to perform an information security assessment on its network infrastructure and major applications in place at the time of the assessment. This assessment was completed before FVRS was fully implemented. In February 2006, the Department contracted with ICS to perform a complete assessment of FVRS. This assessment commenced in April 2006 and is scheduled for completion in June 2006.
- Authorizations for access to Department resources had not been properly documented for all FVRS users and access capabilities were not timely revoked or modified as necessary for individuals who had terminated employment. In addition, the Department did not have a formal process in place for the periodic monitoring of actual access capabilities through comparison to the authorizations. Good access controls include instituting policies and procedures for authorizing access to information resources, documenting such authorizations, and then periodically monitoring actual access capabilities through comparison to the authorizations. Department

policy<sup>16</sup> required that, immediately upon initial employment, reassignment, or termination, the designated division manager inform the Service Request Desk at the Central Computing Facility (CCF) via the Control Access form. Of 21 authorizations tested, we noted 19 instances where proper access documentation was not maintained. In addition, we noted two users with improper access capabilities to Department network resources. One user was added in error and the other had not had access capabilities properly revoked upon the completion of a contracted engagement. In response to audit inquiry, the Department indicated that access capabilities for these individuals had since been revoked.

When access capabilities are not limited to what is authorized and approved by management, the risk is increased of inappropriate use of information resources. In addition, without formal procedures for the periodic monitoring of actual access capabilities against what is authorized, the risk is increased that unauthorized access will not be identified and corrected in a timely manner.

**Recommendation:** Upon completion of the FVRS risk assessment, the Department should implement policies and procedures to mitigate identified risks, including ensuring that all access to Department systems is documented in a uniform manner according to policy, maintained in a central location, and periodically reviewed.

### **Finding No. 11: IT Governance Model**

An IT governance model contributes to the reliability and integrity of an application system and data processed therein and includes developing and maintaining procedures to ensure the proper use of the application and technological solutions put in place and proper data management. A consistent managed approach to securing all system environment components increases assurance that due diligence is exercised by all individuals involved in the management, use, maintenance, and operation of information systems.

<sup>16</sup> Information Technology Operating Procedure Number IT001, Logical Access Control.



According to HAVA,<sup>17</sup> adequate technological security measures shall be provided to prevent unauthorized access to the computerized voter registration list. Florida law<sup>18</sup> further directs the system to provide secured access for authorized voter registration officials and states that the Department may adopt rules governing the access, use, and operation of the Statewide voter registration system to ensure security, uniformity, and integrity of the system.

According to FVRS design, counties are to retain the greatest level of autonomy over county registration assets while still meeting the overall security objectives of FVRS, and the Department is responsible for the overall security and integrity of FVRS. Multiple entities are, therefore, working towards the common business purpose FVRS is to serve. Our audit focused on the important requirement of ensuring FVRS has adequate security structures and solutions in place for conducting business. We noted certain control deficiencies as follows:

- Aligning systems security with a business strategy requires centralized direction. A security program establishes a common framework and principles for assessing risk, developing and implementing consistent security procedures, and monitoring the effectiveness of those procedures. The Department, in conjunction with the county Supervisors of Elections' offices, had not developed a formal security program for FVRS. Prior to the implementation of FVRS, the Department prepared a FVRS Security Approach Plan which was intended to later serve as a roadmap for developing a comprehensive FVRS System Security Plan (SSP) that would include all applicable system security policies and procedures. In response to audit inquiry, Department staff indicated that the SSP continued to be in development.

The *Guide to FVRS (Guide)* was developed by the Department and distributed to the Supervisors of Elections as a precursor to the implementation of FVRS. The *Guide* states that the counties are responsible for security, including securing the physical location of equipment hosting the application or communications devices related to the local county system and securing network systems providing access to the local voter registration system. However, the Department had not developed formal written directives or guidance to ensure a consistent approach and enforcement across all environments in such matters as configuration management, virus protection, system software maintenance and updates, and patch management.

- Consistent user security mandates also require aligning system security with the business objective. Each county was responsible for designating a System Security Administrator (SSA) to assign and manage user access to the local county voter registration system along with network resources, as well as to FVRS. Guidelines to promote consistent, effective policies and procedures related to information resource classification and control, access authorization and review, distribution of user roles, logical access controls, and user security awareness training had not been developed by the Department. Additionally, while the *Guide* stated that training in user/identity management will be required of State and county SSAs, the Department had not yet conducted a formal training program.
- The Department was in the process of, but had not completed, the integration of FVRS system planning into its overall IT disaster recovery plan. In addition, although the Department indicated that disaster recovery plans had been requested from each county, there was no formal, written process in place for receiving and evaluating those plans to ensure their adequacy in recovering timely from a disruption to operations. As HAVA<sup>19</sup> requires all voter registration information obtained by any local election official in the State to be electronically entered into the computerized voter registration list on an expedited basis at the time the information is provided to the local official, absent or inadequate procedures to resume operations in a timely manner may cause delays in updating FVRS, thereby jeopardizing the accuracy and completeness of registration data.

<sup>17</sup> Section 303(a)(3), HAVA.

<sup>18</sup> Sections 98.035(2) and 98.035(5), Florida Statutes.

<sup>19</sup> Section 303 (a)(1)(A)(vi), HAVA.

- Proper security administration ensures that violation and security activity is logged, reported, reviewed, and appropriately escalated on a regular basis to identify and resolve incidents involving unauthorized activity. The design of FVRS included the capability to log unauthorized attempts to penetrate the system and unauthorized procedures by authorized users. As of the completion of our audit field work, the Department had not devised a formal process for review and retention of these logs. However, in response to audit inquiries, Department staff indicated their intent to establish a process for monitoring the logs in near real time.
- The Department had not designated any individual positions in connection with FVRS or the Division of Elections as positions of special trust. Florida law<sup>20</sup> states that agencies shall designate positions that, because of the special trust or responsibility or sensitive location of those positions, require that persons occupying those positions be subject to a security background check, including fingerprinting, as a condition of employment. Further, it requires that persons of such positions undergo background investigations using level two screening standards, which include fingerprinting used for checks against statewide criminal and juvenile records through the Florida Department of Law Enforcement (FDLE) as well as checks for Federal criminal records through the Federal Bureau of Investigation. In fulfillment of their assigned responsibilities related to verification of voter registration records and determination of reliability and credibility of matching information, Bureau of Voter Registration Services' (BVRS) employees who have signed the Department-required Standards of Conduct Statements, had access to statutorily designated<sup>21</sup> confidential and publicly exempted information, records, and data including social security numbers, driver's license numbers, Florida identification (ID) numbers, and voter signatures. In addition, the BVRS Bureau Chief and backup delegate had access to records of individuals registered to vote as protected persons, whose personal information including home address and telephone number were exempt from disclosure by Florida law.<sup>22</sup> The Department had not designated BVRS employees as being in positions of special trust. Therefore, level two screenings

had not been performed. The Department did conduct level one background screenings, that include employment history checks as well as Statewide criminal correspondence checks through FDLE on all new employees. Without adequate background checks, including fingerprinting, the risk is increased that a person could inappropriately be employed in a position of special trust.

Security controls and procedures that vary in placement and degree among the Department and the counties may not provide for the achievement of a sustainable capability for proactive mitigation of security risks or incidents. Without a common foundation for applying management and security procedures for IT resources and data, security controls necessary to adequately protect information systems that support the operations, mission, and legal responsibility of FVRS may fail to be identified and consistently applied.

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**Recommendation:** The Department should, in coordination with the county Supervisors of Elections, adopt a governance model that includes security measures in support of, and for the protection of, the FVRS business purpose and the confidentiality, availability, and integrity of data contained therein. Specifically, written procedures should be established to address those areas noted above with consistent application to ensure the system's security, uniformity, and integrity.

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**Finding No. 12: FVRS Data Integrity**

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The Department's HAVA Plan specifies that the effective and efficient administration of elections depends on the completeness and accuracy of voter registration lists. Florida law<sup>23</sup> provides that the Department shall protect the integrity of the electoral process by ensuring the maintenance of accurate and current voter registration records. In the pursuit of this goal, the Department is directed by law to identify voters who are deceased, registered more than once, convicted of a felony and whose voting rights have not been restored, or adjudicated mentally incompetent and whose voting rights have not been

<sup>20</sup> Section 110.1127, Florida Statutes.

<sup>21</sup> Sections 97.0585 (1)(c) and 97.0585 (2), Florida Statutes.

<sup>22</sup> Section 119.071(4)(2)(d), Florida Statutes.

<sup>23</sup> Section 98.075, Florida Statutes.

restored. For those voters who have been identified as potentially ineligible due to felony conviction or adjudication of mental incompetence, the Department is directed to determine if such information is credible and reliable. Upon determination of the reliability and credibility of the information, the Department is required to forward such information to the appropriate Supervisor of Elections for final determination of voter ineligibility and removal from the voter system.

During the audit, we noted the following deficiencies in this process:

- Some circumstances were noted that may increase the possibility of duplicate registrations in FVRS. During the implementation of FVRS, the voter records used to populate the FVRS database were provided by individual county Supervisor of Elections offices from their voter registration systems. Counties were responsible for managing their duplicate records using FVRS transactions after migration was completed. The Department indicated that there were approximately 30,000 duplicate records identified prior to implementation. However, the Department had not determined whether these 30,000 records had been resolved by the counties. The Department had not yet implemented a systematic process to periodically scan for and identify duplicate registrations. Instead, manual checks were made by the Supervisors of Elections or the Department, for new or updated registrations received, at the time of initial entry into FVRS to help ensure that no new duplicate records were created. Department staff, on May 24, 2006, subsequent to our audit field work, indicated that a systematic matching process had been put into place. In addition, prior to the implementation of statutory changes in 1999,<sup>24</sup> the uniform voter registration application did not require applicants to supply the last four digits of their social security number and either a Florida driver's license number or Florida ID card number. Therefore, records for applicable voters in FVRS whose voter registration pre-dated these added requirements did not have any of these unique identification numbers associated with their record which would otherwise allow for more accurate matching of duplicate registrations and comparison of data in determination of ineligibility. The Department

indicated that it initiated a process for populating the blank fields with unique identifiers (i.e., Florida driver's license numbers or Florida ID card numbers) when available for applicable registered voters, from records provided by the Department of Highway Safety and Motor Vehicles (DHSMV).

- Although the Department had a systematic process in place for identifying potential felon matches within FVRS, it had not completed a comprehensive check of all felony convictions against all voters. As noted in the previous bullet, the FVRS database was populated from data in the individual county voter registration databases. FVRS, implemented in January 2006, is the successor to the Central Voter Database (CVDB) that was established in 2001. CVDB was designed as a tool to assist the Supervisors of Elections with their responsibility to perform final voter eligibility determinations. CVDB was to perform initial voter eligibility determinations to identify duplicate registrations, as well as voters who were deceased, convicted of a felony and had not had their voting rights restored, or adjudicated mentally incompetent and had not had their voting rights restored. The activation of the felon-matching component of CVDB was delayed until May 7, 2004, and was deactivated on July 10, 2004, upon the discovery of its inability to match felons to registered voters of Hispanic origin. FVRS was similar to CVDB in that it was also populated with voter data received from each of the 67 county voter registration databases. However, unlike CVDB, FVRS was designated by Florida law as the official list of registered voters in the State. Additionally, the identification of potential felon-registered voter matches under FVRS was distinct from the automated process implemented under CVDB. Initial potential matches from FVRS underwent comprehensive staff review and evaluation.

The Department's systematic process to identify potential felons consisted of preliminary assessments conducted by FDLE of voters who may have been convicted of a felony based on voter registration records provided to FDLE by the Department. Each new voter registration application and any updates to existing registration records which occurred after January 1, 2006, were submitted to FDLE for evaluation. The Department also provided FDLE with all active and inactive voter registrations maintained by FVRS on a monthly basis. These records were compared to felony convictions reported in the

<sup>24</sup> Section 97.052 (2), Florida Statutes.

preceding month. The purpose of this comparison was to identify any existing registered voter who may be matched with a new or recent felony conviction. Any matches were forwarded to the Department for further staff evaluation and verification by BVRS. The Department plans to assess all existing registrations against all felony convictions. This process will begin with the most recent registrations and incrementally expand to include older registrations as Department resources and workload permit.

- Verification and validation of voter information relies on information received from the external agencies, including the Florida Department of Health (Office of Vital Statistics), Clerks of the Circuit Court, United States Attorney's Office, FDLE, Board of Executive Clemency, Florida Department of Corrections, and DHSMV. Following input of a completed voter registration application into FVRS by an election official and verification of an applicant's Florida driver's license number, Florida ID card number, or the last four digits of the social security number through DHSMV and the Social Security Administration, the applicant was registered and eligible to vote. After this registration process takes place, automated matches of potential ineligibility based on death, adjudication of mental incapacity, or felony conviction were generated by daily comparisons of data from the external agency databases and voter registration information in FVRS. BVRS was responsible for manually evaluating those automated matches of potential ineligibility for credibility and reliability. Following match resolution by BVRS, only those matches determined to be credible and reliable were sent in the form of case files to the Supervisors of Elections for review.

The Department indicated that there had been instances where data supplied by other agencies was not accurate or timely. For example, the Department indicated that records which were supplied by the Office of Vital Statistics for the purposes of matching for deceased voters have, at times, contained inaccurate social security numbers. In response, the Department had put in place manual procedures to help mitigate this known data problem. Additionally, the Department indicated that data received from the Office of Vital Statistics, though received regularly, may lag as much as two to three months.

- Pursuant to Florida law,<sup>25</sup> the Department maintains oversight of registration records maintenance activities conducted by the Supervisors of Elections through certification. Each Supervisor of Elections is required to certify, no later than July 31 and January 31 of each year, to the Department activities conducted, during the first and second six months of the year, respectively, regarding procedures for removal of voters determined as ineligible. Should the Department determine that a Supervisor of Elections has not satisfied these requirements, it will be necessary for the Department to satisfy the requirements. Although the first certification is not due from the counties until July 2006, the Department had not formalized a process by which to determine whether Supervisors of Elections have satisfactorily met these statutory requirements.

The issues noted above may increase the risk that ineligible and duplicate voter registrations exist in FVRS, putting at risk the integrity and accuracy of the voter registration list.

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**Recommendation:** The Department should implement FVRS matching functionality, as planned, to allow for systematic identification of possible duplicate voters. In addition, the Department should expand, as planned, current systematic felon matching to include matching of all existing registrations against all felony records. The Department should also implement a formalized process to determine if Supervisors of Elections have satisfactorily met certification requirements prescribed by Florida Statutes. Further, the Department should continue to work with agencies that supply the Department with data for matching and verification purposes to increase data reliability, integrity, and timeliness.

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<sup>25</sup> Section 98.075(8), Florida Statutes.

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**OBJECTIVES, SCOPE, AND METHODOLOGY**


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This operational audit focused on the Department's administration of the Federal Help America Vote Act of 2002. In addition, we evaluated selected controls related to the Florida Voter Registration System. Our objectives were to:

- Evaluate the effectiveness of related controls.
- Evaluate the extent to which the Department has complied with selected controlling laws, administrative rules, and other guidelines.

In conducting our audit, we interviewed Department personnel, observed selected operations, tested selected Department records, and completed various analyses and other procedures. Our audit included examinations of various documents (as well as events and conditions) applicable to the period July 1, 2004, through February 28, 2006, and selected actions taken through May 23, 2006.

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**AUTHORITY**


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Pursuant to the provisions of Section 11.45, Florida Statutes, I have directed that this report be prepared to present the results of our operational audit.

*William O. Monroe*

William O. Monroe, CPA  
Auditor General

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**MANAGEMENT RESPONSE**


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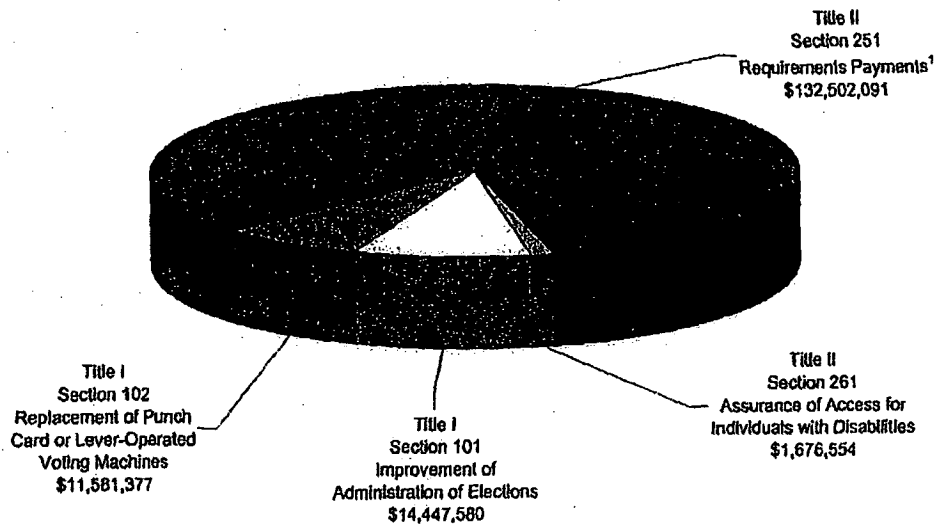
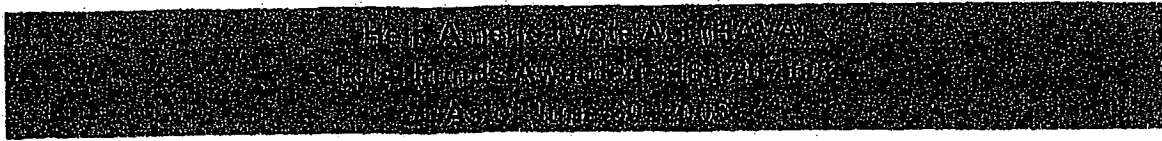
In a response letter dated June 15, 2006, the Secretary of State generally concurred with our audit findings and recommendations. The Secretary's response is included in its entirety at the end of this report as Appendix D.

To promote accountability in government and improvement in government operations, the Auditor General makes operational audits of selected programs, activities, and functions of State agencies. This operational audit was made in accordance with applicable *Government Auditing Standards* issued by the Comptroller General of the United States. This audit was conducted by Debra Clark, CPA, and supervised by Frank Heston, CPA. Please address inquiries regarding this report to Dorothy R. Gilbert, CPA, Audit Manager, via e-mail at [dorothygilbert@aud.state.fl.us](mailto:dorothygilbert@aud.state.fl.us) or by telephone at (850) 488-5444. The information technology resources portion of this audit was conducted by Vikki Matthews and supervised by Nancy Reeder, CPA, CISA. Please address inquiries regarding the information technology resources portion of this report to Jonathan B. Ingram, CPA, CISA, Audit Manager, via e-mail at [joningram@aud.state.fl.us](mailto:joningram@aud.state.fl.us) or by telephone at (850) 487-9330.

This report and other audit reports prepared by the Auditor General can be obtained on our Web site (<http://www.state.fl.us/audgen>), by telephone (850) 487-9024, or by mail (G74 Claude Pepper Building, 111 West Madison Street, Tallahassee, Florida 32399-1450).

\* Regulated by the State of Florida.

Appendix A



Note 1: Includes Title III activities (e.g., Sections 301-Voting System Standards, 302-Provisional Voting and Voting Information Requirements, 303-Statewide Voter Registration List, etc.).

Source: Federal award documents and the Department's budget and accounting records.

Appendix B



HAVA Funds		Funds Received	Amount Spent or Obligated	Available Balances
Section 101	Payments to States for Activities to Improve Administration of Elections	\$ 14,447,580	\$ 10,503,629	\$ 3,943,951
Section 102	Replacement of Punch Card or Lever-Operated Voting Machines	11,581,377	11,581,377	-
Section 251	Requirements Payments <sup>1</sup>	132,502,091	38,305,925	94,196,166
Section 261	Payments to States and Units of Local Government to Assure Access for Individuals with Disabilities	157,336	157,336	-
<b>Totals</b>		<b>\$ 158,688,384</b>	<b>\$ 60,548,267</b>	<b>\$ 98,140,117</b>

Note 1: Includes Title III activities (e.g., Sections 301-Voting System Standards, 302-Provisional Voting and Voting Information Requirements, 303-Statewide Voter Registration List, etc.).

Source: Department's budget and accounting records.

## Appendix C



- Element 1 How the State will use the requirements payment to meet the requirements of Title III and, if applicable under Section 251(a)(2), HAVA, to carry out other activities to improve the administration of elections.
- Element 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 Element 1, including a description of:
- A) The criteria to be used to determine the eligibility of such units or entities for receiving the payment; and
  - B) The methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted in Element 8.
- Element 3 How the State will provide for programs for voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of Title III, HAVA.
- Element 4 How the State will adopt voting system guidelines and processes which are consistent with the requirements of Section 301, HAVA.
- Element 5 How the State will establish a fund described in Section 254(b), HAVA, for purposes of administering the State's activities under this part, including information on fund management.
- Element 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, HAVA;
  - 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.
- Element 7 How the State, in using the requirements payment, will maintain the expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000.
- Element 8 How the State will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the State will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met.
- Element 9 A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under Section 402, HAVA.
- Element 10 If the State received any payment under Title I, a description of how such payment will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities.
- Element 11 How the State will conduct ongoing management of the plan, except that the State may not make any material change in the administration of the plan unless the change:
- A) Is developed and published in the Federal Register in accordance with Section 256, HAVA, in the same manner as the State plan;
  - B) Is subject to public notice and comment in accordance with Section 256, HAVA, in the same manner as the State plan; and
  - C) Takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A).
- Element 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.
- Element 13 A description of the committee which participated in the development of the State plan in accordance with Section 255, HAVA, and the procedures followed by the committee under such Section and Section 256, HAVA.

Source: State of Florida HAVA Plan.



## Appendix D

## Management Response

STATE OF FLORIDA  
DEPARTMENT OF STATEJEB BUSH  
*Governor*SUE M. COBB  
*Secretary of State*

June 15, 2006

Mr. William O. Monroe, CPA  
Auditor General  
G74 Claude Pepper Building  
111 West Madison Street  
Tallahassee, Florida 32399-1450

Dear Mr. Monroe:

Please find enclosed the Department of State's response to the Auditor General's May 30, 2006, Preliminary and Tentative Audit Findings on the Help America Vote Act (HAVA) and the Florida Voter Registration System (FVRS).

First I would like to thank you and your staff for the extraordinary effort that you have made to accommodate our request for this review of Florida's compliance with HAVA and the new FVRS. Despite a short timeframe and a very busy schedule, your team headed by Dorothy Gilbert, was courteous and thorough in their approach and handling of this assignment.

Over the course of the last two years the Department has been focused on meeting the January 2006 deadline imposed on all 50 states by HAVA. This effort has allowed little opportunity for the Department's staff to become familiar with all the nuances of a large Federal grant program. Your staff's expertise has afforded us the advantage of addressing these salient issues early in the life of this program and has allowed us to make the necessary adjustments to ensure our compliance with HAVA.

Please contact me at 245-6500 if you need further information or have additional questions.

Sincerely,

*Sue M. Cobb*

Sue M. Cobb, Secretary of State

Enclosure

Cc: David E. Mann, Assistant Secretary of State  
Heidi Hughes, Chief of Staff/General Counsel  
Kirby J. Mole, Inspector General  
Dawn K. Roberts, Director, Division of ElectionsR. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250  
Telephone: (850) 245-6500 • Facsimile: (850) 245-6125 • <http://www.dos.state.fl.us>

## Appendix D

## Management Response

Florida Department of State  
Response to Preliminary and Tentative Audit Findings  
Help America Vote Act (HAVA) and Florida Voter Registration System (FVRS)  
June 15, 2006

HELP AMERICA VOTE ACT

**Finding No. 1:** The Department did not have a procedure in place to evidence for the public record that voting systems being certified had met the requirements of Florida law.

**Response:** The Department agrees that the draft checklist should be completed and incorporated into the certification process to provide a visual aid to indicate compliance to the statutory elements. The checklist will be finalized and will be used in future certification tests.

**Finding No. 2:** The Department's established procedures did not prohibit the Secretary of State and any examiners from having a pecuniary (financial) interest in the examination of and approval of voting equipment.

**Response:** The Department will implement procedures to require that the Secretary of State and all persons employed by the Department who examine voting systems for compliance with the requirements of Section 101.5605, Florida Statutes, periodically certify in writing that they have no pecuniary interest in any voting equipment.

**Finding No. 3:** The Department did not maintain a current, reliable control listing of voting systems certified and in use by the counties. In addition, the Department did not have a procedure in place to ensure that voting system information was on file with the Department.

**Response:** The Division of Elections website containing the list of certified voting systems by county is updated based upon receipt of objective evidence (i.e., acquisition report) provided by the county Supervisor of Elections. The Division has attempted during the last two years to bring this list up to date. In the first attempt, the poor response from the counties forced the Division to contact the vendors in order to update this list. The second attempt during the past nine months has also not produced up to date information, despite an attempt by the Division to create a simple checklist to facilitate the filing of the acquisition reports.

The Department agrees that updated information from the counties is essential in determining whether the voting systems used by the counties meet the requirements of law. The Department will institute a process by which to periodically confirm with the Supervisor of Elections that the information they have filed with the Department is accurate and to confirm that all information required by law is on file with the Department.

**Finding No. 4:** The Department incorrectly calculated the required maintenance of effort that was included in the State of Florida HAVA Plan and also did not maintain the required level of expenditures for the 2004-05 fiscal year.

**Response:** The Department will update the State of Florida HAVA plan to reflect the revised required Maintenance of Effort (MOE) amounts. In addition, the Department will continue to review state expenditures in future years to ensure that the MOE threshold is exceeded. In future years, the level of state effort should exceed the required threshold, compensating for the \$7,630 MOE shortfall for the 2004-05 fiscal year.

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## Management Response

Florida Department of State  
Response to Preliminary and Tentative Audit Findings  
Help America Vote Act (HAVA) and Florida Voter Registration System (FVRS)  
June 15, 2006

**Finding No. 5:** Salary certifications required for employees who worked solely on the HAVA Program were not maintained. Also, personnel activity reports were not always maintained to support personnel costs charged to the HAVA Program.

**Response:** As indicated in the audit findings, the Department has begun a procedure for obtaining time certifications from employees in HAVA-funded positions. These certifications will be obtained on a semi-annual basis. If the Department becomes aware that any employee has worked on activities not related to the HAVA program, the costs associated with those other activities will be reimbursed to the HAVA program.

**Finding No. 6:** Contrary to Federal cost principles, payment for unused leave to a terminating employee was charged as a direct cost to the Program instead of being allocated as a general administrative expense to all activities of the governmental unit.

**Response:** The Department will seek further guidance from the cognizant Federal agency (the Elections Assistance Commission) on the proper disposition of unused leave payments. It should be noted that the proper disposition of unused leave payments may be impractical across agency lines, and sufficient resources may not be available in the Department's budgeted general administrative expense of the governmental unit. The Department will make every effort to distribute the salary expenditure appropriately, however availability of general revenue funds may require that the Department use specific program funds to comply with Federal cost principles.

**Finding No. 7:** Controls to ensure that voter education programs were in compliance with Florida law and Department rule were insufficient.

**Response:** It is the Department's understanding that HAVA funds paid to counties under the voter education program are not required to be expended for all elements shown in the Department's rule applicable to minimum standards for voter education. For many counties, especially the smaller rural counties, the amount of HAVA funds received for voter education programs is insufficient to cover the full costs of all elements in the rule. In these instances, counties must provide the additional funds needed to implement all voter education activities listed in the rule. Therefore, the Department has not required counties to include each element in the rule in their voter education plans. They have been required to include only the voter education activities that will be paid for with HAVA funds. However, the Department does recognize that counties are required to implement all of the elements of the rule and will monitor each county's activities as shown in their voter education reports following each general election to make sure that the required elements are completed.

In the future, the Department will closely monitor the counties' annual expenditure reports to ensure that the counties expend HAVA funds in accordance with approved plans and will require reimbursement for all expenditures not approved. Also, the Department will ensure that counties report the expenditures made with HAVA funds separately from expenditures made with county funds. Finally, the Department will make changes to its Memorandum of Agreement with the counties to implement these requirements.

**Finding No. 8:** HAVA Program expenditures were not always properly supported.

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## Management Response

Florida Department of State  
Response to Preliminary and Tentative Audit Findings  
Help America Vote Act (HAVA) and Florida Voter Registration System (FVRS)  
June 15, 2006

**Response:** The designated contract manager will review and certify that the request for payment is properly supported and contract requirements, milestones, and deliverables have been met prior to submitting the request to Budget and Financial Services. The accounts payable supervisor in Budget and Financial Services will verify the contract manager has certified that the request for payment is properly supported and the required milestones or deliverables have been met prior to issuing the payment.

**Finding No. 9:** The Department did not always follow Federal requirements with regards to awards to other State agencies.

**Response:** The Department will ensure that interagency agreements with state agencies utilizing HAVA funds include all of the information required by Federal standards. In addition, the Department will obtain the appropriate documentation to evidence the expenditures of HAVA funds by the other State agencies.

**FLORIDA VOTER REGISTRATION SYSTEM (FVRS)**

**Finding No. 10:** Improvements were needed in the Department's Information Technology (IT) risk management practices.

**Response:** Upon completion of the FVRS Risk Assessment the Department plans to implement policies and procedures to mitigate identified risks. Access to Department systems will be documented according to policy and maintained in a central location at the Central Computing Facility (CCF). Periodic reviews will be performed.

**Finding No. 11:** The Department had not adopted a governance model addressing the management, use, and operation of FVRS commensurate with its authority and responsibility to ensure the system's security, uniformity, and integrity.

**Response:** The Department plans to continue to work with the Supervisors of Elections in the development of a governance model. The Department Information Security Manager plans to continue to develop the System Security Plan (SSP) and formal training program. System log retention and review will be included in the SSP. Written system configuration and management guidelines will be developed and provided to the counties. The Department will continue to incorporate the FVRS into the Information Technology Disaster Response Plan and develop a statewide regional response COOP plan.

The Department will designate all employees within the Bureau of Voter Registration Services as positions of special trust and will take the necessary steps to insure that this issue is addressed appropriately.

**Finding No. 12:** Although the Department had put measures in place to help ensure the integrity of data in FVRS, improvements were needed in the processes for identifying duplicate registrations and ineligible voters.

**Response:** On May 1, 2006, the Department implemented a duplicate matching process to identify names of voters who appear more than one time on the FVRS. The first matching process identified all existing voters who appeared to be duplicates. This match produced 80,151 potential duplicates which were sent to the counties for evaluation. The duplicate matching process is now ongoing on a continual basis and

## Appendix D

## Management Response

**Florida Department of State  
Response to Preliminary and Tentative Audit Findings  
Help America Vote Act (HAVA) and Florida Voter Registration System (FVRS)  
June 15, 2006**

each time a new applicant is entered into the FVRS, a search is made to the existing voters to determine if the new applicant appears to be a duplicate.

The Department plans to expand the systematic felon matching of all existing registrations against all felony records as time and resources allow. The Department continues to coordinate with other agencies who are providing data for matching and verification purposes to increase the reliability and timeliness of the information. The Department also plans to develop a formal process to determine whether Supervisors of Elections have met record maintenance activities. The first certification is due to the Department by the Supervisors of Elections on July 31, 2006.

**Final Audit Resolution Report**

**Florida Single Audit – Assignment No. E-SA-FL-11-06**

**Attachment 2**



STATE OF FLORIDA  
DEPARTMENT OF STATE

JEB BUSH  
Governor

SUE M. COBB  
Secretary of State

December 13, 2006

Sue M. Cobb, Secretary of State  
Florida Department of State  
R.A. Gray Building  
500 South Bronough Street  
Tallahassee, FL 32399-0250

Re: Follow-Up Review Applicable to Auditor General Report #2006-194, *Help America Vote Act (HAVA) and the Florida Voter Registration System (FVRS) – Operational.*

Dear Secretary Cobb:

Pursuant to Section 20.055(5)(g), Florida Statutes, the Office of Inspector General (OIG) conducted a follow-up review applicable to the Auditor General's Report as referenced above. We have attached a copy of our report for your review.

As required by law, we have published our report on the status of the corrective actions taken by the Department and filed a copy of such response with the Legislative Auditing Committee.

If you require additional information on this matter please contact me.

Sincerely,

Kirby J. Mole, CIA  
Inspector General

Att.

cc. Mr. Terry L. Shoffstall, Director, Legislative Auditing Committee  
Thomas Wilkey, Executive Director, U.S. Election Assistance Commission  
Derry Harper, Chief Inspector General, Executive Office of the Governor  
David E. Mann, Assistant Secretary of State  
Heidi Hughes, Chief of Staff/General Counsel  
Dawn Roberts, Director, Division of Elections  
Sarah Smith, Chief Information Officer

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**Office of Inspector General**  
**Follow-Up Review to Auditor General Report Number 2006-194**  
**Help America Vote Act (HAVA) and the**  
**Florida Voter Registration System (FVRS) - Operational**

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December 13, 2006

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The purpose of this follow up review is to report on the current status of corrective actions taken by the Department of State (Department) in response to the recommendations made by the Auditor General. The Auditor General's operational audit focused on the Department's administration of the Federal Help America Vote Act of 2002 during the period July 1, 2004, through February 28, 2006, and selected actions taken through May 23, 2006. Also, the audit included an evaluation of the effectiveness of selected controls related to the Florida Voter Registration System.

**Auditor General's Finding No. 1** The Department did not have a procedure in place to evidence for the public record that voting systems being certified had met the requirements of Florida law.

**Auditor General's Recommendation** We recommend that the Department finalize the *Checklist* and utilize it to document for the public record that its voting system certification procedures meet the requirements of Florida law.

**Department's Statement of Corrective Action(s) Implemented** The Bureau of Voting Systems Certification has finalized a test record checklist that includes an indication of compliance to the voting system's relevant statutory requirements. The final version of the test record checklist will be used for future certification efforts until the effective date of the 2007 revision to the Florida Voting System Standards. At that time, this checklist will be integrated into a larger certification test record that will track all the requirements of the 2007 Florida Voting System Standards.

**Status of Corrective Actions** The Department's Bureau of Voting Systems Certification has finalized the *Florida Voting Systems Certification Checklist & Test Record* and is utilizing it to evidence that voting systems certified by the Bureau met Florida Law.

**Auditor General's Finding No. 2** The Department's established procedures did not prohibit the Secretary of State and any examiners from having a pecuniary (financial) interest in the examination of and approval of voting equipment.

**Auditor General's Recommendation** We recommend that the Department establish procedures requiring the periodic affirmation of the absence of pecuniary and other conflicts of interests.

**Department's Statement of Corrective Action(s) Implemented** The Department has included a section in the Employee Handbook regarding 'Special Disclosure Requirements for Certain Employees in the Division of Elections, Bureau of Voting Systems Certification' concerning this

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issue. Pursuant to the section, employees in the Bureau of Voting Systems Certification are required to certify in writing that they do not have a pecuniary interest in any voting equipment.

The Department has developed a certification statement that employees who are involved in examining voting systems equipment for certification are required to sign. The certification statements are maintained in the Division of Elections.

**Status of Corrective Actions** The Department added a section to its Employee Handbook that prohibits the Secretary of State or any person who examines voting equipment for compliance with Section 101.5606, Florida Statutes, from having a pecuniary interest in such equipment. Also, certified statements applicable to pecuniary interests from the Secretary of State and employees of the Bureau of Voting Systems Certification were reviewed and are on file in the Division of Elections.

**Auditor General's Finding No. 3** The Department did not maintain a current, reliable control listing of voting systems certified and in use by the counties. In addition, the Department did not have a procedure in place to ensure that voting system information was on file with the Department.

**Auditor General's Recommendation** We recommend that the Department develop a current, reliable control listing; establish procedures to ensure that Supervisors of Elections submit all voting system information required by State law [Section 101.5607(1)(a), Florida Statutes]; and periodically confirm the accuracy of its listing with the Supervisors of Elections. Such confirmations should be made in connection with the Department's periodic reconciliation of its control listing to the voting systems information provided and on file at the Department.

**Department's Statement of Corrective Action(s) Implemented** The Bureau of Voting Systems Certification examined the voting system acquisition records for all 67 Florida counties. The Bureau identified the county records that were incomplete and/or obsolete.

In addition, the Bureau initiated an effort to actively pursue obtaining each county's current system acquisition information on a periodic basis. As each county's record became complete relative to the requirements of Section 101.5607(1)(a), Florida Statutes, the Bureau updated the voting system database to reflect this information. The information contained in this database is correct for all 67 counties and is available for public examination on the Division of Elections' website.

During this process, the Bureau created a work instruction to serve as guidance for ascertaining each county's current acquisition status, maintaining this information, and updating the relevant database. The work instruction is still under development.

**Status of Corrective Actions** The Bureau of Voting Systems Certification updated its information and created a control list of voting systems for all 67 counties. Also, the Bureau is drafting working instructions to specific procedures necessary to maintain an accurate and current voting system control list to be completed in the first quarter of 2007.

**Auditor General's Finding No. 4** The Department incorrectly calculated the required maintenance of effort that was included in the State of Florida HAVA Plan and also did not maintain the required level of expenditures for the 2004-05 fiscal year.

**Auditor General's Recommendation** The Department should update the State of Florida HAVA Plan to reflect the revised required MOE amount and ensure that the required MOE level is met each fiscal year in accordance with HAVA requirements.

**Department's Statement of Corrective Action(s) Implemented** The HAVA State Planning Committee held two meetings on September 21, 2006 and October 12, 2006 in order to revise the HAVA State Plan. The updated plan includes the revised maintenance of effort level that the state must maintain as required by HAVA. In addition, the Department conducted a review of FY 2005-06 expenditures and initial calculations indicate that expenditures exceeded the MOE threshold.

**Status of Corrective Actions** The Department has drafted an update to the State of Florida HAVA Plan which includes a section on maintenance of effort. The Department stated that the plan is required to be posted in the Federal Register for 30 days for public comments and anticipates completion in approximately two months.

**Auditor General's Finding No. 5** Salary certifications required for employees who worked solely on the HAVA Program were not maintained. Also, personnel activity reports were not always maintained to support personnel costs charged to the HAVA Program.

**Auditor General's Recommendation** We recommend that the Department's procedures ensure that required documentation supporting charges to the HAVA Program (including certifications and personnel activity reports) is properly and timely prepared and maintained. For any costs improperly charged to the HAVA Program, appropriate corrections should be made.

**Department's Statement of Corrective Action(s) Implemented** Salary Certification statements are obtained every six months from all employees filling a HAVA-funded position. The certifications are maintained in the Division of Elections.

**Status of Corrective Actions** The Division of Elections implemented a control procedure to ensure that all HAVA-funded employees signed salary certification forms.

**Auditor General's Finding No. 6** Contrary to Federal cost principles, payment for unused leave to a terminating employee was charged as a direct cost to the Program instead of being allocated as a general administrative expense to all activities of the governmental unit.

**Auditor General's Recommendation** We recommend that the Department, in compliance with Federal cost principles, allocate as a general administrative expense unused leave payments. We also recommend that, for any costs improperly charged to the HAVA Program, appropriate corrections be made.

**Department's Statement of Corrective Action(s) Implemented** The Department submitted a request for guidance to the U. S. Election Assistance Commission (EAC) regarding leave

payments to terminating employees. Pending receipt of a response from the EAC, all payments for unused leave to employees who have terminated from state government have been transferred from the Grants and Donations Trust Fund to General Revenue.

**Status of Corrective Actions** The Department has requested but not received guidance from the U.S. Election Assistance Commission. All payments made by the Department for leave due terminated employees were transferred to the General Revenue Fund.

**Auditor General's Finding No. 7** Controls to ensure that voter education programs were in compliance with Florida law and Department rule were insufficient.

**Auditor General's Recommendation** We recommend that the Department ensure that all Plans are in compliance with Department rules and *Agreements* and that voter education expenditures correspond with detailed descriptions in the Plans. In addition, we recommend the Department ensure that the matching expenditures are reported separately on the expenditure report.

**Department's Statement of Corrective Action(s) Implemented** The Department is preparing a survey regarding voter education activities that will be sent to all Supervisors of Elections following the 2006 general election. Information from the survey will be used to determine each county's compliance with elements listed in the Department's rule on minimum standards for voter education. The survey is organized so that counties will report voter education expenditures made with HAVA/state funds separately from expenditures made with county funds. As required by Section 98.255, Florida Statutes, the Department will prepare a report that will be available by January 31, 2007, regarding the voter education programs and activities conducted by Supervisors of Elections during the 2006 general election period.

The Department has revised the language in its memorandum of agreement with Supervisors of Elections in order to implement changes regarding voter education plans and reporting requirements.

**Status of Corrective Actions** The Department prepared a survey to obtain information from Supervisors of Elections applicable to voter educational activities and compliance with specific laws, rules, and agreements. The Department intends to compare the survey's information with the Supervisor's approved voter educational plans as part of its compliance monitoring procedures. Also, the Department will use the surveys to obtain the amount of expenditures made from county match and HAVA funds. On November 14, 2006, the Department sent the Supervisors of Elections a new memorandum of agreement that included these new survey procedures. On November 21, 2006, the Department sent the survey to the Supervisors of Elections.

**Auditor General's Finding No. 8** HAVA Program expenditures were not always properly supported.

**Auditor General's Recommendation** We recommend that the Department ensure that required contractual terms are met and services are received prior to payment. In addition, we recommend that the Department only pay contractors in amounts agreed upon by specific contract or purchase order.

**Department's Statement of Corrective Action(s) Implemented** Employees in the Office of Support Services will, upon receipt of a payment request or invoice, contact the contract manager if required documentation has not been received. Invoices will not be processed for payment until the contract manager certifies to Support Services that the deliverables have been met.

Working with the Office of Support Services, the accounts payable supervisor in the Budget and Financial Services Program checks for a certification that the required milestones and deliverables have been met. A payment will not be vouchered if the required certification is not included.

**Status of Corrective Actions** The Department has implemented the process as stated above to ensure receipt of deliverables and payment authorization.

**Auditor General's Finding No. 9** The Department did not always follow Federal requirements with regards to awards to other State agencies.

**Auditor General's Recommendation** We recommend that the Department take the necessary steps to ensure that the interagency agreements include all applicable Federal information and requirements and that appropriate monitoring is performed.

**Department's Statement of Corrective Action(s) Implemented** All interagency agreements entered into or renewed after July 1, 2006, between the Department of State and governmental agencies such as the Florida Department of Highway Safety and Motor Vehicles or the Florida Department of Law Enforcement as they pertain to HAVA funds for election administration and/or voting purposes shall:

- Include standard provisions relating to federal and state audit, monitoring and reporting requirements.
- Identify, for audit purposes, the title and number of the appropriate type of federal assistance program (known as the Catalog of Federal Domestic Assistance) from which the funds are being made available.
- Condition the receipt and use of HAVA funds on the submission, review, and approval of specified written certifications and plans for use of these funds or the inclusion of comprehensive written specifications or terms in return for receipt and use of the funds, whichever is applicable.
- Require the recipient of HAVA funds to report to the Department of State any change or deviation from any plan originally submitted for review and approval for receipt and use of such funds, or to require the mutual written agreement to modify any material change to written specifications or terms in the agreement.
- Require any governmental official or entity to receive federal HAVA funds to complete federal ED Form GCS-009, 6/88, "Certification Regarding Debarment, Suspension,

Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions” (created pursuant to Executive Order 12549 (46CFR 1183.35). Such form must be completed and submitted prior to the Department entering into or renewing any agreement.

Existing interagency agreements with Florida Department of Law Enforcement and Florida Department of Highway Safety and Motor Vehicles are currently under review and will be revised to include the above-referenced provisions since the Department’s and these agencies’ focus on Florida Voter Registration System has now evolved from development and implementation to operation and maintenance of the system.

**Status of Corrective Actions** As of this report date, the Department has not entered into any new agreements with the Florida Department of Law Enforcement or the Department of Highway Safety and Motor Vehicles. The Department is in the process of reviewing current agreements for appropriate revisions.

**Auditor General’s Finding No. 10** Improvements were needed in the Department’s Information Technology (IT) risk management practices.

**Auditor General’s Recommendation** Upon completion of the FVRS risk assessment, the Department should implement policies and procedures to mitigate identified risks, including ensuring that all access to Department systems is documented in a uniform manner according to policy, maintained in a central location, and periodically reviewed.

**Department’s Statement of Corrective Action(s) Implemented** A baseline Risk Assessment was completed on the FVRS in June 2006. A corrective action plan has been established and is in the execution phase. Additionally, a Department employee has been reassigned to the position of Information Security Administrator and Network Administrator.

IT Security Policies have been updated at the department level and authorization procedures have been updated.

**Status of Corrective Actions** On July 5, 2006, the Department received its final risk assessment report prepared by an independent contractor. Based upon this risk assessment the Department and the State Information Security Office prepared a corrective action plan. As of this date, the Department completed and continues to implement corrective actions identified in the plan. Also, the Department reassigned an employee to the position of Information Security Administrator and Network Administrator in order to enhance improvements needed in the Department’s information risk management practices as identified by the Auditor General. Finally, the Department prepared the FVRS Information Security Plan which is pending final approval from the Department’s senior management.

**Auditor General’s Finding No. 11** The Department had not adopted a governance model addressing the management, use, and operation of FVRS commensurate with its authority and responsibility to ensure the system’s security, uniformity, and integrity.

**Auditor General's Recommendation** The Department should, in coordination with the county Supervisors of Elections, adopt a governance model that includes security measures in support of, and for the protection of, the FVRS business purpose and the confidentiality, availability, and integrity of data contained therein. Specifically, written procedures should be established to address those areas noted above with consistent application to ensure the system's security, uniformity, and integrity.

**Department's Statement of Corrective Action(s) Implemented** The Department has created a System Security Plan (SSP). In addition, a memorandum of understanding regarding information security issues has been executed with each Supervisor of Elections.

The Division of Elections Continuity of Operations Plan is in the final stages of development and includes a regional response plan involving all Supervisors of Elections.

User audit capabilities have been improved and development in this area continues.

Each employee with access to FVRS or access to data of confidentiality has signed a strict standard of conduct regarding the protection and security of that data. The Department is reviewing the duties of positions with access to FVRS to determine which of these positions should be classified as positions of special trust.

**Status of Corrective Actions** The Department created a System Security Plan and executed, with each Supervisor of Elections, a *Memorandum of Agreement For Minimum Security Standards For The Florida Voter Registration System*. The Department is finalizing the *Division of Elections Continuity of Operations (COOP) Plan*, including a *Regional Response Plan* for all Supervisors of Elections. Also, each Department employee with access to FVRS or confidential data executed an acknowledgment statement titled, *Standards of Conduct Governing Access To The Florida Voter Registration System and Other Agency Records*.

**Auditor General's Finding No. 12** Although the Department had put measures in place to help ensure the integrity of data in FVRS, improvements were needed in the processes for identifying duplicate registrations and ineligible voters.

**Auditor General's Recommendation** The Department should implement FVRS matching functionality, as planned, to allow for systematic identification of possible duplicate voters. In addition, the Department should expand, as planned, current systematic felon matching to include matching of all existing registrations against all felony records. The Department should also implement a formalized process to determine if Supervisors of Elections have satisfactorily met certification requirements prescribed by Florida Statutes. Further, the Department should continue to work with agencies that supply the Department with data for matching and verification purposes to increase data reliability, integrity, and timeliness.

**Department's Statement of Corrective Action(s) Implemented** FVRS continues to perform a duplicate matching process on a continual basis which to date has identified 86,008 potential duplicates which have been sent to the counties for evaluation. The Division continues to work with the Supervisors of Elections' vendors of local election administration systems to streamline the duplicate matching process recognizing there will be programming adjustments necessary.

The Department developed a form for Supervisors of Elections to report list maintenance activities. Certifications regarding list maintenance activities have been received from all Supervisors of Elections covering activities between January 1, 2006 and June 30, 2006.

**Status of Corrective Actions** The Department implemented the FVRS matching functionality for systematic identification of possible duplicate voters and continues to work with the Supervisor of Elections to improve the matching process. However, as of this date, the Department has not expanded its current felon matching process to include registered voters prior to January 1, 2006, except for voters that incurred a change in their voter registration after January 1, 2006. The Department has stated its intent to expand its felon matching search based upon resources available. Also, the Department has developed a process to determine and document certification of voter registration activities by the Supervisors of Elections.



**FLORIDA DEPARTMENT *of* STATE**

Division of Elections

**Florida Voting Systems Certification  
Checklist & Test Record**

Ref: Florida Voting System Standards, Form DS-DE 101, Eff. 01/05

021250



# Florida Voting Systems Certification Checklist

## 1.0 Voting System Description:

## 2.0 Certification Procedures

Application for  Certification or  Provisional Certification

### Summary of Certification Milestones

	Acceptance or Completion Date	DOE/BVSC Responsibility
<input type="checkbox"/> 2.1 Application (Final, including amended, if applicable)	_____	_____
<input type="checkbox"/> 2.2 Acceptance of the Application (10 workdays)	_____	_____
<i>Note: BVSC's review and applicant's remedies of deficiencies need not be documented here.</i>		
<input type="checkbox"/> 2.3 Examination of the Voting System	_____	_____
2.4 System Qualification Tests, required?	<input type="checkbox"/> Yes (full)	<input type="checkbox"/> Yes (limited) <input type="checkbox"/> No
<input type="checkbox"/> Phase I Test Plan	_____	_____
<input type="checkbox"/> Phase I Qualification Test	_____	_____
<input type="checkbox"/> Phase I Test Report (10 workdays)	_____	_____
<input type="checkbox"/> Phase II Test Plan (10 workdays)	_____	_____
<input type="checkbox"/> Phase II Qualification Test	_____	_____
<input type="checkbox"/> Phase II Test Report (10 workdays)	_____	_____
<input type="checkbox"/> 2.6 Qualification Test Report (10 workdays)	_____	_____
<input type="checkbox"/> 2.7 Issuance of Certificate	_____	_____
<input type="checkbox"/> 2.8 Retention of Materials	_____	_____

## 3.0 The Standards

### 3.1 Applicability

- Rule 1S-5.001, F.A.C.  
Florida Voting Systems Standards (FVSS), Form DS-DE-101
- Federal Election Commission 1990 Voting System Standards (FEC VSS)
- Federal Election Commission 2002 Voting System Standards (FEC VSS)
- EAC 2005 Voluntary Voting System Guidelines (EAC VVSG)

### 3.2 Acceptance of Independent Test Authority (ITA) Reports (10 workdays)

	Date Accepted	DOS/BVSC Reviewer
<input type="checkbox"/> Hardware/firmware qualification review and Test Report(s)	_____	_____

<input type="checkbox"/> Software/firmware source code review and Test Report(s)	_____	_____
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## Test Record

### 3.3.2 Voting Functions

#### 3.3.2.1 Polling Place Verification

Provides a means for verifying:

- Equipment is installed at the correct polling place
- Equipment is in its initialized state
- Equipment is ready for casting of ballots
- Proper execution is verified by means of an equipment-generated record, retained as part of the audit record

#### 3.3.2.2 Party Selection

- Allows casting for the party of choice in a primary election and for all non-partisan candidates and measures, while preventing voting for a candidate of another party
- Provides a means in a general election to select any candidate and to select any measure on the ballot

#### 3.3.2.3 Ballot Sub-setting

- Provides a means of disabling that portion of a ballot for which the voter is not entitled to vote

#### 3.3.2.4 Enabling the Ballot

- Provides a means for enabling the recording of votes

#### 3.3.2.5 Candidate and Measure Selection

- Method of voting complies with the following sections of 101.5606, F.S.
  - (1) Permits and requires voting in secrecy.
  - (2) Permits each elector to vote at any election for all persons and offices for whom and for which the elector is lawfully entitled to vote, and no others; to vote for as many persons for an office as the elector is entitled to vote for; and to vote for or against any question upon which the elector is entitled to vote.
  - (3) Rejects a ballot where the number of votes for an office or measure exceeds the number which the voter is entitled to cast or where the tabulating equipment reads the ballot as a ballot with no votes cast.
  - (4) Accepts a rejected ballot pursuant to subsection (3) for a marksense ballot, if a voter chooses to cast the ballot, but records no vote for any office that has been overvoted or undervoted.
  - (5) Capable of correctly counting votes.

- (6) Permits each voter at a primary election to vote only for the candidates seeking nomination by the political party in which such voter is registered, for any candidate for nonpartisan office, and for any question upon which the voter is entitled to vote.
- (7) Permits each elector by one operation, to vote for all presidential electors of a party or for all presidential electors of candidates for President and Vice President with no party affiliation.
- (8) Provides a method for write-in voting.
- (9) Capable of accumulating a count of the specific number of ballots tallied for a precinct, accumulating total votes by candidate for each office, and accumulating total votes for and against each question and issue of the ballots tallied for a precinct.
- (10) Capable of tallying votes from ballots of different political parties from the same precinct, in the case of a primary election.
- (11) Capable of automatically producing precinct totals in printed, marked, or punched form, or a combination thereof.
- (12) Permits each voter to change his or her vote for any candidate or upon any question appearing on the official ballot up to the time that the voter takes the final step to register his or her vote and to have the vote computed, if it is of a type which registers votes electronically.
- (13) Capable of providing records from which the operation of the voting system may be audited.
- (14) Uses a precinct-count tabulation system.
- (15) Does not use an apparatus or device for the piercing of ballots by the voter.



### 3.3.2.6 Standards for Equally Accessible Electronic Voter Interfaces

- Method of voting complies with the following sections of 101.56062, F.S.
  - (1) Has the capability to install accessible voter interface devices in the system configuration which allow the system to meet the following requirements:
    - (a) Provides a tactile input or audio input device, or both.
    - (b) Provides a method by which voters can confirm any tactile or audio input by having the capability of audio output using synthetic or recorded human speech that is reasonable phonetically accurate.
    - (c) Any operable controls on the input device which are needed for voters who are visually impaired must be discernible tactilely without actuating the keys.
    - (d) Audio and visual access approaches must be able to work both separately and simultaneously.
    - (e) If a non-audio access approach is provided, the system may not require color perception. The system must use black text or graphics, or both, on white background or white text or graphics, or both, on black background, unless the office of the Secretary of State approves other high-contrast color combinations that do not require color perception.
    - (f) Any voting system that requires any visual perception must offer the election official who programs the system, prior to its being sent to the polling place, the capability to set the font size, as it appears to the voter, from a minimum of 14 points to a maximum of 24 points.
    - (g) The voting system must provide audio information, including any audio output using synthetic or recorded human speech or any auditory feedback tones that are important for the use of the audio approach, through at least one mode, handset or headset, in enhanced auditory fashion (increased amplification) and must provide incremental volume control with output amplification up to a level of at least 97 dB SPL.
    - (h) For transmitted voice signals to the voter, the voting system must provide a gain adjustable up to a minimum of 20 dB with at least one intermediate step of 12 dB of gain.
    - (i) For the safety of others, if the voting system has the possibility of exceeding 120 dB SPL, then a mechanism must be included to reset the volume automatically to the voting system's default volume level after every use, for example when the handset is

replaced, but not before. Also, universal precautions in the use and sharing of the headsets should be followed.

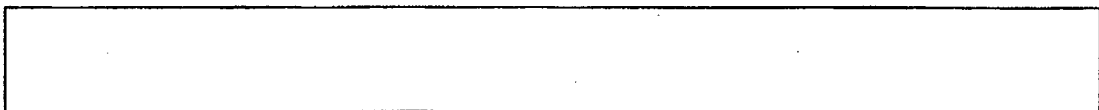
- (j) If sound cues and audible information such as "beeps" are used, there must be simultaneous corresponding visual cues and information.
- (k) Controls and operable mechanisms must be operable with one hand, including operability with a closed fist, and operable without tight grasping, pinching, or twisting of the wrist.
- (l) The force required to operate or activate the controls must be no greater than 5 pounds of force.
- (m) Voting booths must have voting controls at a minimum height of 36 inches above the finished floor with a minimum knee clearance of 27 inches high, 30 inches wide, and 19 inches deep, or the accessible voter interface devices must be designed so as to allow their use on top of a table to meet these requirements. Tabletop installations must include adequate privacy.



### 3.3.2.7 Audio Ballots

*Note: The functionalities required for the audio ballot may be satisfied by either the voting device or by the entire voting system.*

- Complies with standards for electronic voter interfaces
- Controls are discernable tactilely without actuating the controls
- Provide a voter operated volume control
- Method of voting complies with the following subsections of **101.56062(1)(n)**, F.S.
  - (1) After the initial instructions that the system requires election officials to provide to each voter, the voter should be able to independently operate the voter interface through the final step of casting a ballot without assistance.
  - (2) The voter must be able to determine the races that he or she is allowed to vote in and to determine which candidates are available in each race.
  - (3) The voter must be able to determine how many candidates may be selected in each race.
  - (4) The voter must be able to have confidence that the physical or vocal inputs given to the system have selected the candidates that he or she intended to select.
  - (5) The voter must be able to review the candidate selections that he or she has made.
  - (6) Prior to the act of casting the ballot, the voter must be able to change any selections previously made and confirm a new selection.
  - (7) The system must communicate to the voter the fact that the voter has failed to vote in a race or has failed to vote the number of allowable candidates in any race and require the voter to confirm his or her intent to undervote before casting the ballot.
  - (8) The system must prevent the voter from overvoting any race.
  - (9) The voter must be able to input a candidate's name in each race that allows a write-in candidate.
  - (10) The voter must be able to review his or her write-in input to the interface, edit that input, and confirm that the edits meet the voter's intent.
  - (11) There must be a clear, identifiable action that the voter takes to "cast" the ballot. The system must make clear to the voter how to take this action so that the voter has minimal risk of taking the action accidentally but, when the voter intends to cast the ballot, the action can be easily performed.
  - (12) Once the ballot is cast, the system must confirm to the voter that the action has occurred and that the voter's process of voting is complete.
  - (13) Once the ballot is cast, the system must preclude the voter from modifying the ballot cast or voting or casting another ballot.



**Office of Inspector General**  
**Follow-Up Review to Auditor General Report Number 2006-194**  
**Help America Vote Act (HAVA) and the**  
**Florida Voter Registration System (FVRS) - Operational**

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December 13, 2006

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The purpose of this follow up review is to report on the current status of corrective actions taken by the Department of State (Department) in response to the recommendations made by the Auditor General. The Auditor General's operational audit focused on the Department's administration of the Federal Help America Vote Act of 2002 during the period July 1, 2004, through February 28, 2006, and selected actions taken through May 23, 2006. Also, the audit included an evaluation of the effectiveness of selected controls related to the Florida Voter Registration System.

**Auditor General's Finding No. 1** The Department did not have a procedure in place to evidence for the public record that voting systems being certified had met the requirements of Florida law.

**Auditor General's Recommendation** We recommend that the Department finalize the *Checklist* and utilize it to document for the public record that its voting system certification procedures meet the requirements of Florida law.

**Department's Statement of Corrective Action(s) Implemented** The Bureau of Voting Systems Certification has finalized a test record checklist that includes an indication of compliance to the voting system's relevant statutory requirements. The final version of the test record checklist will be used for future certification efforts until the effective date of the 2007 revision to the Florida Voting System Standards. At that time, this checklist will be integrated into a larger certification test record that will track all the requirements of the 2007 Florida Voting System Standards.

**Status of Corrective Actions** The Department's Bureau of Voting Systems Certification has finalized the *Florida Voting Systems Certification Checklist & Test Record* and is utilizing it to evidence that voting systems certified by the Bureau met Florida Law.

**Auditor General's Finding No. 2** The Department's established procedures did not prohibit the Secretary of State and any examiners from having a pecuniary (financial) interest in the examination of and approval of voting equipment.

**Auditor General's Recommendation** We recommend that the Department establish procedures requiring the periodic affirmation of the absence of pecuniary and other conflicts of interests.

**Department's Statement of Corrective Action(s) Implemented** The Department has included a section in the Employee Handbook regarding 'Special Disclosure Requirements for Certain Employees in the Division of Elections, Bureau of Voting Systems Certification' concerning this

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issue. Pursuant to the section, employees in the Bureau of Voting Systems Certification are required to certify in writing that they do not have a pecuniary interest in any voting equipment.

The Department has developed a certification statement that employees who are involved in examining voting systems equipment for certification are required to sign. The certification statements are maintained in the Division of Elections.

**Status of Corrective Actions** The Department added a section to its Employee Handbook that prohibits the Secretary of State or any person who examines voting equipment for compliance with Section 101.5606, Florida Statutes, from having a pecuniary interest in such equipment. Also, certified statements applicable to pecuniary interests from the Secretary of State and employees of the Bureau of Voting Systems Certification were reviewed and are on file in the Division of Elections.

**Auditor General's Finding No. 3** The Department did not maintain a current, reliable control listing of voting systems certified and in use by the counties. In addition, the Department did not have a procedure in place to ensure that voting system information was on file with the Department.

**Auditor General's Recommendation** We recommend that the Department develop a current, reliable control listing; establish procedures to ensure that Supervisors of Elections submit all voting system information required by State law [Section 101.5607(1)(a), Florida Statutes]; and periodically confirm the accuracy of its listing with the Supervisors of Elections. Such confirmations should be made in connection with the Department's periodic reconciliation of its control listing to the voting systems information provided and on file at the Department.

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**Status of Corrective Actions** The Department has requested but not received guidance from the U.S. Election Assistance Commission. All payments made by the Department for leave due terminated employees were transferred to the General Revenue Fund.

**Auditor General's Finding No. 7** Controls to ensure that voter education programs were in compliance with Florida law and Department rule were insufficient.

**Auditor General's Recommendation** We recommend that the Department ensure that all Plans are in compliance with Department rules and *Agreements* and that voter education expenditures correspond with detailed descriptions in the Plans. In addition, we recommend the Department ensure that the matching expenditures are reported separately on the expenditure report.

**Department's Statement of Corrective Action(s) Implemented** The Department is preparing a survey regarding voter education activities that will be sent to all Supervisors of Elections following the 2006 general election. Information from the survey will be used to determine each county's compliance with elements listed in the Department's rule on minimum standards for voter education. The survey is organized so that counties will report voter education expenditures made with HAVA/state funds separately from expenditures made with county funds. As required by Section 98.255, Florida Statutes, the Department will prepare a report that will be available by January 31, 2007, regarding the voter education programs and activities conducted by Supervisors of Elections during the 2006 general election period.

The Department has revised the language in its memorandum of agreement with Supervisors of Elections in order to implement changes regarding voter education plans and reporting requirements.

**Status of Corrective Actions** The Department prepared a survey to obtain information from Supervisors of Elections applicable to voter educational activities and compliance with specific laws, rules, and agreements. The Department intends to compare the survey's information with the Supervisor's approved voter educational plans as part of its compliance monitoring procedures. Also, the Department will use the surveys to obtain the amount of expenditures made from county match and HAVA funds. On November 14, 2006, the Department sent the Supervisors of Elections a new memorandum of agreement that included these new survey procedures. On November 21, 2006, the Department sent the survey to the Supervisors of Elections.

**Auditor General's Finding No. 8** HAVA Program expenditures were not always properly supported.

**Auditor General's Recommendation** We recommend that the Department ensure that required contractual terms are met and services are received prior to payment. In addition, we recommend that the Department only pay contractors in amounts agreed upon by specific contract or purchase order.



**Department's Statement of Corrective Action(s) Implemented** Employees in the Office of Support Services will, upon receipt of a payment request or invoice, contact the contract manager if required documentation has not been received. Invoices will not be processed for payment until the contract manager certifies to Support Services that the deliverables have been met.

Working with the Office of Support Services, the accounts payable supervisor in the Budget and Financial Services Program checks for a certification that the required milestones and deliverables have been met. A payment will not be vouchered if the required certification is not included.

**Status of Corrective Actions** The Department has implemented the process as stated above to ensure receipt of deliverables and payment authorization.

**Auditor General's Finding No. 9** The Department did not always follow Federal requirements with regards to awards to other State agencies.

**Auditor General's Recommendation** We recommend that the Department take the necessary steps to ensure that the interagency agreements include all applicable Federal information and requirements and that appropriate monitoring is performed.

**Department's Statement of Corrective Action(s) Implemented** All interagency agreements entered into or renewed after July 1, 2006, between the Department of State and governmental agencies such as the Florida Department of Highway Safety and Motor Vehicles or the Florida Department of Law Enforcement as they pertain to HAVA funds for election administration and/or voting purposes shall:

- Include standard provisions relating to federal and state audit, monitoring and reporting requirements.
- Identify, for audit purposes, the title and number of the appropriate type of federal assistance program (known as the Catalog of Federal Domestic Assistance) from which the funds are being made available.
- Condition the receipt and use of HAVA funds on the submission, review, and approval of specified written certifications and plans for use of these funds or the inclusion of comprehensive written specifications or terms in return for receipt and use of the funds, whichever is applicable.
- Require the recipient of HAVA funds to report to the Department of State any change or deviation from any plan originally submitted for review and approval for receipt and use of such funds, or to require the mutual written agreement to modify any material change to written specifications or terms in the agreement.
- Require any governmental official or entity to receive federal HAVA funds to complete federal ED Form GCS-009, 6/88, "Certification Regarding Debarment, Suspension,

Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions” (created pursuant to Executive Order 12549 (46CFR 1183.35). Such form must be completed and submitted prior to the Department entering into or renewing any agreement.

Existing interagency agreements with Florida Department of Law Enforcement and Florida Department of Highway Safety and Motor Vehicles are currently under review and will be revised to include the above-referenced provisions since the Department’s and these agencies’ focus on Florida Voter Registration System has now evolved from development and implementation to operation and maintenance of the system.

**Status of Corrective Actions** As of this report date, the Department has not entered into any new agreements with the Florida Department of Law Enforcement or the Department of Highway Safety and Motor Vehicles. The Department is in the process of reviewing current agreements for appropriate revisions.

**Auditor General’s Finding No. 10** Improvements were needed in the Department’s Information Technology (IT) risk management practices.

**Auditor General’s Recommendation** Upon completion of the FVRS risk assessment, the Department should implement policies and procedures to mitigate identified risks, including ensuring that all access to Department systems is documented in a uniform manner according to policy, maintained in a central location, and periodically reviewed.

**Department’s Statement of Corrective Action(s) Implemented** A baseline Risk Assessment was completed on the FVRS in June 2006. A corrective action plan has been established and is in the execution phase. Additionally, a Department employee has been reassigned to the position of Information Security Administrator and Network Administrator.

IT Security Policies have been updated at the department level and authorization procedures have been updated.

**Status of Corrective Actions** On July 5, 2006, the Department received its final risk assessment report prepared by an independent contractor. Based upon this risk assessment the Department and the State Information Security Office prepared a corrective action plan. As of this date, the Department completed and continues to implement corrective actions identified in the plan. Also, the Department reassigned an employee to the position of Information Security Administrator and Network Administrator in order to enhance improvements needed in the Department’s information risk management practices as identified by the Auditor General. Finally, the Department prepared the FVRS Information Security Plan which is pending final approval from the Department’s senior management.

**Auditor General’s Finding No. 11** The Department had not adopted a governance model addressing the management, use, and operation of FVRS commensurate with its authority and responsibility to ensure the system’s security, uniformity, and integrity.

**Auditor General's Recommendation** The Department should, in coordination with the county Supervisors of Elections, adopt a governance model that includes security measures in support of, and for the protection of, the FVRS business purpose and the confidentiality, availability, and integrity of data contained therein. Specifically, written procedures should be established to address those areas noted above with consistent application to ensure the system's security, uniformity, and integrity.

**Department's Statement of Corrective Action(s) Implemented** The Department has created a System Security Plan (SSP). In addition, a memorandum of understanding regarding information security issues has been executed with each Supervisor of Elections.

The Division of Elections Continuity of Operations Plan is in the final stages of development and includes a regional response plan involving all Supervisors of Elections.

User audit capabilities have been improved and development in this area continues.

Each employee with access to FVRS or access to data of confidentiality has signed a strict standard of conduct regarding the protection and security of that data. The Department is reviewing the duties of positions with access to FVRS to determine which of these positions should be classified as positions of special trust.

**Status of Corrective Actions** The Department created a System Security Plan and executed, with each Supervisor of Elections, a *Memorandum of Agreement For Minimum Security Standards For The Florida Voter Registration System*. The Department is finalizing the *Division of Elections Continuity of Operations (COOP) Plan*, including a *Regional Response Plan* for all Supervisors of Elections. Also, each Department employee with access to FVRS or confidential data executed an acknowledgment statement titled, *Standards of Conduct Governing Access To The Florida Voter Registration System and Other Agency Records*.

**Auditor General's Finding No. 12** Although the Department had put measures in place to help ensure the integrity of data in FVRS, improvements were needed in the processes for identifying duplicate registrations and ineligible voters.

**Auditor General's Recommendation** The Department should implement FVRS matching functionality, as planned, to allow for systematic identification of possible duplicate voters. In addition, the Department should expand, as planned, current systematic felon matching to include matching of all existing registrations against all felony records. The Department should also implement a formalized process to determine if Supervisors of Elections have satisfactorily met certification requirements prescribed by Florida Statutes. Further, the Department should continue to work with agencies that supply the Department with data for matching and verification purposes to increase data reliability, integrity, and timeliness.

**Department's Statement of Corrective Action(s) Implemented** FVRS continues to perform a duplicate matching process on a continual basis which to date has identified 86,008 potential duplicates which have been sent to the counties for evaluation. The Division continues to work with the Supervisors of Elections' vendors of local election administration systems to streamline the duplicate matching process recognizing there will be programming adjustments necessary.

The Department developed a form for Supervisors of Elections to report list maintenance activities. Certifications regarding list maintenance activities have been received from all Supervisors of Elections covering activities between January 1, 2006 and June 30, 2006.

**Status of Corrective Actions** The Department implemented the FVRS matching functionality for systematic identification of possible duplicate voters and continues to work with the Supervisor of Elections to improve the matching process. However, as of this date, the Department has not expanded its current felon matching process to include registered voters prior to January 1, 2006, except for voters that incurred a change in their voter registration after January 1, 2006. The Department has stated its intent to expand its felon matching search based upon resources available. Also, the Department has developed a process to determine and document certification of voter registration activities by the Supervisors of Elections.



STATE OF FLORIDA  
DEPARTMENT OF STATE

**JEB BUSH**  
Governor

**SUE M. COBB**  
Secretary of State

December 13, 2006

Sue M. Cobb, Secretary of State  
Florida Department of State  
R.A. Gray Building  
500 South Bronough Street  
Tallahassee, FL 32399-0250

Re: Follow-Up Review Applicable to Auditor General Report #2006-194, *Help America Vote Act (HAVA) and the Florida Voter Registration System (FVRS) – Operational.*

Dear Secretary Cobb:

Pursuant to Section 20.055(5)(g), Florida Statutes, the Office of Inspector General (OIG) conducted a follow-up review applicable to the Auditor General's Report as referenced above. We have attached a copy of our report for your review.

As required by law, we have published our report on the status of the corrective actions taken by the Department and filed a copy of such response with the Legislative Auditing Committee.

If you require additional information on this matter please contact me.

Sincerely,

Kirby J. Mole, CIA  
Inspector General

Att.

cc. Mr. Terry L. Shoffstall, Director, Legislative Auditing Committee  
Thomas Wilkey, Executive Director, U.S. Election Assistance Commission  
Derry Harper, Chief Inspector General, Executive Office of the Governor  
David E. Mann, Assistant Secretary of State  
Heidi Hughes, Chief of Staff/General Counsel  
Dawn Roberts, Director, Division of Elections  
Sarah Smith, Chief Information Officer

**R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250**  
**Telephone: (850) 245-6500 • Facsimile: (850) 245-6125 • <http://www.dos.state.fl.us>**

021263



**FLORIDA DEPARTMENT *of* STATE**

Division of Elections

**Florida Voting Systems Certification  
Checklist & Test Record**

Ref: Florida Voting System Standards, Form DS-DE 101, Eff. 01/05

021264

# Florida Voting Systems Certification Checklist

## 1.0 Voting System Description:

## 2.0 Certification Procedures

Application for  Certification or  Provisional Certification

### Summary of Certification Milestones

	Acceptance or Completion Date	DOE/BVSC Responsibility
<input type="checkbox"/> 2.1 Application (Final, including amended, if applicable)	_____	_____
<input type="checkbox"/> 2.2 Acceptance of the Application (10 workdays)	_____	_____
<i>Note: BVSC's review and applicant's remedies of deficiencies need not be documented here.</i>		
<input type="checkbox"/> 2.3 Examination of the Voting System	_____	_____
2.4 System Qualification Tests, required?	<input type="checkbox"/> Yes (full)	<input type="checkbox"/> Yes (limited) <input type="checkbox"/> No
<input type="checkbox"/> Phase I Test Plan	_____	_____
<input type="checkbox"/> Phase I Qualification Test	_____	_____
<input type="checkbox"/> Phase I Test Report (10 workdays)	_____	_____
<input type="checkbox"/> Phase II Test Plan (10 workdays)	_____	_____
<input type="checkbox"/> Phase II Qualification Test	_____	_____
<input type="checkbox"/> Phase II Test Report (10 workdays)	_____	_____
<input type="checkbox"/> 2.6 Qualification Test Report (10 workdays)	_____	_____
<input type="checkbox"/> 2.7 Issuance of Certificate	_____	_____
<input type="checkbox"/> 2.8 Retention of Materials	_____	_____

## 3.0 The Standards

### 3.1 Applicability

- Rule 1S-5.001, F.A.C.  
Florida Voting Systems Standards (FVSS), Form DS-DE-101
- Federal Election Commission 1990 Voting System Standards (FEC VSS)
- Federal Election Commission 2002 Voting System Standards (FEC VSS)
- EAC 2005 Voluntary Voting System Guidelines (EAC VVSG)

### 3.2 Acceptance of Independent Test Authority (ITA) Reports (10 workdays)

- |   | Date<br>Accepted | DOS/BVSC<br>Reviewer |
|---|------------------|----------------------|
| <input type="checkbox"/> Hardware/firmware qualification review<br>and Test Report(s) | _____            | _____                |

- |   |       |       |
|---|-------|-------|
| <input type="checkbox"/> Software/firmware source code review<br>and Test Report(s) | _____ | _____ |
|---|-------|-------|

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## Test Record

### 3.3.2 Voting Functions

#### 3.3.2.1 Polling Place Verification

Provides a means for verifying:

- Equipment is installed at the correct polling place
- Equipment is in its initialized state
- Equipment is ready for casting of ballots
- Proper execution is verified by means of an equipment-generated record, retained as part of the audit record

#### 3.3.2.2 Party Selection

- Allows casting for the party of choice in a primary election and for all non-partisan candidates and measures, while preventing voting for a candidate of another party
- Provides a means in a general election to select any candidate and to select any measure on the ballot

#### 3.3.2.3 Ballot Sub-setting

- Provides a means of disabling that portion of a ballot for which the voter is not entitled to vote

#### 3.3.2.4 Enabling the Ballot

- Provides a means for enabling the recording of votes

#### 3.3.2.5 Candidate and Measure Selection

- Method of voting complies with the following sections of **101.5606, F.S.**
  - (1) Permits and requires voting in secrecy.
  - (2) Permits each elector to vote at any election for all persons and offices for whom and for which the elector is lawfully entitled to vote, and no others; to vote for as many persons for an office as the elector is entitled to vote for; and to vote for or against any question upon which the elector is entitled to vote.
  - (3) Rejects a ballot where the number of votes for an office or measure exceeds the number which the voter is entitled to cast or where the tabulating equipment reads the ballot as a ballot with no votes cast.
  - (4) Accepts a rejected ballot pursuant to subsection (3) for a marksense ballot, if a voter chooses to cast the ballot, but records no vote for any office that has been overvoted or undervoted.
  - (5) Capable of correctly counting votes.

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- (6) Permits each voter at a primary election to vote only for the candidates seeking nomination by the political party in which such voter is registered, for any candidate for nonpartisan office, and for any question upon which the voter is entitled to vote.
- (7) Permits each elector by one operation, to vote for all presidential electors of a party or for all presidential electors of candidates for President and Vice President with no party affiliation.
- (8) Provides a method for write-in voting.
- (9) Capable of accumulating a count of the specific number of ballots tallied for a precinct, accumulating total votes by candidate for each office, and accumulating total votes for and against each question and issue of the ballots tallied for a precinct.
- (10) Capable of tallying votes from ballots of different political parties from the same precinct, in the case of a primary election.
- (11) Capable of automatically producing precinct totals in printed, marked, or punched form, or a combination thereof.
- (12) Permits each voter to change his or her vote for any candidate or upon any question appearing on the official ballot up to the time that the voter takes the final step to register his or her vote and to have the vote computed, if it is of a type which registers votes electronically.
- (13) Capable of providing records from which the operation of the voting system may be audited.
- (14) Uses a precinct-count tabulation system.
- (15) Does not use an apparatus or device for the piercing of ballots by the voter.



### 3.3.2.6 Standards for Equally Accessible Electronic Voter Interfaces

- Method of voting complies with the following sections of **101.56062, F.S.**
  - (1) Has the capability to install accessible voter interface devices in the system configuration which allow the system to meet the following requirements:
    - (a) Provides a tactile input or audio input device, or both.
    - (b) Provides a method by which voters can confirm any tactile or audio input by having the capability of audio output using synthetic or recorded human speech that is reasonable phonetically accurate.
    - (c) Any operable controls on the input device which are needed for voters who are visually impaired must be discernible tactilely without actuating the keys.
    - (d) Audio and visual access approaches must be able to work both separately and simultaneously.
    - (e) If a non-audio access approach is provided, the system may not require color perception. The system must use black text or graphics, or both, on white background or white text or graphics, or both, on black background, unless the office of the Secretary of State approves other high-contrast color combinations that do not require color perception.
    - (f) Any voting system that requires any visual perception must offer the election official who programs the system, prior to its being sent to the polling place, the capability to set the font size, as it appears to the voter, from a minimum of 14 points to a maximum of 24 points.
    - (g) The voting system must provide audio information, including any audio output using synthetic or recorded human speech or any auditory feedback tones that are important for the use of the audio approach, through at least one mode, handset or headset, in enhanced auditory fashion (increased amplification) and must provide incremental volume control with output amplification up to a level of at least 97 dB SPL.
    - (h) For transmitted voice signals to the voter, the voting system must provide a gain adjustable up to a minimum of 20 dB with at least one intermediate step of 12 dB of gain.
    - (i) For the safety of others, if the voting system has the possibility of exceeding 120 dB SPL, then a mechanism must be included to reset the volume automatically to the voting system's default volume level after every use, for example when the handset is

replaced, but not before. Also, universal precautions in the use and sharing of the headsets should be followed.

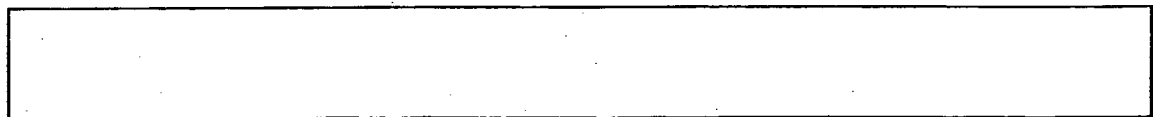
- (j) If sound cues and audible information such as "beeps" are used, there must be simultaneous corresponding visual cues and information.
- (k) Controls and operable mechanisms must be operable with one hand, including operability with a closed fist, and operable without tight grasping, pinching, or twisting of the wrist.
- (l) The force required to operate or activate the controls must be no greater than 5 pounds of force.
- (m) Voting booths must have voting controls at a minimum height of 36 inches above the finished floor with a minimum knee clearance of 27 inches high, 30 inches wide, and 19 inches deep, or the accessible voter interface devices must be designed so as to allow their use on top of a table to meet these requirements. Tabletop installations must include adequate privacy.



### 3.3.2.7 Audio Ballots

*Note: The functionalities required for the audio ballot may be satisfied by either the voting device or by the entire voting system.*

- Complies with standards for electronic voter interfaces
- Controls are discernable tactilely without actuating the controls
- Provide a voter operated volume control
- Method of voting complies with the following subsections of **101.56062(1)(n)**, F.S.
  - (1) After the initial instructions that the system requires election officials to provide to each voter, the voter should be able to independently operate the voter interface through the final step of casting a ballot without assistance.
  - (2) The voter must be able to determine the races that he or she is allowed to vote in and to determine which candidates are available in each race.
  - (3) The voter must be able to determine how many candidates may be selected in each race.
  - (4) The voter must be able to have confidence that the physical or vocal inputs given to the system have selected the candidates that he or she intended to select.
  - (5) The voter must be able to review the candidate selections that he or she has made.
  - (6) Prior to the act of casting the ballot, the voter must be able to change any selections previously made and confirm a new selection.
  - (7) The system must communicate to the voter the fact that the voter has failed to vote in a race or has failed to vote the number of allowable candidates in any race and require the voter to confirm his or her intent to undervote before casting the ballot.
  - (8) The system must prevent the voter from overvoting any race.
  - (9) The voter must be able to input a candidate's name in each race that allows a write-in candidate.
  - (10) The voter must be able to review his or her write-in input to the interface, edit that input, and confirm that the edits meet the voter's intent.
  - (11) There must be a clear, identifiable action that the voter takes to "cast" the ballot. The system must make clear to the voter how to take this action so that the voter has minimal risk of taking the action accidentally but, when the voter intends to cast the ballot, the action can be easily performed.
  - (12) Once the ballot is cast, the system must confirm to the voter that the action has occurred and that the voter's process of voting is complete.
  - (13) Once the ballot is cast, the system must preclude the voter from modifying the ballot cast or voting or casting another ballot.



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COL A12		COL A14		COL A15		COL A16		COL A14-A12 AGY AMD REQ FY 2007-08 OVER (UNDER) AGY FNL REQ FY 2007-08		CODES
AGY FNL REQ FY 2007-08 POS	AMOUNT	AGY AMD REQ FY 2007-08 POS	AMOUNT	AGY AMD N/R FY 2007-08 POS	AMOUNT	AGY AMD ANZ FY 2007-08 POS	AMOUNT	POS	AMOUNT	
STATE, DEPT OF										45000000
PGM: ELECTIONS										45100000
ELECTIONS										45100200
GOV OPERATIONS/SUPPORT										16
GOVERNMENTAL OPERATIONS										1601.00.00.00
STATE MATCH FOR HELP AMERICA VOTE ACT (HAVA)										4600000
ADDITIONAL STATE MATCH FOR HELP AMERICA VOTE ACT (HAVA)										4600100
SPECIAL CATEGORIES										100000
TR/GRANTS & DONATIONS TF										103954
GENERAL REVENUE FUND										
-STATE			375,776		375,776				375,776	1000 1

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AGENCY ISSUE NARRATIVE:  
 2007-2008 BUDGET YEAR NARRATIVE:

IT COMPONENT? NO

"Amended 2007-08 Narrative after February 2, 2007"

A routine audit by the Auditor General of the State of Florida has determined that the State is short of the required Help America Vote Act (HAVA) state match by the above amount. The State referred to a U.S. Election Assistance Commission Office of the Inspector General Report on the Administration of HAVA payments by the Illinois State Board of Elections. The calculation methodology was different than that used by the State of Florida and included in the HAVA Planning Committee report, leaving the State short of the required match. Florida calculated match based on multiplying the total of HAVA requirements by 5% and matching that amount. Below is a table detailing the correct calculation and showing the shortage:

Section 251 Revenue Received	\$	47,416,833
Section 251 Revenue Received	\$	85,085,258
Subtotal	\$	132,502,091
Multiply by .95	\$	125,876,986
Less 251 Payments	\$	132,502,091
Required 5%	\$	6,624,894
State of Florida Match @ 5% of Sec. 251	\$	6,628,018
Additional Match Required for 251	\$	345,776
<hr/>		
Estimated interest lost	\$	30,000
Total Issue	\$	375,776

"Summary: This is a new issue."

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021270

	COL A12	COL A14	COL A15	COL A16	COL A14-A12 AGY AMD REQ FY 2007-08 OVER (UNDER)	AGY FNL REQ FY 2007-08	CODES
	AGY FNL REQ FY 2007-08 POS AMOUNT	AGY AMD REQ FY 2007-08 POS AMOUNT	AGY AMD N/R FY 2007-08 POS AMOUNT	AGY AMD ANZ FY 2007-08 POS AMOUNT	AGY FNL REQ FY 2007-08 POS AMOUNT		
STATE, DEPT OF							45000000
PGM: ELECTIONS							45100000
ELECTIONS							45100200
GOV OPERATIONS/SUPPORT							16
GOVERNMENTAL OPERATIONS							1601.00.00.00
STATE MATCH FOR HELP AMERICA VOTE ACT (HAVA)							4600000
ADDITIONAL STATE MATCH FOR HELP AMERICA VOTE ACT (HAVA)							4600100
SPECIAL CATEGORIES							100000
TR/GRANTS & DONATIONS TF							103954
<b>GENERAL REVENUE FUND -STATE</b>		375,776	375,776		375,776	1000 1	

\*\*\*\*\*

AGENCY ISSUE NARRATIVE:  
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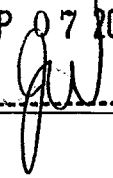
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Additional Match Required for 251	\$	345,776
<hr/>		
Estimated interest lost	\$	30,000
Total Issue	\$	375,776

"Summary: This is a new issue."

\*\*\*\*\*

RECEIVED  
SEP 07 2004

BY: \_\_\_\_\_



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# STATE OF FLORIDA HAVA PLAN

UPDATE JUNE 2004



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*As required by the*

HELP AMERICA VOTE ACT  
OF 2002 (HAVA)

021271

707104.185

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STATE OF FLORIDA  
DEPARTMENT OF STATE

JEB BUSH  
*Governor*

GLEND A. HOOD  
*Secretary of State*

September 3, 2004

DeForest B. Soaries, Jr., Chairman  
Election Assistance Commission  
1225 New York Avenue, N.W., Suite 1100  
Washington, D.C. 20005

Dear Mr. Soaries:

As Chief Election Officer of the State, I am pleased to present the State of Florida's HAVA Plan which has been revised for FY 2004. As indicated in the initial Plan submitted in 2003, Florida has already succeeded in meeting many of the requirements in HAVA. During Florida's Fiscal Year 2003-04, a number of additional requirements were met including the development of performance goals and measures. These are reflected in the revised Plan.

Florida's revised plan was developed through the Help America Vote Act Planning Committee, a group of dedicated individuals representing various constituency groups throughout the State. This Committee developed Florida's original HAVA Plan and agreed to serve again in 2004. Although the Florida Department of State does not necessarily agree with all of the Committee's recommendations and conclusions, I commend the Committee for its continuing hard work and diligence in developing revisions to the Plan.

The revised Plan recognizes that additional resources are required in order for our Supervisors of Elections to provide continuing voter education to the citizens of the State, to recruit qualified poll workers, and to provide the necessary training for those workers. As chief Election Officer, I am committed to working closely with and supporting our Supervisors as we continue to ensure Florida voters have every confidence that their vote counts.

We have accepted the Committee's work without revision, however, we will revise and update the Plan as necessary to reflect the progress made in implementing HAVA and to chart the future goals and plans for elections. We look forward to continuing our election reform efforts to make this state the model for elections reform throughout the nation.

Sincerely,

A handwritten signature in cursive script that reads "Glenda E. Hood".

Glenda E. Hood

Office of the Secretary

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250  
Telephone: (850) 245-6500 • Facsimile: (850) 245-6125 • WWW: <http://www.dos.state.fl.us>

021273



**GLENDA E. HOOD**  
SECRETARY OF STATE  
STATE OF FLORIDA

STATE OF FLORIDA  
HAVA PLAN UPDATE / 2

## **Introduction**

Since the aftermath of the General Election of 2000, Florida has led the nation in its election reform efforts to ensure that every registered voter should have the opportunity to vote and to ensure that every vote counts.

The goal is perfection. Reaching that goal in an ever changing democracy and within a diverse population is an ongoing task that requires constant experimentation and learning. The people and the leadership of Florida have dedicated themselves to this course of action.

The struggle for improving our election process reveals itself in many ways. Citizens have increased their involvement by serving on local and State election task forces, researching new voting technologies, debating new standards for poll worker training, increasing voter education opportunities, and registering new voters. The people of Florida continue to make election reform a top priority.

The leadership of Florida has also acted decisively. Florida has enacted legislative and local reforms during the last two years that lead the nation. These reforms include cutting-edge voting system standards, millions of dollars for new voting technology, expanded voter education efforts, and thousands of newly trained poll workers. A statewide poll taken the day of the 2002 General Election found that Floridians gave high marks to the election reform changes including a 91% "excellent-good" rating for poll workers and an 88% confidence rating from voters that their votes will count. These results are not "perfect," but Florida is moving in a positive direction to make all facets of the election process better each time an election is held.

With the passage and signing of the Help America Vote Act of 2002 (HAVA) on October 29, 2002, election reform will spread throughout the nation. The new federal law asks States to develop election reform plans that will improve election administration in many areas. Florida embraces the new federal law and hopes that other States will use it as an opportunity to share new election reform ideas and practices with one another.

The people of Florida have learned many things about election reform. Yet, there are enduring principles which are reflected within many recommendations and changes of Florida's election reform efforts. These principles were developed by Florida's first task force in the aftermath of the 2000 General Election:

### **Enduring Principles of Elections**

- **Elections are first and foremost acts of millions of individual people: citizens who register and vote; candidates who offer themselves and their platforms for public judgment; poll workers who put in long days at precincts; and election officials who**

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supervise the process. Honest, responsible, intelligent people will make most technology systems work well.

- Voting should be a simple, convenient and friendly process that encourages each citizen to express his or her choices.
- Voting systems should be designed to determine voter intent, to the extent that is humanly possible.
- Voting methods for statewide and national elections should meet uniform standards and national standards for fairness, reliability and equal protection of voting opportunity.
- Elections must meet two competing objectives: certainty (making every vote count accurately) and finality (ending elections so that governing can begin).
- While voting should be individual and private, procedures for counting and challenging votes should be open, transparent, and easily documented to ensure public confidence in the results.

Fulfilling the promises of these enduring principles will require continued vigilance and action. With this HAVA Plan, Florida continues its journey to mount an increasingly open and fair system of determining the will of the people.

The Help America Vote Act of 2002 requires all States to develop and implement a statewide plan. Listed below are the thirteen primary elements that must be addressed in the plan.

#### **Help America Vote Act of 2002 (HAVA)**

Public Law 107-252 – October 29, 2002

#### **SEC. 254. STATE PLAN.**

(a) **IN GENERAL.**—The State plan shall contain a description of each of the following:

##### **Element 1.**

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

##### **Element 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

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- B) The methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under paragraph (8).

**Element 3.**

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

**Element 4.**

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

**Element 5.**

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

**Element 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.

**Element 7.**

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

**Element 8.**

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

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**Element 9.**

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

**Element 10.**

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

**Element 11.**

How the State will conduct ongoing management of the plan, except that the State may not make any material change in the administration of the plan unless the change —

- A) Is developed and published in the Federal Register in accordance with section 255 in the same manner as the State plan;
- B) Is subject to public notice and comment in accordance with section 256 in the same manner as the State plan; and
- C) Takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A).

**Element 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.

**Element 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.

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## Element 1. Use of Title III Requirements Payments:

### A. Voting Systems

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

#### **Introduction**

Following the 2000 General Election, the people of Florida made a concerted effort to improve all facets of its election procedures, standards and voting systems. The first major changes were the recommendations advanced by the 2001 Governor's Select Task Force on Election Procedures, Standards and Technology followed by the passage of the Florida Election Reform Act of 2001. A central component of Florida's new election law mandated the replacement of punch card voting systems, lever machines, paper ballots and central count optical scanning systems with precinct tabulated Marksense voting systems or the Direct Recording Electronic voting systems. The new voting systems were put into service to reduce voter error, to improve tabulation accuracy, and to restore voter confidence in Florida's elections.

Florida has adopted voting system standards which meet and exceed standards established by the Federal Election Commission. Florida's voting system standards are reviewed every two years to determine whether they are adequate and effective in carrying out fair and impartial elections. The Bureau of Voting Systems Certification within the Department of State has statutory authority to adopt rules which establish minimum standards for voting systems purchased and used in Florida. Florida's 67 counties have authority to purchase and to maintain the appropriate certified voting system for their registered voters. Since 2001, the State of Florida has provided \$24 million to assist counties in purchasing new certified voting systems.

Only two types of voting systems are certified for use in Florida's 67 counties— Direct Recording Electronic (DRE or "touchscreen") voting systems and Marksense with precinct-based tabulation.

There are three manufacturers who have certified voting systems for use in Florida: Diebold; Elections Systems and Software, Inc. (ES&S); and Sequoia Voting Systems, Inc. (SP). The Diebold system that has been certified by the State of Florida consists of a Global Election Management System Software (GEMS) Voting System consisting of GEMS, Release 1-18-19; one or more AccuVote TS R6 Touch Screen Ballot Station Version 4.3.15D (Windows CE 3.0) devices; one or more AccuVote-OS Optical Scan Tabulators with Firmware Version 1.94w and VLR firmware 13.9; Key Card Tool Version 1.0.1; Voter Card Encoder Version 1.3.2; and optionally one or more AccuFeed units, Revision D or E OS (optical scan) Firmware 1.94w.

The following chart details the types of voting systems used in Florida, the respective manufacturer, and the number of counties using the voting systems.



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**DRE Voting Systems (“touchscreen”)  
 And Number of Florida Counties in Use  
 For Precinct Voting**

<b>DRE VOTING SYSTEM MANUFACTURER</b>	<b>COUNTIES (PRECINCT VOTING)</b>
ES&S Voting System Release 3	6
ES&S Voting System Release 4.2	5
SP AVC Edge Voting System	4
Diebold Election Systems, Inc. 2003 B (Blended) + (Plus Audio)	0
<b>TOTAL</b>	<b>15</b>

**Marksense Voting Systems (“optical scanning”)  
 And Number of Counties in Use  
 For Precinct and Absentee Voting**

<b>MARKSENSE VOTING SYSTEM MANUFACTURER</b>	<b>COUNTIES (PRECINCT VOTING)</b>	<b>COUNTIES (ABSENTEE VOTING)</b>
Diebold AccuVote ES 2001 B	30	30
ES&S Voting System Release 1.1	2	2
ES&S Voting System Release 2.1	1	1
ES&S Voting System Release 3	4	10
ES&S Voting System Release 3.2	1	1
ES&S Voting System Revised Release 3.1	3	3
ES&S Voting System Release 4.2	3	8
ES&S Optech IIP Eagle	2	2
ES&S Optech IIP/Optech IVC	5	5
SP Optech III-P Eagle	1	1
SP AVC Edge Voting System	0	4
<b>TOTAL</b>	<b>52</b>	<b>67</b>

The Help America Vote Act of 2002 (HAVA) establishes new minimum requirements for administering federal elections. These new voting system requirements are found in Title III of the federal law. The new requirements shape the performance and the administration of voting systems. Florida is in compliance with many of these new federal directives and these are addressed in the HAVA State Plan.

Section 301(a) of HAVA requires that Florida’s voting systems meet the following requirements by January 1, 2006. Florida will be in compliance with all of these requirements by the federal deadline of January 1, 2006.



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## Section 301(a) Voting System Standards and Requirements

**Section 301(a)(1)(A)(i): Do Florida's voting systems permit the voter to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted?**

**Yes, and no further actions are required.**

Section 101.5606(1), *Florida Statutes*, states that no voting system in Florida shall be approved by the Department of State unless it "permits and requires voting in secrecy."

Florida Voting System Standards (April 2002) state that "the voter must be able to review the candidate selections, which he or she has made. Prior to the act of casting a ballot, the voter must be able to change any selection previously made and confirm the new selection." (p. 21)

Florida Voting System Standards (April 2002) state that the voting function standards applicable to all Electronic Voter Interfaces must provide "after the initial instructions, which the system requires election officials to provide to each voter, the voter should be able to independently operate the voter interface through the final step of casting a ballot without assistance." (p. 20)

**Section 301(a)(1)(A)(ii): Do Florida's voting systems provide the voter with the opportunity in a private and independent manner to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct the error)?**

**Yes, and no further actions are required.**

Florida Voting System Standards (April 2002) state that "the voter must be able to review the candidate selections, which he or she has made. Prior to the act of casting a ballot, the voter must be able to change any selection previously made and confirm the new selection." (p. 21)

Section 101.5606(12), *Florida Statutes*, requires that electronic voting systems should "permit each voter to change his or her vote for any candidate or upon any question appearing on the official ballot up to the time that the voter takes the final step to register his or her vote and to have the vote computed."

Section 101.5608(2)(b), *Florida Statutes*, requires that "Any voter who spoils his or her ballot or makes an error may return the ballot to the election official and secure another ballot, except that in no case shall a voter be furnished more than three ballots. If the vote tabulation device has rejected the ballot, the ballot shall be considered spoiled and a new ballot shall be provided to the voter unless the voter chooses to cast the rejected ballot. The election official, without examining the original ballot, shall state the possible reasons for the rejection and shall provide

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instruction to the voter pursuant to s. 101.5611. A spoiled ballot shall be preserved, without examination, in an envelope provided for that purpose. The stub shall be removed from the ballot and placed in the envelope.”

Section 101.5611(1), *Florida Statutes*, requires that the “supervisor of elections shall provide instruction on the proper method of casting a ballot for the specific voting system utilized in that jurisdiction. Such instruction shall be provided at a place which voters must pass to reach the official voting booth.”

**Section 301(a)(1)(A)(iii): If the voter selects votes for more than one candidate for a single office, do Florida’s voting systems: (1) notify the voter that the voter has selected more than one candidate for a single office on the ballot; (2) notify the voter before the ballot is cast and counted of the effect of casting the multiple votes for the office; and (3) provide the voter with the opportunity to correct the ballot before the ballot is cast?**

**Yes, and no further actions are required.**

Section 101.5606(3), *Florida Statutes*, requires voting systems to immediately reject “a ballot where the number of votes for an office or measure exceeds the number which the voter is entitled to cast or where the tabulating equipment reads the ballot as a ballot with no votes cast.”

Section 101.5606(4), *Florida Statutes*, requires that systems using paper ballots accept a rejected ballot if the voter chooses to cast the ballot after it has been rejected, but the ballot will record no vote for any office that has been overvoted or undervoted.

Section 101.5608(2)(b), *Florida Statutes*, provides that “Any voter who spoils his or her ballot or makes an error may return the ballot to the election official and secure another ballot, except that in no case shall a voter be furnished more than three ballots. If the vote tabulation device has rejected the ballot, a ballot shall be considered spoiled and a new ballot shall be provided to the voter unless the voter chooses to cast the rejected ballot. The election official, without examining the original ballot, shall state the possible reasons for the rejection and shall provide instruction to the voter pursuant to s. 101.5611. A spoiled ballot shall be preserved, without examination, in an envelope provided for that purpose. The stub shall be removed from the ballot and placed in an envelope.”

Section 101.5611(1), *Florida Statutes*, requires that the “supervisor of elections shall provide instruction on the proper method of casting a ballot for the specific voting system utilized in that jurisdiction. Such instruction shall be provided at a place which voters must pass to reach the official voting booth.”

Florida Voting System Standards (April 2002) state that “the system must prevent the voter from over voting any race.” In addition, “there must be a clear, identifiable action, which the voter takes to ‘cast’ the ballot. The system must make clear to the voter how to take this action, such

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that the voter has minimal risk of taking the action accidentally, but when the voter intends to cast the ballot, the action can be easily performed.” (p. 21)

Florida Voting System Standards (April 2002) state that “Marksense systems shall reject blank ballots and ballots with overvoted races. Electronic voter interfaces shall prevent a voter from overvoting a race, and shall provide a means of indicating, to the voter, any races that may have been undervoted before the last step necessary to cast the ballot.” (p. 22)

**Section 301(a)(1)(B): Does Florida’s mail-in absentee and mail-in ballot process meet the requirements of subparagraph (A)(iii) by: (i) establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple ballots for an office; and (ii) providing the voter instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error)?**

**Yes, and no further actions are required.**

The Florida Legislature has amended Section 101.65, *Florida Statutes*, to require the instructions for absentee voters to include the following language:

*Mark only the number of candidates or issue choices for a race as indicated on the ballot. If you are allowed to “Vote for One” candidate and you vote for more than one candidate, your vote in that race will not be counted.*

In addition, Rule 1S-2.032, *Florida Administrative Code (F.A.C.)*, (Uniform and General Election Ballot Design) instructs all voters on how to correct their ballots and how to request a replacement ballot if the voter is unable to change or correct the original ballot.

Instructions on how to correct the error through issuance of a replacement ballot are:

*If you make a mistake, don’t hesitate to ask for a new ballot. If you erase or make other marks, your vote may not count.*

The HAVA Planning Committee also suggested that absentee voters should be given clear notification that the deadline for submitting absentee ballots is by 7:00 p.m. of election night and that mailing the ballot may not ensure that it will arrive in time to be counted.

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**Section 301(a)(1)(C): Does Florida's absentee and mail-in ballot process preserve the privacy of the voter and the confidentiality of the ballot?**

**Yes, and no further actions are required.**

Section 101.65, *Florida Statutes*, requires supervisors of elections to enclose with each absentee ballot a separate printed instruction form, a secrecy envelope, a Voter's Certificate and a mailing envelope. The instructions provide the following guidelines:

- Mark your ballot in secret as instructed on the ballot. You must mark your own ballot unless you are unable to do so because of blindness, disability, or inability to read or write.
- Place your ballot in the enclosed secrecy envelope.
- Insert your secrecy envelope into the enclosed mailing envelope which is addressed to the supervisor.

Section 101.68(2)(d), *Florida Statutes*, contains a detailed policy and procedure instructing the local canvassing boards in the manner of handling absentee ballots to ensure that the confidentiality of the ballot is maintained.

**Section 301(a)(2)(A): Do Florida voting systems produce a record for audits?**

**Section 301(a)(2)(B): Do the voting systems produce a permanent paper record with a manual audit capacity?**

**Section 301(a)(2)(C): Is the paper record produced in subparagraph (A) available as an official record for any recount conducted with respect to any election in which the system is used?**

**Yes, and no further actions are required.**

The HAVA Planning Committee determined through research conducted by staff, through testimony offered by Congressional staff, and through testimony given by staff from the Division of Elections that Florida complies with the HAVA audit requirement. Florida voting system standards require DRE machines to maintain a random sorted file of ballot images for every vote cast, and they also have to maintain detailed logs for each election from the time they are first programmed for an election until the results are copied to archival media. Certified voting systems in Florida are required to print out a paper tape of summary totals in each precinct. The paper record is produced to reconcile the consolidated totals for the county in the event of a recount.

Staff from the Division of Elections testified before the HAVA Planning Committee that Florida's State and local security measures make it highly unlikely any tampering could take place with the voting systems. In addition, staff also testified that Florida's certified voting

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systems are tested in public forums for logic and accuracy before the election. There are also thorough procedural and security controls in place at the local level to safeguard against someone tampering with the voting systems. The Division of Elections' staff cited Rule 1S-2.015(5)(m)3.a., *F. A. C.*, relating to minimum election security procedures which requires the "printing of precinct results and results from individual tabulating devices" for every election. In addition, the Florida Legislature has authorized the Department of State to promulgate rules which would require supervisors to check those paper totals against electronic totals during machine recounts. The following statutes and rules lay the groundwork for Florida's ability to comply with the audit requirements of HAVA:

Section 101.015(5)(a), *Florida Statutes*, requires the Department of State to adopt rules which establish standards for voting systems, including audit capabilities.

Section 101.5606(11 & 13), *Florida Statutes*, requires the Department of State to approve only voting systems that are capable of automatically producing precinct totals in printed, marked, or punched form or a combination thereof. The voting systems must be capable of providing records from which the operating system of the voting system may be audited.

Florida Voting System Standards (April 2002) provide general functional requirements of voting systems which "shall include the capability to produce records, generated by the system components, or in some cases, by the system operators from which all operations may be audited. Except for the storage of vote images, which shall be maintained in a random sequence, the records shall be created and maintained in the sequence in which the operations were performed." (pp. 16-17)

Florida Voting System Standards (April 2002) require precinct count systems to provide a means for obtaining a printed report of the votes counted on each voting device, and to provide a means for extracting this information to a transportable memory device or data storage medium. (p. 23)

Florida Voting System Standards (April 2002) require the generation of reports by the system to be performed in a manner which does not erase or destroy any ballot image, parameter, tabulation or audit log data. The system shall provide a means for assuring the maintenance of data integrity and security for a period of at least 22 months after the closing of the polls. (p. 24)

Section 102.166(5)(d), *Florida Statutes*, requires the Department of State to adopt detailed rules prescribing additional manual recount procedures for each certified voting system which shall be uniform to the extent practicable. The rules shall address, at a minimum, the following areas:

- Security of ballots during the recount process
- Time and place of recounts
- Public observance of recounts

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- Objections to ballot determinations
- Record of recount proceedings
- Procedures relating to candidate and petitioner representatives

**Section 301(a)(3)(A): Does Florida have certified voting systems 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?**

**Section 301(a)(3)(B): Does Florida meet the requirement in subparagraph (A) through the use of at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place?**

**Partially meets, and further actions are required.**

In 2001, the Secretary of State appointed a task force to conduct a comprehensive review of Florida's election laws and procedures. The task force recommended legislation to insure that Florida's voters with disabilities could fully exercise their right to a secret ballot, as guaranteed by Florida's Constitution. Many of the recommendations of the task force were passed by the Legislature and signed into law by Governor Bush in 2002 and are found in Chapter 2002-281, *Laws of Florida*. Several sections of the law, including sections setting forth specific standards that voting systems must meet, did not become effective immediately, however. They were made contingent on further appropriations by the Legislature, in expectation of the receipt of federal funding as now provided in HAVA.

HAVA requires that all voting systems be accessible to persons with disabilities by January 1, 2006, but does not specifically define what is required to accomplish this. HAVA's definition of what constitutes a voting system, however, found in Section 301(b), is comprehensive. Florida has already done the difficult and time consuming work of defining what makes a Florida voting system accessible for persons with disabilities and these standards are found in Chapter 2002-281, *Laws of Florida*. However, as noted above, many sections are not currently in effect. Some slight additional changes to Florida law will need to be made to include provisional ballots, which HAVA requires to be accessible, within Florida's accessibility requirements.

Not only has Florida already enacted much of the required accessibility reforms required by HAVA, but the intent of the Legislature to comply fully with Federal requirements is clearly set out in statute. Section 101.56063, *Florida Statutes*, provides that:

It is the intent of the Legislature that this state be eligible for any funds that are available from the Federal Government to assist states in providing or improving accessibility of voting systems and polling places for persons having a disability. Accordingly, all state laws, rules, standards, and codes governing voting systems and polling place accessibility must be maintained to ensure the state's eligibility to receive federal funds. It is the intent

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of the Legislature that all state requirements meet or exceed the minimum federal requirements for voting systems and polling place accessibility.

In addition to the above, Florida must take steps now in the certification and system procurement processes to insure that it is able to meet the HAVA requirements in time. HAVA requires that voting systems themselves, not just Florida law, must meet the accessibility requirements by January 1, 2006. The HAVA Planning Committee heard testimony from Division of Elections' staff who cautioned that Florida cannot compel any voting systems vendor to bring equipment to the State for certification. Staff testimony further noted that the lack of available certifiable equipment has been a significant problem in the past that continues to the present. With the proper incentives for vendors and tools for counties to require compliance with accessibility standards, Florida will be able to comply with HAVA requirements by January 1, 2006.

Accordingly, the HAVA Planning Committee recommends that the Division, beginning immediately, require that all new certified voting systems comply with the requirements of Section 101.56062, *Florida Statutes*. Further, any purchase of a voting system by a governmental entity after July 1, 2004 should be required to include a contract for future upgrades and sufficient equipment to meet the requirements of Section 101.56062 and Section 101.5606, *Florida Statutes*. Finally, all voting systems in use as of January 1, 2006, should be required to be both certified to meet, and be deployed in a configuration that meets, the requirements of Section 101.56062 and Section 101.5606, *Florida Statutes*.

The Florida Legislature during the 2004 Session triggered the accessibility standards found in Chapter 2002-281 by making HAVA funds available to counties through the Department of State. The language is as follows:

From the funds in Specific Appropriation 2871I, \$11,600,000 shall be distributed by the Department of State to county supervisors of elections for the purchase of Direct Recording Equipment (DRE) or other state approved equipment that meets the standards for disability requirements which is accessible to persons with disabilities to ensure that each county has one accessible voting system for each polling place.

The funds are to be distributed according to the number of machines that are accessible for persons with disabilities that are needed in order for each county to have one per polling place. No supervisor of elections shall receive any funds until the county supervisor of elections certifies to the Department of State: 1) the number of precincts in the county; 2) the number of polling places in the county; 3) the number of voting machines the county has that meet the disability requirement; 4) the county's plan for purchasing the DRE's; and 5) the date that the county anticipates being in compliance. The Department of State will determine the number of DRE's needed in each county based on the certifications provided by the supervisors of elections. Any county that receives funds from Specific Appropriation 2871I that is not in compliance with the accessibility requirements in Section 301(a)(3) Title III of the Help America Vote Act by January 1, 2006, shall be required to return those funds to the State.

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The HAVA Planning Committee encourages the Legislature to continue to support accessible voting for persons with disabilities by mandating that provisional ballots for voters with disabilities shall be provided to them by a system that meets the requirements of Section 101.56062, *Florida Statutes*, by January 1, 2006.

The HAVA Planning Committee encourages the Legislature to continue to support accessible voting for persons with disabilities by enacting a HAVA Implementation Bill which immediately requires:

A. All electronic and electromechanical voting systems certified by the State must meet the requirements of Section 101.56062, *Florida Statutes*, (except subsection (1)(d), which is exempted in the statute);

B. Any purchase of a voting system by any county, municipality or by the State must include a contract for future upgrades and sufficient equipment to meet the requirements of Section 101.56062 and Section 101.5606, *Florida Statutes*; and

C. All electronic and electromechanical voting systems in use on or after January 1, 2006 must be certified to meet and be deployed in a configuration which meets the requirements of Section 101.56062 and Section 101.5606, *Florida Statutes*.

The HAVA Planning Committee also discussed polling place accessibility even though this topic is not required to be addressed in the HAVA plan. It was noted that the State of Florida has taken the initiative to contract with the Disability Relations Group to help it comply with HAVA. In addition, the Division of Elections has applied for polling place accessibility funding with the U.S. Department of Health and Human Services. The Division of Elections has been awarded two grants in the amount of \$687,278 and of \$492,941.

Several members of the HAVA Planning Committee also noted there is a sense of urgency to bring polling places into compliance. One Committee member referred to a recent United States Supreme Court decision that requires government to comply with the Americans With Disabilities Act. The HAVA Planning Committee recommended that the State of Florida address the polling place issue quickly by asking the Governor to provide emergency funding to bring polling places into ADA compliance.

**Section 301(a)(3)(C): Will Florida purchase voting systems with funds made available under Title II on or after January 1, 2007, that meet the voting system standards for disability access (as outlined in this paragraph)?**

**Yes, and no further actions are required.**

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Element 1. Use of Title III Requirements Payments:  
B. Provisional Voting and Voting Information

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

**Section 302(a) Provisional Voting Requirements**

The Help America Vote Act of 2002 (HAVA) requirements for provisional voting state that if an individual declares that he or she is a registered voter in the jurisdiction in which they are attempting to vote but their name does not appear on the official list of eligible voters, they are to be permitted to cast a provisional ballot.

**Section 302(a)(1) Do Florida's election laws require election officials at the polling place to notify individuals that they may cast a provisional ballot?**

**Yes, and no further actions are required.**

Section 101.031(2), *Florida Statutes*, states that the supervisor of elections in each county shall have posted at each polling place in the county the Voter's Bill of Rights and Responsibilities. Included in the Voter's Bill of Rights is the right of each registered voter to cast a provisional ballot, if his or her registration is in question.

The Division of Elections' Polling Place Procedures Manual instructs poll workers to read informational signs that appear in print on the walls of the polling place and to offer magnifying sheets for visually impaired voters.

In addition, modifications to Section 101.043(3), *Florida Statutes*, were included in Chapter 2003-415, *Laws of Florida*, which was effective January 1, 2004. This change provided that certain first-time voters would be allowed to vote a provisional ballot.

**Section 302(a)(2) Do Florida's election laws state that any person attempting to vote whose name does not appear on the official list of eligible voters be permitted to cast a provisional ballot at the polling place upon the execution of a written affirmation by the individual that they are: (A) a registered voter in the jurisdiction in which the individual desires to vote; and (B) eligible to vote in that election.**

**Yes, and no further actions are required.**

Section 101.048(1), *Florida Statutes*, states that any voter claiming to be properly registered and eligible to vote, but whose eligibility cannot be determined, will be given a provisional ballot. A Provisional Ballot Voter's Certificate and Affirmation must be completed by the individual casting a provisional ballot indicating that they are registered to vote and are a qualified voter of



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the county in which they are attempting to vote, and that they have not previously voted in the election.

In addition, according to Section 101.048(2), *Florida Statute*, if it is determined that the person voting the provisional ballot was not registered or entitled to vote at the precinct where the person cast a vote in the election, the provisional ballot shall not be counted and the ballot shall remain in the envelope containing the Provisional Ballot Voter's Certificate and Affirmation and the envelope shall be marked "Rejected as Illegal."

Currently, in Florida, in order for provisional ballots to count they must be cast in the precinct in which the voter is registered. This means that votes for President, U.S. Senate or other statewide officials such as Governor and Attorney General, would not be counted if a voter cast a provisional ballot at a wrong precinct.

Under HAVA, Section 302 requires: If an individual states that [s/he] is a registered voter in the jurisdiction in which the individual desires to vote and that the individual is eligible to vote in an election for Federal office, but the name of the individual does not appear on the official list of eligible voters for the polling place...such individual shall be permitted to cast a provisional ballot...

(2) The individual shall be permitted to cast a provisional ballot at that polling place upon the execution of a written affirmation ...stating that the individual is—

- (A) a registered voter in the jurisdiction in which the individual desired to vote;
- and
- (B) eligible to vote in that election.

HAVA does not define jurisdiction, but the National Voter Rights Act (NVRA) defines jurisdiction for federal purposes as the largest geographic area governed by a unit of government (municipality or larger) that performs all the functions of a voting registrar. The HAVA Planning Committee concludes that the provisional ballot set forth in HAVA reinforces protections that the NVRA affords voters who move within the registrar's jurisdiction without updating their registration information, the ability to vote. The HAVA Planning Committee would like to offer Florida voters this same certainty and recommends to the Florida Legislature that the meaning of the term "jurisdiction" in Florida Statutes be changed from "precinct" to "county."

**Section 302(a)(3) Do Florida's election laws require a completed provisional ballot be given to an appropriate State or local election official to determine whether the individual is eligible under State law to vote?**

**Yes, and no further actions are required.**

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Section 101.048(1), *Florida Statutes*, states that all provisional ballots are placed in a secrecy envelope and then sealed in a provisional ballot envelope. All provisional ballots shall remain sealed in their envelopes for return to the supervisor of elections.

Section 101.048(2)(a), *Florida Statutes*, states the county canvassing board shall examine each provisional ballot envelope to determine if the person voting that ballot was entitled to vote at the precinct where the person cast a vote in the election and that the person had not already cast a ballot in the election.

**Section 302(a)(4) Is the provisional ballot counted if the appropriate State or local election official determines the individual is eligible under State law to vote?**

**Yes, and no further actions are required.**

Section 101.048(2)(b)1, *Florida Statutes*, states that if it is determined that the person was registered and entitled to vote at the precinct where the person cast a ballot, the canvassing board will compare the signature on the provisional ballot envelope with the signature on the voter's registration record and, if it matches, will count the ballot.

**Section 302(a)(5)(A) Are the individuals who cast a provisional ballot given written information that states that any individual who casts a provisional ballot will be able to ascertain whether the vote was counted and, if not, the reason that the vote was not counted?**

**Yes, and no further actions are required.**

Section 101.048(5)(6), *Florida Statutes*, provides that each person casting a provisional ballot shall be given written instructions and information on how to determine whether their vote was counted.

**Section 302(a)(5)(B) Has the appropriate State or local election official established a free access system to provide this information to individuals casting provisional ballots?**

**Yes, and no further actions are required.**

Section 101.048(5)(6), *Florida Statutes*, requires each supervisor of elections to establish a free access system that allows each person who casts a provisional ballot to determine whether his or her provisional ballot was counted in the final canvass of votes and, if not, the reasons why.

Section 101.048, *Florida Statutes*, states:

(5) Each person casting a provisional ballot shall be given written instructions regarding the free access system established pursuant to subsection (6). The instructions shall contain information

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on how to access the system and the information the voter will need to provide to obtain information on his or her particular ballot. The instructions shall also include the following statement: "If this is a primary election, you should contact the supervisor of elections' office immediately to confirm that you are registered and can vote in the general election."

(6) Each supervisor of elections shall establish a free access system that allows each person who casts a provisional ballot to determine whether his or her provisional ballot was counted in the final canvass of votes and, if not, the reasons why. Information regarding provisional ballots shall be available no later than 30 days following the election. The system established must restrict information regarding an individual ballot to the person who cast the ballot.

It is recommended that each county, as a minimum, provide to voters who cast provisional ballots written notification by mail informing them of whether their ballot was counted and, if not, why it was not counted. Supervisors of elections are also strongly encouraged to develop a toll-free number or access to this information via the Internet.

Each supervisor of elections has established the free access system for their county.

**Section 302(a)(5)(B) Has the appropriate State or local official established procedures to protect the security, confidentiality and integrity of the personal information collected and stored by the free access system, restricting access to the individual who cast the ballot?**

**Yes, and no further actions are required.**

Section 101.048, *Florida Statutes*, requires the free access system established by the supervisors of elections to restrict access to information regarding an individual ballot to the person who cast the ballot.

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

HAVA requirements for voting information state that the appropriate State or local election official shall cause voting information to be publicly posted at each polling place on the day of each election for Federal office.

**Section 302(b)(2)(A) Is a sample version of the ballot that will be used for that election posted?**

**Yes, and no further actions are required.**

Section 101.20, *Florida Statutes*, states that two sample ballots shall be furnished to each polling place by the officer whose duty it is to provide official ballots. The sample ballots shall be in the form of the official ballot as it will appear at the polling place on election day. Sample ballots shall be open to inspection by all electors in any election.

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**Section 302(b)(2)(B) Is information regarding the date of the election and the hours during which polling places will be open posted on election day?**

**Yes, and no further actions are required.**

Information such as the hours of operation of polling places and the date of the election are provided on instructional cards and sample ballots. Section 101.031, *Florida Statutes*, requires the Department of State, or in case of municipal elections the governing body of the municipality, to print, in large type on cards, instructions for the electors to use in voting. Each supervisor of elections shall send a sufficient number of these cards to the precincts prior to an election. The election inspectors shall display the cards in the polling places as information for electors. The cards shall contain information about how to vote and such other information as the Department of State may deem necessary.

Currently, all cards that are posted in polling places include the hours the polls will be opened.

Section 101.20(1), *Florida Statutes*, states that two sample ballots shall be furnished to each polling place by the officer whose duty it is to provide official ballots. Sample ballots shall be open to inspection by all electors in any election, and a sufficient number of reduced-size ballots may be furnished to election officials so that one may be given to any elector desiring same.

Currently, all sample ballots posted in polling places include the date of the election.

**Section 302(b)(2)(C) Are instructions on how to vote, including how to cast a vote and how to cast a provisional ballot posted on election day?**

**Yes, and no further actions are required.**

Section 101.031, *Florida Statutes*, states the Department of State, or in case of municipal elections the governing body of the municipality, shall print, in large type on cards, instructions for the electors to use in voting. It shall provide not less than two cards for each voting precinct for each election and furnish such cards to each supervisor upon requisition. Each supervisor of elections shall send a sufficient number of these cards to the precincts prior to an election. The election inspectors shall display the cards in the polling places as information for electors. The cards shall contain information about how to vote and such other information as the Department of State may deem necessary.

In addition, Section 101.5611, *Florida Statutes*, states the supervisor of elections shall provide instruction at each polling place regarding the manner of voting with the system. The supervisor of elections shall provide instruction on the proper method of casting a ballot for the specific voting system utilized in that jurisdiction.



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During the 2002 legislative session, Senate Bill 1350 was passed amending Section 97.026, *Florida Statutes*, and stated that all forms required to be used in chapters 97 through 106 shall be made available upon request, in alternative formats. Although this statute is not in effect during the development of this Plan, the Department produces forms in alternative formats upon request.

The Division of Elections has updated and reprinted the posters that provide instructions to voters which will be displayed at each polling place on election day. These posters have been distributed to all 67 counties. The posters have been updated to inform voters when they would need to vote a provisional ballot as well as providing instructions on how to cast a provisional ballot. A copy of each version of the poster (touch screen and optical scan) in English and Spanish is included in Appendices A-D. In Miami-Dade and Broward counties, the posters are printed in English, Spanish and Creole.

Included in the new instructions: *If you need instructions on how to use the voting equipment ask a poll worker to assist you. After you have been given instructions, the officer assisting you will leave so that you can cast your vote in secret.*

For touch screen systems: *When you are finished voting your ballot, be sure to press the VOTE or CAST BALLOT button to cast your vote.*

For optical scan systems: *When you are finished marking you ballot, take your ballot and put it into the precinct tabulator.*

*If your eligibility is questioned or you are a first-time voter who registered by mail and do not have a photo ID, you will be allowed to vote a provisional ballot. Once you have marked this paper ballot, place it in the envelope provided to you and fill out the Voter's Certificate on the back of the envelope. Your ballot will be presented to the County Canvassing Board for a determination as to whether your ballot will be counted.*

**Section 302(b)(2)(D) Are instructions for mail-in registrants and first-time voters under section 303(b) posted on election day?**

**Yes, and no further actions are required.**

Under Section 101.031(1), *Florida Statutes*, the Department of State is required to print, in large type on cards, instructions for the electors to use in voting. The election inspectors shall display the cards in the polling places as information for electors. The cards shall contain information about how to vote and such other information as the Department of State may deem necessary. The cards must also include the list of rights and responsibilities afforded to Florida voters.

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The Division of Elections has updated and reprinted the posters that provide instructions to voters and are displayed at each polling place on election day. These posters have been distributed to all 67 counties. The posters have been updated to include instructions for mail-in registrants and first-time voters. A copy of each version of the poster (touch screen and optical scan) in English and Spanish is included as Appendices A-D. In Miami-Dade and Broward counties, the posters are printed in English, Spanish and Creole.

The new instructions state: *If you are a first-time voter who registered by mail and have not already provided identification to the supervisor of elections, you must provide a photo ID with signature. If you do not have the proper ID, you are allowed to vote a provisional ballot.*

**Section 302(b)(2)(E) Is general information on voting rights, including information on the right of an individual to cast a provisional ballot posted on election day?**

**Yes, and no further actions are required.**

Section 101.031(2), *Florida Statutes*, requires the supervisor of elections in each county to have posted at each polling place the Voter's Bill of Rights and Responsibilities. The Voter's Bill of Rights states that each registered voter in this State has the right to:

1. Vote and have his or her vote accurately counted.
2. Cast a vote if he or she is in line at the official closing of the polls in that county.
3. Ask for and receive assistance in voting.
4. Receive up to two replacement ballots if he or she makes a mistake prior to the ballot being cast.
5. An explanation if his or her registration is in question.
6. If his or her registration is in question, cast a provisional ballot.
7. Prove his or her identity by signing an affidavit if election officials doubt the voter's identity.
8. Written instructions to use when voting, and, upon request, oral instructions in voting from elections officers.
9. Vote free from coercion or intimidation by elections officers or any other person.
10. Vote on a voting system that is in working condition and that will allow votes to be accurately cast.

**Section 302(b)(2)(E) Is contact information posted for voters who allege their rights have been violated?**

**Yes, and no further actions are required.**

Under Section 101.031(1), *Florida Statutes*, the Department of State is required to print, in large type on cards, instructions for the electors to use in voting. The election inspectors shall display the cards in the polling places as information for electors. The cards shall contain information

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about how to vote and such other information as the Department of State may deem necessary. The cards must also include the list of rights and responsibilities afforded to Florida voters.

The Division of Elections has updated and reprinted the Voter's Bill of Rights posters that provide voters with a list of their rights as registered voters. These posters are displayed at each polling place on election day and have been distributed to all 67 counties. The posters have been updated to provide voters with contact information if they believe their voting rights have been violated. A copy of the poster in English and Spanish is included as Appendices E and F. In Miami-Dade and Broward counties, the posters are printed in English, Spanish and Creole.

The specific instruction states: *You may have other voting rights under state and federal laws. If you believe your voting rights have been violated, please contact Florida Department of State, Division of Elections, 1-877-868-3737.*

In the next reprint of these posters, the Division of Elections will modify the instructions to indicate that the number to call (1-877-868-3737) is a toll-free number.

**Section 302(b)(2)(F) Is information on laws regarding prohibitions on acts of fraud and misrepresentation posted?**

**Yes, and no further actions are required.**

Section 101.5611(2), *Florida Statutes*, requires the supervisor of elections to have posted at each polling place a notice that reads: "A person who commits or attempts to commit any fraud in connection with voting, votes a fraudulent ballot, or votes more than once in an election can be convicted of a felony of the third degree and fined up to \$5,000 and/or imprisoned for up to 5 years."

**Section 302(c) Are individuals who vote in an election as a result of a court order or any other order extending the time established for closing the polls by a State law required to cast a provisional ballot? This provisional ballot must be separated and held apart from other provisional ballots cast by those not affected by the order.**

**Yes, and no further actions are required.**

Section 101.049, *Florida Statutes*, permits, under special circumstances, any person voting in an election after the regular poll-closing time pursuant to a court or other order extending the statutory polling hours to vote a provisional ballot. Once voted, the provisional ballot shall be placed in a secrecy envelope and sealed in a provisional ballot envelope. All such provisional ballots will remain sealed and transmitted to the supervisor of elections separate and apart from all other ballots. The supervisor shall ensure that late-voted provisional ballots are not commingled with other ballots.

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**Section 302(d) The effective date for complying with the Provisional Voting and Voting Information requirements is on and after January 1, 2004.**

The Provisional Voting and Voting Information Requirements was completed as required by HAVA on January 1, 2004.

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## Element 1. Use of Title III Requirements Payments: C. Voter Registration

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

### **Introduction**

The Help America Vote Act of 2002 (HAVA) establishes minimum requirements for a single, centralized, computerized statewide voter registration list and for mail registration as a part of establishing and maintaining such a list.

The effective and efficient administration of elections depends in a major way on the completeness and accuracy of voter registration lists that can be checked quickly and reliably by election workers. Section 303(a) of HAVA establishes minimum requirements for a “single, uniform, official, centralized, interactive, computerized, statewide voter registration list which shall be the single system for storing and managing the list of registered voters throughout the state for the conduct of all federal elections.”

Because many voters register by mail instead of in person, the procedures used for mail registration are an important component of establishing and maintaining a complete and accurate statewide voter registration list. Section 303(b) of HAVA requires that a state’s mail voter registration system be administered in a “uniform and nondiscriminatory manner” and establishes minimum requirements for such a system.

Until recently, Florida’s voters have relied primarily on voter registration lists established and maintained by independent supervisors of elections in each of Florida’s 67 counties.<sup>1</sup> These lists are governed by Florida law that specifies qualifications to register or vote, a registration oath, a uniform statewide voter registration application form, acceptance of applications by supervisors of elections, closing of registration books, late registration, declinations to register, special registration for electors requiring assistance, registration identification card, disposition of applications and procedures for cancellation, notices of changes of address, and operation of registration offices. See Sections 97.032 through 97.055, 97.0585 through 97.105, 98.015 through 98.095, and 98.101 through 98.491, *Florida Statutes*.

Additional requirements for establishing and maintaining voter registration lists were enacted in the Federal Voting Rights Act of 1965 and the National Voter Registration Act of 1993 (“Motor Voter Law”). Sections 97.057 through 97.0583, *Florida Statutes*, and other provisions of Florida

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<sup>1</sup> A permanent single voter registration system for each Florida county, used for all public elections in that county, improved on practices in early Florida history of requiring separate registrations for municipal elections and new registrations for each new election. See Section 97.105, *Florida Statutes*.



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law implemented those Federal laws in the State by providing for registration of voters by the Department of Highway Safety and Motor Vehicles, voter registration agencies,<sup>2</sup> and qualifying educational institutions.

In 1997, the Florida Legislature established a "central voter file" in the Division of Elections that contained voter registration information from all counties. Section 98.097, *Florida Statutes*.

Following the 2000 General Election, the Florida Legislature enacted the Florida Election Reform Act of 2001 that took additional steps to require complete and accurate voter registration lists in the counties and to establish a statewide voter registration database. Sections 98.0977 through 98.0979, *Florida Statutes*, authorized the Department of State to "...analyze, design, develop, operate, and maintain a statewide, on-line voter registration database and associated website, to be fully operational statewide by June 1, 2002. The database shall contain voter registration information from each of the 67 supervisors of elections in this state and shall be accessible through an Internet website. The system shall provide functionality for ensuring that the database is updated on a daily basis to determine if a registered voter is ineligible to vote for any of the following reasons, including, but not limited to:

- (a) The voter is deceased;
- (b) The voter has been convicted of a felony and has not had his or her civil rights restored; or
- (c) The voter has been adjudicated mentally incompetent and his or her mental capacity with respect to voting has not been restored.

The database shall also allow for duplicate voter registrations to be identified."

This statewide database was established in time for use in the 2002 General Elections. Requirements for pre-clearance by the U.S. Department of Justice (DOJ) and negotiations for settlement of a lawsuit by the NAACP delayed use of parts of the database concerning eligibility of voters identified as potentially ineligible because of a felony conviction or adjudication of mental incapacity. With the receipt of DOJ clearance and settlement of the lawsuit now accomplished, the Division of Elections has begun running matches.

<sup>2</sup> A "voter registration agency" is defined by Section 97.012(37), *Florida Statutes*, as "...any office that provides public assistance, any office that serves persons with disabilities, any center for independent living, or any public library."





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## Section 303(a) Computerized Statewide Voter Registration List Requirements

**Section 303(a)(1)(A)(i)-(vii) and 303(a)(2): Does Florida's existing statewide database meet requirements for implementing and maintaining a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level that contains the name and registration information of every legally registered voter in the State and assigns a unique identifier to each legally registered voter in the State and includes information specified in HAVA?**

**No, and further actions are required.**

Florida has made great strides in recent years in establishing a centralized, computerized statewide voter registration database but that database does not meet the requirements of HAVA Section 303(a)(1)(A) for a **single** statewide voter registration list "...defined, maintained, and administered at the State level...[with] a unique identifier [assigned] to each legally registered voter in the State..." which serves, under HAVA Section 303(a)(1)(A)(vii), as "...the official voter registration list for the conduct of all elections for Federal office in the State." HAVA Section 303(a)(1)(A)(i) further defines this requirement by specifying that "The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the State." HAVA Section 303(a)(1)(A) also specifies that the chief State election official (in Florida the Secretary of State) shall implement and maintain the single statewide voter registration list.

Florida currently has 67 official voter registration lists, one established and maintained in each county, that are compiled into the statewide voter registration database required by the Florida Election Reform Act of 2001. The 67 county-based lists, not the statewide database, are the official voter registration lists for voters in Florida. The statewide database is intended primarily to assist supervisors of elections to determine if voters are ineligible to vote (deceased, convicted felons who have not had civil rights restored, or adjudicated as mentally incompetent). It also is intended to identify those voters who are listed more than once. It is not intended to serve as "...the single system for storing and managing the official list of registered voters throughout the State..." as required by HAVA. Information in the statewide database is made available to county supervisors of elections who are responsible for making final determinations of a voter's eligibility and for updating voter registration records.

HAVA's requirement for a single computerized statewide voter registration list cannot be fulfilled quickly. In addition to designing and implementing such a single system that is interactive and assigns unique identifiers to each voter, HAVA requires the system to have adequate technological security measures [HAVA Section 303(a)(3)], meet minimum standards of accuracy and currency [HAVA Section 303(a)(4)], provide for verification with other information such as driver's license numbers and Social Security numbers [HAVA Section 303(a)(5)], and meet other standards. Meeting these requirements and standards will take time, expertise and money.

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The Legislature appropriated \$1.6 million and nine staff positions to create a master design, including a business plan and budget, for a single statewide voter registration system by January 2004. This design permitted the 2004 Legislature to take action to authorize the implementation of a new single computerized statewide voter registration list in time for the 2006 elections. The State of Florida was granted a waiver under HAVA to have a single statewide voter registration system in place by January 1, 2006, instead of the existing deadline of January 1, 2004. (The requirement for a waiver is discussed subsequently.)

Chapter 2003-415, *Laws of Florida*, authorizes the State to request the Federal Election Assistance Commission to grant a waiver from the January 1, 2004, HAVA deadline. The 2003 Appropriations bill authorizes the funding and staffing positions requested by the Division of Elections.

The Division of Elections has been meeting with representatives of the Florida State Association of Supervisors of Elections, the Department of Highway Safety and Motor Vehicles, the Department of Law Enforcement, the Board of Executive Clemency, the State Technology Office and health officials to begin to find ways to coordinate databases maintained by those agencies as part of the single centralized statewide voter registration list. Because HAVA Sections 303(a)(5)(A)(i)(I) and (II) require an applicant for voter registration to provide either a current and valid driver's license number or supply the last four digits of the applicant's Social Security number, HAVA Sections 303(a)(5)(B)(i)-(ii) require that the State enter into agreements to share such information with the Department of Highway Safety and Motor Vehicles and with the Social Security Administration.

HAVA's requirements are minimum requirements. Florida may establish technology and administrative requirements that are stricter than the Federal requirements as long as they are not inconsistent with HAVA's requirements and other laws, such as the Motor Voter Act, or in conflict with the privacy provisions of the Florida Constitution. See HAVA Section 304.

## **Florida Voter Registration System - Proposed System Design and Requirements**

### **Strategy to Develop and Implement**

The Florida Legislature has directed the Department of State to begin development of a statewide voter registration system that meets the requirements of HAVA. Accordingly, the 2003 Legislature provided \$1.6 million to begin implementation of the system. Funds include \$1 million for the Needs Assessment Phase along with nine positions to support design, development and implementation of the HAVA requirements. Of the nine positions, five reside in the Department of State and two each in the Department of Highway Safety and Motor Vehicles and the Florida Department of Law Enforcement.

The Division of Elections has been tasked with the responsibility to develop specifications for design and implementation of the Florida Voter Registration System (FVRS). The Division of

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Elections has allocated one of the five HAVA-funded positions for a project manager tasked with the responsibility to direct and coordinate development of a comprehensive set of functional requirements, design specifications and preparation of progress reports. The Business Owner of the FVRS is the Director of the Division of Elections and the Project Sponsor is the Florida Secretary of State. The Project Director, Project Executive and Project Administrator are all Division of Elections staff.

The project team has taken every effort to identify alternative approaches to development of the FVRS and assess the relative merits of each approach. Visits to, and interviews with, other states with centralized voter registration have provided insight into the technical, administrative and political systems necessary for successful implementation. Interviews with election officials in other states that are in more advanced stages of meeting HAVA requirements have contributed much to identify the best practices approach.

The project team has also relied heavily on input from the supervisors of elections, their staff and vendors of voter registration systems currently in use throughout the State. A committee drawn from the 67 supervisors of elections was appointed to work with the project team. Additionally, a series of technical workgroups was established to identify issues and assess alternatives in a number of specific areas including:

- maintenance of address systems;
- interfacing of local voter registration systems;
- document and contract management;
- petitions;
- polling place activities;
- security; and
- statutory and legal issues.

The table below provides a proposed project schedule.

<b>Estimated Start Date</b>	<b>Project Phase</b>
September 2003	Phase 1 - Planning & Design
March 2004	Phase 2 - Prototyping and Validation of Design
March 2005	Phase 3 - Iterative Business Function and Performance Testing
August 2005	Phase 4 - Training, Education and Final Statewide Implementation and Acceptance
January 2006	Implementation of Florida Voter Registration System
February 2006	Phase 5 - Final Documentation and Transition to Maintenance and Support
March 2006	Project Close

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### **Section 303(d) Deadlines for Computerized Statewide Voter Registration List**

**Section 303(d)(1)(A): Can Florida meet HAVA's requirement to have operational a computerized statewide voter registration list, as defined by HAVA, by January 1, 2004?**

**No, and further actions are required.**

The State practically could not meet the January 1, 2004 deadline. Substantial professional and technical work must be done to design and establish a computerized statewide voter registration list that meets HAVA's standards. Chapter 2003-415, *Laws of Florida*, authorizes the State to seek a waiver from the Federal Election Assistance Commission permitted under HAVA Section 303(d)(1)(B) from January 1, 2004, to January 1, 2006, if the State "...will not meet the deadline...for good cause and includes in the certification the reasons for the failure to meet such deadline...."

The Florida Division of Elections has filed with the Federal Election Assistance Commission the appropriate waiver seeking an extension for the development and implementation of the Computerized Statewide Voter Registration list from January 1, 2004 to January 1, 2006. A copy of this letter is included as Appendix G.

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

**Section 303(b)(1) through (4): Does Florida meet HAVA's identification requirements for a voter who registers by mail and has not previously voted in an election for Federal office in the State or registers by mail, has not previously voted in the jurisdiction and is in a State that does not have a computerized statewide voter list that meets HAVA's requirements?**

**Yes, and no further actions are required.**

HAVA requires persons who register by mail and have not voted in an election for federal office to provide identification prior to voting. If the State is able to match the voter's driver's license number or Social Security number against an existing State record bearing the same number, name and date of birth, further identification by the voter is not required.

HAVA Sections 303(b)(2)(i) through (ii) require that a first-time voter who votes in person may be identified by a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. A voter who votes by mail may include with the ballot a copy of a current and valid photo identification or a copy of the other documents listed for the voter who appears in person. An exception is made in HAVA Section 303(b)(3) for mail registrants who provide a copy of required identification at the time of registering, mail registrants whose driver's license number or last 4 digits of the Social Security number are matched with an existing State record, and for those who vote under the Uniformed and Overseas Citizens Absentee Voting Act, the

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Voting Accessibility for the Elderly and Handicapped Act, or under some other provision of Federal law (in which case the specific standards of those acts must be met).

Chapter 2003-415, *Laws of Florida*, amends the following sections of Florida law to conform to HAVA's mail registration and other voter registration requirements:

Section 97.052(3)(g), *Florida Statutes*, to require a statement with the uniform statewide voter registration form that informs the applicant that if the form is submitted by mail and the applicant is registering for the first time, the applicant will be required to provide identification prior to voting for the first time.

Section 97.053(5)(a), *Florida Statutes*, that permits the use of a valid Florida driver's license number or the identification number from a Florida identification card issued under Section 322.051, *Florida Statutes*, for purposes of voter registration.

Section 97.0535, *Florida Statutes*, that specifies at length the requirements for identification that a first-time voter can use and that complies with other HAVA requirements outlined previously.

Section 101.043, *Florida Statutes*, (a transfer and renumbering of Section 98.471, *Florida Statutes*) to permit a voter to submit to a poll worker at the time of voting a current and valid picture identification with a signature.

**Section 303(b)(4): Does Florida meet HAVA's requirement for language in the mail voter registration form under Section 6 of the National Voter Registration Act of 1993?**

**Yes, and no further actions are required.**

HAVA requires that mail voter registration forms under Section 6 the National Voter Registration Act shall include the following:

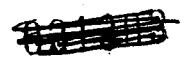
"(i) The question 'Are you a citizen of the United States of America?' and boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.

(ii) The question 'Will you be 18 years of age on or before election day?' and boxes for the applicant to check to indicate whether or not the applicant will be 18 years of age or older on election day.

(iii) The statement 'If you checked 'no' in response to either of these questions, do not complete this form.'

(iv) A statement informing the individual that if the form is submitted by mail and the individual is registering for the first time, the appropriate information required under this section must be submitted with the mail-in registration form in order to avoid the additional identification requirements upon voting for the first time."

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Section 97.052(2)(b) and (r), *Florida Statutes*, requires that the uniform statewide voter registration form must be designed to elicit information from the applicant about the applicant's date of birth and whether the applicant is a citizen of the United States. The form itself, available on the Division of Elections' website at <http://election.dos.state.fl.us>, asks for date of birth and asks "Are you a U.S. citizen?" It does not use the specific language required by HAVA.

Chapter 2003-415, *Laws of Florida*, amends Section 97.052, *Florida Statutes*, by adding subsection (g) that requires language about the need for appropriate identification for first time mail applications. It does not require the specific HAVA language about age and citizenship.

The Division of Elections has reviewed this matter orally with Federal legislative and executive representatives and has concluded that the requirement applies only to Federal applications under Section 6 of the National Voter Registration Act. It believes that putting such language on State application forms will confuse voters and discourage first-time registrants. The age question, for instance, does not specify the exact election day to which it is referring and assumes that young voters may be applying to register for a specific election rather than pre-registering as 17 year-olds in order to vote in all elections after they reach the age of 18. The Division notes that the forms used by Florida already elicit the information required by asking for date of birth and citizenship. The forms do not discourage voters by telling them to stop with the application if they must answer "No" to either question. The Division is complying with the substance of HAVA if not with the exact form of the question.

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## Element 2. Local Government Payments and Activities

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

**(A) the criteria to be used to determine the eligibility of such units or entities for receiving the payment; and**

**(B) the methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under paragraph (8).**

### **Introduction**

The Florida Legislature has broad constitutional authority for appropriating federal and State funds annually through the appropriations bill which is eventually signed by the Governor into law. During the annual appropriations process, the Florida Legislature assesses the needs of the State and makes policy and budget decisions which impact every level of government including local government.

The funding of elections in Florida is primarily a local government responsibility since the constitutional authority for running elections rests with the local supervisor of elections. Funding authority for elections resides with the Boards of County Commissioners. Each of Florida's 67 Boards of County Commissioners receives a budget request from the supervisor of elections and then the Board makes policy and budget decisions based upon county priorities.

There has been one major exception to this election funding scenario. Following the controversial 2000 General Election, the Governor and the citizens of Florida asked the Legislature to enact broad election reforms which included providing State financial assistance to local governments. Over a two-year period, the Legislature provided over \$32 million in State funds to supplement local election budgets and to quicken the pace of election reform in Florida. Most of the State funds were appropriated to the Boards of County Commissioners using two different formulas for accomplishing distinct policy goals—to replace voting systems designated to be decertified and to enact comprehensive voter education programs in every county.

The funding formula used to upgrade voting systems had two important policy goals—to provide a minimum voting system standard of precinct-based optical scanning systems throughout Florida and to provide funding assistance to small counties with very small tax bases. The resulting formula achieved that policy goal and was as follows:



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- Small Counties (population 75,000 or below) received \$7,500/precinct
- Large Counties (population 75,001 and above) received \$3,750/precinct

The Legislature used a different formula to provide State funds for voter education and poll worker recruitment and training. This formula was based upon taking available State funds and distributing them on a per registered voter basis per county. The resulting formula was determined by taking approximately \$6,000,000 in available State funds and dividing it by the number of registered voters during the 2000 General Election and appropriating that money on a pro-rata basis to each county. The resulting appropriation provided \$5,949,375 to counties to fund comprehensive voter education programs and poll worker recruitment and training programs. The combined State and local efforts led to greater voter satisfaction during the 2002 General Election.

Pursuant to the appropriation, the Florida Legislature required each county supervisor of elections to submit a detailed description of the plans to be implemented and also a detailed report on the success of the voter education effort. These reports were sent to the Division of Elections and subsequently compiled by the Division into a report sent to the Governor and Florida Legislature.

While the State funds were widely valued, the counties still provided a majority of funding for election reform efforts. According to the 2002 Governor's Select Task Force on Election Procedures, Standards and Technology, a survey of 33 county governments revealed they spent nearly \$110 million toward new voting systems before the 2002 primary and general elections.

**If the Florida Legislature determines that it will provide funding for units of local governments and other entities, then how will the requirements payments be distributed and monitored, including—**

- A. A description of the criteria used to determine the eligibility of such units and entities for receiving payment.**
- B. A description of the methods to be used by Florida to monitor the performance of the units of entities to whom the payments is distributed, consistent with the performance goals and measures adopted under paragraph (8).**

The HAVA Planning Committee clearly recognizes its advisory role in election reform and acknowledges the authority of the Florida Legislature to make funding decisions for Florida. During HAVA Planning Committee discussions, members proposed several recommendations that would provide funding for units of local government. The recommended payments to local government are listed below:

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### **Replacement and Reimbursement for Punch Card And Lever Machines**

The HAVA Planning Committee recommended that the estimated \$11.74 million received pursuant to Section 102 of HAVA be distributed by the Florida Legislature to the State and to the counties on a pro-rated basis for their respective contributions to replace punch cards and lever machines during the 2001-2002 and 2002-2003 fiscal years.<sup>3</sup>

The Florida Legislature acted in 2003 to distribute Section 102 federal funds in the amount of \$11,581,377 to the State of Florida and not the counties. The \$11,581,377 reimbursement is almost one-half the amount the State of Florida invested to replace outdated voting machines between 2001 and 2003.

### **Accessible Voting Systems for Voters with Disabilities**

The HAVA Planning Committee recommended that HAVA funds should be distributed to counties during the 2004-2005 fiscal year to help them meet Section 301 Title III accessibility requirements by the January 1, 2006 deadline. The estimated amount to comply with this requirement is \$11.6 million and the funds would be distributed according to the number of machines accessible for persons with disabilities needed for each county to have one per polling place. The Division of Elections would have the responsibility for determining eligibility of counties receiving HAVA funds.

Secondly, if HAVA funds are available, the HAVA Planning Committee recommends that HAVA funds be distributed as a reimbursement on a pro-rated basis to local governments that purchased accessible voting systems and components during the 2001 and 2002 fiscal years.

The 2004 Legislature provided the following in the 2004 General Appropriations Act: From the funds in Specific Appropriation 2871I, \$11,600,000 shall be distributed by the Department of State to county supervisors of elections for the purchase of Direct Recording Equipment (DRE) or other state approved equipment that meets the standards for disability requirements which is accessible to persons with disabilities to ensure that each county has one accessible voting system for each polling place. The funds are to be distributed according to the number of machines that are accessible for persons with disabilities that are needed in order for each county to have one per polling place.

No supervisor of elections shall receive any funds until the county supervisor of elections certifies to the Department of State:

- 1) the number of precincts in the county;
- 2) the number of polling places in the county;
- 3) the number of voting machines the county has that meet the disability requirement;
- 4) the county's plan for purchasing the DRE's; and
- 5) the date that the county anticipates being in compliance.

<sup>3</sup> The 2003 General Appropriations Act passed by the Legislature required the Department of State to transfer all amounts eligible for reimbursement under Section 102 of HAVA to the State's Working Capital Fund.



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### **Statewide Voter Education Program**

For FY 2003-2004, \$2,976,755 was appropriated and available to each county for voter education programs. From funds in Specific Appropriation 2871I for FY 2004-2005, \$3,000,000 shall be distributed to county supervisors of elections for the following purposes relating to voter education: mailing or publishing sample ballots; conducting activities pursuant to the Standards for Nonpartisan Voter Education as provided in Rule 1S-2.033, F.A.C.; print, radio, or television advertising to voters; and other innovative voter education programs, as approved by the Department of State. No supervisor of elections shall receive any funds until the county supervisor of elections provides to the Department of State a detailed description of the voter-education programs, such as those described above, to be implemented. The HAVA Planning Committee also recommends that local governments receive \$3,000,000 for comprehensive voter education efforts in FY 2005-2006.

In FY 2003-2004, distribution was based on a funding level per individual voter multiplied by the number of registered voters in each county for the 2002 General Election. To determine the funding level per individual voter, the Division of Elections divided the total amount of funds appropriated in FY 2003-2004 by the total number of registered voters in the State of Florida for the 2002 General Election.

In FY 2004-2005, the Department shall distribute an amount to each eligible supervisor of elections equal to the funding level per voter multiplied by the number of registered voters in the county for the 2004 Presidential Preference Primary. The Department shall determine the funding level per voters in the state for the 2004 Presidential Preference Primary.

In order for a county supervisor of elections to be eligible to receive state funding for voter education, the county must certify to the Division of Elections that the county will provide matching funds for voter education in the amount equal to fifteen percent of the amount to be received from the state. Additionally, to be eligible, a county must segregate state voter education distributions and required county matching dollars in a separate account established to hold only such funds. Funds in this account must be used only for the activities for which the funds were received. Any funds remaining in the fund at the end of the fiscal year shall remain in the account to be used for the same purposes for subsequent years or until such funds are expended.

Through the 2005-2006 fiscal years, the HAVA Planning Committee recommends that local governments receive a total of \$9 million dollars (\$3 million each fiscal year) for comprehensive voter education efforts. HAVA funds for voter education should be distributed using a similar formula as used in 2003-2004. The Division of Elections should be responsible for determining eligibility of any county for the receipt of State or federal funds used in HAVA election reform activities.

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The Division of Elections will monitor the performance of the contract agreements entered into between the State and each county, in accordance with State procedures. Each county must meet the contractual requirements before payment is approved.

Standard auditing procedures for monitoring the use of federal funds will be used for the receipt and the distribution of HAVA funds. These standard procedures may include random program audits by the Department of State's Inspector General as well as an annual audit by the Florida Auditor General's office to ensure funds are being expended for the authorized purposes.

Payments to Other State Entities

Through the 2005-2006 fiscal years, the Division of Elections recommends that the Department of Highway Safety and Motor Vehicles and the Florida Department of Law Enforcement receive HAVA funding to assist in the development of the new statewide voter registration system. The Division of Elections will enter into a contractual agreement with these other state-level departments and monitor the contracts in accordance with standard auditing procedures for monitoring the use of federal funds.

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## Element 3. Voter Education, Election Official Education & Training, Poll Worker Training

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

### **Introduction**

A wide array of national and State task force reports have highlighted the need for a more informed electorate. To achieve this goal, voters, election officials, and poll workers must receive better information and training. Florida assigns the primary responsibility for these daunting tasks to the Department of State and the county supervisors of elections. Following election 2000, the Legislature has more clearly delineated the role of each in improving the education of voters, election officials, and poll workers.

The Florida Election Reform Act of 2001 set deadlines, included a wide array of topics to be addressed by State and county election officials, granted rule making authority to the Department of State, and established a procedure for measuring the effectiveness of the programs and making recommendations to the Governor and the State Legislature. Various acts passed during the 2002 legislative session broaden the scope of voter education responsibilities, more definitively spell out voter rights, and ensure that Florida's electoral system conforms to the Americans with Disabilities Act of 1990. Each of these changes has been communicated to election officials at all levels and to the public at-large.

The Election Reform Act of 2001 required all 67 county supervisors of elections to file voter education plans with the Division of Elections in the Department of State in order to qualify for State funds. (The Act appropriated nearly \$6 million for voter education in fiscal year 2001-2002 in addition to \$24 million for purchase of new voting equipment, fiscal years 2001-2003.) The Department of State, as directed by the Legislature, established minimum standards for nonpartisan voter education to be met by each county.

Legislation passed during the 2003 and 2004 sessions also required all 67 county supervisors of elections to file "a detailed description of the voter-education programs" in order to receive state funds in FY 2003-2004 and FY 2004-2005. The legislation spells out four broad categories of voter education for which these funds may be used: mailing or publishing sample ballots; conducting activities described in the Standards for Nonpartisan Voter Education provided in Rule 1S-2.0333, F.A.C.; for print, radio, or television advertising to voters; and for other innovative voter education programs, as approved by the Department of State. An analysis of the FY 2003-2004 county plans shows that most are using their funds for a variety of activities:

Sample Ballots	91%
Nonpartisan Voter Education	82%

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Media Advertising	72%
Innovative Programs Approved by DOS	73%

County voter education plans filed with the Division of Elections in the Secretary of State's office are filled with creative approaches. These outreach mechanisms are designed by the elections supervisors to:

- (1) Better inform their county's residents about registration and voting; and,
- (2) Reduce the levels of voter error and confusion that existed during the 2000 election cycle.

The approaches used by the 67 individual counties vary considerably, reflecting differences in their demographic and socioeconomic composition (e.g., population size, land area, rural-urban location, age, race/ethnicity, education), county funding levels, and media availability.

For example, small counties (under 100,000) are more likely than larger ones to use their FY 2003-2004 voter education funds for the basics--printing and mailing sample ballots, mailing voter guides, and notifying voters of changes in precinct locations. Larger counties (100,000+) are more likely than smaller ones to spend their funds on radio and television advertising, supervisor participation in media programs and events, targeting college students, voter registration workshops, demonstrating voting equipment, and innovative programs.

Significant changes to Florida's election laws and the advent of new voting equipment have made poll worker education a high priority—as recognized in the Florida Election Reform Act of 2001. Florida's counties have restructured their poll worker training programs. State law now requires supervisors of elections to cast their poll worker recruitment nets wider, as the number of poll workers needed escalates in a fast-growing state.

**Section 254(a)(3). How will the State of Florida provide for programs for voter education which will assist the State in meeting the requirements of Title III?**

The State of Florida has adopted extensive voter education requirements and funded county voter education programs (\$6,000,000 in 2001, \$2,976,755 for FY 2003-2004, and \$3,000,000 for FY 2004-2005). The HAVA Planning Committee recommends an additional \$3 million for FY 2005-2006.

**Joint Responsibilities of Department of State and County Supervisors of Elections**

Voter education in Florida is a joint responsibility of the Department of State and the 67 county supervisors of elections. Both levels of government play a role in designing, implementing, and evaluating voter education activities. Both must constantly react to election-related legislation passed by the Florida Legislature.

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Section 98.255(1), *Florida Statutes*, directed the Department of State to “adopt rules prescribing minimum standards for nonpartisan voter education” by March 1, 2002. The standards were to address (but were not limited to):

- (1) voter education;
- (2) balloting procedures for absentee and polling place;
- (3) voter rights and responsibilities;
- (4) distribution of sample ballots; and,
- (5) public service announcements.

In developing the rules, the Department was instructed to “review current voter education programs within each county of the state.” The Department of State adopted Rule 1S-2.033, *F.A.C.*, Standards for Nonpartisan Voter Education on May 30, 2002.

Section 98.255(2), *Florida Statutes*, requires each supervisor of elections to “implement the minimum voter education standards” and “to conduct additional nonpartisan education efforts as necessary to ensure that voters have a working knowledge of the voting process.”

#### **Minimum Nonpartisan Voter Education Standards**

The Department of State’s “Standards for Nonpartisan Voter Education,” Rule 1S-2.033, *F.A.C.*, requires the following voter education practices by county supervisors of elections:

#### Comprehensive Voter Guide: Contents

Department of State Rule 1S-2.033, *F.A.C.*, Standards for Nonpartisan Voter Education, requires supervisors of elections to create a Voter Guide which shall include: how to register to vote; where voter registration applications are available; how to register by mail; dates for upcoming elections; registration deadlines for the next primary and general election; how voters should update their voter registration information such as changes in name, address or party affiliation; information on how to obtain, vote and return an absentee ballot; voters’ rights and responsibilities pursuant to Section 101.031, *Florida Statutes*; polling information including what times the polls are open, what to bring to the polls, list of acceptable IDs, what to expect at the polls; instructions on the county’s particular voting system; supervisor contact information; and any other information the supervisor deems important.

#### Voter Guide: Extensive Distribution

Department of State Rule 1S-2.033(1)(b), *F.A.C.*, requires supervisors of elections to “provide the Voter Guide at as many places as possible within the county including: agencies designated as voter registration sites pursuant to the National Voter Registration Act; the supervisor’s office; public libraries; community centers; post offices; centers for independent living; county governmental offices; and at all registration drives conducted by the supervisor of elections.”

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Voter Guide, Sample Ballot, & Website Consistency Required

Department of State Rule 1S-2.033(2), *F.A.C.*, states that: "If a supervisor has a website, it must take into account all of the information that is required to be included in the Voter Guide. In addition, when a sample ballot is available, the website must provide either information on how to obtain a sample ballot or a direct hyperlink to a sample ballot."

Targeted Voter Education: High School Students

Florida's Department of State Rule 1S-2.033(3), *F.A.C.*, instructs the supervisors of elections to work with county school boards to develop voter education and registration programs for high school students. Specifically, the rule requires that "At least once a year in each public high school in the county, the supervisor shall conduct a high school voter registration/education program. The program must be developed in cooperation with the local school board and be designed for maximum effectiveness in reaching and educating high school students."

Targeted Voter Education: College Students

Florida's Department of State Rule 1S-2.033(4), *F.A.C.*, dictates that "At least once a year on each college campus in the county, the supervisor shall provide a college registration/education program. This program must be designed for maximum effectiveness in reaching and educating college students."

Targeted Voter Education: Senior Citizens and Minority Groups

Department of State Rule 1S-2.033(7), *F.A.C.*, requires supervisors of elections to "conduct demonstrations of the county's voting equipment in community centers, senior citizen residences, and to various community groups, including minority groups." Rule 1S-2.033(8), *F.A.C.*, specifically instructs the supervisors to use minority media outlets to provide more information to voters.

Targeted Voter Education: Individuals and Groups Sponsoring Voter Registration Drives

Department of State Rule 1S-2.033(6), *F.A.C.*, specifically instructs supervisors of elections to "provide, upon reasonable request and notice, voter registration workshops for individuals and organizations sponsoring voter registration drives." Section 98.015(9), *Florida Statutes*, states that "each supervisor must make training in the proper implementation of voter registration procedures available to any individual, group, center for independent living, or public library in the supervisor's county."

Posting of Educational Materials on Voter Rights and Responsibilities

Department of State Rule 1S-2.033(5), *F.A.C.*, requires supervisors of elections to "post the listing of the voters' rights and responsibilities pursuant to Section 101.031, *Florida Statutes*, at the supervisor's office." Section 101.031(2), *Florida Statutes*, spells out the specific format of the Voter's Bill of Rights and Responsibilities to be posted by the supervisor of elections at each polling place. The Department of State, or in the case of municipal elections, the governing body of the municipality, is required "to print, in large type on cards, instructions for electors to use in voting," including the list of rights and responsibilities and other information about how to

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vote deemed necessary by the Department of State—Section 101.031(1), *Florida Statutes*. At least two cards shall be provided to each precinct.

Educating Voters About Polling Place and Precinct Changes, Revised Voter Identification Cards  
Department of State Rule 1S-2.033, *F.A.C.*, mandates that supervisors of elections “shall provide notice of changes of polling places and precincts to all affected registered voters. This notice shall include publication in a newspaper of general circulation as well as posting the changes in at least ten conspicuous places in the county. If the supervisor has a website, the supervisor shall post the changes on the website. The supervisors shall also widely distribute a notice that if a voter does not receive a revised voter identification card within 20 days of the election the voter should contact a specific number at the supervisor’s office to obtain polling place information.”

Voter Education Through the Media

Department of State Rule 1S-2.033(8), *F.A.C.*, requires supervisors of elections to interface with the media to better inform the electorate. Supervisors are to “participate in available radio, television and print programs and interviews, in both general and minority media outlets, to provide voting information.”

Voter Education Includes But is Not Limited to Nonpartisan Voter Education

Beginning in 2003, the State Legislature has expanded its definition of voter education activities for which counties may receive state funds. There are now four broad categories of voter education for which counties may use state funds: mailing or publishing sample ballots; conducting activities described in the Standards for Nonpartisan Voter Education provided in Rule 1S-2.0333, *F.A.C.*; for print, radio, or television advertising to voters; and for other innovative voter education programs, as approved by the Department of State.

County supervisors of elections must constantly update information disseminated to the public, poll workers, and their own staff to conform to state legislative mandates and HAVA requirements. A number of counties have used their FY 2003-2004 state voter education funds to update materials available at the polling place as well as information (brochures, posters, signs, videos, PSAs) distributed throughout the county.

In line with HB 29B (Chapter 2003-415), educational materials must be updated to provide absentee voters with better instructions on how to mark a ballot and how to correct their ballots and how to request a replacement ballot if the voter is unable to change the original ballot. (This was necessary to meet Section 301(a)(1)(B) HAVA requirements.)

HB 29B (Chapter 2003-415) requires the Department of State and the county supervisors of elections to provide more information regarding voter registration procedures and absentee ballot procedures to absent uniformed services voters and overseas voters.

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HB 29B (Chapter 2003-415) requires county supervisors of elections to inform persons registering to vote by mail that if they are registering for the first time, they will be required to provide identification prior to voting the first time.

HB 29B (Chapter 2003-415) requires county supervisors of elections to give written instructions regarding the free access system that allows each person who casts a provisional ballot to determine whether his or her provisional ballot was counted in the final canvass of votes and, if not, the reasons why. This is consistent with Section 302(a)(5)(A)&(B) HAVA requirements.

HB 29B (Chapter 2003-415) makes county supervisors of elections responsible for providing up-to-date information to conform to HAVA voting information requirements—Section 302(b)(2)(A through F): sample ballots at polls; the election date; identification instructions for mail registrants who are first time voters; and information on who to contact if general voting rights under State and federal laws are violated.

Passage of Committee Substitute for Senate Bill No. 2566 (Chapter 2004-232) requires county supervisors of elections to revise the Voter's Certificate and instructions to those voting via an absentee ballot. Under the law, a person casting an absentee ballot is no longer required to have his/her signature witnessed.

Passage of Committee Substitute for Senate Bill Nos. 2346 and 516 (Chapter 2004-252) requires county supervisors of elections to revise Early Voting Voter Certificate information. Under the law, a person casting an Early Vote is no longer required to have his/her signature witnessed.

### **State Role: Disseminating Information to Voters and Election Officials**

#### **Voter Education through the Internet**

The Division of Elections' website (<http://election.dos.state.fl.us/>) offers extensive information regarding registration, elections (dates, district maps, results, Division reports, forms, publications, press releases, voter turnout, supervisor of elections' contact information), voter fraud, voting systems, laws/opinions/rules, candidates and committees, the initiative petition process, and other helpful government links. Prominently displayed on the Web Site home page is information on: the Voter Assistance Hotline Toll Free Number—for the general public and for people using Text Telephone (TTY); Direct Recording Equipment Voting Systems; the 2004 National Voter Registration Workshops to be held across the state to better inform public officials and the public about the National Voter Registration Act of 1993; a direct link to the Help America Vote Act and the HAVA Planning Committee's activities and recommendations; and the results of an Election Night Voter Report Card (Survey) on the Conduct of Election 2002.

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### Voter Education About Fraud

Section 97.012(12), *Florida Statutes*, requires the Secretary of State to "...provide election fraud education to the public."

### Voter Education Media Campaign: Get Out The Vote Foundation

In FY 2003-2004, the Division of Elections entered into a contract with the Get Out The Vote Foundation, Inc., in the amount of \$247,500. This is a non-profit organization of the Florida State Association of Supervisors of Elections (FSASE). The Foundation has hired two well-known communications firms (Ron Sachs Communications and CoreMessage, Inc.) to produce voter education materials for statewide distribution. The two firms will jointly produce a half-hour television news magazine-type program called "Before You Vote" designed to inform voters about new voting rules and procedures and new electronic voting machines. The program will be distributed to all TV stations and cable companies in Florida for broadcast at two time periods—before both the August primary election and the November general election. Prevention of errors on election day is the primary goal of the program. The bipartisan team will also produce eight 30-second TV public service announcements—four each in English and Spanish. These spots-- "Make Freedom Count"--are designed to encourage voters to vote early or by absentee ballot. An additional contract in the amount of \$24,750 was issued to the Get Out The Vote Foundation to create media kits full of facts and figures for all 67 county supervisors of elections to use as they interface with the media.

### **Procedures for Constant Analysis of Voter Education Effectiveness**

Section 98.255(3)(a), *Florida Statutes*, requires supervisors of elections to file a report by December 15 of each general election year with the Department of State. This report is "a detailed description of the voter education programs implemented and any other information that may be useful in evaluating the effectiveness of voter education efforts."

Section 98.255(3)(b), *Florida Statutes*, requires the Department of State to review the information submitted by the supervisors of elections and "prepare a public report on the effectiveness of voter education programs" and to "submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 31 of each year following a general election."

Further, Section 98.255(3)(c), *Florida Statutes*, instructs the Department of State to use "the findings in the report as a basis for adopting modified [voter education] rules that incorporate successful voter education programs and techniques as necessary."

This procedure was first used in the 2002 election cycle. The Division of Elections requested each supervisor of elections to list in detail the voter education programs conducted during the 2002 election cycle and the approximate cost of each program. The supervisors were asked to rank the effectiveness of each program on a scale of 1 to 5, with 5 being the highest possible rank. On January 31, 2003, the Florida Department of State, Division of Elections, submitted its "Report on Voter Education Programs During the 2002 Election Cycle Pursuant to Section

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98.255(3), *Florida Statutes*.” (The Report is posted on the Division of Elections Web Site.) The report concluded that “most supervisors ranked the county voter education programs as 4 or 5 in effectiveness in reaching the target community.” (There were ten broad categories of voter education programs: sample ballots; elementary/middle school/high school/university and community college outreach; websites; miscellaneous promotional materials; public appearances/television and movie theatre advertisements; banners and billboards, radio and public transport advertisements; newspapers and mailers; voting system demonstrations; outreach to minority, disabled and senior communities; and voter registration drives.) The Department of State made three recommendations in its post-election 2002 report:

- (1) The Legislature should provide funding, contingent upon appropriations from Congress through the Help America Vote Act, to the counties for voter education efforts; the State Legislature did this in its FY 2003-2004 and FY 2004-2005 appropriations bills.
- (2) The Legislature should require sample ballots to be mailed to households or voters prior to each Primary and General Election. (It is now an alternative to publishing a sample ballot in a general circulation newspaper.)
- (3) The Division of Elections should provide a list of cost-effective voter education programs used by counties so that all counties can benefit from these ideas. (Pursuant to Section 98.255(3), *Florida Statutes*, the Division has posted its Report on Voter Education Programs during the 2002 Election Cycle on its web site. The Report lists the effectiveness ratings for individual voter education activities as calculated by individual county supervisors of elections.)

(The 2002 Governor’s Select Task Force on Election Procedures, Standards, and Technology report of December 30, 2002 also recommended improving “voter education by requiring all supervisors of elections to mail generic sample ballots to each household with registered voters.”)

Under Section 101.20, *Florida Statutes*, county supervisors of elections may now mail a sample ballot to each registered elector or to each household in which there is a registered voter if done at least seven days prior to any election, rather than publish a sample ballot in a newspaper of general circulation. A high percentage of county supervisors have chosen to use their FY2003-2004 state voter education funds and local matching funds to publish and mail out sample ballots to registered voters. The same law requires two sample ballots be placed at each polling place, along with reduced-size sample ballots to give to any voter desiring one. Some supervisors of elections are using FY 2003-2004 voter education monies to pay for sample ballots to be made available at each precinct.

Section 101.595, *Florida Statutes*, also requires supervisors of elections to submit a report to the Department of State no later than December 15 of each general election year detailing “[t]he total number of overvotes and undervotes in the first race appearing on the ballot pursuant to Section 101.151(2), *Florida Statutes*, along with the likely reasons for such overvotes and undervotes and other information as may be useful in evaluating the performance of the voting

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system and identifying problems with ballot design and instructions which may have contributed to voter confusion.” The Department of State must prepare a report analyzing that information and submit it to the Governor, the President of the Senate, and the Speaker of the House by January 31 of the year following a general election. The report is to include recommendations for correcting any problems with ballot design or instructions to voters.

This procedure was first used in the 2002 election cycle. “Analysis and Report of Overvotes and Undervotes for the 2002 General Election Pursuant to Section 101.595, *Florida Statutes*” found a substantial reduction in the level of overvotes and undervotes in 2002 (compared to 2000) and concluded that new technology and the counties’ voter education efforts were major factors contributing to the reduction in voter error. (The report is posted on the Division of Election’s Web Site.) The report’s recommendations were:

- (1) The Division of Elections must continue to monitor the overvotes and undervotes from each general election. (Required under *Florida Statutes*.)
- (2) The Florida Legislature should provide funding, contingent upon appropriations from Congress through the Help America Vote Act, to the counties for voter education efforts. The Legislature did this in its FY 2003-2004 and FY 2004-2005 appropriations bills.
- (3) The Division of Elections should review the recommendations for ballot instructions for incorporation into the uniform ballot rule. During the 2003 session, the Legislature passed a law delineating the content of separate printed instructions to accompany each absentee ballot (section 101.65, *Florida Statutes*). Rule 1S-2.030 F.A.C. standardizes the basic form of instructions to be sent to all overseas voters.
- (4) All voting system vendors should continue to improve the design of their voting systems in order to better meet the needs of Florida voters.

A number of supervisors of elections have implemented their own feedback systems through comment cards distributed at registration sites, workshops, and polling places. Some also allow citizens to make suggestions and complaints via their websites. Several counties have used some of their state voter education funds to solicit voter feedback and suggestions.

Florida’s system for constant evaluation of the effectiveness of voter education by both the county supervisors of elections and the Department of State is in place and operating.

**Section 254(a)(3). How will the State of Florida provide for programs for election official education and training which will assist the State in meeting the requirements of Title III?**

The State has assigned responsibility for education and training of election officials to the Secretary of State. The Division of Elections prepares and distributes educational materials for, and conducts the training of, supervisors of elections and their staffs.

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The Secretary of State is the State's chief election officer whose responsibilities are spelled out in Section 97.012, *Florida Statutes*. Among those responsibilities are explicit requirements to: "provide technical assistance to the supervisors of elections on voter education and election personnel training services;" "provide technical assistance to the supervisors of elections on voting systems;" "provide training to all affected state agencies on the necessary procedures for proper implementation of [Chapter 97 of the *Florida Statutes*];" and "coordinate with the United States Department of Defense so that armed forces recruitment offices administer voter education in a manner consistent with the procedures set forth in [Florida election] code for voter registration agencies."

The Division of Elections conducts voter education and election personnel training, issues advisory opinions that provide statewide coordination and direction for interpreting and enforcing election law provisions, provides technical advice on voting systems and equipment and State and federal election laws, certifies voting equipment, and provides written election information to candidates (Office of Policy Analysis and Government Responsibility, *Justification Review*, Report No. 02-55, October 2002).

The Division of Elections oversees and approves training courses for continuing education for supervisors of elections. It coordinates, on an annual basis, two statewide workshops for the supervisors of elections by reviewing and providing updates on the election laws to ensure uniformity statewide in the interpretation of election laws. These are generally held in conjunction with the Florida State Association of Supervisors of Elections' Conferences held in January and June. The division oversees certification for supervisors of elections through which supervisors obtain credits to maintain job proficiency. The Division may also conduct regional workshops for supervisors and staff, universities, community colleges and State agencies. When Select Task Forces are created by the Governor, Secretary of State, or other State officials, the Division provides administrative and technical assistance. (Florida Department of State, Division of Elections, 2001 Annual Report).

All Division of Elections' forms, rules, handbooks, opinions, etc. are available on the Internet via the Division's website—an award-winning site (<http://election.dos.state.fl.us/>). Section 97.026, *Florida Statutes*, states "It is the intent of the Legislature that all forms required to be used in chapters 97-106 [the election code], shall be made available upon request, in alternative formats" including the Internet (with the exception of absentee ballots).

The HAVA Planning Committee recommended that the Division of Elections also conduct training courses for the continuing education of county election officials in conjunction with meetings of the Florida Association of City Clerks. The Division of Elections routinely invites city clerks and supervisors of elections to attend its statewide training meetings held in conjunction with FSASE meetings.

The Florida State Association of Supervisors of Elections, through activities of its Get Out The Vote Foundation, will play a major role in educating and training election officials in 2004. On

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May 25, 2004, the Foundation launched its voter education plan. Through it, all 67 county supervisors of elections will have access to professionally prepared public media advertising materials. The Foundation has its own web site ([www.getoutthevote-florida.com](http://www.getoutthevote-florida.com)) which allows election officials—elected and staff—to access easily comprehended materials on a wide range of timely topics, including Absentee Voting, Early Voting, Registering to Vote, Election Reform in Florida, Voter Identification, Restoration of Felon’s Voting Rights, and Information on Direct Recording Equipment Voting Systems, along with posters, ads, and public service announcements.

**Section 254(a)(3). How will the State of Florida provide for programs for poll worker training which will assist the State in meeting the requirements of Title III?**

Florida has adopted extensive poll worker recruitment and training requirements and funded county poll worker training (as part of the \$6 million voter education appropriation in 2001). The State has: adopted minimum-hours-of-training requirements; spelled out training content requirements; prepared a uniform polling place procedures manual; and mandated a statewide and uniform program for training poll workers on issues of etiquette and sensitivity with respect to disabled voters. Rule 1S-2.034 F.A.C. requires the Department of State, Division of Elections to establish a polling place procedures manual, Form DS-DE 11 (January 25, 2004).

State law permits inspectors, clerks, and deputy sheriffs attending poll worker training to receive compensation and travel expenses—Section 102.021(2), *Florida Statutes*.

The HAVA Planning Committee recommended state funding for poll worker training and recruitment but the Florida Legislature in 2004 did not appropriate funds for either activity.

**Joint Responsibility of Department of State and County Supervisors of Elections**

Section 102.014, *Florida Statutes*, assigns responsibility for poll worker training to county supervisors of elections and the Department of State.

Section 102.014(1), *Florida Statutes*, requires supervisors of elections to conduct training for inspectors, clerks, and deputy sheriffs prior to each primary, general, and special election “for the purpose of instructing such persons in their duties and responsibilities as election officials.” Training is mandatory to work at the polls.

Section 102.014(5), *Florida Statutes*, directs the Department of State to “create a uniform polling place procedures manual and adopt the manual by rule” and to revise it “as necessary to address new procedures in law or problems encountered by voters and poll workers at the precincts.” Rule 1S-2.034, F.A.C., Polling Place Procedures Manual (Form DS-DE 11; Eff. Jan. 04), was recently updated for HAVA compliance. It was pre-cleared on June 3, 2004 by the Department of Justice. The manual, to be available in either hard copy or electronic form at every precinct on Election Day, must be “indexed by subject, and written in plain, clear, unambiguous language.”

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Under Section 102.014(7), *Florida Statutes*, the Department is assigned the responsibility for developing “a mandatory, statewide, and uniform program for training poll workers on issues of etiquette and sensitivity with respect to voters having a disability.” But county supervisors of elections are responsible for conducting such training. They are required to “contract with a recognized disability-related organization, such as a center for independent living, family network on disabilities, deaf service bureau, or other such organization, to develop and assist with training the trainers in disability sensitivity programs.”

#### Poll Worker Training Content

The content of poll worker training is detailed in State statutes.

Clerks must demonstrate “a working knowledge of the laws and procedures relating to voter registration, voting system operation, balloting and polling place procedures, and problem-solving and conflict-resolution skills”—Section 102.014(1), *Florida Statutes*.

The Uniform Polling Place Procedures Manual must include: regulations governing solicitation by individuals and groups at the polling place; procedures to be followed with respect to voters whose names are not on the precinct register; proper operation of the voting system; ballot handling procedures; procedures governing spoiled ballots; procedures to be followed after the polls close; rights of voters at the polls; procedures for handling emergency situations; procedures for dealing with irate voters; the handling and processing of provisional ballots; and security procedures—Section 102.014(5)(a-k), *Florida Statutes*. The manual “shall provide specific examples of common problems encountered at the polls on election day, and detail specific procedures for resolving those problems.”

Poll worker training on issues of etiquette and sensitivity for disabled voters “must include actual demonstrations of obstacles confronted by disabled persons during the voting process, including obtaining access to the polling place, traveling through the polling area, and using the voting system”—Section 102.014(7), *Florida Statutes*.

#### Poll Worker Minimum Hours of Training

Section 102.014(4), *Florida Statutes*, specifies that clerks must have had a minimum of three hours of training prior to each election to be eligible to work at the polls. For inspectors, there is a minimum of two hours of training. Section 102.014(7), *Florida Statutes*, requires one hour involving training related to etiquette and sensitivity with regard to voters with disabilities.

#### Poll Worker Recruitment

Supervisors of elections are required to “work with the business and local community to develop public-private programs to ensure the recruitment of skilled inspectors and clerks”—Section 102.014(6), *Florida Statutes*.

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There is no established procedure for evaluating the effectiveness of poll worker training or recruitment as there is for voter education. The 2002 Governor's Select Task Force on Election Procedures, Standards, and Technology report of December 30, 2002, recommended "establishing minimum standards for poll worker performance" and "improving poll worker recruitment and training by launching a statewide "Be a Poll Worker" campaign.

The HAVA Planning Committee has recommended that the Division of Elections establish a procedure to evaluate the effectiveness of poll worker recruitment and training in all 67 counties. In an effort to increase poll worker recruitment, the Department has initiated a "Be a Poll Worker" campaign which includes airing public service announcements and distributing "Be a Poll Worker" handouts at Department presentations. Some counties are using FY 2003-2004 voter education funds to recruit high school and college students as poll workers as well as the public at-large through publication and dissemination of new brochures and videos.

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## Element 4. Voting System Guidelines and Process

**How the State will adopt voting system guidelines and processes which are consistent with the requirements of Section 301.**

### **Introduction**

There are several governmental bodies and agencies that participate in the adoption of voting systems in Florida. The Florida Legislature has great authority to set voting system requirements and does so in Chapter 101, *Florida Statutes*. The Legislature also delegates rule making and certification authority to the Bureau of Voting Systems Certification in the Division of Elections under the Secretary of State.

After voting systems are independently tested and certified for use in Florida, Section 101.5604, *Florida Statutes*, provides that the Board of County Commissioners "at any regular or special meeting called for the purpose, may, upon consultation with the supervisor of elections, adopt, purchase or otherwise procure, and provide for the use of any electronic or electromechanical voting system approved by the Department of State in all or a portion of the election precincts of that county."

To keep Florida's voting systems standards up-to-date, Section 101.015, *Florida Statutes*, requires the Department of State to review "the rules governing standards and certification of voting systems to determine the adequacy and effectiveness of such rules in assuring that elections are fair and impartial."

<p><b>Section 254(a)(4) How will the State of Florida adopt voting system requirements and processes which are consistent with the requirements of Section 301?</b></p>
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Florida's laws and regulations for adopting voting systems that are consistent with the requirements of Section 301 are clearly outlined in *Florida Statutes* and the Florida Voting Systems Standards.

Section 101.015, *Florida Statutes*, authorizes the Department of State to adopt rules which establish minimum standards for hardware and software for electronic and electromechanical voting systems.

Section 101.017, *Florida Statutes*, creates the Bureau of Voting Systems Certification which provides technical support to the supervisors of elections and is responsible for voting system standards and certification.

Section 101.5605, *Florida Statutes*, authorizes the Department of State to examine and approve voting systems through a public process to ensure that the voting systems meet the standards

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outlined in Section 101.5606, *Florida Statutes*, and similar standards outlined in the Help America Vote Act of 2002 (HAVA) requirements outlined in Section 301 of Title III.

Section 101.5604, *Florida Statutes*, authorizes the Board of County Commissioners to adopt voting systems.

Sections 101.293-101.295, *Florida Statutes*, outline the public bidding process that counties should follow in purchasing voting systems.

Section 101.56062, *Florida Statutes*, exceeds the accessibility standards of HAVA Section 301 "Accessibility for Individuals With Disabilities." The HAVA Planning Committee has recommended that the Florida Legislature take advantage of federal funding and bring Florida into compliance and make Section 101.56062, *Florida Statutes*, effective by January 1, 2006 or one year after general appropriations are made, whichever is earlier.

Section 101.015, *Florida Statutes*, requires the Department of State to review "the rules governing standards and certification of voting systems to determine the adequacy and effectiveness of such rules in assuring that elections are fair and impartial."

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## Element 5. Florida's Help America Vote Act of 2002 (HAVA) Election Fund

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

To clarify, Section 254(b) states that a fund described in this subsection with respect to a State is a fund which is established in the treasury of the State government, which is used in accordance with paragraph (2), and which consists of the following amounts:

- (A) Amounts appropriated or otherwise made available by the State for carrying out the activities for which the requirements payment is made to the State under this part.
- (B) The requirements payment made to the State under this part.
- (C) Such other amounts as may be appropriated under law.
- (D) Interest earned on deposits of the fund.

**Section 254(a)(5) How will the State of Florida establish a fund for the purpose of administering the State's activities under this part?**

All HAVA funds are maintained in a trust fund that has already been established by the Department of State. Within this trust fund, monies received for HAVA Sections 101, 102 and Title II are set up into four accounts: 101-Election Administration, 102-Replace Punch Card and Lever Voting Systems, 251-Requirements Payment, and 261-Access for Individuals with Disabilities.

**Section 254(a)(5) How will the State of Florida manage this fund?**

Any HAVA funds received by the State are used exclusively for activities authorized by HAVA. The Division of Elections is responsible for tracking and monitoring the use of funds in accordance with established State procedures.

The Director of the Division of Elections has final signing authority for HAVA expenditures. Any interest earned on this trust fund is returned to the principal amount of the trust.

Standard auditing procedures for monitoring the use of federal funds are used for the receipt and the distribution of HAVA funds. These standard procedures include random program audits by the Department of State Inspector General as well as an annual audit by the Florida Auditor General.



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The Governor and Secretary of State are responsible under HAVA for ensuring compliance with these requirements. The HAVA Planning Committee recommends that the Governor and the Secretary of State maintain contact with the Senate President and the Speaker of the House of Representatives to ensure they remain aware of the strict requirements set in law for the use of HAVA monies placed in this trust fund.

No audit has been conducted to-date, however, based on recent calls from the Florida Auditor General, it is anticipated that an audit will be conducted during FY 2004-2005.

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## Element 6 – Florida’s Budget for Implementing the Help America Vote Act of 2002 (HAVA)

The State’s proposed budget for activities under this part, based on the State’s best estimates of the costs of such activities and the amount of funds to be made available, including specific information on –

- (A) the costs of the activities required to be carried out to meet the requirements of Title III;
- (B) the portion of the requirements payment which will be used to carry out activities to meet such requirements; and
- (C) the portion of the requirements payment which will be used to carry out other activities.

### **Introduction**

The HAVA Planning Committee clearly recognizes its advisory role in election reform and acknowledges the authority of the Florida Legislature to make funding decisions for Florida. This budget reflects the HAVA Planning Committee’s best efforts to divide the funds that may be available during the three years identified in HAVA. If Florida receives more funds than are included in this budget, the HAVA Planning Committee will revise the budget to reflect this change.

### **Reimbursement for replacement of punch card and lever machines.**

Following the 2000 General Election, the State of Florida assisted counties by investing approximately \$24 million to replace outdated voting machines. In order to recoup some of this expense, Section 102 federal funds in the amount of \$11,581,377 were returned to the State of Florida as reimbursement.

### **Statewide Voter Registration System.**

The Florida Legislature directed the Department of State to begin development of a statewide voter registration system that meets the requirements of HAVA. Accordingly, the 2003 Legislature provided \$1.6 million to begin implementation of the system. Federal funds include \$1 million for the Needs Assessment Phase along with nine positions to support design, development and implementation of the HAVA requirements. Of the nine positions, five reside in the Department of State and two each in the Department of Highway Safety and Motor Vehicles and the Florida Department of Law Enforcement.

Phase 2, “Prototyping & Validation of Design,” began in March 2004 and includes the following:

- Installation of prototyping equipment and environment



- Prototype the core system configuration and architecture
- Data conversion/migration testing (data & images)
- Prototype remote access to the core system

An estimate of costs for development and operation of the Florida Voter Registration System is provided in the table below.

Project Component	Fiscal Year					Total
	2003/4	2004/5	2005/6	2006/7	2007/8	
Systems Design & Dev.	602,352	1,343,194	759,493	0	0	2,705,038
FVRS IT Infrastructure	444,400	8,836,775	1,030,991	1,049,750	1,069,260	12,431,177
FVRS Operations	206,377	764,293	1,466,087	1,473,766	1,547,454	5,457,977
<b>Total</b>	<b>1,253,129</b>	<b>10,944,262</b>	<b>3,256,571</b>	<b>2,523,516</b>	<b>2,616,714</b>	<b>20,594,192</b>

The Division of Election also anticipates adding 20 full time equivalent positions (FTEs) in FY 2004-2005. The salaries and benefits, expenses and operating capital outlay associated with these 20 positions is expected to be \$1,203,650.

**Section 301 Accessible Voting Systems**

The HAVA Planning Committee recommended the purchase of Direct Recording Equipment (DRE) accessible to persons with disabilities to ensure that each county has one accessible voting system for each polling place. The estimated cost is \$11.6 million during the 2004-2005 fiscal year. The Florida Legislature authorized the following:

From the funds in Specific Appropriation 2871I, \$11,600,000 shall be distributed by the Department of State to county supervisors of elections for the purchase of Direct Recording Equipment (DRE) or other state approved equipment that meets the standards for disability requirements which is accessible to persons with disabilities to ensure that each county has one accessible voting system for each polling place. The funds are to be distributed according to the number of machines that are accessible for persons with disabilities that are needed in order for each county to have one per polling place.



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In addition, the HAVA Planning Committee in 2003 recommended reimbursing counties that have already purchased voting systems that meet the HAVA accessibility for voters with disabilities requirements. The estimated cost for this reimbursement was \$17 million.

### **Voter Education**

The HAVA Planning Committee recommended using HAVA funds for the development and implementation of a comprehensive statewide voter education program. The estimated expenditure is a total of \$9 million distributed to the counties and spread over the 2003-2004, 2004-2005 and 2005-2006 fiscal years.

The Florida Legislature authorized the following:

For FY 2003-2004, \$2,976,755 was appropriated and available to Florida counties for voter education programs. From funds in Specific Appropriation 2871I for FY 2004-2005, \$3,000,000 shall be distributed to county supervisors of elections for the following purposes relating to voter education: mailing or publishing sample ballots; conducting activities pursuant to the Standards for Nonpartisan Voter Education as provided in Rule 1S-2.033, F.A.C.; print, radio, or television advertising to voters; and other innovative voter education programs, as approved by the Department of State. No supervisor of elections shall receive any funds until the county supervisor of elections provides to the Department of State a detailed description of the voter-education programs, such as those described above, to be implemented.

### **Poll Worker Training**

The HAVA Planning Committee recommended using HAVA federal funds in the amount of \$250,000 for each fiscal year 2003-2004, 2004-2005 and 2005-2006 for poll worker training. These funds were intended to supplement each county's existing poll worker training budget.

The 2004 Legislature did not appropriate federal funds for conducting a poll worker recruitment campaign.

The HAVA Planning Committee recommends using HAVA federal funds in the amount of \$500,000, beginning with FY 2005-2006, for poll worker training and recruitment, with a 15% match required of each county.

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### **Statewide Poll worker Recruitment Campaign**

The HAVA Planning Committee recommended that HAVA federal funds be used to implement, through the Division of Elections, a statewide campaign to help recruit qualified poll workers. The increase in the complexity of voting systems and procedures has resulted in a need for more computer literate individuals to staff the polling places and help ensure error-free elections.

The 2004 Legislature did not appropriate federal funds for conducting a statewide poll worker recruitment campaign.

### **HAVA Oversight and Reporting**

The HAVA Planning Committee recommended that the Department of State create three full time positions to manage HAVA implementation.

- HAVA administrator
- Grants specialist
- Administrative assistant

The estimated cost for HAVA oversight and reporting is \$206,079 for the 2003-2004 fiscal year, \$196,485 for the 2004-2005 fiscal year and \$200,719 for the 2005-2006 fiscal year.

The Florida Legislature authorized three positions within the Division of Elections for HAVA Oversight and Reporting. For FY 2003-2004 \$206,079 was appropriated for salaries and benefits, expenses and operating capital outlay. The three position titles are

- Senior Management Analyst Supervisor
- Operations and Management Consultant II
- Administrative Assistant II

### **State Management (HAVA Planning Committee)**

The HAVA Planning Committee recommended that the Secretary of State require it to meet twice each year in 2003-2004 and in 2004-2005 to make recommendations and to resubmit the HAVA State Plan to ensure that Florida is meeting the requirements of the Help America Vote Act. The HAVA Planning Committee convened twice in the 2003-2004 fiscal year at an estimated cost of \$30,000. The HAVA Planning Committee further recommends that it meet twice in the 2004-2005 fiscal year at an estimated cost of \$30,000 and twice in the 2005-2006 fiscal year at an estimated cost of \$30,000.

### **Performance Goals and Measures Adoptions**

The HAVA Planning Committee recommended the Secretary of State utilize the HAVA Planning Committee to determine performance goals and measures. The estimated cost is \$160,000 to be expended in the 2003-2004 and 2004-2005 fiscal years.

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The HAVA Planning Committee determined HAVA performance goals and measures during the meetings that were held to update the HAVA State Plan. Two meetings were held on May 24, 2004 and June 4, 2004 at an estimated cost of \$30,000.

#### **Election Administration**

The HAVA Planning Committee recommends HAVA funds be used for the design and production of new voter registration forms and publications, and translations for all election administration forms and publications. The estimated cost is \$250,000 for each fiscal year 2003-2004, 2004-2005 and 2005-2006.

#### **Complaint Procedures**

Section 402(a) of HAVA requires each state to establish state-based administrative complaint procedures for any person who believes that there is or will be a violation of any of HAVA's Title III requirements. The HAVA Planning Committee recommends using HAVA funds in the amount of \$50,000 per year for the 2004-2005 and 2005-2006 fiscal years for the administration of the complaint procedures process.

The HAVA Planning Committee recommends that the remaining HAVA funds be reserved for future expenses related to the following items:

1. the continued development and implementation of the Florida Voter Registration System
2. future improvements in voting technology
3. continued funds to local counties for voter education programs
4. accessibility for polling places
5. poll worker recruitment and training

#### **Requirement 6**

**(A) Based on the state's best estimates, what are the costs of the activities required to carry out to meet the requirements of Title III?**

**(B) What portion of the requirements payment will be used to carry out activities to meet such requirements?**

**(C) What portion of the requirements payment will be used to carry out other activities?**

This information is displayed in charts on pages 61 and 62.

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### HAVA Budget Funding by Fiscal Year

	2003-2004 Appropriation	Expenditures thru 6/30/04	Balance	2004-2005 Appropriation	2005-2006
<b>Title I Requirements</b>					
Reimbursement for replacement of punch card and lever machines. (Section 102 HAVA)	11,581,377	11,581,377			
<b>Title III Requirements</b>					
<b>Sec. 303 Statewide Voter Registration System</b>					
Phase One Development –research, planning & design (Section 101 HAVA Funds)	1,000,000	973,078	26,922	0	0
5 full time DOS positions – salaries	290,000	99,965	190,035	290,000	290,000
5 full time DOS positions – expenses	69,575	0	69,575	69,575	69,575
DOS Operating capital outlay	7,500	5,246	2,254	7,500	7,500
2 full time DHSMV positions – salaries	115,000	115,000	0	115,000	115,000
2 full time DHSMV positions – expenses	27,830	27,830	0	27,830	27,830
DHSMV operating capital outlay	3,000	3,000	0	3,000	3,000
2 full time FDLE positions – salaries	115,000	115,000	0	115,000	115,000
2 full time FDLE positions – expenses	27,830	27,830	0	27,830	27,830
DHSMV operating capital outlay	3,000	3,000	0	3,000	3,000
Phase Two – Dev. & impl. statewide voter reg. system (Section 252 Requirements Payment)	0	0	0	10,179,969	10,179,969
20 full time positions – salaries	0	0	0	976,746	976,746
20 full time positions – expenses	0	0	0	196,404	196,404
20 full time positions – operating capital outlay	0	0	0	30,500	30,500
<b>Sec. 304 Voting System Standards (Section 252 Requirements Payment)</b>					
Accessibility for voters with disabilities (compliance)	0	0	0	11,600,000	0
Accessibility for voters with disabilities (reimbursement to counties)	0	0	0	0	17,000,000
<b>Other Election Reform Activities (Section 101 HAVA funds 2003-2004 activities; Section 101 &amp; Section 252 HAVA fund activities 2004-2005 and beyond)</b>					
Voter Education Programs	2,976,755	2,976,755	0	3,000,000	3,000,000
Poll worker recruitment and training	0	0	0	0	500,000
Poll worker Training	0	0	0	0	0
HAVA Oversight and Reporting					
3 full time positions – salaries	165,230	112,706	52,524	165,230	165,230
3 full time positions – expenses	35,849	7,812	28,037	35,849	35,849
Operating capital outlay	5,000	5,000	0	5,000	5,000
State Management (HAVA Planning Committee) HAVA Plan. Comm. convenes twice/year \$30k/mtg)	0	0	0	30,000	30,000
HAVA Performance Goals & Measures Adoption HAVA Planning Committee hearings – 4 at \$40k/mtg	0	0	0	0	0
Election Administration – design and production of new voter registration forms and publications, translations for all election administration forms and publications.	250,000	247,174	2,826	780,000	250,000
Complaint Procedure §402	0	0	0	0	50,000
<b>Total</b>	<b>16,672,946</b>	<b>16,300,773</b>	<b>372,173</b>	<b>27,658,433</b>	<b>33,078,433</b>

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<b>Election Reform Estimated Revenues 2003-2005 Fiscal Years</b>					
	<b>HAVA 101 (2003 actual)</b>	<b>HAVA 102 (2003 actual)</b>	<b>HAVA 252 (2003 Actual) (2004 Estimated)</b>	<b>Total Federal Funds</b>	<b>State Matching Funds</b>
<b>2003</b>	\$ 14,447,580	\$ 11,581,377	\$ 47,416,833	\$ 73,445,790	\$ 525,000
<b>2004</b>	0	0	\$ 85,085,258	\$ 85,085,258	\$ 6,103,018
<b>2005</b>	0	0	TBD	TBD	NA
<b>Total</b>					\$ 6,628,018

021334



## Element 7. Maintenance of Effort

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

### **Introduction**

The funding provided under the Help America Vote Act of 2002 (HAVA) is intended to pay for new or enhanced election efforts and is not intended to supplant existing funding at the State or county level. The projected HAVA budget is based on the assumption that the State of Florida and counties will maintain the foundation of election operating expenditures for the fiscal year ending prior to November 2000.

The Florida Division of Elections provides statewide coordination and direction for the interpretation and enforcement of election laws. The Division's budget supports year-round staff that provides election-related assistance to Florida's 67 county supervisors of elections and their staff, municipalities, special districts, county and city attorneys, candidates, political committees, committees of continuous existence, elected officials, media, the public and other election officials throughout the United States.

**Section 254(a)(7) How will the State of Florida maintain the expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000?**

In determining Florida's maintenance of effort expenditures, the Division of Elections calculated 1999-2000 fiscal year expenditures which included salaries and benefits, operating capital outlay and voter fraud programs for the Division of Elections Director's office and the portion of Bureau of Election Records' expenditures pertaining to election administration. Florida's expenditures for these activities for 1999-2000 fiscal year totaled \$3,082,224.

In order to comply with Section 254(a)(7) of HAVA, the Florida Department of State will maintain expenditures on similar activities at a level equal to the 1999-2000 fiscal year budget.

For FY 2003-2004 and FY 2004-2005, the State of Florida exceeded the \$3,082,224 required to meet the Maintenance of Effort requirements.

The HAVA Planning Committee recommended that the Secretary of State communicate to the Senate President and the Speaker of the House of Representatives the importance of maintaining this maintenance of effort figure, as a minimum level of expenditures, to ensure the required level of spending is appropriated by the Florida Legislature.

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During the 2003 and 2004 Legislative sessions, the Department of State's budget staff and legislative affairs staff maintained and continues to maintain close contact with House and Senate staff to convey the importance of continuing the Maintenance of Effort figure as a minimum level of funding.

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## Element 8. Performance Goals and Measures

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

### **Introduction**

Florida has a very decentralized election governance and administrative system. The Secretary of State is appointed by the Governor and is the legal Chief Election Official in Florida. However, the Secretary of State does not supervise the day-to-day operations of the 67 local supervisors of elections and only provides guidance through technical assistance, rules, advisory opinions, voting system certification, and producing standardized election forms.

In Florida, it is the local supervisor of elections that has constitutional authority to conduct elections through State law and rule. The supervisors are elected to 4-year terms by the registered voters of their respective counties (except for Miami-Dade's appointed supervisor) and have broad authority to conduct the day-to-day election operations by appointing local election officials, administering voter registration, preparing ballots, administering absentee voting, conducting poll worker training, and developing voter education programs.

The Help America Vote Act of 2002 (HAVA) requires the State and not the local supervisors of elections to adopt performance goals and measures for determining statewide and local election reform success. The following performance measures have been adopted by the HAVA Planning Committee for these key elements of the plan:

1. Voting Systems
2. Voting systems guidelines
3. Absentee instructions
4. Voting systems for voters with disabilities
5. Provisional voting
6. Voter registration system
7. Voter education
8. Administrative complaint process



**Section 254(a)(12) How will Florida adopt performance goals and measures that will be used by the State to determine its success and the success of local government in carrying out the plan, including—**

- **Timetables for meeting the elements of the plan**
- **Descriptions of the criteria the State will use to measure performance**
- **The process used to develop such criteria**
- **A description of which official is to be held responsible for ensuring that each performance goal is met?**

<b>Planning Element:</b>	Element #1, Section 301 – Voting Systems Element # 4, Section 254(a)(4) – Voting System Guidelines
<b>HAVA Deadline:</b>	January 1, 2006
<b>Goal:</b>	Document the performance of Florida’s voting systems to continually improve the voting experience for Florida voters.
<b>Performance Measures:</b>	<ul style="list-style-type: none"> <li>• Record and report to the Florida Legislature the number of overvotes and undervotes appearing in the first race for each General Election</li> <li>• List the likely reasons for such overvotes and undervotes by counties, by voting systems, and by appropriate election races</li> <li>• Suggest improvements to the voting process addressing such issues as voting system performance, ballot design, ballot instructions, election official training, poll worker training, voter education, and policy changes</li> <li>• Review rules and governing standards and certification of voting systems to determine the adequacy and effectiveness of such rules in assuring that elections are fair and impartial</li> </ul>
<b>Timetable (if applicable):</b>	On-going
<b>Process used to develop criteria:</b>	Florida Legislature (Section 101.595, Section 101.015, <i>Florida Statutes</i> ) 2001 Governor’s Select Task Force Report on Election Procedures, Standards and Technology HAVA Planning Committee
<b>Accountable official(s):</b>	Director, Division of Elections Chief, Bureau of Voting Systems Certification Supervisors of Elections

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<b>Planning Element:</b>	Element #1, Section 301 – Absentee Ballot Instructions
<b>HAVA Deadline:</b>	January 1, 2006
<b>Goal:</b>	Ensure voters have sufficient absentee ballot instructions on how to make corrections by requesting a replacement ballot and the consequences of casting multiple ballots.
<b>Performance Measures:</b>	With receipt of absentee ballots following an election, each county will gather the following information: <ul style="list-style-type: none"><li>• Number of absentee/mail-in ballots requested</li><li>• Number of replacement absentee/mail-in ballots requested</li><li>• The number of returned absentee ballots not counted because of<ul style="list-style-type: none"><li>a) no signature</li><li>b) non-matching signature</li></ul></li></ul>
<b>Timetable (if applicable):</b>	September 2004
<b>Process used to develop criteria:</b>	<ul style="list-style-type: none"><li>• Department of State, (Rule 1S-2.032, F.A.C.)</li><li>• HAVA Planning Committee</li></ul>
<b>Accountable official(s):</b>	Director, Division of Elections Supervisors of Elections

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<b>Planning Element:</b>	Element #1, Section 301 – Certified Voting Systems for Voters with Disabilities
<b>HAVA Deadline:</b>	January 1, 2006
<b>Goal:</b>	Provide one accessible voting system for every polling place including non-visual accessibility for the blind and visually impaired that provides the same opportunity for access and participation as other voters.
<b>Performance Measures:</b>	<ul style="list-style-type: none"><li>• Legislature appropriates sufficient HAVA funds to purchase accessible voting systems;</li><li>• Supervisors of elections certify to the Department of State the number of certified accessible voting systems needed to meet the requirement of one per polling place;</li><li>• Upon approval by the Department of State, supervisors of elections submit recommendations for purchase of certified accessible voting systems to Board of County Commissioners;</li><li>• Board of County Commissioners receives HAVA funds and appropriates funds to purchase certified accessible voting systems;</li><li>• Supervisors of elections report to the Department of State before January 1, 2006 that this requirement has been met.</li></ul>
<b>Timetable (if applicable):</b>	Begin July 2004 End December 2005
<b>Process used to develop criteria:</b>	Florida Legislature sets requirements for certifying polling places Division of Elections certifies polling places and voting systems HAVA Planning Committee
<b>Accountable official(s):</b>	Director, Division of Elections Supervisors of Elections

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<b>Planning Element:</b>	Element #1, Section 302 – Provisional Voting
<b>HAVA Deadline:</b>	January 1, 2004
<b>Goal:</b>	Ensure that all voters whose eligibility to vote is questioned be permitted to cast a provisional ballot and notified of outcome.
<b>Performance Measures:</b>	<p>With respect to the voter registration of each county, the following information will be collected to measure compliance performance:</p> <p>County Level</p> <ul style="list-style-type: none"><li>• The number of provisional ballots cast in each precinct</li><li>• The number of registered voters in each precinct</li><li>• The number of provisional ballots that were verified and counted in each precinct</li><li>• The number of provisional ballots not counted in each precinct and the reason for not counting</li></ul> <p>State Level</p> <ul style="list-style-type: none"><li>• The number of provisional ballots cast in each county</li><li>• The number of registered voters in each county</li><li>• The number of provisional ballots that were verified and counted in each county</li><li>• The number of provisional ballots not counted in each county and the reason for not counting</li></ul>
<b>Timetable (if applicable):</b>	On-going
<b>Process used to develop criteria:</b>	Florida Legislature (Section 101.048, <i>Florida Statutes</i> ) HAVA Planning Committee
<b>Accountable official(s):</b>	Director, Division of Elections Supervisors of Elections

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<b>Planning Element:</b>	Element #1, Section 303 – Voter Registration System
<b>HAVA Deadline:</b>	January 1, 2006
<b>Goal:</b>	Establish a single, uniform, official centralized, interactive, computerized, statewide voter registration list which shall be the single system for storing and managing the list of registered voters throughout the state for the conduct of all federal elections.
<b>Performance Measures:</b>	<ul style="list-style-type: none"> <li>• Legislature directs the Division of Elections to develop a statewide voter registration system that meets the requirements of HAVA;</li> <li>• Division of Elections begins Phase 1 of the “Florida Voter Registration System” (FVRS) in September 2003 and develops the specifications for design and implementation.</li> <li>• Division of Elections begins Phase 2 of the FVRS in March 2004 by prototyping and validating system components;</li> <li>• Division of Elections begins Phase 3 of the FVRS in March 2005 by conducting tests, revising modules, and ensuring all system components meet functional and performance standards;</li> <li>• Division of Elections begins Phase 4 of the FVRS in August 2005 by developing and implementing a training and education plan which will result in counties being brought on line as their election schedules permit;</li> <li>• Division of Elections begins Phase 5 of the FVRS in January of 2006 by providing final system documentation and by transitioning to a maintenance and support function</li> </ul>
<b>Timetable (if applicable):</b>	Begin September 2003 End December 2005
<b>Process used to develop criteria:</b>	<ul style="list-style-type: none"> <li>• Public meetings hosted by the Bureau of Voting Systems Certification in consultation with supervisors of elections and other involved state and federal agencies</li> <li>• HAVA Planning Committee</li> </ul>
<b>Accountable official(s):</b>	Secretary of State Deputy Secretary of State Director, Division of Elections Chief, Bureau of Voting Systems Certification Supervisors of Elections

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<b>Planning Element:</b>	Element #3, Section 254(a)(3) Voter Education
<b>HAVA Deadline:</b>	NA
<b>Goal:</b>	Promote a more educated electorate by providing comprehensive and varied voter education programs throughout each of Florida's 67 counties.
<b>Performance Measures:</b>	<ul style="list-style-type: none"> <li>• County supervisors of elections will create a Voter Guide including the information defined in Rule 1S-2.033, F.A.C.</li> <li>• Voter education plans will be filed with the Division of Elections by each supervisor of election</li> <li>• The Department of State will prepare a report on the effectiveness of these programs</li> <li>• Each county will document, where applicable:           <ul style="list-style-type: none"> <li>○ the number and types of locations in which voter guides are distributed</li> <li>○ the number and types of mediums for posting election related information (banners, billboards, etc.)</li> <li>○ the number of sample ballots mailed and/or publications where they were published</li> <li>○ voter education and registration programs for high school students</li> <li>○ college registration/education programs on each college campus in the county</li> <li>○ voting equipment demonstrations</li> <li>○ where voters rights and responsibilities are posted</li> <li>○ registration workshops held</li> <li>○ the number and locals of radio, television and print interviews</li> <li>○ methods used to reach non-English speaking and citizens with disabilities</li> <li>○ number of overvotes and undervotes that occur during an election</li> <li>○ the number of provisional ballots cast during an election</li> </ul> </li> </ul> <p style="text-align: right;"><i>(continued on next page)</i></p>



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<b>Timetable (if applicable):</b>	<ul style="list-style-type: none"><li>• Ongoing</li><li>• Supervisors of elections are required to file a report by December 15<sup>th</sup> of each general election year with the Dept. of State describing voter education programs implemented.</li><li>• Department of State is required to review information submitted by supervisors of elections and prepare a public report, to be submitted to Governor, Senate President and Speaker of the House of Representatives, on effectiveness of voter education programs by January 31<sup>st</sup> of each year following a general election.</li></ul>
<b>Process used to develop criteria:</b>	The Florida Legislature (Section 98.255, Section 101.65, <i>Florida Statutes</i> ) Department of State (Rule 1S-2.033, F.A.C.) Supervisors of Elections HAVA Planning Committee
<b>Accountable official(s):</b>	Director, Division of Elections Supervisors of Elections

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<b>Planning Element:</b>	Element #3, Section 254(a)(3) – Election Official and Poll Worker Training
<b>HAVA Deadline:</b>	Immediate and Ongoing
<b>Goal:</b>	Provide a simple, friendly voting experience for Florida voters by training election officials and poll workers through professional and frequent instruction.
<b>Performance Measures:</b>	<ul style="list-style-type: none"><li>• Document the number of training classes offered at the state and local levels</li><li>• Document the number of supervisors of elections who receive certification</li><li>• Document the number of election officials who receive training</li><li>• Document the number of poll workers who attend the training sessions</li><li>• Document and report voter satisfaction with the voting process through various methods</li><li>• Report to the Florida Legislature after each election cycle the effectiveness of election official and poll worker training programs</li></ul>
<b>Timetable (if applicable):</b>	On-going
<b>Process used to develop criteria:</b>	HAVA Planning Committee
<b>Accountable official(s):</b>	Supervisors of Elections Director, Division of Elections

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<b>Planning Element:</b>	Element #9, Section 254(a)(a) State-Based Administrative Complaint Procedures to Remedy Grievances
<b>HAVA Deadline:</b>	NA
<b>Goal:</b>	Establish and maintain a state-based administrative complaint procedure for any individual who believes that there has been a violation of any of HAVA's Title III requirements.
<b>Performance Measures:</b>	The following information will be collected to subjectively measure performance: <ul style="list-style-type: none"><li>• Number of complaints received</li><li>• Number of complaints resolved<ul style="list-style-type: none"><li>• Number of complaints resolved in 30 days or less</li><li>• Number complaints resolved in 60 days</li><li>• Number of complaints resolved in 90 days</li></ul></li><li>• Number of complaints unresolved<ul style="list-style-type: none"><li>• Description of reason complaint is left unresolved</li></ul></li></ul>
<b>Timetable (if applicable):</b>	Ongoing
<b>Process used to develop criteria:</b>	Florida Legislature (Section 97.028, <i>Florida Statutes</i> ) HAVA Planning Committee
<b>Accountable official(s):</b>	Director, Division of Elections Supervisors of Elections

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## Element 9. State-Based Administrative Complaint Procedures to Remedy Grievances

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

### **Introduction**

To receive any requirements payment pursuant to the Help America Vote Act of 2002 (HAVA), the State of Florida must establish and maintain State-based administrative complaint procedures which meet HAVA's requirements to:

- (1) be uniform and nondiscriminatory;
- (2) provide that any person who believes that there is or will be a violation of any of HAVA's Title III requirements may file a complaint;
- (3) require the complaint to be in writing, sworn and notarized;
- (4) permit complaints to be consolidated;
- (5) hold a hearing on the record at the request of the complainant;
- (6) provide an appropriate remedy if the State determines that there is a violation of any Title III provision;
- (7) if the State determines there is no violation, dismiss the complaint and publish the results of procedures;
- (8) make a final determination on a complaint within 90 days after filing unless the complainant consents to a longer period; and,
- (9) use alternative dispute resolution procedures to resolve the complaint if the State fails to resolve it within 90 days.

**Section 402(a): Has Florida complied with the requirements of HAVA Section 402(a) to establish State-based administrative complaint procedures to remedy grievances?**

**Yes, and no further actions are required.**

Appropriate administrative complaint procedures were included in Chapter 2003-415, *Laws of Florida*. Language in the legislation tracked HAVA's language closely. These procedures are similar to administrative procedures in Section 97.023, *Florida Statutes*, for resolving complaints generated by alleged violations of the National Voter Registration Act of 1993 or a voter registration or removal procedure under the Florida Election Code.

Florida's legislation established a new Section 97.0535, *Florida Statutes*, that in addition to tracking HAVA's minimum requirements, included the following additional requirements not specified by HAVA:

- (1) the Department of State would have sole jurisdiction for these purposes and the procedures would be the sole avenue of redress for alleged Title III violations;

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- (2) a complaint would have to state the alleged violation and the person or entity responsible for the violation;
  - (3) the Department of State would be required to inform a complainant in writing if a complaint was legally insufficient;
  - (4) proceedings would be exempt from Chapter 120, *Florida Statutes*, (Administrative Procedures Act);
  - (5) a hearing would be held by a hearing officer whether or not a complainant requested a hearing and specific procedures for a hearing were included in the legislation;
  - (6) the hearing officer would direct an appropriate remedy that then would be enforced by the Department of State;
  - (7) mediation would be the alternative dispute resolution method used if a final determination on a complaint was not made within 90 days of filing.

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## Element 10. Effect of Title I Payments

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

### **Introduction**

Title I of the Help America Vote Act of 2002 (HAVA) is an "early out" money program for use in two areas—improving election administration and the replacement of punch card and lever voting systems. Florida received \$26,028,957 under this "early out" program. The HAVA Planning Committee recommended using Section 101 federal HAVA funds for 2003-2004 activities and a combination of Section 101 and Section 252 HAVA federal funds for activities beginning in the 2004-2005 fiscal year and beyond.

Under Title I, Section 101 funds are to be used to improve election administration. Approved use of funds under this section includes:

- (A) Complying with the requirements under Title III.
- (B) Improving the administration of elections for Federal office.
- (C) Educating voters concerning voting procedures, voting rights, and voting technology.
- (D) Training election officials, poll workers, and election volunteers.
- (E) Developing the HAVA State Plan for requirements payments.
- (F) Improving, acquiring, leasing, modifying, or replacing voting systems.
- (G) Improving polling place accessibility for voters with disabilities or with limited English.
- (H) Establishing toll-free telephone hotlines for voters to access voting information, report voting fraud, or report voting rights violations.

Under Title I, Section 102 federal funds are to be used to replace punch card and lever voting systems.

Following the 2000 General Election, the State of Florida assisted counties by investing approximately \$24 million to replace outdated voting machines. In order to recoup some of this expense, Section 102 funds in the amount of \$11,581,377 were returned to the state as reimbursement.

The HAVA Planning Committee clearly recognizes its advisory role in election reform and acknowledges the authority of the Florida Legislature to make funding decisions for Florida. The following recommendations are based on the HAVA Planning Committee meetings held to develop the HAVA State Plan.

**Section 101. How will Title I payments to Florida be used for activities to improve administration of elections?**

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The State of Florida is using Title I funds for election reform activities necessary to ensure Florida complies with all HAVA requirements. The following list describes the major areas in which funds are used.

**(A) Complying with the requirements under Title III**

The Division of Elections will implement a statewide voter registration system to comply with HAVA Title III. The Division of Elections used \$1 million appropriated from Section 101 federal funds for Phase One development of the new Statewide Voter Registration system. Expenditures for Phase One included:

- Consulting fees for conducting a detailed analysis of connectivity infrastructure available in the 67 supervisor of elections' offices and within all affected offices of the departments of State, Law Enforcement and Highway Safety and Motor Vehicles; working with the counties, the three agencies and the advisory board to create minimum and optimum sets of system requirements; assessing infrastructure needs of all stakeholders to serve the system requirements; conducting "gap" analysis; outlining the physical design of the system; estimating costs and implementation plans for each version for the system to be presented to the 2004 Legislature; and developing and publishing the January 2004 report and recommendations for the 2004 Legislature.
- The purchase of hardware and software for project management and system development.
- Expenses incurred by Division of Elections' staff.
- Travel expenses for visits to every supervisor of elections' office and local driver license office.

In addition, Section 101 HAVA funds were used to create nine full time positions necessary for the design, development and implementation of the Statewide Voter Registration system.

**(B) Improving the administration of elections for Federal office.**

Upon receipt of Title I monies, the HAVA Planning Committee recommended that the Division of Elections use \$250,000 in fiscal year 2003-2004 from Section 101 funds for expenses that include the design and publication of voter registration forms and other election information, translations for all election administration forms and publications, statewide voter education programs and training workshops.

A State-based complaint procedure has been established for anyone who believes that a violation of Title III of the Help America Vote Act has occurred, is occurring or is about to occur. Funds may need to be expended depending on the number and type of complaints filed.



**(C) Educating voters concerning voting procedures, voting rights, and voting technology.**

The Florida Division of Elections will use approximately \$9 million over a three year period for voter education programs. In FY 2003-2004, \$2,976,755 was appropriated and distributed to county supervisors of elections for voter education programs. Distribution was based on a funding level per individual voter multiplied by the number of registered voters in each county for the 2002 General Election. To determine the funding level per individual voter, the Division of Elections divided the total amount of funds appropriated in FY 2003-2004 by the total number of registered voters in the State of Florida for the 2002 General Election.

For FY 2004-2005, the Appropriations bill includes \$3,000,000 to be distributed to county supervisors of elections for purposes relating to voter education. No supervisor of elections shall receive any funds until the county supervisor of elections provides to the Department of State a detailed description of the voter-education programs, such as those described above, to be implemented.

FY 2004-2005 funds will be distributed to each eligible county supervisor of elections based on a funding level per voter multiplied by the number of registered voters in the county for the 2004 Presidential Preference Primary. To determine the funding level per individual voter, the Division of Elections will divide the total amount of funds appropriated in FY 2004-2005 by the total number of registered voters in the State of Florida for the 2004 Presidential Preference Primary.

**(D) Training election officials, poll workers, and election volunteers.**

In the original HAVA plan, the HAVA Planning Committee recommended using HAVA funds in the amount of \$250,000 for poll worker training in each fiscal year 2003-2004, 2004-2005 and 2005-2006. The Florida Legislature, however, did not appropriate HAVA funds for this use in FY 2003-2004 or FY 2004-2005.

The HAVA Planning Committee would like to reinstate its recommendation to use HAVA funds in the amount of \$500,000, beginning with FY 2005-2006, for poll worker training and recruitment, with a 15% match required of each county.



**(E) Developing the HAVA State Plan for requirements payments to be submitted under part 1 of subtitle D of Title II.**

Title I funds were used to revise the HAVA State Plan in FY 2003-2004. As the State of Florida modifies its plans in future years, HAVA funds may be used.

**(F) Improving, acquiring, leasing, modifying, or replacing voting systems.**

Florida has already replaced its punch card and lever voting systems. Following the 2000 General Election, the State of Florida assisted counties by investing approximately \$24 million to replace outdated voting machines. In order to recoup some of this expense, Section 102 funds in the amount of \$11,581,377 were returned to the state as reimbursement.

The HAVA Planning Committee recommended that the State of Florida utilize some HAVA funds to help counties meet the accessibility requirements under Title III by the January 1, 2006 deadline. The FY 2004-2005 Appropriations Bill states that \$11,600,000 shall be distributed by the Department of State to county supervisors of elections for the purchase of Direct Recording Equipment (DRE) or other state approved equipment that meets the standards for disability requirements which is accessible to persons with disabilities to ensure that each county has one accessible voting system for each polling place.

In addition, the HAVA Planning Committee recommends reimbursing counties who have already purchased voting systems that meet the HAVA accessibility for voters with disabilities requirements. The estimated cost for this reimbursement is \$17 million and it is anticipated that Section 252 HAVA funds will be used.

**(G) Improving polling place accessibility for voters with disabilities or with limited English.**

Under Section 261, HAVA states the Secretary of Health and Human Services shall make a payment to eligible States to be used for making polling places accessible to individuals with disabilities and providing information on this accessibility. The HAVA Planning Committee recommends that these funds be distributed to each county to ensure that individuals with disabilities are provided the same opportunity for access and participation as for other voters.



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During FY 2003-2004, the State of Florida applied for and received a grant from Health & Human Services (HHS) in the amount of \$687,278. Since the Division of Elections did not have budget authority in FY 2003-2004 to spend these dollars, none of the funds have been requested from HHS as of this date. The Division has distributed a survey to all supervisors of elections requesting information regarding the number of polling places that were utilized in the 2004 Presidential Preference Primary. This information will be used to determine the formula for distributing the grant funds to the counties.

The funds will be used as described in the grant application which follows the recommendations in the plan.

The Division of Elections has also been awarded a second grant from Health & Human Services to improve polling place accessibility in the amount of \$492,941.

**(H) Establishing toll-free telephone hotlines for voters to access voting information, report voting fraud, or report voting rights violations.**

Currently, there are no plans to use HAVA funds for establishing a free voting information hotline. If this type of voting information system is desired, it will be the responsibility of each county and monitored by the Division of Elections.

The Division of Elections has already established a voter fraud hotline for individuals who believe they may have witnessed election fraud. In addition, the Division has established a hotline for voters to request voting information.

**Section 102. How will payments to Florida be used for the replacement of punch card or lever voting machines?**

Following the 2000 General Election, the State of Florida assisted counties by investing approximately \$24 million to replace outdated voting machines. In order to recoup some of this expense, Section 102 federal funds in the amount of \$11,581,377 were returned to the state as reimbursement.

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## Element 11. Help America Vote Act of 2002 (HAVA) State Plan Management

**How the State will conduct ongoing management of the plan, except the State may not make any material change in the administration of the plan unless the change—**

**(A) is developed and published in the Federal Register in accordance with section 255 in the same manner as the State plan;**

**(B) is subject to public notice and comment in accordance with section 256 in the same manner as the State plan; and**

**(C) takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A).**

### **Introduction**

This element of the HAVA State Plan requires Florida to explain how the State of Florida will manage the implementation of the HAVA State Plan and whether it will utilize the same public notice process if any "material change" is made to the administration of the HAVA State Plan.

### **Section 251(a)(11) How will Florida conduct ongoing management of the HAVA State Plan?**

As explained in previous sections of this Plan, the administration of elections in Florida occurs at the State and local levels. The Secretary of State is the Chief Election Officer under Florida law. The Secretary of State as the Chief Election Officer is responsible for the coordination of the State's responsibilities under HAVA Section 253. The Director of the Division of Elections reports to the Secretary of State and will be responsible for the day-to-day monitoring and managing of Florida's HAVA State Plan. The Director has three new positions dedicated to HAVA program management. The scope of responsibilities will range from federal reporting and grant compliance to assistance with voter education, election official training and updating the HAVA State Plan.

Also at the State level, the Secretary of State directs the HAVA Planning Committee to update the HAVA State Plan as required in Section 255. Under Florida's HAVA State Plan, the HAVA Planning Committee is responsible for conducting its business in an open, public forum and for suggesting revisions and updates to the HAVA State Plan.

At the local level, Florida's 67 supervisors of elections will be encouraged to play an active role in the successful implementation of the HAVA State Plan. The Division of Elections will continue to work on a regular basis with local supervisors of elections to develop performance

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goals and measures, new voter registration improvements, new voting systems certification upgrades, statewide voter education programs, election official training, and other activities outlined in Florida's HAVA State Plan.

**Section 254(a)(11) If Florida makes any material change in the administration of the HAVA State Plan, will the change—**

**(A) be developed and published in the Federal Register in accordance with Section 255 in the same manner as the HAVA State Plan;**

**(B) be subject to public notice and comment in accordance with Section 256 in the same manner as the HAVA State Plan; and**

**(C) take effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A)?**

The State of Florida understands and agrees to comply with the HAVA requirements related to ongoing management of the HAVA State Plan. No material changes in the administration of the plan will be made unless:

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

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## Element 12. Changes to State Plan for Previous Fiscal Year

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

### **Introduction**

The HAVA State Plan was updated at public meetings held in Orlando, Florida on May 24, 2004 and in Hollywood, Florida on June 4, 2004. The Secretary of State utilized the previous HAVA Planning Committee to make changes. The Collins Center for Public Policy, Inc. was selected in a public competitive process to staff the update process.

The HAVA Planning Committee focused on three types of changes:

1. Substantive changes made by the State of Florida that bring the State into further compliance with HAVA
2. Minor updates that will not affect the State's compliance with HAVA
3. Issues that have arisen that might affect the State's future compliance with HAVA

The HAVA Planning Committee received copies of the original plan. All updates and changes to the original plan from the previous fiscal year were noted as follows:

1. Sections of the plan that were deleted were first shown in a strike-through font
2. Sections of the plan that were new were shown in an underlined font.
3. After the HAVA Planning Committee reviewed and approved the updates, the underline and strike-through fonts were removed.

**Section 254(a)(12) When Florida has a HAVA State Plan for the previous fiscal year, will the State of Florida provide a description of how the plan reflects changes from the HAVA State Plan for the previous fiscal year and how the State succeeded in carrying out the HAVA State Plan for such previous fiscal year?**

Florida has updated its original HAVA State Plan to bring it into further compliance through legislative action, rule change and updated information. The following chart is a summary on how the HAVA State Plan changed and how the State succeeded in carrying out the HAVA State Plan for the previous fiscal year.



**HAVA State Plan Update from Previous Fiscal Year**

**Element 1-Voting Systems**

Florida currently meets all HAVA voting system requirements except with regard to voting systems for voters with disabilities.

Changes	Successes
<p>Voting systems for voters with disabilities:            The Legislature appropriated \$11.6 million to help Florida's counties provide one certified accessible voting system for voters with disabilities including blind and visually impaired voters by January 1, 2006.</p>	<p>The Department of State is going beyond HAVA by contracting with a disability relations group to act as a consultant to help implement disability access with the supervisors of elections across the state.</p>

**Element 1- Provisional Voting and Voting Information**

Florida made six (6) changes to the provisional voting process in order to comply with HAVA by January 1, 2004.

Changes	Successes
<p><b>Free Access System:</b>            Updated state law to require each supervisor of elections to establish a free access system that allows each person who casts a provisional ballot to determine whether his/her provisional ballot was counted and, if not, why.</p> <p>The HAVA Planning Committee concludes that the provisional ballot set forth in HAVA reinforces protections that the NVRA affords voters who move within the registrar's jurisdiction without updating their registration information, the ability to vote. The HAVA Planning Committee would like to offer Florida voters this same certainty and recommends to the Florida Legislature that the meaning of the term "jurisdiction" in Florida Statutes be changed from "precinct" to "county."</p> <p>Voting instructions including how to cast a provisional ballot:            The Division of Elections updated and</p>	<p>Systems were established by January 1, 2004 and individuals who voted provisional ballots were given notice of whether their ballot was counted.</p> <p>Proper instructions for voting and casting a provisional ballot were displayed in polling places.</p> <p>Proper instructions for mail-in registrants and first-time voters were displayed in polling places.</p> <p>Proper contact information for any voter alleging their rights were violated was displayed in polling places.</p> <p>The State was in compliance by the required deadline.</p>



reprinted posters that are displayed in each polling place on election day to include these instructions.

Posting of instructions for mail-in registrants and first-time voters:

The Division of Elections updated and reprinted posters that are displayed in each polling place on election day to include these instructions.

Posting of contact information for voters who allege their rights have been violated:

The Division of Elections updated and reprinted posters that are displayed in each polling place on election day to include these instructions.

Effective date for complying with Provisional Voting and Voting Information Requirements: Requirements were completed by HAVA deadline of January 1, 2004.

**Element 1- Voter Registration System**

Changes	Successes
<p>The Florida Legislature has directed the Department of State to begin the development of the new Florida Voter Registration System (FVRS) that meets the requirements of HAVA. The Division of Elections has been tasked to develop the specifications for the design and implementation. A project team has been established consisting of supervisors of elections, technical experts and other agency representatives and has approved a five (5) phase project plan to be completed by the HAVA deadline.</p>	<p>The State of Florida received an extension for the development and implementation of the computerized statewide voter registration list from January 1, 2004 to January 1, 2006.</p> <p>The Florida Legislature appropriated \$1.6 million to begin the project design and implementation of the new Florida Voter Registration System and to fund nine positions.</p>



**Element 2- Local Government Payments and Activities**

Changes	Successes
<p>The State of Florida reimbursed itself with \$11.58 million in Section 102 HAVA funds for replacing outdated voting machines after the 2000 General Election.</p>	<p>The Florida Legislature appropriated \$11.6 million in HAVA funds to assist counties in the purchase of accessible voting systems for each polling place.</p> <p>The Florida Legislature appropriated nearly \$3 million to counties for nonpartisan Voter Education programs.</p>

**Element 3- Voter Education**

Changes	Successes
<p>An analysis of FY 2003-2004 voter education programs throughout the state indicate a variety of innovative programs are being used.</p> <p>Beginning in 2003, the Florida Legislature expanded its definition of voter education activities for which counties may receive state funds.</p> <p>HB 29B (Chapter 2003-415) requires:</p> <ul style="list-style-type: none"> <li>• Education materials to be updated to provide absentee voters with better instructions;</li> <li>• The Department of State and county supervisors of elections to provide more information to absent uniform services voters and overseas voters;</li> <li>• Persons registering to vote be notified of the requirement to provide identification prior to voting the first time;</li> <li>• Written instructions be given regarding the free access system that allows each person who casts a provisional ballot to determine whether their vote counted and, if not, why not;</li> <li>• Supervisors of elections to provide up-to-date information to conform to HAVA</li> </ul>	<p>The Florida Legislature appropriated \$3 million for voter education programs for FY 2004-2005.</p> <p>Division of Elections contracted with the Get Out the Vote Foundation, Inc., in the amount of \$247,500 from FY 2003-2004 appropriations.</p> <p>The Florida State Association of Supervisors of Election, through activities of its Get Out the Vote Foundation, will play a major role in educating and training election officials in 2004.</p> <p>To increase poll worker recruitment, the Department has initiated a "Be a Poll Worker" campaign which includes airing public service announcements and distributing "Be a Poll Worker" handouts at Department presentations.</p>



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voting information requirements;

Senate Bill No. 2566 (Chapter 2004-232) required county supervisors of elections to revise the Voter's Certificate and instruction to those voting via an absentee ballot indicating an absentee ballot is no longer required to have his/her signature witnessed.

Senate Bill No. 2346 (Chapter 2004-252) required county supervisors of elections to revise the Early Voting Certificate information indicating a person casting an Early Vote is no longer required to have his/her signature witnessed.

The Division of Election's website enhances voter education through the internet by:

- Voter assistance hotline toll free number
- 2004 national voter registration workshops to be held across the state
- Direct link to Help America Vote Act and HAVA Planning Committee activities
- The results of an election night voter report card (survey)

Under F.S. 101.20, supervisors of elections may mail a sample ballot to each registered elector or each household if done at least 7 days prior to any election, rather than publishing a sample ballot in a newspaper of general circulation.

The HAVA Planning Committee recommended state funding for poll worker training and recruitment but the Florida Legislature in 2004 did not appropriate any funds for either activity.

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**Element 4- Voting System Guidelines and Processes**

Changes	Successes
There were no changes in this element of the HAVA State Plan.	

**Element 5- HAVA Election Fund**

Changes	Successes
<p>The HAVA fund has not undergone any structural changes in the way the trust fund was set up.</p> <p>Recent calls from the Florida Auditor General indicate a possible audit during FY 2004-2005.</p>	The Florida Legislature has appropriated funds received for election-related activities as required by HAVA.

**Element 6- HAVA Budget**

Changes	Successes
<p>The HAVA Planning Committee approved the projected cost of the Florida Voter Registration System and recommended that the Florida Legislature continue funding the development of this project for a estimated total of \$20.6 million through 2008.</p> <p>The HAVA Planning Committee continued to recommend that the State of Florida reimburse counties that have already purchased voting systems that meet the HAVA accessibility requirements for voters with disabilities.</p> <p>The HAVA Planning Committee recommended using \$9 million of HAVA funds during FY 2003-2004, FY 2004-2005 and FY 2005-2006 to develop and implement a state-wide voter education program.</p>	<p>The State of Florida reimbursed itself with \$11.58 million in Section 102 HAVA funds for replacing outdated voting machines after the 2000 General Election.</p> <p>The Florida Legislature appropriated \$1.6 million in FY 2003-2004 to begin the development of the Florida Voter Registration System which will meet HAVA requirements.</p> <p>The Florida Legislature appropriated \$11.6 million in HAVA funds, in FY 2004-2005, to assist counties in the purchase of accessible voting systems for each polling place by January 1, 2006.</p> <p>The Florida Legislature appropriated nearly \$3 million to counties for nonpartisan Voter Education programs in FY 2003-2004 and FY 2004-2005.</p>



<p>The HAVA Planning Committee recommended using \$500,000 for FY 2005-2006 in a matching grant program for counties to conduct election official and poll worker training.</p> <p>The HAVA Planning Committee did not recommend renewing its recommendation to develop a statewide poll worker recruitment campaign.</p> <p>The HAVA Planning Committee recommended continued funding of the three positions providing administrative oversight for HAVA.</p> <p>The HAVA Planning Committee recommended funding future HAVA Planning Committee meetings at \$30,000 for each fiscal year through FY 2005-2006.</p> <p>The HAVA Planning Committee recommended funding the following future activities:</p> <ol style="list-style-type: none"> <li>1. continued development and expansion of the Florida Voter Registration System</li> <li>2. future improvement to voting technology</li> <li>3. continued funds for county voter education programs</li> <li>4. accessibility for polling places</li> <li>5. poll worker recruitment and training.</li> </ol>	<p>The Florida Legislature funded three positions to provide administrative oversight for HAVA in FY 2003-2004.</p>
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**Element 7- Maintenance of Effort**

Changes	Successes
<p>The State of Florida exceeded the Maintenance of Effort payments for FY 2003-2004 and FY 2004-2005.</p>	<p>The State of Florida provided funds of just over \$3,082,224 for election activities in order to meet the HAVA Maintenance of Efforts requirement.</p>



**Element 8- Performance Measures**

Changes	Successes
<p>The HAVA Planning Committee approved performance measures for the following plan elements:</p> <ol style="list-style-type: none"> <li>1. Voting systems</li> <li>2. Voting systems guidelines</li> <li>3. Absentee instructions</li> <li>4. Voting Systems for voters with disabilities</li> <li>5. Provisional voting</li> <li>6. Voter registration</li> <li>7. Voter Education</li> <li>8. Administrative complaint process</li> </ol>	

**Element 9-Administrative Complaint Process**

Changes	Successes
<p>There were no changes for this element of the HAVA State Plan.</p>	

**Element 10- Effect of Title One Payments**

Changes	Successes
<p>Florida received \$26,028,957 in Title I funds.</p> <p>These Title I, Section 102 funds were returned to the state as reimbursement for funds invested in the counties to replace outdated voting machines following the 2000 General Election instead of being distributed to counties as recommended by the HAVA Planning Committee.</p> <p>Title III funds were used as recommended by the HAVA Planning Committee to begin development of the statewide voter registration system.</p> <p>Title I funds were used as recommended by the HAVA Planning Committee for voter</p>	<p>The Division of Elections used \$1 million for Phase 1 of the new voter registration system.</p> <p>The Division of Elections distributed \$3 million to Florida counties for voter education activities and is scheduled to distribute an</p>





<p>education programs over a two year period.</p> <p>The Florida Legislature did not appropriate HAVA funds for use in training election officials and poll workers as recommended by the HAVA Planning Committee.</p> <p>The Florida Legislature appropriated \$11.6 million for distribution to supervisors of elections for the purchase of equipment which is accessible to persons with disabilities.</p>	<p>additional \$3 million in FY 2004-2005.</p> <p>Funds will be distributed to supervisors of elections to purchase equipment which is accessible to persons with disabilities.</p> <p>The State of Florida applied for and has been awarded two grants from Health &amp; Human Services in the amount of \$687,278 and \$492,941 to be used for making polling places accessible to individuals with disabilities.</p> <p>The Division of Elections has distributed a survey to all supervisors of elections requesting information regarding the number of polling places that were utilized in the 2004 Presidential Preference Primary in order to determine the formula for distributing grant funds to counties.</p>
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**Element 11- HAVA State Plan Management Section**

Changes	Successes
<p>The HAVA Planning Committee updated this element to reflect the three new HAVA oversight positions in the Division of Elections</p>	<p>The Division of Elections created three new positions and hired staff in FY 2003-2004 to oversee the HAVA State Plan implementation and reporting.</p>

**Element 12- HAVA Changes in State Plan for Previous Fiscal Year**

Changes	Successes
<p>The HAVA State Plan was updated to reflect changes from FY 2003-2004.</p>	

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**Element 13- HAVA State Plan Development and Planning Committee**

Changes	Successes
<p>The HAVA Planning Committee met twice in 2004 to update the HAVA State Plan.</p> <p>The HAVA Planning Committee welcomed three new members:</p> <ol style="list-style-type: none"><li>1. Brenda Snipes, Supervisor of Elections for Broward County</li><li>2. Constance Kaplan, Supervisor of Elections for Miami-Dade County</li><li>3. Jennifer Carroll, State Representative from District 13</li></ol>	



## Element 13. State Plan Development and HAVA Planning Committee

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

### **Introduction**

To comply with the requirements of the Help America Vote Act of 2002 (HAVA), the HAVA State Plan must be developed by the chief State election official through a committee of appropriate individuals. After a preliminary plan is developed, it must be published for public inspection and comment. State officials must take public comments into account in preparing the HAVA State Plan submitted to the Federal Elections Commission.

**Section 255: Has Florida complied with the requirements of section 255(a) to have the chief State election official develop the HAVA State Plan through a committee of appropriate individuals?**

**Yes, and no further actions are required.**

Florida's Chief State Election Official, Secretary of State Glenda Hood, has the responsibility under HAVA to develop the HAVA State Plan with the assistance of the statewide HAVA Planning Committee. Section 255(a) of HAVA requires that "The chief State election official shall develop the HAVA State Plan under this subtitle through a committee of appropriate individuals, including the chief election officials of the two most populous jurisdictions within the State, other local election officials, stakeholders (including representatives of groups of individuals with disabilities), and other citizens, appointed for such purpose by the chief State election official."

Members of the HAVA Planning Committee for the State of Florida, appointed by Secretary of State Hood, are as follows:

### **Chairman:**

Jim Smith of Leon County, former Secretary of State and former Attorney General

### **Chief Election Officials of the Two Most Populous Jurisdictions within the State:**

Brenda Snipes, Supervisor of Elections for Broward County

Constance Kaplan, Supervisor of Elections for Miami-Dade County

### **Other Local Election Officials:**

Kurt Browning, Supervisor of Elections for Pasco County

Susan Gill, Supervisor of Elections for Citrus County

Shirley Green Knight, Supervisor of Elections for Gadsden County



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**Stakeholders/Representatives of Groups of Individuals with Disabilities:**

Dave Evans, State Board Member of the National Federation of the Blind

Jim Kracht, Assistant County Attorney for Miami-Dade County and member of the American Blind Lawyers Association, American Council of the Blind and the Florida Council of the Blind

Richard LaBelle, Secretary of the Florida Coalition on Disability Rights

**Other Stakeholders and Citizens:**

Joe Celestin, Mayor of the City of North Miami

Anna Cowin, State Senator from District 20

Jane Gross, President of the Florida League of Women Voters

Jennifer Carroll, State Representative from District 13

Arthur Hernandez, Vice Chairman of the Jacksonville Mayor's Hispanic American Advisory Board

Percy Luney, Dean and Professor of Law at Florida A&M University

Reggie McGill, Human Relations Director for the City of Orlando

Isis Segarra, private citizen from Hillsborough County

Lori Stelzer, Former President of the Florida Association of City Clerks and City Clerk for the City of Venice

Raiza Tamayo, Regional Director of the United States Hispanic Chamber of Commerce

This HAVA Planning Committee convened two times in public meetings to update the State Plan—Orlando, Florida on May 24, 2004 and Hollywood, Florida on June 4, 2004. All meetings were noticed in the *Florida Administrative Weekly*. Members of the public and press were welcomed at the meetings. The HAVA Planning Committee heard public comment at each meeting. It was assisted by a non-profit, non-partisan organization, the Collins Center for Public Policy, Inc., that was selected in a public bidding process to serve as staff for the HAVA Planning Committee in updating the HAVA State Plan, and by the Division of Elections of the Florida Department of State.

The HAVA Planning Committee operated in an open process with public deliberations, systematic procedures in accordance with *Robert's Rules of Order*, and majority vote of members who were present when votes were taken. A majority quorum of HAVA Planning Committee members was present for the Orlando meeting. At the Hollywood meeting, the HAVA Planning Committee was one member short of meeting a majority quorum. As a result, members present at the Hollywood meeting conducted a workshop on the proposed changes. At the end of the meeting, the nine HAVA Planning Committee members in attendance moved to approve the changes they had discussed. The Collins Center then obtained approval from the members not present at the Hollywood meeting to incorporate the changes into the working draft. The HAVA Planning Committee received two drafts of the final plan before voting to approve the updates and sending the plan to the Division of Elections.

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The Collins Center, as staff, prepared written materials for the meetings, made presentations to focus the HAVA Planning Committee on decisions that needed to be made, and took notes of all meetings. A formal transcript of each meeting also was made. All agendas and other published materials for meetings of the HAVA Planning Committee were made available at the meetings. The website of the State Division of Elections also included much of this material.

All meetings were held in accessible facilities and were compliant with the Americans with Disabilities Act. Closed captioning service was available at all meetings. Agendas were printed in Braille as well as Spanish and Creole.

**Section 256: Will Florida comply with the requirement of Section 256 to have the HAVA State Plan meet the public notice and comment requirements of HAVA?**

**Yes, and no further actions are required.**

Section 256 of HAVA requires that the HAVA State Plan meet the following public notice and comment requirements:

- (1) not later than 30 days prior to the submission of the plan, the State shall make a preliminary version of the plan available for public inspection and comment;
- (2) the State shall publish notice that the preliminary version of the plan is so available; and
- (3) the State shall take the public comments made regarding the preliminary version of the plan into account in preparing the plan which will be filed with the Election Assistance Commission.

After the final updated HAVA State Plan is submitted to the Election Assistance Commission, that Commission shall cause the HAVA State Plan to be published in the Federal Register in accordance with Section 255(b).

These tasks were performed by the Division of Elections and not by the HAVA Planning Committee or its consultants. The work of the HAVA Planning Committee and its consultants was completed when a preliminary version of the HAVA State Plan was prepared, approved by the HAVA Planning Committee, and submitted to the Secretary of State.

After notice is given in the *Florida Administrative Weekly*, the preliminary version of the HAVA State Plan will be posted on the Department of State's and the Governor's websites. A link is available on the Department's website so that public comment can be made electronically. Public comments also will be received by U. S. mail. Public comments will be considered in preparing the final plan.

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**Help America Vote Act of 2002 State Plan Chart**

Help America Vote Requirement	Status: 2003 HAVA State Plan				Status: As of 6/4/04
	Meets	Partially Meets	Does Not Meet	Described in Plan	
<b>Voting Systems--Section 301 Compliance January 1, 2006)</b>					
Verify Ballot	X				Meets
Change or Correct Ballot	X				Meets
Prevent Overvotes	X				Meets
Absentee instructions	X				Meets
Absentee privacy and confidentiality	X				Meets
Paper record for audits	X				Meets
Systems for voters with disabilities		X			Partially meets
Future voting systems purchases comply with HAVA	X				Meets
Alternative language accessibility	X				Meets
Comply with FEC error rates	X				Meets
Define what constitutes a vote	X				Meets
<b>Provisional Voting and Voter Information--Section 302 (Compliance January 1, 2004)</b>					
Laws require notification to cast provisional ballot	X				Meets
Provisional ballots permitted with written affirmation of voter eligibility	X				Meets
Provisional ballots given to election officials for determination	X				Meets
Provisional ballots counted if voter is determined to be eligible	X				Meets
Voters provided information to ascertain if provisional ballot counted	X				Meets
"Free access system" provided to ascertain if provisional ballot counted	X				Meets
Sample ballots are posted for election	X				Meets
Date of election and polling place hours are posted	X				Meets
Voting instructions and provisional voting instructions are posted on election day	X				Meets
Voting instructions for mail-in registrants and first-time voters on election day	X				Meets
Voting rights information and provisional ballot information posted	X				Meets
Contact information posted for voters whose rights have been violated	X				Meets
Information posted on prohibition of fraud and misrepresentation	X				Meets

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Help America Vote Requirement	Status: 2003 HAVA State Plan				Status: As of 6/4/04
	Meets	Partially Meets	Does Not Meet	Described in Plan	
Provisional ballots segregated for those who vote after special extended poll hours	X				Meets
<b>Voter Registration--Section 303 (Compliance January 1, 2004 or extension January 1, 2006)</b>					
Single, uniform, official centralized, interactive computer statewide, voter registration list			X		Does not meet
Can Florida meet January 1, 2004 deadline? Need to apply for January 1, 2006 waiver	X				Meets
HAVA's ID requirements for voters who register by mail and not previously voted	X				Meets
HAVA's requirement for voter registration language in mail registration forms	X				Meets
<b>Local Government Payments and Activities [Section 254(a)(2)]</b>					
Describe criteria for funding				X	Updated
Describe methods to monitor performance				X	Updated
<b>Voter Education [Section 254(a)(3)]</b>					
Describe voter education programs to support Title III				X	Updated
Describe election official education and training to support Title III				X	Updated
Describe poll worker training to support Title III				X	Updated
<b>Voting System Guidelines and Processes [Section 254(a)(4)]</b>					
Describe Florida's voting system guidelines and processes consistent with Section 301				X	Meets
<b>HAVA Election Fund [Section 254(a)(5)]</b>					
Describe how Florida will establish a HAVA fund				X	Updated
Describe how Florida will manage the HAVA fund				X	Updated
<b>Florida's HAVA Budget [Section 254(a)(6)]</b>					
Describe costs of activities to meet Title III				X	Updated
Describe portion of requirements payment to carry out requirements activities				X	Updated
Describe portion of requirements payment to carry out other activities				X	Updated
<b>Florida's Maintenance of Effort [Section 254(a)(7)]</b>					
Describe how Florida will maintain election expenditures at the 1999-2000 FY				X	Updated

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Help America Vote Requirement	Status: 2003 HAVA State Plan				Status: As of 6/4/04
	Meets	Partially Meets	Does Not Meet	Described in Plan	
<b>Florida's Performance Goals and Measures [Section 254(a)(8)]</b> Describe how Florida will adopt performance goals measures to determine HAVA success				X	Updated
<b>Administrative complaint process [Section 254(a)(9)]</b> Established a state-based administrative complaint process to remedy grievances	X				Meets
<b>Effect of Title I Payments [Section 254(a)(10)]</b> Describe how Title I payments will affect activities of HAVA plan				X	Updated
<b>HAVA State Plan Management [Section 254(a)(11)]</b> Describe how Florida will manage plan and make material changes to plan				X	Updated
<b>HAVA State Plan for Previous Fiscal Year [Section 254(a)(12)]</b> Describe how this year's plan changed from the previous fiscal year				X	Updated
<b>HAVA State Plan Development and Planning Committee [Section 254(a)(13)]</b> Describe the committee and procedures used to develop the HAVA plan				X	Updated

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## Appendix A

# INSTRUCTIONS TO VOTERS

1. Polls open at 7 a.m. and close at 7 p.m.
2. Sample ballots will be posted in the polling room for your information.
3. When you enter the polling room and before being permitted to vote, you are required to present a photo ID with signature. If you do not have the proper ID, you will be allowed to sign an affidavit and vote.
4. If you are a first-time voter who registered by mail and have not already provided identification to the supervisor of elections, you must provide a photo ID with signature. If you do not have the proper ID, you are allowed to vote a provisional ballot.
5. If you need instructions on how to use the voting equipment, ask a poll worker to assist you. After you have been given instructions, the officer assisting you will leave so that you can cast your vote in secret.
6. You are required to occupy the voting booth alone, unless you requested assistance at the time of registration or when you signed in at the polls.
7. When you are finished marking your ballot, take your ballot and put it into the precinct tabulator.
8. After you cast your vote, you are required to leave the polling room and you will not be allowed to re-enter.
9. If your eligibility is questioned or you are a first-time voter who registered by mail and do not have a photo ID, you will be allowed to vote a provisional ballot. Once you have voted your provisional ballot, place it in the envelope provided to you and fill out the Voter's Certificate on the back of the envelope. Do not put your ballot through the precinct tabulator. Your ballot will be presented to the County Canvassing Board for a determination as to whether your ballot will be counted.
10. The poll workers possess full authority to maintain order in the polling area.

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STATE OF FLORIDA

021372



**GLEND A E. HOOD**  
SECRETARY OF STATE  
STATE OF FLORIDA

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## Appendix B

# INSTRUCTIONS TO VOTERS

1. Polls open at 7 a.m. and close at 7 p.m.
2. Sample ballots will be posted in the polling room for your information.
3. When you enter the polling room and before being permitted to vote, you are required to present a photo ID with signature. If you do not have the proper ID, you will be allowed to sign an affidavit and vote.
4. If you are a first-time voter who registered by mail and have not already provided identification to the supervisor of elections, you must provide a photo ID with signature. If you do not have the proper ID, you are allowed to vote a provisional ballot.
5. If you need instructions on how to use the voting equipment, ask a poll worker to assist you. After you have been given instructions, the officer assisting you will leave so that you can cast your vote in secret.
6. You are required to occupy the voting booth alone, unless you requested assistance at the time of registration or when you signed in at the polls.
7. When you are finished voting your ballot, be sure to press the VOTE or CAST BALLOT button to cast your vote.
8. After you cast your vote, you are required to leave the polling room and you will not be allowed to re-enter.
9. If your eligibility is questioned or you are a first-time voter who registered by mail and do not have a photo ID, you will be allowed to vote a provisional ballot. Once you have marked this paper ballot, place it in the envelope provided to you and fill out the Voter's Certificate on the back of the envelope. Your ballot will be presented to the County Canvassing Board for a determination as to whether your ballot will be counted.
10. The poll workers possess full authority to maintain order in the polling area.

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## Appendix C

# INSTRUCCIONES PARA LOS VOTANTES

### Instrucciones para los votantes

1. Las urnas abren a las 7:00 a.m. y cierran a las 7:00 p.m.
2. Para su información, las boletas de muestra estarán desplegadas en el salón de votaciones.
3. Cuando usted entre al salón de votación y antes de que se le permita votar, a usted se le requerirá presentar una identificación con foto y firma. Si usted no tiene la identificación adecuada, a usted se le permitirá firmar una declaración jurada y votar.
4. Si usted es un votante que vota por primera vez y que se ha registrado por correo y aún no ha provisto ya la identificación al supervisor de elecciones, usted deberá proveer una identificación con foto y firma. Si usted no tiene la identificación adecuada, a usted se le permite votar una boleta provisional.
5. Si usted necesita instrucciones sobre cómo usar el equipo de votación, pídale a un trabajador de las urnas que le ayude. Luego que a usted se le hayan dado instrucciones, el oficial que le ayuda se alejará, para que usted pueda echar su voto en secreto.
6. A usted se le requiere ocupar la caseta de votación solo(a), a menos que usted haya pedido ayuda al momento del registro o cuando usted firmó al llegar a las urnas.
7. Cuando usted termine de marcar su boleta, lleve su boleta y póngala en el tabulador del precinto.
8. Luego que usted eche su voto, a usted se le requerirá abandonar el salón de votación y no se le permitirá volver a entrar.
9. Si su elegibilidad es cuestionada o si usted es un votante que vota por primera vez que se registró por correo y no tiene una identificación con foto, a usted se le permitirá votar con una boleta provisional. Una vez usted haya votado con su boleta provisional, colóquela en el sobre que se le proveyó y llene el *Voter's Certificate* (Certificado del Votante) al dorso del sobre. No coloque su boleta a través del tabulador del precinto. Su boleta será presentada al *County Canvassing Board* (Junta Examinadora del Condado) para una determinación en cuanto a contar su boleta o no.
10. Los trabajadores en las urnas poseen plena autoridad para mantener el orden en el área de votación.

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**GLEND A. HOOD**  
SECRETARY OF STATE  
STATE OF FLORIDA

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## Appendix D

# INSTRUCCIONES PARA LOS VOTANTES

1. Las urnas abren a las 7:00 a.m. y cierran a las 7:00 p.m.
2. Para su información, las boletas de muestra estarán desplegadas en el salón de votaciones.
3. Cuando usted entre al salón de votación y antes de que se le permita votar, a usted se le requerirá presentar una identificación con foto y firma. Si usted no tiene la identificación adecuada, a usted se le permitirá firmar una declaración jurada y votar.
4. Si usted es un votante que vota por primera vez y que se ha registrado por correo y aún no ha provisto ya la identificación al supervisor de elecciones, usted deberá proveer una identificación con foto y firma. Si usted no tiene la identificación adecuada, a usted se le permite votar una boleta provisional.
5. Si usted necesita instrucciones sobre cómo usar el equipo de votación, pídale a un trabajador de las urnas que le ayude. Luego que a usted se le hayan dado instrucciones, el oficial que le ayuda se alejará, para que usted pueda echar su voto en secreto.
6. A usted se le requiere ocupar la caseta de votación solo(a), a menos que usted haya pedido ayuda al momento del registro o cuando usted firmó al llegar a las urnas.
7. Cuando usted termina de votar su boleta, asegúrese de apremiar el botón de VOTAR o ECHAR LA BOLETA para echar su voto.
8. Luego que usted eche su voto, a usted se le requerirá abandonar el salón de votación y no se le permitirá volver a entrar.
9. Si su elegibilidad es cuestionada o si usted es un votante que vota por primera vez que se registró por correo y no tiene una identificación con foto, a usted se le permitirá votar con una boleta provisional. Una vez usted haya marcado esta boleta de papel, colóquela en el sobre que se le proveyó y llene el *Voter's Certificate* (Certificado del Votante) al dorso del sobre. Su boleta será presentada al *County Canvassing Board* (Junta Examinadora del Condado) para una determinación en cuanto a contar su boleta o no.
10. Los trabajadores en las urnas poseen plena autoridad para mantener el orden en el área de votación.

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STATE OF FLORIDA

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**Appendix E**

## **VOTER'S BILL OF RIGHTS**

**Each registered voter in this state has the right to:**

1. Vote and have his or her vote accurately counted.
2. Cast a vote if he or she is in line at the official closing of the polls in that county.
3. Ask for and receive assistance in voting.
4. Receive up to two replacement ballots if he or she makes a mistake prior to the ballot being cast.
5. An explanation if his or her registration is in question.
6. If his or her registration is in question, cast a provisional ballot.
7. Prove his or her identity by signing an affidavit if election officials doubt the voter's identity.
8. Written instructions to use when voting, and, upon request, oral instructions in voting from elections officers.
9. Vote free from coercion or intimidation by elections officers or any other person.
10. Vote on a voting system that is in working condition and that will allow votes to be accurately cast.

**You may have other voting rights under state and federal laws. If you believe your voting rights have been violated, please contact Florida Department of State, Division of Elections, 1-877-868-3737**



Appendix F

## **LA CARTA DE LOS DERECHOS DEL ELECTOR**

**Todo elector inscrito en este estado tiene el derecho:**

1. de votar y de que se cuente con precisión su voto.
2. de que se le permita votar si está en cola para votar cuando estén cerrando oficialmente las urnas en ese condado.
3. de pedir y recibir asistencia para votar.
4. de recibir hasta dos boletas de reemplazo si se equivoca antes de emitir su voto definitivamente.
5. si su inscripción está en duda, de que se le explique el motivo del problema.
6. si su inscripción está en duda, de votar con una boleta provisional.
7. de firmar una declaración jurada para probar su identidad si los funcionarios electorales tienen alguna duda acerca de la identidad del elector.
8. de tener por escrito instrucciones sobre el método de votación para usarlas al votar y, si las pide, de recibir instrucciones verbales por parte de los funcionarios electorales sobre dicho método.
9. de votar sin que lo coaccionen o intimiden los funcionarios electorales ni ninguna otra persona.
10. de votar empleando un sistema que, además de funcionar correctamente, haga posible emitir con precisión los votos.

**Usted puede tener otros derechos de la votación bajo el estado y las leyes federales. Si usted cree que sus derechos de la votación se han violado, por favor avise La Sección de Estado de la Florida, la División de Elecciones, 1-877-868-3737.**



**GLEND A. HOOD**  
 SECRETARY OF STATE  
 STATE OF FLORIDA

STATE OF FLORIDA  
 HAVA PLAN UPDATE / 106

**Appendix G**



STATE OF FLORIDA  
 DEPARTMENT OF STATE

**JEB BUSH**  
 Governor

**GLEND A. HOOD**  
 Secretary of State

November 10, 2005

Ms. Rosalyn Bonsall, Director  
 Office of Election Administration  
 Federal Elections Commission  
 999 E Street NW  
 Washington, D.C. 20463

RE: State of Florida request for waiver pursuant to Section 303(d) of the Help America Vote Act of 2002

Dear Ms. Bonsall:

Section 303(a) of the Help America Vote Act of 2002 requires each state to implement a computerized statewide voter registration list by the January 1, 2004, date specified in Section 303(d)(1)(A) of the same statute. Section 303(d)(1)(B) provides for states to request an extension of the aforementioned deadline until January 1, 2006. The purpose of this correspondence is to certify that, for good cause as outlined below, the State of Florida is unable to meet the January 1, 2004, implementation date called for in Section 303(d)(1)(A), and respectfully requests an extension of the deadline as permitted by law until January 1, 2006.

Florida has a tradition of administering voter registration at the county level jurisdiction. Each of Florida's sixty-seven counties has a constitutionally elected officer known as the supervisor of elections who is responsible for maintaining voter registration lists in their respective county. Each supervisor of elections is also responsible for determining the type of information technology appropriate for supporting voter registration activities in their jurisdiction and the manner in which registration records are maintained. The steps required to: (1) assess county-administered voter registration systems; (2) develop methods for consolidating a variety of voter registration lists with individual nuances into a single computerized statewide system; and (3) provide for future coordination of county voter registration activities with the statewide list will require more time than provided by the January 1, 2004, implementation date.

The Florida Department of State is working diligently to implement a statewide voter registration system that will meet all the requirements of Title III. Some of the steps already taken by the State of Florida in order to develop and implement a statewide voter registration system include: hiring a project director; executing agreements with our state Departments of Highway Safety

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**GLENDA E. HOOD**  
SECRETARY OF STATE  
STATE OF FLORIDA

STATE OF FLORIDA  
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• Ms. Penelope Beasly, Director  
November 10, 2005  
Page 2

Motor Vehicles and Law Enforcement that outline data exchange procedures; and creating task groups comprised of county election officials and Department of State personnel in order to address technical and procedural issues relating to the creation of the centralized registration system. Given the steps already taken by the Florida Department of State and the other departments involved, and the scope of the work remaining to be done, I am confident that the State of Florida will be successful in having a statewide computerized voter registration system operational by the January 1, 2006, extended deadline requested herein.

Sincerely,

A handwritten signature in cursive script that reads "Glenda E. Hood".

Glenda E. Hood  
Secretary of State

GEE/cek/pt

021379





FLORIDA DEPARTMENT OF STATE  
**Glenda E. Hood**  
Secretary of State  
DIVISION OF ELECTIONS

August 5, 2003

Mr. Brian Hancock  
Office of Election Administration  
Federal Election Commission  
999 E Street, NW  
Washington, D.C. 20463

Dear Mr. Hancock:

Attached is the final version of the State of Florida HAVA Plan as required by the Help America Vote Act. The plan is now ready to be published in the Federal Register. Please include the following URL in the introduction to the state plan: <http://election.dos.state.fl.us/hava/index.shtml>.

If you need further information, please let me know.

Sincerely,

A handwritten signature in black ink that reads "Edward C. Kast".

Edward C. Kast  
Director, Division of Elections

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# **State of Florida**

# **HAVA Plan**

*As required by the*

HELP AMERICA VOTE ACT  
OF 2002 (HAVA)

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**STATE OF FLORIDA  
DEPARTMENT OF STATE**

**JEB BUSH**  
*Governor*

**GLEND A. HOOD**  
*Secretary of State*

July 21, 2003

Dear Election Assistance Commission:

As Chief Election Officer of the State, I am pleased to present the State of Florida HAVA Plan developed pursuant to the Help America Vote Act of 2002. This plan represents Florida's long-range plan for implementing the federal Act, which requires all states to significantly reform the way they conduct elections. As the plan indicates, Florida has already met many of the requirements of HAVA.

Florida's plan was developed through the Help America Vote Act Planning Committee, a group of dedicated individuals representing various constituency groups throughout the State. The plan sets forth the goals of achieving compliance with HAVA and for continuing to improve the elections process in the State of Florida. I commend the Committee for its hard work and diligence in producing the Plan.

As part of the Plan, the Committee was tasked with developing a budget based on the projected federal funds that the State would receive. The Committee considered only those funds projected to be received for the 2003 federal fiscal year. I, along with other election officials throughout the State, encourage Congress to continue the necessary funding to fully implement the requirements of HAVA. Both the State and counties have already spent significant funds to replace outdated voting systems. HAVA allows certain reimbursements for these expenditures and I fully support reimbursement to the State and counties where permissible under the Act. We will continue to examine the possibility of further reimbursement to the state as permitted by HAVA.

This plan recognizes that additional resources are required in order for our Supervisors of Elections to provide continuing voter education to the citizens of the State, to recruit qualified poll workers, and to provide the necessary training for those workers. As Chief Election Officer, I am committed to working closely with and supporting our Supervisors as we continue to ensure Florida voters have every confidence that their vote counts.

Florida will revise and update the plan as necessary to reflect the progress made in implementing HAVA and to chart the future goals and plans for elections. We look forward to continuing our election reform efforts to make this state the model for elections reform throughout the nation.

A handwritten signature in cursive script that reads "Glenda E. Hood".

Glenda E. Hood  
Secretary of State

021383

## **Introduction**

Since the aftermath of the General Election of 2000, Florida has led the nation in its election reform efforts to ensure that every registered voter should have the opportunity to vote and to ensure that every vote counts.

The goal is perfection. Reaching that goal in an ever changing democracy and within a diverse population is an ongoing task that requires constant experimentation and learning. The people and the leadership of Florida have dedicated themselves to this course of action.

The struggle for improving our election process reveals itself in many ways. Citizens have increased their involvement by serving on local and State election task forces, researching new voting technologies, debating new standards for poll worker training, increasing voter education opportunities, and registering new voters. The people of Florida continue to make election reform a top priority.

The leadership of Florida has also acted decisively. Florida has enacted legislative and local reforms during the last two years that lead the nation. These reforms include cutting-edge voting system standards, millions of dollars for new voting technology, expanded voter education efforts, and thousands of newly trained poll workers. A statewide poll taken the day of the 2002 General Election found that Floridians gave high marks to the election reform changes including a 91% "excellent-good" rating for poll workers and an 88% confidence rating from voters that their votes will count. These results are not "perfect," but Florida is moving in a positive direction to make all facets of the election process better each time an election is held.

With the passage and signing of the Help America Vote Act of 2002 (HAVA) on October 29, 2002, election reform will spread throughout the nation. The new federal law asks States to develop election reform plans that will improve election administration in many areas. Florida embraces the new federal law and hopes that other States will use it as an opportunity to share new election reform ideas and practices with one another.

The people of Florida have learned many things about election reform. Yet, there are enduring principles which are reflected within many recommendations and changes of Florida's election reform efforts. These principles were developed by Florida's first task force in the aftermath of the 2000 General Election:

### **Enduring Principles of Elections**

- **Elections are first and foremost acts of millions of individual people: citizens who register and vote; candidates who offer themselves and their platforms for public**

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judgment; poll workers who put in long days at precincts; and election officials who supervise the process. Honest, responsible, intelligent people will make most technology systems work well.

- Voting should be a simple, convenient and friendly process that encourages each citizen to express his or her choices.
- Voting systems should be designed to determine voter intent, to the extent that is humanly possible.
- Voting methods for statewide and national elections should meet uniform standards and national standards for fairness, reliability and equal protection of voting opportunity.
- Elections must meet two competing objectives: certainty (making every vote count accurately) and finality (ending elections so that governing can begin).
- While voting should be individual and private, procedures for counting and challenging votes should be open, transparent, and easily documented to ensure public confidence in the results.

Fulfilling the promises of these enduring principles will require continued vigilance and action. With this HAVA Plan, Florida continues its journey to mount an increasingly open and fair system of determining the will of the people.

The Help America Vote Act of 2002 requires all States to develop and implement a statewide plan. Listed below are the thirteen primary elements that must be addressed in the plan.

**Help America Vote Act of 2002 (HAVA)**  
Public Law 107-252 – October 29, 2002

**SEC. 254. STATE PLAN.**

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

**Element 1.**

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

**Element 2.**

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

- 
- A) The criteria to be used to determine the eligibility of such units or entities for receiving the payment; and
  - B) The methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under paragraph (8).

**Element 3.**

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

**Element 4.**

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

**Element 5.**

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

**Element 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.

**Element 7.**

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

**Element 8.**

How the State will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the State will use to measure performance and the process used to develop such criteria,

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and a description of which official is to be held responsible for ensuring that each performance goal is met.

**Element 9.**

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

**Element 10.**

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

**Element 11.**

How the State will conduct ongoing management of the plan, except that the State may not make any material change in the administration of the plan unless the change —

- A) Is developed and published in the Federal Register in accordance with section 255 in the same manner as the State plan;
- B) Is subject to public notice and comment in accordance with section 256 in the same manner as the State plan; and
- C) Takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A).

**Element 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.

**Element 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.



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## Element 1. Use Of Title III Requirements Payments:

### A. Voting Systems

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

#### **Introduction**

Following the 2000 General Election, the people of Florida made a concerted effort to improve all facets of its election procedures, standards and voting systems. The first major changes were the recommendations advanced by the 2001 Governor's Select Task Force on Election Procedures, Standards and Technology followed by the passage of the Florida Election Reform Act of 2001. A central component of Florida's new election law mandated the replacement of punch card voting systems, lever machines, paper ballots and central count optical scanning systems with precinct tabulated Marksense voting systems or the Direct Recording Electronic voting systems. The new voting systems were put into service to reduce voter error, to improve tabulation accuracy, and to restore voter confidence in Florida's elections.

Florida has adopted voting system standards which meet and exceed standards established by the Federal Election Commission. Florida's voting system standards are reviewed every two years to determine whether they are adequate and effective in carrying out fair and impartial elections. The Bureau of Voting Systems Certification within the Department of State has statutory authority to adopt rules which establish minimum standards for voting systems purchased and used in Florida. Florida's 67 counties have authority to purchase and to maintain the appropriate certified voting system for their registered voters. During the last two years, the State of Florida has provided \$24 million to assist counties in purchasing new certified voting systems.

Only two types of voting systems are certified for use in Florida's 67 counties— Direct Recording Electronic (DRE or "touchscreen") voting systems and Marksense with precinct-based tabulation.

There are three manufacturers who have certified voting systems for use in Florida: Diebold; Elections Systems and Software, Inc. (ES&S); and Sequoia Voting Systems, Inc. (SP). Members of the HAVA Planning Committee noted that the certified Diebold voting system currently does not allow visually impaired voters to independently or to privately vote and this is addressed later under Section 301(a)(3)(A) and Section 301(a)(3)(B). The following chart details the types of voting systems used in Florida, the respective manufacturer, and the number of counties using the voting systems.

**DRE Voting Systems ("touchscreen")  
 And Number of Florida Counties in Use  
 For Precinct Voting**

<b>DRE VOTING SYSTEM MANUFACTURER</b>	<b>COUNTIES (PRECINCT VOTING)</b>
ES&S Voting System Release 3	6
ES&S Voting System Release 4.2	5
SP AVC Edge Voting System	4
<b>TOTAL</b>	<b>15</b>

**Marksense Voting Systems ("optical scanning")  
 And Number of Counties in Use  
 For Precinct and Absentee Voting**

<b>MARKSENSE VOTING SYSTEM MANUFACTURER</b>	<b>COUNTIES (PRECINCT VOTING)</b>	<b>COUNTIES (ABSENTEE VOTING)</b>
Diebold AccuVote ES 2001 B	30	30
ES&S Voting System Release 1.1	2	2
ES&S Voting System Release 2.1	1	1
ES&S Voting System Release 3	4	10
ES&S Voting System Release 3.2	1	1
ES&S Voting System Revised Release 3.1	3	3
ES&S Voting System Release 4.2	3	8
ES&S Optech III-P Eagle	2	2
ES&S Optech III-P/Optech IVC	5	5
SP Optech III-P Eagle	1	1
SP AVC Edge Voting System	0	4
<b>TOTAL</b>	<b>52</b>	<b>67</b>

The Help America Vote Act of 2002 (HAVA) establishes new minimum requirements for administering federal elections. These new voting system requirements are found in Title III of the federal law. The new requirements shape the performance and the administration of voting systems. Florida is in compliance with many of these new federal directives and these are addressed in the HAVA State Plan.

Section 301(a) of HAVA requires that Florida's voting systems meet the following requirements by January 1, 2006. Florida will be in compliance with all of these requirements by the federal deadline of January 1, 2006.

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**Section 301(a) Voting System Standards and Requirements**

**Section 301(a)(1)(A)(i): Do Florida's voting systems permit the voter to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted?**

**Yes, and no further actions are required.**

Section 101.5606(1), *Florida Statutes*, states that no voting system in Florida shall be approved by the Department of State unless it "permits and requires voting in secrecy."

Florida Voting System Standards (April 2002) state that "the voter must be able to review the candidate selections, which he or she has made. Prior to the act of casting a ballot, the voter must be able to change any selection previously made and confirm the new selection." (p. 21)

Florida Voting System Standards (April 2002) state that the voting function standards applicable to all Electronic Voter Interfaces must provide "after the initial instructions, which the system requires election officials to provide to each voter, the voter should be able to independently operate the voter interface through the final step of casting a ballot without assistance." (p. 20)

**Section 301(a)(1)(A)(ii): Do Florida's voting systems provide the voter with the opportunity in a private and independent manner to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct the error)?**

**Yes, and no further actions are required.**

Florida Voting System Standards (April 2002) state that "the voter must be able to review the candidate selections, which he or she has made. Prior to the act of casting a ballot, the voter must be able to change any selection previously made and confirm the new selection." (p. 21)

Section 101.5606(12), *Florida Statutes*, requires that electronic voting systems should "permit each voter to change his or her vote for any candidate or upon any question appearing on the official ballot up to the time that the voter takes the final step to register his or her vote and to have the vote computed."

Section 101.5608(2)(b), *Florida Statutes*, requires that "Any voter who spoils his or her ballot or makes an error may return the ballot to the election official and secure another ballot, except that in no case shall a voter be furnished more than three ballots. If the vote tabulation device has rejected the ballot, the ballot shall be considered spoiled and a new ballot shall be provided to the voter unless the voter chooses to cast the rejected ballot. The election official, without examining the original ballot, shall state the possible reasons for the rejection and shall provide

instruction to the voter pursuant to s. 101.5611. A spoiled ballot shall be preserved, without examination, in an envelope provided for that purpose. The stub shall be removed from the ballot and placed in the envelope.”

Section 101.5611(1), *Florida Statutes*, requires that the “supervisor of elections shall provide instruction on the proper method of casting a ballot for the specific voting system utilized in that jurisdiction. Such instruction shall be provided at a place which voters must pass to reach the official voting booth.”

**Section 301(a)(1)(A)(iii): If the voter selects votes for more than one candidate for a single office, do Florida’s voting systems: (1) notify the voter that the voter has selected more than one candidate for a single office on the ballot; (2) notify the voter before the ballot is cast and counted of the effect of casting the multiple votes for the office; and (3) provide the voter with the opportunity to correct the ballot before the ballot is cast?**

**Yes, and no further actions are required.**

Section 101.5606(3), *Florida Statutes*, requires voting systems to immediately reject “a ballot where the number of votes for an office or measure exceeds the number which the voter is entitled to cast or where the tabulating equipment reads the ballot as a ballot with no votes cast.”

Section 101.5606(4), *Florida Statutes*, requires that systems using paper ballots accept a rejected ballot if the voter chooses to cast the ballot after it has been rejected, but the ballot will record no vote for any office that has been overvoted or undervoted.

Section 101.5608(2)(b), *Florida Statutes*, provides that “Any voter who spoils his or her ballot or makes an error may return the ballot to the election official and secure another ballot, except that in no case shall a voter be furnished more than three ballots. If the vote tabulation device has rejected the ballot, a ballot shall be considered spoiled and a new ballot shall be provided to the voter unless the voter chooses to cast the rejected ballot. The election official, without examining the original ballot, shall state the possible reasons for the rejection and shall provide instruction to the voter pursuant to s. 101.5611. A spoiled ballot shall be preserved, without examination, in an envelope provided for that purpose. The stub shall be removed from the ballot and placed in an envelope.”

Section 101.5611(1), *Florida Statutes*, requires that the “supervisor of elections shall provide instruction on the proper method of casting a ballot for the specific voting system utilized in that jurisdiction. Such instruction shall be provided at a place which voters must pass to reach the official voting booth.”

Florida Voting System Standards (April 2002) state that “the system must prevent the voter from over voting any race.” In addition, “there must be a clear, identifiable action, which the voter

takes to 'cast' the ballot. The system must make clear to the voter how to take this action, such that the voter has minimal risk of taking the action accidentally, but when the voter intends to cast the ballot, the action can be easily performed." (p. 21)

Florida Voting System Standards (April 2002) state that "Marksense systems shall reject blank ballots and ballots with overvoted races. Electronic voter interfaces shall prevent a voter from overvoting a race, and shall provide a means of indicating, to the voter, any races that may have been undervoted before the last step necessary to cast the ballot." (p. 22)

**Section 301(a)(1)(B): Does Florida's mail-in absentee and mail-in ballot process meet the requirements of subparagraph (A)(iii) by: (i) establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple ballots for an office; and (ii) providing the voter instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error)?**

**Partially meets, and further actions are required.**

The Florida Legislature has amended Section 101.65, *Florida Statutes*, to require the instructions for absentee voters to include the following language:

*Mark only the number of candidates or issue choices for a race as indicated on the ballot. If you are allowed to "Vote for One" candidate and you vote for more than one candidate, your vote in that race will not be counted.*

**Planned action before January 1, 2006:**

In addition, the Division of Elections will update Rule 1S-2.032, *Florida Administrative Code (F.A.C.)*, (Uniform and General Election Ballot Design) which will make it clear to absentee voters how to correct their ballots and how to request a replacement ballot if the voter is unable to change or correct the original ballot.

The HAVA Planning Committee also suggested that absentee voters should be given clear notification that the deadline for submitting absentee ballots is by 7:00 p.m. of election night and that mailing the ballot may not ensure that it will arrive in time to be counted.

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**Section 301(a)(1)(C): Does Florida's absentee and mail-in ballot process preserve the privacy of the voter and the confidentiality of the ballot?**

**Yes, and no further actions are required.**

Section 101.65, *Florida Statutes*, requires supervisors of elections to enclose with each absentee ballot a separate printed instruction form, a secrecy envelope, a Voter's Certificate and a mailing envelope. The instructions provide the following guidelines:

- Mark your ballot in secret as instructed on the ballot. You must mark your own ballot unless you are unable to do so because of blindness, disability, or inability to read or write.
- Place your ballot in the enclosed secrecy envelope.
- Insert your secrecy envelope into the enclosed mailing envelope which is addressed to the supervisor.

Section 101.68(2)(d), *Florida Statutes*, contains a detailed policy and procedure instructing the local canvassing boards in the manner of handling absentee ballots to ensure that the confidentiality of the ballot is maintained.

**Section 301(a)(2)(A): Do Florida voting systems produce a record for audits?**

**Section 301(a)(2)(B): Do the voting systems produce a permanent paper record with a manual audit capacity?**

**Section 301(a)(2)(C): Is the paper record produced in subparagraph (A) available as an official record for any recount conducted with respect to any election in which the system is used?**

**Yes, and no further actions are required.**

The HAVA Planning Committee determined through research conducted by staff, through testimony offered by Congressional staff, and through testimony given by staff from the Division of Elections that Florida complies with the HAVA audit requirement. Florida voting system standards require DRE machines to maintain a random sorted file of ballot images for every vote cast, and they also have to maintain detailed logs for each election from the time they are first programmed for an election until the results are copied to archival media. Certified voting systems in Florida are required to print out a paper tape of summary totals in each precinct. The paper record is produced to reconcile the consolidated totals for the county in the event of a recount.

Staff from the Division of Elections testified before the HAVA Planning Committee that Florida's State and local security measures make it highly unlikely any tampering could take place with the voting systems. In addition, staff also testified that Florida's certified voting

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systems are tested in public forums for logic and accuracy before the election. There are also thorough procedural and security controls in place at the local level to safeguard against someone tampering with the voting systems. The Division of Elections' staff cited Rule 1S-2.015(5)(m)3.a., *F. A. C.*, relating to minimum election security procedures which requires the "printing of precinct results and results from individual tabulating devices" for every election. In addition, the Florida Legislature has authorized the Department of State to promulgate rules which would require supervisors to check those paper totals against electronic totals during machine recounts. The following statutes and rules lay the groundwork for Florida's ability to comply with the audit requirements of HAVA:

Section 101.015(5)(a), *Florida Statutes*, requires the Department of State to adopt rules which establish standards for voting systems, including audit capabilities.

Section 101.5606(11 & 13), *Florida Statutes*, requires the Department of State to approve only voting systems that are capable of automatically producing precinct totals in printed, marked, or punched form or a combination thereof. The voting systems must be capable of providing records from which the operating system of the voting system may be audited.

Florida Voting System Standards (April 2002) provide general functional requirements of voting systems which "shall include the capability to produce records, generated by the system components, or in some cases, by the system operators from which all operations may be audited. Except for the storage of vote images, which shall be maintained in a random sequence, the records shall be created and maintained in the sequence in which the operations were performed." (pp. 16-17)

Florida Voting System Standards (April 2002) require precinct count systems to provide a means for obtaining a printed report of the votes counted on each voting device, and to provide a means for extracting this information to a transportable memory device or data storage medium. (p. 23)

Florida Voting System Standards (April 2002) require the generation of reports by the system to be performed in a manner which does not erase or destroy any ballot image, parameter, tabulation or audit log data. The system shall provide a means for assuring the maintenance of data integrity and security for a period of at least 22 months after the closing of the polls. (p. 24)

Section 102.166(5)(d), *Florida Statutes*, requires the Department of State to adopt detailed rules prescribing additional manual recount procedures for each certified voting system which shall be uniform to the extent practicable. The rules shall address, at a minimum, the following areas:

- Security of ballots during the recount process
- Time and place of recounts
- Public observance of recounts

- Objections to ballot determinations
- Record of recount proceedings
- Procedures relating to candidate and petitioner representatives

**Section 301(a)(3)(A): Does Florida have certified voting systems 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?**

**Section 301(a)(3)(B): Does Florida meet the requirement in subparagraph (A) through the use of at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place?**

**Partially meets, and further actions are required.**

In 2001, the Secretary of State appointed a task force to conduct a comprehensive review of Florida's election laws and procedures. The task force recommended legislation to insure that Florida's voters with disabilities could fully exercise their right to a secret ballot, as guaranteed by Florida's Constitution. Many of the recommendations of the task force were passed by the Legislature and signed into law by Governor Bush in 2002 and are found in Chapter 2002-281, *Laws of Florida*. Several sections of the law, including sections setting forth specific standards that voting systems must meet, did not become effective immediately, however. They were made contingent on further appropriations by the Legislature, in expectation of the receipt of federal funding as now provided in HAVA.

Most of Florida's largest populated counties have voluntarily purchased voting systems that comply with the accessibility requirements of HAVA. However, Florida's uniform standards regarding voting system requirements (Section 101.56062, *Florida Statutes*), including one accessible machine per precinct, will be effective only when the Florida Legislature adopts a mechanism for funding this law. As a result, the current practice leaves it up to each county to determine how and where such accessible systems are deployed. This does not comply with the requirements of HAVA. Further, there is no statutory or regulatory requirement, beyond the constitutional mandate referred to above, that requires the other counties to comply with the accessibility standards.

HAVA requires that all voting systems be accessible to persons with disabilities, but does not specifically define what is required to accomplish this. HAVA's definition of what constitutes a voting system, however, found in Section 301(b), is comprehensive. Florida has already done the difficult and time consuming work of defining what makes a Florida voting system accessible for persons with disabilities and these standards are found in Chapter 2002-281, *Laws of Florida*. However, as noted above, many sections are not currently in effect. Some slight additional changes to Florida law will need to be made to include provisional ballots, which HAVA



requires to be accessible, within Florida's accessibility requirements.

Not only has Florida already enacted much of the required accessibility reforms required by HAVA, but the intent of the Legislature to comply fully with Federal requirements is clearly set out in statute. Section 101.56063, *Florida Statutes*, provides that:

It is the intent of the Legislature that this state be eligible for any funds that are available from the Federal Government to assist states in providing or improving accessibility of voting systems and polling places for persons having a disability. Accordingly, all state laws, rules, standards, and codes governing voting systems and polling place accessibility must be maintained to ensure the state's eligibility to receive federal funds. It is the intent of the Legislature that all state requirements meet or exceed the minimum federal requirements for voting systems and polling place accessibility.

What is left to do in order to comply with HAVA is to make all sections of Chapter 2002-281, *Laws of Florida*, effective. Without making these sections effective, and thus making Florida's voting systems accessible to people with disabilities, Florida will not comply with this requirement of HAVA and will not be able to certify its compliance in order to draw down all available HAVA funds. Making these sections effective requires legislative action. Failure by the Legislature to take action will result in Florida not being able to qualify for all available HAVA funds.

In addition to the above, Florida must take steps now in the certification and system procurement processes to insure that it is able to meet the HAVA requirements in time. HAVA requires that voting systems themselves, not just Florida law, must meet the accessibility requirements by January 1, 2006. The HAVA Planning Committee heard testimony from Division of Elections' staff who cautioned that Florida cannot compel any voting systems vendor to bring equipment to the State for certification. Staff testimony further noted that the lack of available certifiable equipment has been a significant problem in the past that continues to the present. With the proper incentives for vendors and tools for counties to require compliance with accessibility standards, Florida will be able to comply with HAVA requirements by January 1, 2006.

Accordingly, the HAVA Planning Committee recommends that the Division, beginning July 1, 2003, require that all new certified voting systems comply with the requirements of Section 101.56062, *Florida Statutes*. Further, any purchase of a voting system by a governmental entity after July 1, 2003 should be required to include a contract for future upgrades and sufficient equipment to meet the requirements of Section 101.56062 and Section 101.5606, *Florida Statutes*. Finally, all voting systems in use as of January 1, 2006, should be required to be both certified to meet, and be deployed in a configuration that meets, the requirements of Section 101.56062 and Section 101.5606, *Florida Statutes*.

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For Florida to comply with HAVA and to be eligible for federal funds pursuant to HAVA, action by the Legislature should include the following specific recommendations of the HAVA Planning Committee:

1. Trigger the disability accessibility standards found in Chapter 2002-281 by either:
  - A. Enacting specific language in the budget that meets the requirements of Section 22, Chapter 2002-281 and appropriates funds to the Department of State for distribution to the counties for the specific purpose of funding Chapter 2002-281; or
  - B. Enacting a HAVA Implementation Bill that provides that Sections 4, 5, 6, 8, 9, 10, 11, 14, and 19 Chapter 2002-281, be effective no later than January 1, 2006, and that Section 12 of Chapter 2002-281 is effective on January 1, 2006.
2. Mandating that provisional ballots for voters with disabilities shall be provided to them by a system that meets the requirements of section 101.56062, *Florida Statutes*, by January 1, 2006.
3. Enact a HAVA Implementation Bill requiring:
  - A. All electronic and electromechanical voting systems certified by the State after July 1, 2003, must meet the requirements of Section 101.56062, *Florida Statutes*, (except subsection (1)(d), which is exempted in the statute);
  - B. Any purchase of a voting system by any county, municipality or by the State after July 1, 2003 must include a contract for future upgrades and sufficient equipment to meet the requirements of Section 101.56062 and Section 101.5606, *Florida Statutes*; and
  - C. All electronic and electromechanical voting systems in use on or after January 1, 2006 must be certified to meet and be deployed in a configuration which meets the requirements of Section 101.56062 and Section 101.5606, *Florida Statutes*.

The recommended budget proposed under Element 6 of this plan recommends using a portion of the requirements payments to become compliant with the disability voting system requirements.

**Section 301(a)(3)(C): Will Florida purchase voting systems with funds made available under Title II on or after January 1, 2007, that meet the voting system standards for disability access (as outlined in this paragraph)?**

**Yes, and no further actions are required.**

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**Section 301(a)(4): Does Florida have certified voting systems that provide alternative language accessibility pursuant to the requirements of Section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa-1a)?**

**Yes, and no further actions are required.**

In order to be certified for use in Florida, DRE voting systems must provide alternative language accessibility for all interfaces in order to meet the requirements of Section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa through 1a). Florida Voting System Standards (April 2002) require that all configurations must support all voter interface functions in at least the following languages: English, Spanish, and Haitian Creole. (p. 22)

Counties using Marksense voting systems must meet the requirements of Section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa through 1a) by printing ballots in the required languages.

**Section 301(a)(5): Does Florida have certified voting systems that comply with the error rate standards established under section 3.2.1 of the voting systems standards issued by the Federal Elections Commission which are in effect on the date of the enactment of this Act?**

**Yes, and no further actions are required.**

Florida Voting System Standards (April 2002) contain voting system accuracy standards which exceed the error standards established by the Federal Elections Commission. (pp. 35-36)

**Section 301(a)(6): Has Florida adopted uniform and nondiscriminatory standards that define what constitutes a vote and what will be counted as a vote for each category of voting systems used in the State?**

**Yes, and no further actions are required.**

Section 102.166(5)(a), *Florida Statutes*, states that "a vote for a candidate or ballot measure be counted if there is a clear indication on the ballot that the voter has made a definite choice."

Section 102.166(5)(b), *Florida Statutes*, requires the Department of State to "adopt specific rules for each certified voting system prescribing what constitutes a 'clear indication on the ballot that the voter has made a definite choice.' The rules may not:

1. Exclusively provide that the voter must properly mark or designate his or her choice on the ballot; or
2. Contain a catch-all provision that fails to identify specific standards, such as 'any other mark or indication clearly indicating that the voter has made a definite choice.'"

**GLEND E. HOOD**  
SECRETARY OF STATE  
STATE OF FLORIDA

STATE OF FLORIDA  
HAVA PLAN / 16

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Rule 1S-2.027, *F. A. C.*, entitled "Clear Indication of Voters Choice on a Ballot" provides specific standards for determining votes on optical scan ballots.

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**Element 1. Use of Title III Requirements Payments:  
B. Provisional Voting and Voting Information**

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

**Section 302(a) Provisional Voting Requirements**

The Help America Vote Act of 2002 (HAVA) requirements for provisional voting state that if an individual declares that he or she is a registered voter in the jurisdiction in which they are attempting to vote but their name does not appear on the official list of eligible voters, they are to be permitted to cast a provisional ballot.

**Section 302(a)(1) Do Florida's election laws require election officials at the polling place to notify individuals that they may cast a provisional ballot?**

**Yes, and no further actions are required.**

Section 101.031(2), *Florida Statutes*, states that the supervisor of elections in each county shall have posted at each polling place in the county the Voter's Bill of Rights and Responsibilities. Included in the Voter's Bill of Rights is the right of each registered voter to cast a provisional ballot, if his or her registration is in question.

The Division of Elections' Polling Place Procedures Manual instructs pollworkers to read informational signs that appear in print on the walls of the polling place and to offer magnifying sheets for visually impaired voters.

In addition, modifications to Section 101.043(3), *Florida Statutes*, were included in Chapter 2003-415, *Laws of Florida*, which is effective January 1, 2004. This change provided that certain first-time voters would be allowed to vote a provisional ballot.

**Section 302(a)(2) Do Florida's election laws state that any person attempting to vote whose name does not appear on the official list of eligible voters be permitted to cast a provisional ballot at the polling place upon the execution of a written affirmation by the individual that they are: (A) a registered voter in the jurisdiction in which the individual desires to vote; and (B) eligible to vote in that election.**

**Yes, and no further actions are required.**

Section 101.048(1), *Florida Statutes*, states that any voter claiming to be properly registered and eligible to vote, but whose eligibility cannot be determined, will be given a provisional ballot. A Provisional Ballot Voter's Certificate and Affirmation must be completed by the individual

casting a provisional ballot indicating that they are registered to vote and are a qualified voter of the county in which they are attempting to vote, and that they have not previously voted in the election.

**Section 302(a)(3) Do Florida's election laws require a completed provisional ballot be given to an appropriate State or local election official to determine whether the individual is eligible under State law to vote?**

**Yes, and no further actions are required.**

Section 101.048(1), *Florida Statutes*, states that all provisional ballots are placed in a secrecy envelope and then sealed in a provisional ballot envelope. All provisional ballots shall remain sealed in their envelopes for return to the supervisor of elections.

Section 101.048(2)(a), *Florida Statutes*, states the county canvassing board shall examine each provisional ballot envelope to determine if the person voting that ballot was entitled to vote at the precinct where the person cast a vote in the election and that the person had not already cast a ballot in the election.

**Section 302(a)(4) Is the provisional ballot counted if the appropriate State or local election official determines the individual is eligible under State law to vote?**

**Yes, and no further actions are required.**

Section 101.048(2)(b)1., *Florida Statutes*, states that if it is determined that the person was registered and entitled to vote at the precinct where the person cast a ballot, the canvassing board will compare the signature on the provisional ballot envelope with the signature on the voter's registration record and, if it matches, will count the ballot.

**Section 302(a)(5)(A) Are the individuals who cast a provisional ballot given written information that states that any individual who casts a provisional ballot will be able to ascertain whether the vote was counted and, if not, the reason that the vote was not counted?**

**Yes, and no further actions are required.**

Chapter 2003-415, *Laws of Florida*, amends Section 101.048 to provide that each person casting a provisional ballot shall be given written instructions regarding the free access system. The instructions shall contain information on how to access the system along with the information the voter will need to provide in order to obtain information on his or her particular ballot.

**Section 302(a)(5)(B) Has the appropriate State or local election official established a free access system to provide this information to individuals casting provisional ballots?**

**No, and further actions are required.**

**Planned action before January 1, 2004:**

Chapter 2003-415, *Laws of Florida*, requires each supervisor of elections to establish a free access system that allows each person who casts a provisional ballot to determine whether his or her provisional ballot was counted in the final canvass of votes and, if not, the reasons why.

It is recommended that each county, as a minimum, provide to voters who cast provisional ballots written notification by mail informing them of whether their ballot was counted and, if not, why it was not counted. Supervisors of elections are also strongly encouraged to develop a toll-free number or access to this information via the Internet.

Each supervisor of elections will establish the free access system for their county by January 1, 2004.

**Section 302(a)(5)(B) Has the appropriate State or local official established procedures to protect the security, confidentiality and integrity of the personal information collected and stored by the free access system, restricting access to the individual who cast the ballot?**

**Yes, and no further actions are required.**

Chapter 2003-415, *Laws of Florida*, requires the free access system established by the supervisors of elections to restrict access to information regarding an individual ballot to the person who cast the ballot.

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

HAVA requirements for voting information state that the appropriate State or local election official shall cause voting information to be publicly posted at each polling place on the day of each election for Federal office.

**Section 302(b)(2)(A) Is a sample version of the ballot that will be used for that election posted?**

**Yes, and no further actions are required.**

Section 101.20, *Florida Statutes*, states that two sample ballots shall be furnished to each polling place by the officer whose duty it is to provide official ballots. The sample ballots shall be in the form of the official ballot as it will appear at the polling place on election day. Sample ballots shall be open to inspection by all electors in any election.

**Section 302(b)(2)(B) Is information regarding the date of the election and the hours during which polling places will be open posted on election day?**

**Yes, and no further actions are required.**

Information such as the hours of operation of polling places and the date of the election are provided on instructional cards and sample ballots. Section 101.031, *Florida Statutes*, requires the Department of State, or in case of municipal elections the governing body of the municipality, to print, in large type on cards, instructions for the electors to use in voting. Each supervisor of elections shall send a sufficient number of these cards to the precincts prior to an election. The election inspectors shall display the cards in the polling places as information for electors. The cards shall contain information about how to vote and such other information as the Department of State may deem necessary.

Currently, all cards that are posted in polling places include the hours the polls will be opened.

Section 101.20(1), *Florida Statutes*, states that two sample ballots shall be furnished to each polling place by the officer whose duty it is to provide official ballots. Sample ballots shall be open to inspection by all electors in any election, and a sufficient number of reduced-size ballots may be furnished to election officials so that one may be given to any elector desiring same.

Currently, all sample ballots posted in polling places include the date of the election.

**Section 302(b)(2)(C) Are instructions on how to vote, including how to cast a vote and how to cast a provisional ballot posted on election day?**



**No, and further actions are required.**

Section 101.031, *Florida Statutes*, states the Department of State, or in case of municipal elections the governing body of the municipality, shall print, in large type on cards, instructions for the electors to use in voting. It shall provide not less than two cards for each voting precinct for each election and furnish such cards to each supervisor upon requisition. Each supervisor of elections shall send a sufficient number of these cards to the precincts prior to an election. The election inspectors shall display the cards in the polling places as information for electors. The cards shall contain information about how to vote and such other information as the Department of State may deem necessary.

In addition, Section 101.5611, *Florida Statutes*, states the supervisor of elections shall provide instruction at each polling place regarding the manner of voting with the system. The supervisor of elections shall provide instruction on the proper method of casting a ballot for the specific voting system utilized in that jurisdiction.

Many counties have voting instructions in the voting booth and some provide verbal instruction. However, these instructions do not include how to cast a provisional ballot and Florida will have to revise its instructions to meet this requirement.

During the 2002 legislative session, Senate Bill 1350 was passed amending Section 97.026, *Florida Statutes*, and stated that all forms required to be used in chapters 97 through 106 shall be made available upon request, in alternative formats. However, this statute is not in effect during the development of this Plan.

**Planned action before January 1, 2004:**

The Department of State will revise the instructions to electors, which are posted at the polls on election day, to include information regarding how to cast a vote and how to cast a provisional ballot.

**Section 302(b)(2)(D) Are instructions for mail-in registrants and first-time voters under section 303(b) posted on election day?**

**No, and further actions are required.**

**Planned action before January 1, 2004:**

Under Section 101.031(1), *Florida Statutes*, the Department of State is required to print, in large type on cards, instructions for the electors to use in voting. The election inspectors shall display the cards in the polling places as information for electors. The cards shall contain information about how to vote and such other information as the Department of State may deem necessary. The cards must also include the list of rights and responsibilities afforded to Florida voters.

The cards provided at each polling place, which are posted on election day for inspection by voters, will be modified by the Department of State to include instructions for mail-in registrants and first-time voters.

**Section 302(b)(2)(E) Is general information on voting rights, including information on the right of an individual to cast a provisional ballot posted on election day?**

**Yes, and no further actions are required.**

Section 101.031(2), *Florida Statutes*, requires the supervisor of elections in each county to have posted at each polling place the Voter's Bill of Rights and Responsibilities. The Voter's Bill of Rights states that each registered voter in this State has the right to:

1. Vote and have his or her vote accurately counted.
2. Cast a vote if he or she is in line at the official closing of the polls in that county.
3. Ask for and receive assistance in voting.
4. Receive up to two replacement ballots if he or she makes a mistake prior to the ballot being cast.
5. An explanation if his or her registration is in question.
6. If his or her registration is in question, cast a provisional ballot.
7. Prove his or her identity by signing an affidavit if election officials doubt the voter's identity.
8. Written instructions to use when voting, and, upon request, oral instructions in voting from elections officers.
9. Vote free from coercion or intimidation by elections officers or any other person.
10. Vote on a voting system that is in working condition and that will allow votes to be accurately cast.

**Section 302(b)(2)(E) Is contact information posted for voters who allege their rights have been violated?**

**No, and further actions are required.**

**Planned action before January 1, 2004:**

Under Section 101.031(1), *Florida Statutes*, the Department of State is required to print, in large type on cards, instructions for the electors to use in voting. The election inspectors shall display the cards in the polling places as information for electors. The cards shall contain information about how to vote and such other information as the Department of State may deem necessary. The cards must also include the list of rights and responsibilities afforded to Florida voters.

The cards provided at each polling place, which are posted on election day as information for electors, will be modified by the Department of State to include contact information for voters who believe their voting rights have been violated.

**Section 302(b)(2)(F) Is information on laws regarding prohibitions on acts of fraud and misrepresentation posted?**

**Yes, and no further actions are required.**

Section 101.5611(2), *Florida Statutes*, requires the supervisor of elections to have posted at each polling place a notice that reads: "A person who commits or attempts to commit any fraud in connection with voting, votes a fraudulent ballot, or votes more than once in an election can be convicted of a felony of the third degree and fined up to \$5,000 and/or imprisoned for up to 5 years."

**Section 302(c) Are individuals who vote in an election as a result of a court order or any other order extending the time established for closing the polls by a State law required to cast a provisional ballot? This provisional ballot must be separated and held apart from other provisional ballots cast by those not affected by the order.**

**Yes, and no further actions are required.**

Chapter 2003-415, *Laws of Florida*, created s. 101.049, *Florida Statutes*, to require any person voting in an election after the regular poll-closing time pursuant to a court or other order extending the statutory polling hours to vote a provisional ballot. Once voted, the provisional ballot shall be placed in a secrecy envelope and sealed in a provisional ballot envelope. All such provisional ballots will remain sealed and transmitted to the supervisor of elections separate and apart from all other ballots. The supervisor shall ensure that late-voted provisional ballots are not commingled with other ballots.

**Section 302(d) The effective date for complying with the Provisional Voting and Voting Information requirements is on and after January 1, 2004.**

For each requirement in which Florida does not currently comply, planned action for meeting the requirements will take place by January 1, 2004.

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## Element 1. Use of Title III Requirements Payments:

### C. Voter Registration

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

#### Introduction

The Help America Vote Act of 2002 (HAVA) establishes minimum requirements for a single, centralized, computerized statewide voter registration list and for mail registration as a part of establishing and maintaining such a list.

The effective and efficient administration of elections depends in a major way on the completeness and accuracy of voter registration lists that can be checked quickly and reliably by election workers. Section 303(a) of HAVA establishes minimum requirements for a "single, uniform, official, centralized, interactive, computerized, statewide voter registration list which shall be the single system for storing and managing the list of registered voters throughout the state for the conduct of all federal elections."

Because many voters register by mail instead of in person, the procedures used for mail registration are an important component of establishing and maintaining a complete and accurate statewide voter registration list. Section 303(b) of HAVA requires that a state's mail voter registration system be administered in a "uniform and nondiscriminatory manner" and establishes minimum requirements for such a system.

Until recently, Florida's voters have relied primarily on voter registration lists established and maintained by independent supervisors of elections in each of Florida's 67 counties.<sup>1</sup> These lists are governed by Florida law that specifies qualifications to register or vote, a registration oath, a uniform statewide voter registration application form, acceptance of applications by supervisors of elections, closing of registration books, late registration, declinations to register, special registration for electors requiring assistance, registration identification card, disposition of applications and procedures for cancellation, notices of changes of address, and operation of registration offices. See Sections 97.032 through 97.055, 97.0585 through 97.105, 98.015 through 98.095, and 98.101 through 98.491, *Florida Statutes*.

Additional requirements for establishing and maintaining voter registration lists were enacted in the Federal Voting Rights Act of 1965 and the National Voter Registration Act of 1993 ("Motor

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<sup>1</sup> A permanent single voter registration system for each Florida county, used for all public elections in that county, improved on practices in early Florida history of requiring separate registrations for municipal elections and new registrations for each new election. See Section 97.105, *Florida Statutes*.

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Voter Law”). Sections 97.057 through 97.0583, *Florida Statutes*, and other provisions of Florida law implemented those Federal laws in the State by providing for registration of voters by the Department of Highway Safety and Motor Vehicles, voter registration agencies,<sup>2</sup> and qualifying educational institutions.

In 1997, the Florida Legislature established a “central voter file” in the Division of Elections that contained voter registration information from all counties. Section 98.097, *Florida Statutes*.

Following the 2000 General Election, the Florida Legislature enacted the Florida Election Reform Act of 2001 that took additional steps to require complete and accurate voter registration lists in the counties and to establish a statewide voter registration database. Sections 98.0977 through 98.0979, *Florida Statutes*, authorized the Department of State to “...analyze, design, develop, operate, and maintain a statewide, on-line voter registration database and associated website, to be fully operational statewide by June 1, 2002. The database shall contain voter registration information from each of the 67 supervisors of elections in this state and shall be accessible through an Internet website. The system shall provide functionality for ensuring that the database is updated on a daily basis to determine if a registered voter is ineligible to vote for any of the following reasons, including, but not limited to:

- (a) The voter is deceased;
- (b) The voter has been convicted of a felony and has not had his or her civil rights restored; or
- (c) The voter has been adjudicated mentally incompetent and his or her mental capacity with respect to voting has not been restored.

The database shall also allow for duplicate voter registrations to be identified.”

This statewide database was established in time for use in the 2002 General Elections. Requirements for pre-clearance by the U.S. Department of Justice (DOJ) and negotiations for settlement of a lawsuit by the NAACP delayed use of parts of the database concerning eligibility of voters identified as potentially ineligible because of a felony conviction or adjudication of mental incapacity. With the receipt of DOJ clearance and settlement of the lawsuit now accomplished, the Division of Elections will begin running matches when all issues related to the settlement agreement have been resolved.

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<sup>2</sup> A “voter registration agency” is defined by Section 97.012(37), *Florida Statutes* as “...any office that provides public assistance, any office that serves persons with disabilities, any center for independent living, or any public library.”

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**Section 303(a) Computerized Statewide Voter Registration List Requirements**

**Section 303(a)(1)(A)(i)-(vii) and 303(a)(2): Does Florida's existing statewide database meet requirements for implementing and maintaining a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level that contains the name and registration information of every legally registered voter in the State and assigns a unique identifier to each legally registered voter in the State and includes information specified in HAVA?**

**No, and further actions are required.**

Florida has made great strides in recent years in establishing a centralized, computerized statewide voter registration database but that database does not meet the requirements of HAVA Section 303(a)(1)(A) for a single statewide voter registration list "...defined, maintained, and administered at the State level...[with] a unique identifier [assigned] to each legally registered voter in the State..." which serves, under HAVA Section 303(a)(1)(A)(vii), as "...the official voter registration list for the conduct of all elections for Federal office in the State." HAVA Section 303(a)(1)(A)(i) further defines this requirement by specifying that "The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the State." HAVA Section 303(a)(1)(A) also specifies that the chief State election official (in Florida the Secretary of State) shall implement and maintain the single statewide voter registration list.

Florida currently has 67 official voter registration lists, one established and maintained in each county, that are compiled into the statewide voter registration database required by the Florida Election Reform Act of 2001. The 67 county-based lists, not the statewide database, are the official voter registration lists for voters in Florida. The statewide database is intended primarily to assist supervisors of elections to determine if voters are ineligible to vote (deceased, convicted felons who have not had civil rights restored, or adjudicated as mentally incompetent). It also is intended to identify those voters who are listed more than once. It is not intended to serve as "...the single system for storing and managing the official list of registered voters throughout the State..." as required by HAVA. Information in the statewide database is made available to county supervisors of elections who are responsible for making final determinations of a voter's eligibility and for updating voter registration records.

HAVA's requirement for a single computerized statewide voter registration list cannot be fulfilled quickly. In addition to designing and implementing such a single system that is interactive and assigns unique identifiers to each voter, HAVA requires the system to have adequate technological security measures [HAVA Section 303(a)(3)], meet minimum standards of accuracy and currency [HAVA Section 303(a)(4)], provide for verification with other information such as driver's license numbers and Social Security numbers [HAVA Section 303(a)(5)], and meet other standards. Meeting these requirements and standards will take time, expertise and money.

The Legislature has appropriated \$1 million and nine staff positions to create a master design, including a business plan and budget, for a single statewide voter registration system by January 2004. This design would permit the 2004 Legislature to take action to authorize the implementation of a new single computerized statewide voter registration list in time for the 2006 elections. This timing assumes that the State of Florida will be granted a waiver under HAVA to have a single statewide voter registration system in place by January 1, 2006, instead of by the existing deadline of January 1, 2004. (The requirement for a waiver is discussed subsequently.)

Chapter 2003-415, *Laws of Florida*, authorizes the State to request the Federal Election Assistance Commission to grant a waiver from the January 1, 2004, HAVA deadline. The 2003 Appropriations bill authorizes the funding and staffing positions requested by the Division of Elections.

In the meantime, the Division of Elections has been meeting with representatives of the Florida State Association of Supervisors of Elections, the Department of Highway Safety and Motor Vehicles, the Department of Law Enforcement, the Board of Executive Clemency, the State Technology Office and health officials to begin to find ways to coordinate databases maintained by those agencies as part of the single centralized statewide voter registration list. Because HAVA Sections 303(a)(5)(A)(i)(I) and (II) require an applicant for voter registration to provide either a current and valid driver's license number or supply the last four digits of the applicant's Social Security number, HAVA Sections 303(a)(5)(B)(i)-(ii) require that the State enter into agreements to share such information with the Department of Highway Safety and Motor Vehicles and with the Social Security Administration.

HAVA's requirements are minimum requirements. Florida may establish technology and administrative requirements that are stricter than the Federal requirements as long as they are not inconsistent with HAVA's requirements and other laws, such as the Motor Voter Act, or in conflict with the privacy provisions of the Florida Constitution. See HAVA Section 304.

#### **Section 303(d) Deadlines for Computerized Statewide Voter Registration List**

**Section 303(d)(1)(A): Can Florida meet HAVA's requirement to have operational a computerized statewide voter registration list, as defined by HAVA, by January 1, 2004?**

**No, and further actions are required.**

The State practically cannot meet the January 1, 2004, deadline. Substantial professional and technical work must be done to design and establish a computerized statewide voter registration list that meets HAVA's standards. Although design of such a system can be ready by January 2004, implementation of the system will take a year or more beyond that date. Chapter 2003-415, *Laws of Florida*, authorizes the State to seek a waiver from the Federal Election Assistance Commission permitted under HAVA Section 303(d)(1)(B) from January 1, 2004, to January 1,

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2006, if the State "...will not meet the deadline...for good cause and includes in the certification the reasons for the failure to meet such deadline...."

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

**Section 303(b)(1) through (4): Does Florida meet HAVA's identification requirements for a voter who registers by mail and has not previously voted in an election for Federal office in the State or registers by mail, has not previously voted in the jurisdiction and is in a State that does not have a computerized statewide voter list that meets HAVA's requirements?**

**Yes, and no further actions are required.**

HAVA requires persons who register by mail and have not voted in an election for federal office to provide identification prior to voting. If the State is able to match the voter's driver's license number or Social Security number against an existing State record bearing the same number, name and date of birth, further identification by the voter is not required.

HAVA Sections 303(b)(2)(i) through (ii) require that a first-time voter who votes in person may be identified by a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. A voter who votes by mail may include with the ballot a copy of a current and valid photo identification or a copy of the other documents listed for the voter who appears in person. An exception is made in HAVA Section 303(b)(3) for mail registrants who provide a copy of required identification at the time of registering, mail registrants whose driver's license number or last 4 digits of the Social Security number are matched with an existing State record, and for those who vote under the Uniformed and Overseas Citizens Absentee Voting Act, the Voting Accessibility for the Elderly and Handicapped Act, or under some other provision of Federal law (in which case the specific standards of those acts must be met).

Chapter 2003-415, *Laws of Florida*, amends the following sections of Florida law to conform to HAVA's mail registration and other voter registration requirements:

Section 97.052(3)(g), *Florida Statutes*, to require a statement with the uniform statewide voter registration form that informs the applicant that if the form is submitted by mail and the applicant is registering for the first time, the applicant will be required to provide identification prior to voting for the first time.

Section 97.053(5)(a), *Florida Statutes*, that permits the use of a valid Florida driver's license number or the identification number from a Florida identification card issued under Section 322.051, *Florida Statutes*, for purposes of voter registration.

Section 97.0535, *Florida Statutes*, that specifies at length the requirements for identification that a first-time voter can use and that complies with other HAVA requirements outlined previously.

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Section 101.043, *Florida Statutes*, (a transfer and renumbering of Section 98.471, *Florida Statutes*) to permit a voter to submit to a poll worker at the time of voting a current and valid picture identification with a signature.

**Section 303(b)(4): Does Florida meet HAVA's requirement for language in the mail voter registration form under Section 6 of the National Voter Registration Act of 1993?**

**Yes, and no further actions are required.**

HAVA requires that mail voter registration forms under Section 6 the National Voter Registration Act shall include the following:

“(i) The question ‘Are you a citizen of the United States of America?’ and boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.

(ii) The question ‘Will you be 18 years of age on or before election day?’ and boxes for the applicant to check to indicate whether or not the applicant will be 18 years of age or older on election day.

(iii) The statement ‘If you checked ‘no’ in response to either of these questions, do not complete this form.’

(iv) A statement informing the individual that if the form is submitted by mail and the individual is registering for the first time, the appropriate information required under this section must be submitted with the mail-in registration form in order to avoid the additional identification requirements upon voting for the first time.”

Section 97.052(2)(b) and (r), *Florida Statutes*, requires that the uniform statewide voter registration form must be designed to elicit information from the applicant about the applicant's date of birth and whether the applicant is a citizen of the United States. The form itself, available on the Division of Elections' website at <http://election.dos.state.fl.us>, asks for date of birth and asks “Are you a U.S. citizen?” It does not use the specific language required by HAVA.

Chapter 2003-415, *Laws of Florida*, amends Section 97.052, *Florida Statutes*, by adding subsection (g) that requires language about the need for appropriate identification for first time mail applications. It does not require the specific HAVA language about age and citizenship.

The Division of Elections has reviewed this matter orally with Federal legislative and executive representatives and has concluded that the requirement applies only to Federal applications under Section 6 of the National Voter Registration Act. It believes that putting such language on State application forms will confuse voters and discourage first-time registrants. The age question, for instance, does not specify the exact election day to which it is referring and assumes that young

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voters may be applying to register for a specific election rather than pre-registering as 17 year-olds in order to vote in all elections after they reach the age of 18. The Division notes that the forms used by Florida already elicit the information required by asking for date of birth and citizenship. The forms do not discourage voters by telling them to stop with the application if they must answer "No" to either question. The Division is complying with the substance of HAVA if not with the exact form of the question.

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## Element 2. Local Government Payments and Activities

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

**(A) the criteria to be used to determine the eligibility of such units or entities for receiving the payment; and**

**(B) the methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under paragraph (8).**

### **Introduction**

The Florida Legislature has broad constitutional authority for appropriating federal and State funds annually through the appropriations bill which is eventually signed by the Governor into law. During the annual appropriations process, the Florida Legislature assesses the needs of the State and makes policy and budget decisions which impact every level of government including local government.

The funding of elections in Florida is primarily a local government responsibility since the constitutional authority for running elections rests with the local supervisor of elections. Funding authority for elections resides with the Boards of County Commissioners. Each of Florida's 67 Boards of County Commissioners receives a budget request from the supervisor of elections and then the Board makes policy and budget decisions based upon county priorities.

There has been one major exception to this election funding scenario. Following the controversial 2000 General Election, the Governor and the citizens of Florida asked the Legislature to enact broad election reforms which included providing State financial assistance to local governments. Over a two-year period, the Legislature provided over \$32 million in State funds to supplement local election budgets and to quicken the pace of election reform in Florida. Most of the State funds were appropriated to the Boards of County Commissioners using two different formulas for accomplishing distinct policy goals—to replace voting systems designated to be decertified and to enact comprehensive voter education programs in every county.

The funding formula used to upgrade voting systems had two important policy goals—to provide a minimum voting system standard of precinct-based optical scanning systems throughout Florida and to provide funding assistance to small counties with very small tax bases. The resulting formula achieved that policy goal and was as follows:

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- Small Counties (population 75,000 or below) received \$7,500/precinct
- Large Counties (population 75,001 and above) received \$3,750/precinct

The Legislature used a different formula to provide State funds for voter education and poll worker recruitment and training. This formula was based upon taking available State funds and distributing them on a per registered voter basis per county. The resulting formula was determined by taking approximately \$6,000,000 in available State funds and dividing it by the number of registered voters during the 2000 General Election and appropriating that money on a pro-rata basis to each county. The resulting appropriation provided \$5,949,375 to counties to fund comprehensive voter education programs and poll worker recruitment and training programs. The combined State and local efforts led to greater voter satisfaction during the 2002 General Election.

Pursuant to the appropriation, the Florida Legislature required each county supervisor of elections to submit a detailed description of the plans to be implemented and also a detailed report on the success of the voter education effort. These reports were sent to the Division of Elections and subsequently compiled by the Division into a report sent to the Governor and Florida Legislature.

While the State funds were widely valued, the counties still provided a majority of funding for election reform efforts. According to the 2002 Governor's Select Task Force on Election Procedures, Standards and Technology, a survey of 33 county governments revealed they spent nearly \$110 million toward new voting systems before the 2002 primary and general elections.

**If the Florida Legislature determines that it will provide funding for units of local governments and other entities, then how will the requirements payments be distributed and monitored, including—**

- A. A description of the criteria used to determine the eligibility of such units and entities for receiving payment.**
- B. A description of the methods to be used by Florida to monitor the performance of the units of entities to whom the payments is distributed, consistent with the performance goals and measures adopted under paragraph (8).**

The Help America Vote Act of 2002 (HAVA) Planning Committee clearly recognizes its advisory role in election reform and acknowledges the authority of the Florida Legislature to make funding decisions for Florida. During HAVA Planning Committee discussions, members proposed several recommendations that would provide funding for units of local government. The recommended payments to local government are listed below:

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**Replacement and Reimbursement For Punch Card And Lever Machines**

The HAVA Planning Committee recommends that the estimated \$11.74 million received pursuant to Section 102 of HAVA be distributed to the State and to the counties on a pro-rated basis for their respective contributions to replace punch cards and lever machines during the 2001-2002 and 2002-2003 fiscal years.<sup>3</sup>

**Accessible Voting Systems for Voters With Disabilities**

The HAVA Planning Committee recommends that HAVA funds should be distributed to counties during the 2004-2005 fiscal year to help them meet Section 301 Title III accessibility requirements by the January 1, 2006 deadline. The estimated amount to comply with this requirement is \$11.6 million and the funds would be distributed according to the number of machines accessible for persons with disabilities needed for each county to have one per polling place. The Division of Elections would have the responsibility for determining eligibility of counties receiving HAVA funds.

Secondly, if HAVA funds are available, the HAVA Planning Committee recommends that HAVA funds be distributed as a reimbursement on a pro-rated basis to local governments that purchased accessible voting systems and components during the 2001 and 2002 fiscal years.

**Statewide Voter Education Program**

For the 2003-2004, 2004-2005, and 2005-2006 fiscal years, the HAVA Planning Committee recommends that local governments receive a total of \$9 million dollars (\$3 million each fiscal year) for comprehensive voter education efforts. HAVA funds for voter education should be distributed using a similar formula as used in 2001. The Division of Elections should be responsible for determining eligibility of any county for the receipt of State or federal funds used in HAVA election reform activities.

The Division of Elections should be responsible for monitoring the use of funds in accordance with established State procedures. Prior to receiving any funds from the Division, each of Florida's 67 supervisors of elections must enter into a contractual agreement with the State. The contract must affirm what the funds are to be used for and it must provide proof that the counties have matching dollars, if required.

The Division of Elections will monitor the performance of the contract agreements entered into between the State and each county. Each county must meet the contractual requirements before payment is approved.

Standard auditing procedures for monitoring the use of federal funds will be used for the receipt and the distribution of HAVA funds. These standard procedures may include random program

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<sup>3</sup> The 2003 General Appropriations Act passed by the Legislature required the Department of State to transfer all amounts eligible for reimbursement under Section 102 of HAVA to the State's Working Capital Fund.

audits by the Department of State's Inspector General as well as an annual audit by the Florida Auditor General's office to ensure funds are being expended for the authorized purposes.

To monitor the use of the voter education funds at the local level, the HAVA Planning Committee recommends that the Florida Legislature require each county to establish a fund to be used to deposit funds received from the federal or State governments for election reform activities. If a county match is required, it will also be deposited into this account. The funds will not be commingled with other funds which may be appropriated to the supervisor of elections by the county. Funds in this account will be used for the activities for which the funds were received and, unless otherwise specified in the appropriation, there is no requirement for the funds to be used during a certain time.

Also during the 2003-2004, 2004-2005, and 2005-2006 fiscal years, the Division of Elections recommends that the Department of Highway Safety and Motor Vehicles and the Florida Department of Law Enforcement receive HAVA funding to assist in the development of the new statewide voter registration system. The Division of Elections will enter into a contractual agreement with these other state-level departments and monitor the contracts in accordance with standard auditing procedures for monitoring the use of federal funds.

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### Element 3. Voter Education, Election Official Education & Training, Poll Worker Training

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

#### **Introduction**

A wide array of national and State task force reports have highlighted the need for a more informed electorate. To achieve this goal, voters, election officials, and poll workers must receive better information and training. Florida assigns the primary responsibility for these daunting tasks to the Department of State and the county supervisors of elections. Following election 2000, the Legislature has more clearly delineated the role of each in improving the education of voters, election officials, and poll workers.

The Florida Election Reform Act of 2001 set deadlines, included a wide array of topics to be addressed by State and county election officials, granted rule making authority to the Department of State, and established a procedure for measuring the effectiveness of the programs and making recommendations to the Governor and the State Legislature. Various acts passed during the 2002 legislative session broaden the scope of voter education responsibilities, more definitively spell out voter rights, and ensure that Florida's electoral system conforms to the Americans with Disabilities Act of 1990. Each of these changes has been communicated to election officials at all levels and to the public at-large.

The Election Reform Act of 2001 required all 67 county supervisors of elections to file voter education plans with the Division of Elections in the Department of State in order to qualify for State funds. (The Act appropriated nearly \$6 million for voter education in fiscal year 2001-2002 in addition to \$24 million for purchase of new voting equipment, fiscal years 2001-2003.) The Department of State, as directed by the Legislature, established minimum standards for nonpartisan voter education to be met by each county.

Voter education plans filed with the Division of Elections in the Secretary of State's office are filled with creative approaches. These outreach mechanisms are designed by the elections supervisors:

- (1) to better inform their county's residents about registration and voting; and,
- (2) to reduce the levels of voter error and confusion that existed during the 2000 election cycle.

The approaches used by the 67 individual counties vary considerably, reflecting differences in their demographic and socioeconomic composition (e.g., land area, rural-urban location, age, race/ethnicity, education), county funding levels, and media availability.

Significant changes to Florida's election laws and the advent of new voting equipment have made poll worker education a high priority—as recognized in the Florida Election Reform Act of 2001. Florida's counties have restructured their poll worker training programs. State law now requires supervisors of elections to cast their poll worker recruitment nets wider, as the number of poll workers needed escalates in a fast-growing state.

**Section 254(a)(3). How will the State of Florida provide for programs for voter education which will assist the State in meeting the requirements of Title III?**

Florida has adopted extensive voter education requirements and funded county voter education programs (\$6 million in 2001). The Help America Vote Act of 2002 (HAVA) Planning Committee recommends an additional \$3 million in each of the next three fiscal years for local voter education programs.

**Joint Responsibility of Department of State and County Supervisors of Elections**

Section 98.255(1), *Florida Statutes*, directed the Department of State to “adopt rules prescribing minimum standards for nonpartisan voter education” by March 1, 2002. The standards were to address (but were not limited to):

- (1) voter education;
- (2) balloting procedures for absentee and polling place;
- (3) voter rights and responsibilities;
- (4) distribution of sample ballots; and,
- (5) public service announcements.

In developing the rules, the Department was instructed to “review current voter education programs within each county of the state.” The Department of State adopted Rule 1S-2.033, *F. A. C.*, Standards for Nonpartisan Voter Education on May 30, 2002.

Section 98.255(2), *Florida Statutes*, requires each supervisor of elections to “implement the minimum voter education standards” and “to conduct additional nonpartisan education efforts as necessary to ensure that voters have a working knowledge of the voting process.”

**Minimum Nonpartisan Voter Education Standards**

The Department of State's “Standards for Nonpartisan Voter Education,” Rule 1S-2.033, *F. A. C.*, requires the following voter education practices:

Comprehensive Voter Guide: Contents

Department of State Rule 1S-2.033, *F. A. C.*, Standards for Nonpartisan Voter Education, requires supervisors of elections to create a Voter Guide which shall include: how to register to



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vote; where voter registration applications are available; how to register by mail; dates for upcoming elections; registration deadlines for the next primary and general election; how voters should update their voter registration information such as changes in name, address or party affiliation; information on how to obtain, vote and return an absentee ballot; voters' rights and responsibilities pursuant to Section 101.031, *Florida Statutes*; polling information including what times the polls are open, what to bring to the polls, list of acceptable IDs, what to expect at the polls; instructions on the county's particular voting system; supervisor contact information; and any other information the supervisor deems important.

Voter Guide: Extensive Distribution

Department of State Rule 1S-2.033(1)(b), *F.A.C.*, requires supervisors of elections to "provide the Voter Guide at as many places as possible within the county including: agencies designated as voter registration sites pursuant to the National Voter Registration Act; the supervisor's office; public libraries; community centers; post offices; centers for independent living; county governmental offices; and at all registration drives conducted by the supervisor of elections."

Voter Guide, Sample Ballot, & Website Consistency Required

Department of State Rule 1S-2.033(2), *F.A.C.*, states that: "If a supervisor has a website, it must take into account all of the information that is required to be included in the Voter Guide. In addition, when a sample ballot is available, the website must provide either information on how to obtain a sample ballot or a direct hyperlink to a sample ballot."

Targeted Voter Education: High School Students

Florida's Department of State Rule 1S-2.033(3), *F.A.C.*, instructs the supervisors of elections to work with county school boards to develop voter education and registration programs for high school students. Specifically, the rule requires that "At least once a year in each public high school in the county, the supervisor shall conduct a high school voter registration/education program. The program must be developed in cooperation with the local school board and be designed for maximum effectiveness in reaching and educating high school students."

Targeted Voter Education: College Students

Florida's Department of State Rule 1S-2.033(4), *F.A.C.*, dictates that "At least once a year on each college campus in the county, the supervisor shall provide a college registration/education program. This program must be designed for maximum effectiveness in reaching and educating college students."

Targeted Voter Education: Senior Citizens and Minority Groups

Department of State Rule 1S-2.033(7), *F.A.C.*, requires supervisors of elections to "conduct demonstrations of the county's voting equipment in community centers, senior citizen residences, and to various community groups, including minority groups." Rule 1S-2.033(8), *F.A.C.*, specifically instructs the supervisors to use minority media outlets to provide more information to voters.

Targeted Voter Education: Individuals and Groups Sponsoring Voter Registration Drives

Department of State Rule 1S-2.033(6), *F.A.C.*, specifically instructs supervisors of elections to “provide, upon reasonable request and notice, voter registration workshops for individuals and organizations sponsoring voter registration drives.” Section 98.015(9), *Florida Statutes*, states that “each supervisor must make training in the proper implementation of voter registration procedures available to any individual, group, center for independent living, or public library in the supervisor’s county.”

Posting of Educational Materials on Voter Rights and Responsibilities

Department of State Rule 1S-2.033(5), *F.A.C.*, requires supervisors of elections to “post the listing of the voters’ rights and responsibilities pursuant to Section 101.031, *Florida Statutes*, at the supervisor’s office.” Section 101.031(2), *Florida Statutes*, spells out the specific format of the Voter’s Bill of Rights and Responsibilities to be posted by the supervisor of elections at each polling place. The Department of State, or in case of municipal elections the governing body of the municipality, is required “to print, in large type on cards, instructions for electors to use in voting,” including the list of rights and responsibilities and other information about how to vote deemed necessary by the Department of State—Section 101.031(1), *Florida Statutes*. At least two cards shall be provided to each precinct.

Educating Voters About Polling Place and Precinct Changes, Revised Voter Identification Cards

Department of State Rule 1S-2.033, *F.A.C.*, mandates that supervisors of elections “shall provide notice of changes of polling places and precincts to all affected registered voters.” “This notice shall include publication in a newspaper of general circulation as well as posting the changes in at least ten conspicuous places in the county. If the supervisor has a website, the supervisor shall post the changes on the website. The supervisors shall also widely distribute a notice that if a voter does not receive a revised voter identification card within 20 days of the election the voter should contact a specific number at the supervisor’s office to obtain polling place information.”

Voter Education Through the Media

Department of State Rule 1S-2.033(8), *F.A.C.*, requires supervisors of elections to interface with the media to better inform the electorate. Supervisors are to “participate in available radio, television and print programs and interviews, in both general and minority media outlets, to provide voting information.”

Voter Education Through the Internet

The Division of Elections’ website (<http://election.dos.state.fl.us/>) offers extensive information regarding registration, elections (dates, district maps, results, Division reports, forms, publications, voter turnout, supervisor of elections’ contact information), voter fraud, voting systems, laws/opinions/rules, candidates and committees, the initiative petition process, and other helpful government links.

Voter Education About Fraud

Section 97.012(12), *Florida Statutes*, requires the Secretary of State to "...provide election fraud education to the public."

**Procedures for Constant Analysis of Voter Education Effectiveness**

Section 98.255(3)(a), *Florida Statutes*, requires supervisors of elections to file a report by December 15 of each general election year with the Department of State. This report is "a detailed description of the voter education programs implemented and any other information that may be useful in evaluating the effectiveness of voter education efforts."

Section 98.255(3)(b), *Florida Statutes*, requires the Department of State to review the information submitted by the supervisors and "prepare a public report on the effectiveness of voter education programs" and to "submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 31 of each year following a general election."

Further, Section 98.255(3)(c), *Florida Statutes*, instructs the Department of State to use "the findings in the report as a basis for adopting modified [voter education] rules that incorporate successful voter education programs and techniques as necessary."

This procedure was first used in the 2002 election cycle. The Division of Elections requested each supervisor of elections to list in detail the voter education programs conducted during the 2002 election cycle and the approximate cost of each program. The supervisors were asked to rank the effectiveness of each program on a scale of 1 to 5, with 5 being the highest possible rank. On January 31, 2003, the Florida Department of State, Division of Elections, submitted its "Report on Voter Education Programs During the 2002 Election Cycle Pursuant to Section 98.255(3), *Florida Statutes*." The report concluded that "most supervisors ranked the county voter education programs as 4 or 5 in effectiveness in reaching the target community." (There were ten broad categories of voter education programs: sample ballots; elementary/middle school/high school/university and community college outreach; websites; miscellaneous promotional materials; public appearances/television and movie theatre advertisements; banners and billboards, radio and public transport advertisements; newspapers and mailers; voting system demonstrations; outreach to minority, disabled and senior communities; and voter registration drives.) The Department of State made three recommendations in its post-election 2002 report:

- (1) The Legislature should provide funding, contingent upon appropriations from Congress through the Help America Vote Act, to the counties for voter education efforts;
- (2) The Legislature should require sample ballots to be mailed to households or voters prior to each Primary and General Election.
- (3) The Division of Elections should provide a list of cost-effective voter education programs used by counties so that all counties can benefit from these ideas.

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(The 2002 Governor's Select Task Force on Election Procedures, Standards, and Technology report of December 30, 2002 also recommended improving "voter education by requiring all supervisors of elections to mail generic sample ballots to each household with registered voters.")

Section 101.595, *Florida Statutes*, also requires supervisors of elections to submit a report to the Department of State no later than December 15 of each general election year detailing "[t]he total number of overvotes and undervotes in the first race appearing on the ballot pursuant to Section 101.151(2), along with the likely reasons for such overvotes and undervotes and other information as may be useful in evaluating the performance of the voting system and identifying problems with ballot design and instructions which may have contributed to voter confusion." The Department of State must prepare a report analyzing that information and submit it to the Governor, the President of the Senate, and the Speaker of the House by January 31 of the year following a general election. The report is to include recommendations for correcting any problems with ballot design or instructions to voters.

This procedure was first used in the 2002 election cycle. "Analysis and Report of Overvotes and Undervotes for the 2002 General Election Pursuant to Section 101.595, Florida Statutes" found a substantial reduction in the level of overvotes and undervotes in 2002 (compared to 2000) and concluded that new technology and the counties' voter education efforts were major factors contributing to the reduction in voter error. The report's recommendations were:

- (1) The Division of Elections should continue to monitor the overvotes and undervotes from each general election.
- (2) The Florida Legislature should provide funding, contingent upon appropriations from Congress through the Help America Vote Act, to the counties for voter education efforts.
- (3) The Division of Elections should review the recommendations for ballot instructions for incorporation into the uniform ballot rule.
- (4) All voting system vendors should continue to improve the design of their voting systems in order to better meet the needs of Florida's voters.

Florida's system for constant evaluation of the effectiveness of voter education by both the county supervisors of elections and the Department of State is in place and operating.

What needs to be done? Educational materials must be updated to provide absentee voters with better instructions on how to mark a ballot and how to correct their ballots and how to request a replacement ballot if the voter is unable to change the original ballot. (This is necessary to meet Section 301(a)(1)(B) HAVA requirements.) This will be done once the amendment to Section 101.65, *Florida Statutes*, becomes law and Department of State rule changes have been adopted. Both are expected to be in effect by January 1, 2004—before the HAVA deadline of January 2006.

Educational materials must be updated giving a voter written notice at the time of casting a provisional ballot that he or she can find out if the ballot was counted, or if not, why, through a free access system, restricted to the individual voter—Section 302(a)(5)(A)&(B) HAVA requirements.

Educational materials available to voters at the polling place must be updated to conform to HAVA voting information requirements—Section 302(b)(2)(A through F) to post: sample ballots at polls; the election date; identification instructions for mail registrants who are first time voters; and information on who to contact if general voting rights under State and federal laws are violated.

Educational materials should be updated as needed to include information on law and rule changes. The procedures for informing Florida voters, election officials, and poll workers of these changes are in place in statutes and rule making authority.

**Section 254(a)(3). How will the State of Florida provide for programs for *election official education and training* which will assist the State in meeting the requirements of Title III?**

The State has assigned responsibility for education and training of election officials to the Secretary of State. The Division of Elections prepares and distributes educational materials for, and conducts the training of, supervisors of elections and their staffs.

The Secretary of State is the State's chief election officer whose responsibilities are spelled out in Section 97.012, *Florida Statutes*. Among those responsibilities are explicit requirements to: "provide technical assistance to the supervisors of elections on voter education and election personnel training services;" "provide technical assistance to the supervisors of elections on voting systems;" "provide training to all affected state agencies on the necessary procedures for proper implementation of [Chapter 97 of the Florida Statutes];" and "coordinate with the United States Department of Defense so that armed forces recruitment offices administer voter education in a manner consistent with the procedures set forth in [Florida election] code for voter registration agencies."

The Division of Elections conducts voter education and election personnel training, issues advisory opinions that provide statewide coordination and direction for interpreting and enforcing election law provisions, provides technical advice on voting systems and equipment and State and federal election laws, certifies voting equipment, and provides written election information to candidates (Office of Policy Analysis and Government Responsibility, *Justification Review*, Report No. 02-55, October 2002).

The Division of Elections oversees and approves training courses for continuing education for supervisors of elections. It coordinates, on an annual basis, two statewide workshops for the

supervisors of elections by reviewing and providing updates on the election laws to ensure uniformity statewide in the interpretation of election laws. These are generally held in conjunction with the Florida State Association of Supervisors of Elections' Conferences held in January and June. The division oversees certification for supervisors of elections through which supervisors obtain credits to maintain job proficiency. The Division may also conduct regional workshops for supervisors and staff, universities, and community colleges, and State agencies. When Select Task Forces are created by the Governor, Secretary of State, or other State officials, the Division provides administrative and technical assistance. (Florida Department of State, Division of Elections, 2001 Annual Report).

All Division of Elections' forms, rules, handbooks, opinions, etc. are available on the Internet via the Division's website—an award-winning site (<http://election.dos.state.fl.us/>). Section 97.026, *Florida Statutes*, states "It is the intent of the Legislature that all forms required to be used in chapters 97-106 [the election code], shall be made available upon request, in alternative formats" including the Internet (with the exception of absentee ballots).

The HAVA Planning Committee recommends that the Division of Elections also conduct training courses for the continuing education of city election officials in conjunction with meetings of the Florida Association of City Clerks.

**Section 254(a)(3). How will the State of Florida provide for programs for *poll worker training* which will assist the State in meeting the requirements of Title III?**

Florida has adopted extensive poll worker recruitment and training requirements and funded county poll worker training (as part of the \$6 million voter education appropriation in 2001). The State has: adopted minimum-hours-of-training requirements; spelled out training content requirements; prepared a uniform polling place procedures manual; and mandated a statewide and uniform program for training poll workers on issues of etiquette and sensitivity with respect to disabled voters.

State law permits inspectors, clerks, and deputy sheriffs attending poll worker training to receive compensation and travel expenses—Section 102.021(2), *Florida Statutes*.

**Joint Responsibility of Department of State and County Supervisors of Elections**

Section 102.014, *Florida Statutes*, assigns responsibility for poll worker training to county supervisors of elections and the Department of State.

Section 102.014(1), *Florida Statutes*, requires supervisors of elections to conduct training for inspectors, clerks, and deputy sheriffs prior to each primary, general, and special election "for the purpose of instructing such persons in their duties and responsibilities as election officials." Training is mandatory to work at the polls.

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Section 102.014(5), *Florida Statutes*, directs the Department of State to “create a uniform polling place procedures manual and adopt the manual by rule” and to revise it “as necessary to address new procedures in law or problems encountered by voters and poll workers at the precincts.” Rule 1S-2.034, *F.A.C.*, Polling Place Procedures Manual (Form DS-DE 11; 4/02), was adopted on July 4, 2002. The manual, to be available in either hard copy or electronic form at every precinct on Election Day, must be “indexed by subject, and written in plain, clear, unambiguous language.”

Under Section 102.014(7), *Florida Statutes*, the Department is assigned the responsibility for developing “a mandatory, statewide, and uniform program for training poll workers on issues of etiquette and sensitivity with respect to voters having a disability.” But county supervisors of elections are responsible for conducting such training. They are required to “contract with a recognized disability-related organization, such as a center for independent living, family network on disabilities, deaf service bureau, or other such organization, to develop and assist with training the trainers in disability sensitivity programs.”

#### Poll Worker Training Content

The content of poll worker training is detailed in State statutes.

Clerks must demonstrate “a working knowledge of the laws and procedures relating to voter registration, voting system operation, balloting and polling place procedures, and problem-solving and conflict-resolution skills”—Section 102.014(1), *Florida Statutes*.

The Uniform Polling Place Procedures Manual must include: regulations governing solicitation by individuals and groups at the polling place; procedures to be followed with respect to voters whose names are not on the precinct register; proper operation of the voting system; ballot handling procedures; procedures governing spoiled ballots; procedures to be followed after the polls close; rights of voters at the polls; procedures for handling emergency situations; procedures for dealing with irate voters; the handling and processing of provisional ballots; and security procedures—Section 102.014(5)(a-k), *Florida Statutes*. The manual “shall provide specific examples of common problems encountered at the polls on election day, and detail specific procedures for resolving those problems.”

Poll worker training on issues of etiquette and sensitivity for disabled voters “must include actual demonstrations of obstacles confronted by disabled persons during the voting process, including obtaining access to the polling place, traveling through the polling area, and using the voting system”—Section 102.014(7), *Florida Statutes*.

#### Poll Worker Minimum Hours of Training

Section 102.014(4), *Florida Statutes*, specifies that clerks must have had a minimum of three hours of training prior to each election to be eligible to work at the polls. For inspectors, there is

a minimum of two hours of training. Section 102.014(7), *Florida Statutes*, requires one hour involving training related to etiquette and sensitivity with regard to voters with disabilities.

Poll Worker Recruitment

Supervisors of elections are required to “work with the business and local community to develop public-private programs to ensure the recruitment of skilled inspectors and clerks”—Section 102.014(6), *Florida Statutes*.

What needs to be done? There is no established procedure for evaluating the effectiveness of poll worker training or recruitment as there is for voter education. The 2002 Governor’s Select Task Force on Election Procedures, Standards, and Technology report of December 30, 2002, recommended “establishing minimum standards for poll worker performance” and “improving poll worker recruitment and training by launching a statewide “Be a Poll Worker” campaign.

The HAVA Planning Committee recommends that the Division of Elections establish a procedure to evaluate the effectiveness of poll worker recruitment and training in all 67 counties.



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## Element 4. Voting System Guidelines and Process

**How the State will adopt voting system guidelines and processes which are consistent with the requirements of Section 301.**

### **Introduction**

There are several governmental bodies and agencies that participate in the adoption of voting systems in Florida. The Florida Legislature has great authority to set voting system requirements and does so in Chapter 101, *Florida Statutes*. The legislature also delegates rule making and certification authority to the Bureau of Voting Systems Certification in the Division of Elections under the Secretary of State.

After voting systems are independently tested and certified for use in Florida, Section 101.5604, *Florida Statutes*, provides that the Board of County Commissioners "at any regular or special meeting called for the purpose, may, upon consultation with the supervisor of elections, adopt, purchase or otherwise procure, and provide for the use of any electronic or electromechanical voting system approved by the Department of State in all or a portion of the election precincts of that county."

To keep Florida's voting systems standards up-to-date, Section 101.015, *Florida Statutes*, requires the Department of State to review "the rules governing standards and certification of voting systems to determine the adequacy and effectiveness of such rules in assuring that elections are fair and impartial."

<p><b>Section 254(a)(4) How will the State of Florida adopt voting system requirements and processes which are consistent with the requirements of Section 301?</b></p>
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Florida's laws and regulations for adopting voting systems that are consistent with the requirements of Section 301 are clearly outlined in *Florida Statutes* and the Florida Voting Systems Standards.

Section 101.015, *Florida Statutes*, authorizes the Department of State to adopt rules which establish minimum standards for hardware and software for electronic and electromechanical voting systems.

Section 101.017, *Florida Statutes*, creates the Bureau of Voting Systems Certification which provides technical support to the supervisors of elections and is responsible for voting system standards and certification.

Section 101.5605, *Florida Statutes*, authorizes the Department of State to examine and approve voting systems through a public process to ensure that the voting systems meet the standards

outlined in Section 101.5606, *Florida Statutes*, and similar standards outlined in the Help America Vote Act of 2002 (HAVA) requirements outlined in Section 301 of Title III.

Section 101.5604, *Florida Statutes*, authorizes the Board of County Commissioners to adopt voting systems.

Sections 101.293-101.295, *Florida Statutes*, outline the public bidding process that counties should follow in purchasing voting systems.

Section 101.56062, *Florida Statutes*, exceeds the accessibility standards of HAVA Section 301 "Accessibility for Individuals With Disabilities." The HAVA Planning Committee has recommended that the Florida Legislature take advantage of federal funding and bring Florida into compliance and make Section 101.56062, *Florida Statutes*, effective by January 1, 2006 or one year after general appropriations are made, whichever is earlier.

Section 101.015, *Florida Statutes*, requires the Department of State to review "the rules governing standards and certification of voting systems to determine the adequacy and effectiveness of such rules in assuring that elections are fair and impartial."

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## Element 5. Florida's Help America Vote Act of 2002 (HAVA) Election Fund

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

To clarify, Section 254(b) states that a fund described in this subsection with respect to a State is a fund which is established in the treasury of the State government, which is used in accordance with paragraph (2), and which consists of the following amounts:

- (A) Amounts appropriated or otherwise made available by the State for carrying out the activities for which the requirements payment is made to the State under this part.
- (B) The requirements payment made to the State under this part.
- (C) Such other amounts as may be appropriated under law.
- (D) Interest earned on deposits of the fund.

**Section 254(a)(5) How will the State of Florida establish a fund for the purpose of administering the State's activities under this part?**

All HAVA funds will be maintained in a trust fund that has already been established by the Department of State. Within this trust fund, monies received for HAVA Sections 101, 102 and Title II will be set up into four accounts: 101-Election Administration, 102-Replace Punch Card and Lever Voting Systems, 251-Requirements Payment, and 261-Access for Individuals with Disabilities.

**Section 254(a)(5) How will the State of Florida manage this fund?**

Any HAVA funds received by the State will be used exclusively for activities authorized by HAVA. The Division of Elections is responsible for tracking and monitoring the use of funds in accordance with established State procedures.

The Director of the Division of Elections will have final signing authority for HAVA expenditures. Any interest earned on this trust fund will be returned to the principal amount of the trust.

Standard auditing procedures for monitoring the use of federal funds will be used for the receipt and the distribution of HAVA funds. These standard procedures include random program audits by the Department of State Inspector General as well as an annual audit by the Florida Auditor General.

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The Governor and Secretary of State will be responsible under HAVA for ensuring compliance with these requirements. The HAVA Planning Committee recommends that the Governor and the Secretary of State maintain contact with the Senate President and the Speaker of the House of Representatives to ensure they remain aware of the strict requirements set in law for the use of HAVA monies placed in this trust fund.

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## Element 6 – Florida’s Budget for Implementing the Help America Vote Act of 2002 (HAVA)

The State’s proposed budget for activities under this part, based on the State’s best estimates of the costs of such activities and the amount of funds to be made available, including specific information on –

- (A) the costs of the activities required to be carried out to meet the requirements of Title III;
- (B) the portion of the requirements payment which will be used to carry out activities to meet such requirements; and
- (C) the portion of the requirements payment which will be used to carry out other activities.

### **Introduction**

The HAVA Planning Committee clearly recognizes its advisory role in election reform and acknowledges the authority of the Florida Legislature to make funding decisions for Florida. This budget reflects the HAVA Planning Committee’s best efforts to divide the funds that may be available during the three years identified in HAVA. If Florida receives more funds than are included in this budget, the HAVA Planning Committee will revise the budget to reflect this change.

During the HAVA Planning Committee discussions, members determined the following to be priorities for using HAVA funds in Florida:

### **Reimbursement for replacement of punch card and lever machines.**

Following the 2000 General Election, the State of Florida assisted counties by investing approximately \$24 million to replace outdated voting machines. Under Section 102 of HAVA, the State of Florida is eligible to receive as a reimbursement approximately \$11.7 million. The HAVA Planning Committee recommends that HAVA funds be distributed to the State and to each county that replaced outdated punch card and lever voting machines following the 2000 General Election on a pro rata basis.

### **Statewide Voter Registration System.**

The HAVA Planning Committee recommends \$1 million in HAVA funds be used for Phase One development of the statewide voter registration system required under Title III. These funds will be used for a variety of consulting fees, purchases of hardware and software for system development, expenses incurred by staff in the Division of Elections and travel expenses for advisory board members who assist with design of the project.

For the development and operation of the new statewide voter registration system required under HAVA, the HAVA Planning Committee recommends that the State of Florida create nine new positions.

- Two positions under the Department of Highway Safety and Motor Vehicles
- Two positions under the Department of Law Enforcement
- Five positions under the Department of State

It is anticipated that a significant portion of HAVA funds will be used for the design and implementation of the statewide voter registration database. Research conducted during Phase One of the system development will provide the State of Florida with an estimate of the cost of the new voter registration system. A preliminary estimate of \$18.5 million has been included in this budget. However, a more precise figure will be determined during Phase One of the system development process and the HAVA Planning Committee will include this new figure in the next update of the HAVA State Plan, if available.

#### **Section 301 Accessible Voting Systems**

The HAVA Planning Committee recommends, in order to meet HAVA accessibility for voters with disabilities requirements, the purchase of Direct Recording Equipment (DRE) accessible to persons with disabilities to ensure that each county has one accessible voting system for each polling place. The estimated cost is \$11.6 million during the 2004-2005 fiscal year.

In addition, the HAVA Planning Committee recommends reimbursing counties that have already purchased voting systems that meet the HAVA accessibility for voters with disabilities requirements. The estimated cost for this reimbursement is \$17 million.

#### **Voter Education**

The HAVA Planning Committee recommends using HAVA funds for the development and implementation of a comprehensive statewide voter education program. The estimated expenditure is a total of \$9 million distributed to the counties and spread over the 2003-2004, 2004-2005 and 2005-2006 fiscal years.

#### **Poll Worker Training**

The HAVA Planning Committee recommends using HAVA funds in the amount of \$250,000 for each fiscal year 2003-2004, 2004-2005 and 2005-2006 for poll worker training. These funds are intended to supplement each county's existing poll worker training budget.

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**Statewide Pollworker Recruitment Campaign**

The HAVA Planning Committee recommends that HAVA funds be used to implement, through the Division of Elections, a statewide campaign to help recruit qualified pollworkers. The increase in the complexity of voting systems and procedures has resulted in a need for more computer literate individuals to staff the polling places and help ensure error-free elections. It is estimated that \$500,000 in HAVA funds should be expended by the Department of State in the 2003-2004 fiscal year.

**HAVA Oversight and Reporting**

The HAVA Planning Committee recommends that the Department of State create three full time positions to manage HAVA implementation. The estimated cost for HAVA oversight and reporting is \$206,079 for the 2003-2004 fiscal year, \$196,485 for the 2004-2005 fiscal year and \$200,719 for the 2005-2006 fiscal year.

- HAVA administrator
- Grants specialist
- Administrative assistant

**State Management (HAVA Planning Committee)**

The HAVA Planning Committee recommends that the Secretary of State require it to meet twice each year in 2003-2004 and in 2004-2005 to make recommendations and to resubmit the HAVA State Plan to ensure that Florida is meeting the requirements of the Help America Vote Act. This participatory process will convene once in the 2003-2004 fiscal year at an estimated cost of \$30,000, twice in the 2004-2005 fiscal year at an estimated cost of \$60,000 and once in the 2005-2006 fiscal year at an estimated cost of \$30,000.

**Performance Goals and Measures Adoptions**

The HAVA Planning Committee recommends the Secretary of State utilize the HAVA Planning Committee to determine performance goals and measures. The estimated cost is \$160,000 to be expended in the 2003-2004 and 2004-2005 fiscal years.

**Election Administration**

The HAVA Planning Committee recommends HAVA funds be used for the design and production of new voter registration forms and publications, and translations for all election administration forms and publications. The estimated cost is \$250,000 for each fiscal year 2003-2004, 2004-2005 and 2005-2006.

**Complaint Procedures**

Section 402(a) of HAVA requires each State to establish State-based administrative complaint procedures for any person who believes that there is or will be a violation of any of HAVA's Title III requirements. The HAVA Planning Committee recommends that HAVA funds in the amount of \$50,000 per year for the 2004-2005 and 2005-2006 fiscal years be budgeted for the administration of the complaint procedures process.

**Requirement 6**

- (A) Based on the State's best estimates, what are the costs of the activities required to carry out to meet the requirements of Title III?**
- (B) What portion of the requirements payment will be used to carry out activities to meet such requirements?**
- (C) What portion of the requirements payment will be used to carry out other activities?**

This information is displayed in charts on pages 53 and 54.



<b>HAVA Estimated Budget Funding by Fiscal Year</b>				
	<b>2003-2004</b>	<b>2004-2005</b>	<b>2005-2006</b>	<b>Total</b>
<b>Title I Requirements</b>				
Reimbursement for replacement of punch card and lever machines. (Section 102 HAVA)	11,740,000*			11,740,000
<b>Title III Requirements</b>				
<b>Sec. 303 Statewide Voter Registration System</b>				
Phase One Development –research, planning & design (Section 101 HAVA Funds)	1,000,000*			1,000,000
9 full time positions – salaries	520,000*	533,000	546,325	1,599,325
9 full time positions – expenses	125,235*	97,686	97,686	320,607
Operating capital outlay	13,500*	TBD	TBD	13,500
Phase Two - Develop and implement statewide voter registration system (Section 252 Requirements Payment)		9,250,000	9,250,000	18,500,000
<b>Sec. 301 Voting System Standards (Section 252 Requirements Payment)</b>				
Accessibility for voters with disabilities (compliance)		11,600,000		11,600,000
Accessibility for voters with disabilities (reimbursement to counties)			17,000,000	17,000,000
<b>Other Election Reform Activities (Section 101 HAVA funds 2003-2004 activities; Section 101 and Section 252 HAVA fund activities 2004-2005 and beyond)</b>				
Voter Education Programs	3,000,000*	3,000,000	3,000,000	9,000,000
Poll worker Recruitment Statewide campaign	500,000			500,000
Poll worker Training	250,000	250,000	250,000	750,000
<b>HAVA Oversight and Reporting</b>				
3 full time positions – salaries	165,230*	169,361	173,595	508,186
3 full time positions – expenses	35,849*	27,124	27,124	90,097
Operating capital outlay	5,000*	TBD	TBD	5,000
<b>State Management (HAVA Planning Committee)</b>				
HAVA Planning Committee convenes twice each year (\$30k/mtg)	30,000	60,000	30,000	120,000
HAVA Performance Goals & Measures Adoption HAVA Planning Committee hearings – 4 at \$40k/mtg	80,000	80,000		160,000
Election Administration – design and production of new voter registration forms and publications, translations for all election administration forms and publications.	250,000*	250,000	250,000	750,000
Complaint Procedure §402		50,000	50,000	100,000
<b>Total</b>	<b>17,714,814</b>	<b>25,367,171</b>	<b>30,674,730</b>	<b>73,756,715</b>

\* These items were included in the 2003-2004 General Appropriations Act as passed by the Legislature and signed by the Governor. All expenditures in 2003-2004 will be from Section 101 and Section 102 HAVA funds.

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<b>Election Reform Estimated Revenues 2003-2005 Fiscal Years</b>				
	<b>HAVA 101</b>	<b>HAVA 102</b>	<b>HAVA 252</b>	<b>Total Federal Funds</b>
<b>2003 Estimate</b>	\$ 14,720,000	\$ 11,740,000	\$ 47,528,000	\$ 73,988,000
<b>2004 Estimate</b>	0	0	TBD	TBD
<b>2005 Estimate</b>	0	0	TBD	TBD

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## Element 7. Maintenance of Effort

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

### **Introduction**

The funding provided under the Help America Vote Act of 2002 (HAVA) is intended to pay for new or enhanced election efforts and is not intended to supplant existing funding at the State or county level. The projected HAVA budget is based on the assumption that the State of Florida and counties will maintain the foundation of election operating expenditures for the fiscal year ending prior to November 2000.

The Florida Division of Elections provides statewide coordination and direction for the interpretation and enforcement of election laws. The Division's budget supports year-round staff that provides election-related assistance to Florida's 67 county supervisors of elections and their staff, municipalities, special districts, county and city attorneys, candidates, political committees, committees of continuous existence, elected officials, media, the public and other election officials throughout the United States.

**Section 254(a)(7) How will the State of Florida maintain the expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000?**

In determining Florida's maintenance of effort expenditures, the Division of Elections calculated 1999-2000 fiscal year expenditures which included salaries and benefits, operating capital outlay and voter fraud programs for the Division of Elections Director's office and the portion of Bureau of Election Records' expenditures pertaining to election administration. Florida's expenditures for these activities for 1999-2000 fiscal year totaled \$3,082,224.

In order to comply with Section 254(a)(7) of HAVA, the Florida Department of State will maintain expenditures on similar activities at a level equal to the 1999-2000 fiscal year budget.

The HAVA Planning Committee recommends that the Secretary of State communicate to the Senate President and the Speaker of the House of Representatives the importance of maintaining this maintenance of effort figure, as a minimum level of expenditures, to ensure the required level of spending is appropriated by the Florida Legislature.

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## Element 8. Performance Goals and Measures

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

### **Introduction**

Florida has a very decentralized election governance and administrative system. The Secretary of State is appointed by the Governor and is the legal Chief Election Official in Florida. However, the Secretary of State does not supervise the day-to-day operations of the 67 local supervisors of elections and only provides guidance through technical assistance, rules, advisory opinions, voting system certification, and producing standardized election forms.

In Florida, it is the local supervisor of elections that has constitutional authority to conduct elections through State law and rule. The supervisors are elected to 4-year terms by the registered voters of their respective counties (except for Miami-Dade's appointed supervisor) and have broad authority to conduct the day-to-day election operations by appointing local election officials, administering voter registration, preparing ballots, administering absentee voting, conducting poll worker training, and developing voter education programs.

Yet, the new Help America Vote Act of 2002 (HAVA) requires the State and not the local supervisors to adopt performance goals and measures for determining statewide and local election reform success.

It should be noted that Florida already requires certain reports on the performance of voting systems and voter education. By December 15 of each general election year, the Florida Legislature requires local supervisors of elections to report on performance measures such as overvotes and undervotes, ballot designs, and voting instructions (Section 101.595, *Florida Statutes*). Similarly, the Florida Legislature requires local supervisors of elections by December 15 of each year following a general election to prepare a public report on the effectiveness of voter education programs (Section 98.255(3)(a), *Florida Statutes*).

However, neither of these statutes follows the specific format that is required under HAVA. Nor do the statutes or rules outline performance measures for the remaining elements of the HAVA State Plan.

Florida must comply with this HAVA requirement. The most effective and egalitarian way for Florida to define election reform success of HAVA is to carry out a collaborative process similar

to the HAVA Planning Committee. The participatory process will ensure that Florida will clearly define the goals, the success measures, the timetables, and accountable officials through a public forum consisting of State election officials, local election officials, and interested citizens.

**Section 254(a)(12) How will Florida adopt performance goals and measures that will be used by the State to determine its success and the success of local government in carrying out the plan, including—**

- **Timetables for meeting the elements of the plan**
- **Descriptions of the criteria the State will use to measure performance**
- **The process used to develop such criteria**
- **A description of which official is to be held responsible for ensuring that each performance goal is met?**

In the spirit of HAVA and in participatory election reform, the HAVA Planning Committee recommends that the Secretary of State utilize the HAVA Planning Committee for determining its performance measures and goals for successfully carrying out the HAVA State Plan. The composition of the HAVA Planning Committee consists of State and local election officials, along with interested citizens. The overall goals of the HAVA Planning Committee are:

1. To recommend specific success factors, outline timetables, and assign accountability toward meeting the goals of the HAVA State Plan.
2. To continue building public participation and confidence in Florida's election reform process.

The HAVA Planning Committee should begin work as soon as possible and finish its work no later than the end of 2003. It should conduct its business in the same manner as the HAVA State Plan was developed utilizing locations around the State to encourage public participation. The HAVA Planning Committee suggests that the Secretary of State use a qualified facilitator to assist in this process. The funding to develop the performance goals and measures should come from HAVA Section 101 federal funds.

The HAVA Planning Committee should take each element of the HAVA State Plan and provide specific State and local criteria which are measurable and within HAVA deadlines. The HAVA Planning Committee should define the HAVA State Plan elements and prepare specific goals and measurements to determine success. The HAVA Planning Committee should address the following 13 planning elements:

1. Voting Systems—Absentee ballot issues, Accessibility issues (Not in compliance)
2. Provisional Voting and Information (Not in compliance)
3. Voter Registration System (Not in compliance)

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4. Voter Education Programs, Election Official Training, and Poll Worker Training (In compliance)
5. Voting System Guidelines and Process (In compliance)
6. State Trust Fund (In compliance)
7. State Budget (In compliance)
8. Maintenance of Effort (In compliance)
9. Administrative Complaint Process (In compliance)
10. Title One Payments and Activities (In compliance)
11. State HAVA Management (In compliance)
12. Changes to HAVA State Plan (In compliance)
13. HAVA Planning Committee and Procedures (In compliance)

The measurable criteria should provide State and local election officials clear information about what stage, how and who is implementing the HAVA State Plan. Listed below is a sample of how the HAVA Planning Committee might outline and define performance goals and measures. Included in this process would be a description of the major elements, the mandated deadline, goals of the planning element, measurable criteria, and the accountable official.

**Sample Performance Measure**

Planning Element:	Accessible Voting Systems
HAVA Deadline:	January 1, 2006
Goal:	Provide one accessible voting system for every polling place.
Measurement:	<ul style="list-style-type: none"> <li>• Division of Elections certifies eligible voting systems;</li> <li>• Local Supervisors submit recommendations for purchase of certified voting systems;</li> <li>• Legislature or Board of County Commissioners appropriates funds for certified voting systems;</li> <li>• Division of Elections conducts statewide census of one certified machine for persons with disabilities for every polling place;</li> <li>• Local Supervisors certify that one accessible voting system is functioning for every polling place.</li> </ul>
Timetable:	Begin August 1, 2003 End December 1, 2005
Accountable Official:	Chief, Bureau of Voting Systems Certification

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## Element 9. State-Based Administrative Complaint Procedures to Remedy Grievances

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

### Introduction

To receive any requirements payment pursuant to the Help America Vote Act of 2002 (HAVA), the State of Florida must establish and maintain State-based administrative complaint procedures which meet HAVA's requirements to:

- (1) be uniform and nondiscriminatory;
- (2) provide that any person who believes that there is or will be a violation of any of HAVA's Title III requirements may file a complaint;
- (3) require the complaint to be in writing, sworn and notarized;
- (4) permit complaints to be consolidated;
- (5) hold a hearing on the record at the request of the complainant;
- (6) provide an appropriate remedy if the State determines that there is a violation of any Title III provision;
- (7) if the State determines there is no violation, dismiss the complaint and publish the results of procedures;
- (8) make a final determination on a complaint within 90 days after filing unless the complainant consents to a longer period; and,
- (9) use alternative dispute resolution procedures to resolve the complaint if the State fails to resolve it within 90 days.

**Section 402(a): Has Florida complied with the requirements of HAVA Section 402(a) to establish State-based administrative complaint procedures to remedy grievances?**

**Yes, and no further actions are required.**

Appropriate administrative complaint procedures were included in Chapter 2003-415, *Laws of Florida*. Language in the legislation tracked HAVA's language closely. These procedures are similar to administrative procedures in Section 97.023, *Florida Statutes*, for resolving complaints generated by alleged violations of the National Voter Registration Act of 1993 or a voter registration or removal procedure under the Florida Election Code.

Florida's legislation established a new Section 97.0535, *Florida Statutes*, that, in addition to tracking HAVA's minimum requirements, included the following additional requirements not specified by HAVA:

- (1) the Department of State would have sole jurisdiction for these purposes and the procedures would be the sole avenue of redress for alleged Title III violations;
- (2) a complaint would have to state the alleged violation and the person or entity responsible for the violation;
- (3) the Department of State would be required to inform a complainant in writing if a complaint was legally insufficient;
- (4) proceedings would be exempt from Chapter 120, *Florida Statutes*, (Administrative Procedures Act);
- (5) a hearing would be held by a hearing officer whether or not a complainant requested a hearing and specific procedures for a hearing were included in the legislation;
- (6) the hearing officer would direct an appropriate remedy that then would be enforced by the Department of State;
- (7) mediation would be the alternative dispute resolution method used if a final determination on a complaint was not made within 90 days of filing.



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## Element 10. Effect of Title I Payments

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

### **Introduction**

Title I of the Help America Vote Act of 2002 (HAVA) is an "early out" money program for use in two areas—improving election administration and the replacement of punch card and lever voting systems. Each State is guaranteed to receive a minimum of \$5 million under this program. The HAVA Planning Committee recommends using Section 101 HAVA funds for 2003-2004 activities and a combination of Section 101 and Section 252 HAVA funds for activities beginning in the 2004-2005 fiscal year and beyond.

Under Title I, Section 101 funds are to be used to improve election administration. Approved use of funds under this section includes:

- (A) Complying with the requirements under Title III.
- (B) Improving the administration of elections for Federal office.
- (C) Educating voters concerning voting procedures, voting rights, and voting technology.
- (D) Training election officials, poll workers, and election volunteers.
- (E) Developing the HAVA State Plan for requirements payments.
- (F) Improving, acquiring, leasing, modifying, or replacing voting systems.
- (G) Improving polling place accessibility for voters with disabilities or with limited English.
- (H) Establishing toll-free telephone hotlines for voters to access voting information, report voting fraud, or report voting rights violations.

Under Title I, Section 102 funds are to be used to replace punch card and lever voting systems.

The HAVA Planning Committee clearly recognizes its advisory role in election reform and acknowledges the authority of the Florida Legislature to make funding decisions for Florida. The following recommendations are based on the HAVA Planning Committee meetings held to develop the HAVA State Plan.

<p><b>Section 101. How will Title I payments to Florida be used for activities to improve administration of elections?</b></p>
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The State of Florida will use Title I funds for election reform activities necessary to ensure Florida complies with all HAVA requirements. The following list describes the major areas in which funds may be used.

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**(A) Complying with the requirements under Title III**

The Division of Elections will implement a statewide voter registration system to comply with HAVA Title III. The Division of Elections anticipates using \$1 million appropriated from Section 101 funds for Phase One development of the new Statewide Voter Registration system. Expenditures for Phase One will include:

- Consulting fees which will be required for conducting a detailed analysis of connectivity infrastructure available in the 67 supervisor of elections' offices and within all affected offices of the departments of State, Law Enforcement and Highway Safety and Motor Vehicles; working with the counties, the three agencies and the advisory board to create minimum and optimum sets of system requirements; assessing infrastructure needs of all stakeholders to serve the system requirements; conducting "gap" analysis; outlining the physical design of the system; estimating costs and implementation plans for each version for the system to be presented to the 2004 Legislature; and developing and publishing the January 2004 report and recommendations for the 2004 Legislature.
- Purchase hardware and software for project management and system development.
- Expenses incurred by Division of Elections' staff.
- Travel expenses which will involve visiting every supervisor of elections' office and local driver license office.

In addition, Section 101 HAVA funds will be used to create nine full time positions necessary for the design, development and implementation of the Statewide Voter Registration system.

**(B) Improving the administration of elections for Federal office.**

Upon receipt of Title I monies, it is recommended that the Division of Elections use \$250,000 in fiscal year 2003-2004 from Section 101 funds for expenses that include the design and publication of voter registration forms and other election information, translations for all election administration forms and publications, statewide voter education programs and training workshops.

In addition, funds will be required to establish a State-based complaint procedure for anyone who believes that a violation of Title III of the Help America Vote Act has occurred, is occurring or is about to occur. It is estimated that this process will be established at an estimated cost of \$100,000. If no Title I funds are remaining, this activity will be funded from Section 252 HAVA funds.

**(C) Educating voters concerning voting procedures, voting rights, and voting technology.**

Upon receipt of Title I monies, it is recommended that the Florida Division of Elections use approximately \$9 million over a three year period for voter education programs.

These funds will be divided among Florida's 67 counties. To determine the amount each county will receive, the Division of Elections shall divide the total amount of funds appropriated by the total number of registered voters in the State of Florida for the 2002 General Election to establish a funding level per individual voter. Each county shall receive an amount equal to the funding level per individual voter multiplied by the number of registered voters in the county, as certified by the Department of State for the 2002 General Election.

**(D) Training election officials, poll workers, and election volunteers.**

The HAVA Planning Committee recommends using HAVA funds in the amount of \$250,000 for each fiscal year 2003-2004, 2004-2005 and 2005-2006 for poll worker training. These funds are intended to supplement each county's existing poll worker training budget.

**(E) Developing the HAVA State Plan for requirements payments to be submitted under part 1 of subtitle D of Title II.**

There are no plans to use Title I funds for the development of Florida's HAVA State Plan for 2003-2004 fiscal year. As the State of Florida modifies its plans in future years, HAVA funds may be used.

**(F) Improving, acquiring, leasing, modifying, or replacing voting systems.**

Florida has already replaced its punch card and lever voting systems. It is recommended that Section 102 funds be used to reimburse the State and each eligible county, on a pro rata basis, for punch card and lever machines purchased in 2001-2002 and 2002-2003 fiscal years.

The HAVA Planning Committee also recommends that the State of Florida utilize some HAVA funds to help counties meet the accessibility requirements under Title III by the January 1, 2006 deadline. The estimated amount to comply with this requirement is \$11.6 million and the funds would be distributed according to the number of accessible DREs for each county to have one audio ballot per polling

place. The HAVA Planning Committee estimates that these units will be purchased in the 2004-2005 fiscal year and that Section 252 HAVA funds will be used.

In addition, the HAVA Planning Committee recommends reimbursing counties who have already purchased voting systems that meet the HAVA accessibility for voters with disabilities requirements. The estimated cost for this reimbursement is \$17 million and it is anticipated that Section 252 HAVA funds will be used.

**(G) Improving polling place accessibility for voters with disabilities or with limited English.**

Under Section 261, HAVA states the Secretary of Health and Human Services shall make a payment to eligible States to be used for making polling places accessible to individuals with disabilities and providing information on this accessibility. The State of Florida has applied for available funds under this grant program. It is recommended that these funds be distributed to each county to ensure that individuals with disabilities are provided the same opportunity for access and participation as for other voters.

**(H) Establishing toll-free telephone hotlines for voters to access voting information, report voting fraud, or report voting rights violations.**

Currently, there are no plans to use HAVA funds for establishing a free voting information hotline. If this type of voting information system is desired, it will be the responsibility of each county and monitored by the Division of Elections.

The Division of Elections has already established and plans to expand a voter fraud hotline for individuals who believe they may have witnessed election fraud.

**Section 102. How will payments to Florida be used for the replacement of punch card or lever voting machines?**

Under Section 102, the State of Florida is eligible for approximately \$11.7 million which it will use as reimbursement to the State and eligible counties for funds previously spent to replace punch card and lever voting systems. Currently, 14 counties have replaced punch card and lever machines with machines that are fully compliant with HAVA.

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## Element 11. Help America Vote Act of 2002 (HAVA) State Plan Management

**How the State will conduct ongoing management of the plan, except the State may not make any material change in the administration of the plan unless the change—**

**(A) is developed and published in the Federal Register in accordance with section 255 in the same manner as the State plan;**

**(B) is subject to public notice and comment in accordance with section 256 in the same manner as the State plan; and**

**(C) takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A).**

### **Introduction**

This element of the HAVA State Plan requires Florida to explain how the State of Florida will manage the implementation of the HAVA State Plan and whether it will utilize the same public notice process if any "material change" is made to the administration of the HAVA State Plan.

<b>Section 251(a)(11) How will Florida conduct ongoing management of the HAVA State Plan?</b>
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As explained in previous sections of this Plan, the administration of elections in Florida occurs at the State and local levels. The Secretary of State is the Chief Election Officer under Florida law. The Secretary of State as the Chief Election Officer is responsible for the coordination of the State's responsibilities under HAVA Section 253. The Director of the Division of Elections reports to the Secretary of State and will be responsible for the day-to-day monitoring and managing of Florida's HAVA State Plan. Through the approval and implementation of this HAVA State Plan, it is expected that the Director will have three new positions dedicated to HAVA program management. The scope of responsibilities will range from federal reporting and grant compliance to assistance with voter education, election official training and updating the HAVA State Plan.

Also at the State level, the Secretary of State will direct the HAVA Planning Committee to update the HAVA State Plan as required in Section 255. Under Florida's HAVA State Plan, the HAVA Planning Committee will be responsible for conducting its business in an open, public forum and for suggesting revisions and updates to the HAVA State Plan.

At the local level, Florida's 67 supervisors of elections will be encouraged to play an active role in the successful implementation of the HAVA State Plan. The Division of Elections will continue to work on a regular basis with local supervisors of elections to develop performance goals and measures, new voter registration improvements, new voting systems certification upgrades, statewide voter education programs, election official training, and other activities outlined in Florida's HAVA State Plan.

**Section 254(a)(11) If Florida makes any material change in the administration of the HAVA State Plan, will the change—**

**(A) be developed and published in the Federal Register in accordance with Section 255 in the same manner as the HAVA State Plan;**

**(B) be subject to public notice and comment in accordance with Section 256 in the same manner as the HAVA State Plan; and**

**(C) take effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A)?**

The State of Florida understands and agrees to comply with the HAVA requirements related to ongoing management of the HAVA State Plan. No material changes in the administration of the plan will be made unless:

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

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## Element 12. Changes to State Plan for Previous Fiscal Year

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

### **Introduction**

This is the State of Florida's first Help America Vote Act of 2002 (HAVA) State Plan. There are no previous plans to describe changes or successes under the HAVA. The HAVA State Plan will be updated in the next fiscal year and the Secretary of State will utilize the HAVA Planning Committee to fulfill this element of the plan.

**Section 254(a)(12) When Florida has a HAVA State Plan for the previous fiscal year, will the State of Florida provide a description of how the plan reflects changes from the HAVA State Plan for the previous fiscal year and how the State succeeded in carrying out the HAVA State Plan for such previous fiscal year?**

**Yes, and no further actions are required.**

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## Element 13. State Plan Development and HAVA Planning Committee

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

### **Introduction**

To comply with the requirements of the Help America Vote Act of 2002 (HAVA), the HAVA State Plan must be developed by the chief State election official through a committee of appropriate individuals. After a preliminary plan is developed, it must be published for public inspection and comment. State officials must take public comments into account in preparing the HAVA State Plan submitted to the Federal Elections Commission.

**Section 255: Has Florida complied with the requirements of section 255(a) to have the chief State election official develop the HAVA State Plan through a committee of appropriate individuals?**

### **Yes, and no further actions are required.**

Florida's Chief State Election Official, Secretary of State Glenda Hood, has the responsibility under HAVA to develop the HAVA State Plan with the assistance of the statewide HAVA Planning Committee. Section 255(a) of HAVA requires that "The chief State election official shall develop the HAVA State Plan under this subtitle through a committee of appropriate individuals, including the chief election officials of the two most populous jurisdictions within the State, other local election officials, stakeholders (including representatives of groups of individuals with disabilities), and other citizens, appointed for such purpose by the chief State election official."

Members of the HAVA Planning Committee for the State of Florida, appointed by Secretary of State Hood, are as follows:

### **Chairman:**

Jim Smith of Leon County, former Secretary of State and former Attorney General

### **Chief Election Officials of the Two Most Populous Jurisdictions Within the State:**

Miriam Oliphant, Supervisor of Elections for Broward County

David Leahy, Supervisor of Elections for Miami-Dade County



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**Other Local Election Officials:**

Kurt Browning, Supervisor of Elections for Pasco County  
Susan Gill, Supervisor of Elections for Citrus County  
Shirley Green Knight, Supervisor of Elections for Gadsden County

**Stakeholders/Representatives of Groups of Individuals with Disabilities:**

Dave Evans, State Board Member of the National Federation of the Blind  
Jim Kracht, Assistant County Attorney for Miami-Dade County and member of the American Blind Lawyers Association, American Council of the Blind and the Florida Council of the Blind  
Richard LaBelle, Secretary of the Florida Coalition on Disability Rights

**Other Stakeholders and Citizens:**

Joe Celestin, Mayor of the City of North Miami  
Anna Cowin, State Senator from District 20  
Jane Gross, President of the Florida League of Women Voters  
Lindsay Harrington, State Representative from District 72  
Arthur Hernandez, Vice Chairman of the Jacksonville Mayor's Hispanic American Advisory Board  
Percy Luney, Dean and Professor of Law at Florida A&M University  
Reggie McGill, Human Relations Director for the City of Orlando  
Isis Segarra, private citizen from Hillsborough County  
Lori Stelzer, President of the Florida Association of City Clerks and City Clerk for the City of Venice  
Raiza Tamayo, Regional Director of the United States Hispanic Chamber of Commerce

This HAVA Planning Committee convened four times in public meetings to accomplish its work – Tallahassee on April 25, West Palm Beach on May 6, Ft. Myers on May 12 and Orlando on May 15. Press releases were sent to members of the press before each meeting and copies of the press releases were available for the audience at each meeting. In addition, all meetings were noticed in the *Florida Administrative Weekly*. Members of the public and press were welcomed at the meetings. The HAVA Planning Committee heard public comment at each meeting. It was assisted by a non-profit, non-partisan organization, the Collins Center for Public Policy, Inc., that was selected in a public bidding process to serve as staff for the HAVA Planning Committee in developing the HAVA State Plan, and by the Division of Elections of the Florida Department of State.

The HAVA Planning Committee operated in an open process with public deliberations, systematic procedures in accordance with *Robert's Rules of Order*, and majority vote of members who were present when votes were taken. Majority quorums were present at all meetings of the HAVA Planning Committee. The Collins Center, as staff, prepared written materials for the meetings, made presentations to focus the HAVA Planning Committee on

decisions that needed to be made, took notes of all meetings and reported them publicly on its website at [www.collinscenter.org](http://www.collinscenter.org). A formal transcript of each meeting also was made and published on the website along with all agendas and other published materials for meetings of the HAVA Planning Committee. The website of the State Division of Elections also included much of this material.

All meetings were held in accessible facilities and were compliant with the Americans with Disabilities Act. Closed captioning service and signers were available at all meetings. Agendas were printed in Braille as well as Spanish and Creole.

**Section 256: Will Florida comply with the requirement of Section 256 to have the HAVA State Plan meet the public notice and comment requirements of HAVA?**

**Yes, and no further actions are required.**

Section 256 of HAVA requires that the HAVA State Plan meet the following public notice and comment requirements:

- (1) not later than 30 days prior to the submission of the plan, the State shall make a preliminary version of the plan available for public inspection and comment;
- (2) the State shall publish notice that the preliminary version of the plan is so available; and
- (3) the State shall take the public comments made regarding the preliminary version of the plan into account in preparing the plan which will be filed with the Federal Elections Commission.

After the final HAVA State Plan is submitted to the Federal Elections Commission, that Commission shall cause the HAVA State Plan to be published in the Federal Register in accordance with Section 255(b).

These tasks were performed the Division of Elections and not by the HAVA Planning Committee or its consultants. The work of the HAVA Planning Committee and its consultants was completed when a preliminary version of the HAVA State Plan was prepared, approved by the HAVA Planning Committee, and submitted to the Secretary of State.

After notice was given in the *Florida Administrative Weekly*, the preliminary version of the HAVA State Plan was posted on the Department of State's and the Governor's websites. A link was available on the Department's website so that public comment could be made electronically. Public comments were also received by U. S. mail. Public comments were received from June 13 through July 13 and those public comments were considered in preparing the final plan.



**GLEND A. HOOD**  
 SECRETARY OF STATE  
 STATE OF FLORIDA

STATE OF FLORIDA  
 PRELIMINARY DRAFT  
 HAVA PLAN / 71

**Help America Vote Act of 2002 (HAVA) State Plan Chart**

<b>Voting Systems--Section 301 Compliance January 1, 2006)</b>	<b>Meets</b>	<b>Partially Meets</b>	<b>Does Not Meet</b>	<b>Described in Plan</b>
Verify Ballot	X			
Change or Correct Ballot	X			
Prevent Overvotes	X			
Absentee instructions		X		
Absentee privacy and confidentiality	X			
Paper record for audits	X			
Systems for voters with disabilities		X		
Future voting systems purchases comply with HAVA	X			
Alternative language accessibility	X			
Comply with FEC error rates	X			
Define what constitutes a vote	X			
<b>Provisional Voting and Voter Information--Section 302 (Compliance January 1, 2004)</b>	<b>Meets</b>	<b>Partially Meets</b>	<b>Does Not Meet</b>	<b>Described in Plan</b>
Laws require notification to cast provisional ballot	X			
Provisional ballots permitted with written affirmation of voter eligibility	X			
Provisional ballots given to election officials for determination	X			
Provisional ballots counted if voter is determined to be eligible	X			
Voters provided information to ascertain if provisional ballot counted	X			
"Free access system" provided to ascertain if provisional ballot counted			X	
Sample ballots are posted for election	X			
Date of election and polling place hours are posted	X			
Voting instructions and provisional voting instructions are posted on election day			X	
Voting instructions for mail-in registrants and first-time voters on election day			X	
Voting rights information and provisional ballot information posted	X			
Contact information posted for voters whose rights have been violated			X	
Information posted on prohibition of fraud and misrepresentation	X			
Provisional ballots segregated for those who vote after special extended poll hours	X			

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**GLEND A E. HOOD**  
 SECRETARY OF STATE  
 STATE OF FLORIDA

STATE OF FLORIDA  
 PRELIMINARY DRAFT  
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<b>Voter Registration List--Section 303 (Compliance January 1, 2004 or extension January 1, 2006)</b>	<b>Meets</b>	<b>Partially Meets</b>	<b>Does Not Meet</b>	<b>Described in Plan</b>
Single, uniform, official centralized, interactive computer statewide, voter registration list			X	
Can Florida meet January 1, 2004 deadline? Need to apply for January 1, 2006 waiver			X	
HAVA's ID requirements for voters who register by mail and not previously voted	X			
HAVA's requirement for voter registration language in mail registration forms	X			
<b>Local Government Payments and Activities [Section 254(a)(2)]</b>	<b>Meets</b>	<b>Partially Meets</b>	<b>Does Not Meet</b>	<b>Described in Plan</b>
Describe criteria for funding				X
Describe methods to monitor performance				X
<b>Voter Education [Section 254(a)(3)]</b>	<b>Meets</b>	<b>Partially Meets</b>	<b>Does Not Meet</b>	<b>Described in Plan</b>
Describe voter education programs to support Title III				X
Describe election official education and training to support Title III				X
Describe poll worker training to support Title III				X
<b>Voting System Guidelines and Processes [Section 254(a)(4)]</b>	<b>Meets</b>	<b>Partially Meets</b>	<b>Does Not Meet</b>	<b>Described in Plan</b>
Describe Florida's voting system guidelines and processes consistent with Section 301				X
<b>HAVA Election Fund [Section 254(a)(5)]</b>	<b>Meets</b>	<b>Partially Meets</b>	<b>Does Not Meet</b>	<b>Described in Plan</b>
Describe how Florida will establish a HAVA fund				X
Describe how Florida will manage the HAVA fund				X
<b>Florida's HAVA Budget [Section 254(a)(6)]</b>	<b>Meets</b>	<b>Partially Meets</b>	<b>Does Not Meet</b>	<b>Described in Plan</b>
Describe costs of activities to meet Title III				X
Describe portion of requirements payment to carry out requirements activities				X
Describe portion of requirements payment to carry out other activities				X

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**GLEND A E. HOOD**  
 SECRETARY OF STATE  
 STATE OF FLORIDA

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	Meets	Partially Meets	Does Not Meet	Described In Plan
<b>Florida's Maintenance of Effort [Section 254(a)(7)]</b>				
Describe how Florida will maintain election expenditures at the FY 1999-2000 level				X
<b>Florida's Performance Goals and Measures [Section 254(a)(8)]</b>				
Describe how Florida will adopt performance goals measures to determine HAVA success				X
<b>Administrative complaint process [Section 254(a)(9)]</b>				
Established a State-based administrative complaint process to remedy grievances	X			
<b>Effect of Title I Payments [Section 254(a)(10)]</b>				
Describe how Title I payments will affect activities of HAVA plan				X
<b>HAVA State Plan Management [Section 254(a)(11)]</b>				
Describe how Florida will manage plan and make material changes to plan				X
<b>HAVA State Plan for Previous Fiscal Year [Section 254(a)(12)]</b>				
Describe how this year's plan changed from the previous fiscal year				X
<b>HAVA State Plan Development and Planning Committee [Section 254(a)(13)]</b>				
Describe the committee and procedures used to develop the HAVA plan				X

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**COMPLAINT**  
For Alleged Violation of the  
**Help America Vote Act of 2002**  
(42 U.S.C. §15512)

Florida Department of State, Division of Elections  
Room 316, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250  
Telephone (850) 245-6200

Pursuant to section 97.028, Florida Statutes, the Department of State has sole jurisdiction to adjudicate alleged violations of Title III of the Help America Vote Act of 2002 (HAVA). Any person who believes that a violation of Title III of HAVA has occurred, is occurring or is about to occur may file a complaint. In order to initiate the complaint process, a sworn, written complaint must be filed with the Department of State. The complaint must specifically state the alleged violation and the person or entity responsible for the violation. A violation of Title III of HAVA is the failure to perform an act required by or the performance of an act prohibited by Title III of HAVA in a federal election.

**PERSON BRINGING COMPLAINT**

Name \_\_\_\_\_ Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_  
Address \_\_\_\_\_ County \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

**PERSON OR ENTITY AGAINST WHOM COMPLAINT IS BROUGHT (Name of person or entity perform)**

Name \_\_\_\_\_ Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_  
Address \_\_\_\_\_ County \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

**VIOLATION**

If you believe that a violation of Title III of the Help America Vote Act of 2002 has occurred, is occurring or is about to occur, please state the specific acts committed by the person or entity named in this complaint:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Check here if additional pages are attached \_\_\_\_\_

**STATE OF FLORIDA,**  
**COUNTY OF \_\_\_\_\_**

**I, the undersigned, under penalty of perjury, do swear or affirm that the information contained in this complaint is true and correct to the best of my knowledge.**

\_\_\_\_\_  
**Signature of Complainant**

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Officer Authorized to Administer Oaths or Notary Public

\_\_\_\_\_  
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally known \_\_\_\_\_ Or Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

**NOTICE: This Complaint is not confidential and, once filed with the Department of State, will be treated as a public record.**



**COMPLAINT**  
For Alleged Violation of the  
**National Voter Registration Act of 1993**  
(42 U.S.C. 1973gg-1 et seq.)

Department of State for the State of Florida, Division of Elections  
The Collins Building, Room 100, 107 West Gaines Street, Tallahassee, Florida 32399-0250  
Telephone (850) 245-6200

Pursuant to section 97.023, Florida Statutes, the Department of State, Division of Elections has primary jurisdiction to mediate alleged violations of the National Voter Registration Act of 1993, and of voter registration and removal procedures. In order for a violation to exist, the Department of State, a voter registration agency, a county supervisor of elections, the Department of Highway Safety and Motor Vehicles or an Armed Forces Recruitment Center must have committed the violation.

**PERSON BRINGING COMPLAINT**

Name \_\_\_\_\_ Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_  
Address \_\_\_\_\_ County \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

**PERSON OR ENTITY AGAINST WHOM COMPLAINT IS BROUGHT (limit one person/entity per form)**

Name \_\_\_\_\_ Work Phone \_\_\_\_\_  
Address \_\_\_\_\_ County \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

**VIOLATION**

If you believe you have been denied the right to register to vote, to update your existing voting registration record, or have been unlawfully removed from the registration books in violation of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-1 et seq.), please state the specific acts committed by the person or entity named in this complaint:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**STATEMENT OF FACTS**

State in your own words the detailed facts and circumstances that form the basis of your complaint, including any relevant person(s). In your narrative explanation, please include relevant dates and times and the names and addresses of other persons whom you believe have

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knowledge of the facts. Also, give any reasons that you feel the alleged violation was committed by the person and/or entity against whom this complaint is brought.

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Check here if additional pages are attached \_\_\_\_\_

\_\_\_\_\_  
Signature of complainant

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Print or type name of complainant

This Complaint is not confidential and, once filed with the Division of Elections, will be treated as a public record.  
Page 2 of 2  
Form DS DE 18 (4/03)

021461



STATE OF FLORIDA  
DEPARTMENT OF STATE

JEB BUSH  
Governor

GLEND A. HOOD  
Secretary of State

November 10, 2003

Ms. Penelope Bonsall, Director  
Office of Election Administration  
Federal Elections Commission  
999 E. Street NW  
Washington, D.C. 20463

RE: State of Florida request for waiver pursuant to Section 303(d) of the Help  
America Vote Act of 2002

Dear Ms. Bonsall:

Section 303(a) of the Help America Vote Act of 2002 requires each state to implement a computerized statewide voter registration list by the January 1, 2004, date specified in Section 303(d)(1)(A) of the same statute. Section 303(d)(1)(B) provides for states to request an extension of the aforementioned deadline until January 1, 2006. The purpose of this correspondence is to certify that, for good cause as outlined below, the State of Florida is unable to meet the January 1, 2004, implementation date called for in Section 303(d)(1)(A), and respectfully requests an extension of the deadline as permitted by law until January 1, 2006.

Florida has a tradition of administering voter registration at the county level jurisdiction. Each of Florida's sixty-seven counties has a constitutionally elected officer known as the supervisor of elections who is responsible for maintaining voter registration lists in their respective county. Each supervisor of elections is also responsible for determining the type of information technology appropriate for supporting voter registration activities in their jurisdiction and the manner in which registration records are maintained. The steps required to: (1) assess county-administered voter registration systems; (2) develop methods for consolidating a variety of voter registration lists with individual nuances into a single computerized statewide system; and (3) provide for future coordination of county voter registration activities with the statewide list will require more time than provided by the January 1, 2004, implementation date.

The Florida Department of State is working diligently to implement a statewide voter registration system that will meet all the requirements of Title III. Some of the steps already taken by the State of Florida in order to develop and implement a statewide voter registration system include: hiring a project director; executing agreements with our state Departments of Highway Safety

Ms. Penelope Bonsall, Director  
November 10, 2003  
Page 2

Motor Vehicles and Law Enforcement that outline data exchange procedures; and creating task groups comprised of county election officials and Department of State personnel in order to address technical and procedural issues relating to the creation of the centralized registration system. Given the steps already taken by the Florida Department of State and the other departments involved, and the scope of the work remaining to be done, I am confident that the State of Florida will be successful in having a statewide computerized voter registration system operational by the January 1, 2006, extended deadline requested herein.

Sincerely,

A handwritten signature in cursive script that reads "Glenda E. Hood".

Glenda E. Hood  
Secretary of State

GEH/eck/pt

021463



STATE OF FLORIDA  
DEPARTMENT OF STATE  
DIVISION OF ELECTIONS

Jeb Bush  
Governor

Glenda E. Hood  
Secretary of State

December 23, 2003

Ms. Penelope Bonsall, Director  
Election Assistance Commission  
c/o Office of Election Administration  
999 E. Street, N.W.  
Washington, D.C. 20463

**RE: State of Florida Request for waiver pursuant to Section 303(d) of the  
Help America Vote Act of 2002**

Dear Ms. Bonsall:

Enclosed is a copy of the November 10, 2003 letter that was submitted by the State of Florida in order to request an extension of the January 1, 2004 deadline for implementing a computerized statewide voter registration list. The letter was sent to the Federal Elections Commission pending appointment of the Elections Assistance Commission.

Although members of the Elections Assistance Commission have been appointed and confirmed, they still don't have an address. We are resubmitting a copy of the State of Florida's original request to the new Elections Assistance Commission in care of your office in order to meet the January 1, 2004 deadline for requesting a waiver and extension for implementing the statewide voter registration list.

Sincerely,

*Sarah Jane Beadshaw*  
for Edward C. Kast  
Director, Division of Elections

EK/BL/aj

Enclosure

021464  
021464



STATE OF FLORIDA  
DEPARTMENT OF STATE  
DIVISION OF ELECTIONS

Jeb Bush  
Governor

Glenda E. Hood  
Secretary of State

January 22, 2004

Ms. Deborah Schilling  
Director of Budget  
United States General Services Administration  
1800 F Street, NW  
Washington, D.C. 20405-0002

Dear Ms. Schilling:

Enclosed are Financial Status Reports regarding HAVA expenditures for the period ending December 31, 2003. A separate form has been prepared for Section 101 and Section 102 funds as requested. These documents were also faxed to your office on January 21, 2004.

If you have any questions or need additional information, please let us know.

Sincerely,

Edward C. Kast  
Director, Division of Elections

EK/BL/aj

Enclosure


FEB 10 2004  
BB rec'd

**ORIGINAL**

**FINANCIAL STATUS REPORT**

(Short Form)

(Follow instructions on the back)

1. Federal Agency and Organizational Element to Which Report is Submitted  General Services Administration		2. Federal Grant or Other Identifying Number Assigned By Federal Agency  39.011 Section 101		OMB Approval No. <b>0348-0039</b>	Page   of   pages
3. Recipient Organization (Name and complete address, including ZIP code) Florida Department of State Division of Elections 107 W. Gaines Street, Room 100 Tallahassee, FL 32399-0250					
4. Employer Identification Number F593466865		5. Recipient Account Number or Identifying Number 45-20-2-339097-00000000-00-000000-00		6. Final Report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. Basis <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual					
8. Funding/Grant Period (See Instructions) From: (Month, Day, Year) 4-23-03		To: (Month, Day, Year) Open		9. Period Covered by this Report From: (Month, Day, Year) 4-23-03	
To: (Month, Day, Year) 12-31-03					
10. Transactions					
		I Previously Reported	II This Period	III Cumulative	
a. Total outlays				1,709,142.05	
b. Recipient share of outlays				—	
c. Federal share of outlays				1,709,142.05	
d. Total unliquidated obligations				—	
e. Recipient share of unliquidated obligations				—	
f. Federal share of unliquidated obligations				—	
g. Total Federal share (Sum of lines c and f)				1,709,142.05	
h. Total Federal funds authorized for this funding period				14,447,580.00	
i. Unobligated balance of Federal funds (Line h minus line g)				12,738,437.95	
11. Indirect Expense N/A					
a. Type of Rate (Place "X" in appropriate box) <input type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed					
b. Rate		c. Base	d. Total Amount	e. Federal Share	
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation.					
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.					
Typed or Printed Name and Title Edward C. Kast Director, Division of Elections			Telephone (Area code, number and extension) 850-245-6200		
Signature of Authorized Certifying Official 			Date Report Submitted 1-20-04		

021466

# FAX



**Department of State**

**Division of Elections**

**The Collins Building Room 100**

**107 West Gaines Street**

**Tallahassee, Florida 32399-0250**

Date 01/21/04 10:01 AM

Number of pages including cover sheet 3

To: General Services Administration  
Attn: Deborah Schilling  
Director of Budget

Phone # \_\_\_\_\_  
Fax # 202-501-1124

From: Edward C. Kast  
Florida Div. of Elections

Phone # (850) 245-6200  
Fax # (850) 245-6217

REMARKS:

Per Your Request     For your review     Reply ASAP     Per Conversation

Attached are reports regarding expenditures through December 31, 2003 for HAVA funds. A separate form has been prepared for Section 101 and Section 102 categories as requested. If you have any questions or need additional information, please let us know.

021467



**FILE COPY**

**FINANCIAL STATUS REPORT**  
(Short Form)  
(Follow instructions on the back)

1. Federal Agency and Organizational Element to Which Report is Submitted  General Services Administration		2. Federal Grant or Other Identifying Number Assigned By Federal Agency  39.011 Section 101		OMB Approval No. 0348-0039	Page of pages
3. Recipient Organization (Name and complete address, including ZIP code) Florida Department of State Division of Elections 107 W. Gaines Street, Room 100 Tallahassee, FL 32399-0250					
4. Employer Identification Number F593466865		5. Recipient Account Number or Identifying Number 45-20-2-339097-00000000-00-000000-00		6. Final Report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. Basis <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual					
8. Funding/Grant Period (See Instructions) From: (Month, Day, Year) 4-23-03		To: (Month, Day, Year) Open		9. Period Covered by this Report From: (Month, Day, Year) 4-23-03 To: (Month, Day, Year) 12-31-03	
10. Transactions			I Previously Reported	II This Period	III Cumulative
a. Total outlays					1,709,142.05
b. Recipient share of outlays					—
c. Federal share of outlays					1,709,142.05
d. Total unliquidated obligations					—
e. Recipient share of unliquidated obligations					—
f. Federal share of unliquidated obligations					—
g. Total Federal share (Sum of lines c and f)					1,709,142.05
h. Total Federal funds authorized for this funding period					14,447,580.00
i. Unobligated balance of Federal funds (Line h minus line g)					12,738,437.95
11. Indirect Expense N/A					
a. Type of Rate (Place "X" in appropriate box) <input type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed					
b. Rate		c. Base		d. Total Amount	
e. Federal Share					
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation.					
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.					
Typed or Printed Name and Title Edward C. Kast Director, Division of Elections				Telephone (Area code, number and extension) 850-245-6200	
Signature of Authorized Certifying Official <i>Edward C. Kast</i>				Date Report Submitted 1-20-04	

021468



FLORIDA DEPARTMENT OF STATE

**Sue M. Cobb**

Secretary of State

DIVISION OF ELECTIONS

**REVISED**

February 28, 2006

The Honorable Paul S. DeGregorio, Chairman  
U.S. Election Assistance Commission  
State HAVA Funding Reports  
1225 New York Avenue, NW – Suite 1100  
Washington, D.C. 20005

Dear Mr. DeGregorio:

Enclosed are Florida's narrative reports regarding HAVA, Title I, Section 101 and 102 funds for the period from January 1, 2005 through December 31, 2005. A separate SF 269 form is included for Section 101 and Section 102 funds.

Also enclosed is a an updated SF 269 covering Title I, Section 101 funds for the period from January 1, 2004 through December 31, 2004. The entry on Line "o - Total Federal funds authorized for this funding period" has been adjusted to include Florida's portion of Section 101 funds plus Interest accrued on those funds during 2003 and 2004.

If you have any questions or would like additional information, please let us know.

Sincerely,

*Sarah Jane Bradshaw*

*for* Dawn K. Roberts, Esq.  
Director, Division of Elections

Enclosures

DKR/BL/aj

021469

**REVISED**

**FINANCIAL STATUS REPORT**  
(Long Form)

(Follow instructions on the back)

1. Federal Agency and Organizational Element to Which Report is Submitted <b>U. S. Election Assistance Commission</b>		2. Federal Grant or Other Identifying Number Assigned By Federal Agency <b>39.011 - Section 101</b>		OMB Approval No. <b>0348-0039</b>	Page of <b>1</b> / <b>1</b> pages
3. Recipient Organization (Name and complete address, including ZIP code) <b>Florida Department of State 500 South Bronough Street Tallahassee, FL 32399-0250</b>					
4. Employer Identification Number <b>F593466865</b>		5. Recipient Account Number or Identifying Number <b>45-20-2-339097-00000000-00-000000-00</b>		6. Final Report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. Basis <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual					
8. Funding/Grant Period (See instructions) From: (Month, Day, Year) <b>4/23/2003</b>		To: (Month, Day, Year)		9. Period Covered by this Report From: (Month, Day, Year) <b>1/1/2004</b>	
				To: (Month, Day, Year) <b>12/31/2004</b>	
10. Transactions:					
a. Total outlays					
b. Refunds, rebates, etc.					
c. Program income used in accordance with the deduction alternative					
d. Net outlays (Line a, less the sum of lines b and c)					
Recipient's share of net outlays, consisting of:					
e. Third party (in-kind) contributions					
f. Other Federal awards authorized to be used to match this award					
g. Program income used in accordance with the matching or cost sharing alternative					
h. All other recipient outlays not shown on lines e, f or g State Matching Funds					
i. Total recipient share of net outlays (Sum of lines e, f, g and h)					
j. Federal share of net outlays (line d less line i)					
k. Total unliquidated obligations					
l. Recipient's share of unliquidated obligations					
m. Federal share of unliquidated obligations					
n. Total Federal share (sum of lines j and m)					
o. Total Federal funds authorized for this funding period					
p. Unobligated balance of Federal funds (Line o minus line n)					
Program Income, consisting of:					
q. Disbursed program income shown on lines c and/or g above					
r. Disbursed program income using the addition alternative					
s. Undisbursed program income					
t. Total program income realized (Sum of lines q, r and s)					
11. Indirect Expense		a. Type of Rate (Place "X" in appropriate box) <input checked="" type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed			
		b. Rate <b>N/A</b>		c. Base	
		d. Total Amount		e. Federal Share	
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. <b>Total funds reflected on Line O include Interest accrued in 2003 and 2004. Interest accrued in 2003 - \$286,380.60. Interest accrued in 2004 - \$347,160.86.</b>					
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.					
Typed or Printed Name and Title <b>Dawn K. Roberts, Director, Division of Elections</b>				Telephone (Area code, number and extension) <b>850-245-6200</b>	
Signature of Authorized Certifying Official <i>Gail Jane Bradshaw for Dawn Roberts</i>				Date Report Submitted <b>February 28, 2006</b>	

021470



RECEIVED  
MAR 03 2005

BY: *[Signature]*

Jeb Bush  
Governor

STATE OF FLORIDA  
DEPARTMENT OF STATE

Glenda E. Hood  
Secretary of State

DIVISION OF ELECTIONS

March 2, 2005

**ORIGINAL**

The Honorable Gracia M. Hillman, Chair  
U.S. Election Assistance Commission  
State HAVA Funding Report  
1225 New York Avenue, NW – Suite 1100  
Washington, DC 20005

Dear Chairman Hillman:

Enclosed is Florida's report regarding the use of HAVA Title I, Section 101 funds for the period from January 1, 2004 through December 31, 2004. Included with the report is Standard Form 269.

If you have any questions or would like additional information, please let us know.

Sincerely,

*[Signature]*

Dawn K. Roberts, Esq.  
Director

DKR/aj

Enclosures

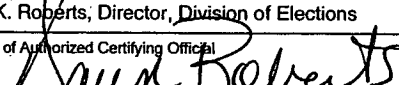
021471

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# ORIGINAL

## FINANCIAL STATUS REPORT (Long Form)

(Follow instructions on the back)

1. Federal Agency and Organizational Element to Which Report is Submitted U. S. Election Assistance Commission		2. Federal Grant or Other Identifying Number Assigned By Federal Agency 39.011 - Section 101		OMB Approval No. 0348-0039	Page of 1   1 pages	
3. Recipient Organization (Name and complete address, including ZIP code) Florida Department of State 500 South Bronough Street Tallahassee, FL 32399-0250						
4. Employer Identification Number F593466865		5. Recipient Account Number or Identifying Number 45-20-2-339097-00000000-00-000000-00		6. Final Report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
7. Basis <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual						
8. Funding/Grant Period (See instructions) From: (Month, Day, Year) 4/23/2003		9. Period Covered by this Report From: (Month, Day, Year) 1/1/2004		To: (Month, Day, Year) 12/31/2004		
10. Transactions:						
				I Previously Reported	II This Period	III Cumulative
a. Total outlays				1,709,142.05	4,407,879.33	6,117,021.38
b. Refunds, rebates, etc.						0.00
c. Program income used in accordance with the deduction alternative						0.00
d. Net outlays (Line a, less the sum of lines b and c)				1,709,142.05	4,407,879.33	6,117,021.38
<b>Recipient's share of net outlays, consisting of:</b>						
e. Third party (in-kind) contributions						0.00
f. Other Federal awards authorized to be used to match this award						0.00
g. Program income used in accordance with the matching or cost sharing alternative						0.00
h. All other recipient outlays not shown on lines e, f or g State Matching Funds					508,662.50	508,662.50
i. Total recipient share of net outlays (Sum of lines e, f, g and h)				0.00	508,662.50	508,662.50
j. Federal share of net outlays (line d less line i)				1,709,142.05	3,899,216.83	5,608,358.88
k. Total unliquidated obligations						
l. Recipient's share of unliquidated obligations						
m. Federal share of unliquidated obligations						
n. Total Federal share (sum of lines j and m)						5,608,358.88
o. Total Federal funds authorized for this funding period						12,738,437.95
p. Unobligated balance of Federal funds (Line o minus line n)						7,130,079.07
<b>Program income, consisting of:</b>						
q. Disbursed program income shown on lines c and/or g above						
r. Disbursed program income using the addition alternative						
s. Undisbursed program income						
t. Total program income realized (Sum of lines q, r and s)						0.00
11. Indirect Expense		a. Type of Rate (Place "X" in appropriate box) <input checked="" type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed				
		b. Rate N/A	c. Base	d. Total Amount	e. Federal Share	
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. Interest accrued during 2004 - \$347,160.87						
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.						
Typed or Printed Name and Title Dawn K. Roberts, Director, Division of Elections				Telephone (Area code, number and extension) 850-245-6200		
Signature of Authorized Certifying Official 				Date Report Submitted March 2, 2005		

021472

# ORIGINAL

## FLORIDA DEPARTMENT OF STATE REPORT ON EXPENDITURE OF TITLE I FUNDS DURING CALENDAR YEAR 2004

As requested by the U. S. Election Assistance Commission, listed below is a detailed list of expenditures and a description of the related activities conducted by the Florida Department of State during calendar year 2004 utilizing HAVA Title I funds.

### COMPLYING WITH REQUIREMENTS OF TITLE III - \$1,623,298

One of the requirements of Title III includes development and implementation of a single statewide voter registration list. In order to begin the development of a system in Florida that meets the criteria outlined in HAVA, the 2003 Florida Legislature appropriated \$1 million for Phase One Development of the Florida Voter Registration System (FVRS). Funds were provided to conduct the research and planning required in order to design and develop the system.

The Legislature also authorized establishment of nine full-time positions to assist with developing and implementing the FVRS. Five of the positions are assigned to the Department of State and two each are in the Florida Department of Highway Safety and Motor Vehicles (HSMV) and the Florida Department of Law Enforcement (FDLE).

One of the five positions in the Department of State has been designated as Project Manager. The remaining four positions have been utilized to conduct research and planning for the project that was required prior to initiating the development phase of the system. Positions at HSMV and FDLE are working with the Department of State to determine ways to coordinate databases maintained by those agencies with the Florida Voter Registration System.

The Department of State contracted with a consulting firm to provide project management and quality assurance services for the project. A separate firm was retained to assist with application design and engineering services.

As the project has developed, funds have been expended to purchase software licenses for software programs that will be used to operate the system. Other funds were used to provide training for employees who will be using the software programs.

Other expenditures related to development of the FVRS include travel expenses for project team members who held numerous meetings with Florida's supervisors of elections and their staff as well as vendors of voter registration systems that conduct business in Florida. Project team members also conducted site visits with election officials in other states that utilize centralized voter registration systems.

Development of the statewide voter registration system (FVRS) is described extensively in the HAVA State Plan on pages 26 through 33, page 38 and page 56.

### ELECTIONS ADMINISTRATION - \$394,436

The Department of State established three positions to provide administrative oversight and coordination for HAVA-related activities. Employees in these positions are responsible for monitoring HAVA expenditures to assure compliance with federal requirements regarding their use. These positions administer several contract programs that provide funds to supervisors of elections for HAVA-related activities including voter education as well as funds utilized to purchase voting systems equipment.

Recommendations regarding establishment of positions associated with HAVA Oversight and Reporting can be found on page 59 in the HAVA State Plan.



**NOTE**

# ORIGINAL

Other Title I expenditures include costs associated with printing documents that were provided to supervisors of elections to meet the requirements of HAVA including "Instructions to Voters" posters and "Stamp Out Voter Fraud" posters. Additional publications that were printed and distributed to supervisors of elections include revised "Florida Voter Registration Application" forms, "Florida Registration and Voting Guide" and "A Compilation of Florida Election Laws."

Reference to posters/publications required by HAVA can be found in the State Plan on pages 20 through 24 and on page 60.

The Department of State used Title I funds to contract with an organization to develop two programs that were used by supervisors of elections to assist with providing elections-related information to Florida's citizens. One of the programs included development and distribution of materials that could be used in all counties throughout the state to encourage voter participation in the 2004 elections. The program included instructions and ideas for utilizing the materials. The other program involved developing and conducting a voter awareness and education program regarding the use of Direct Recording Equipment (DRE's).

These programs are included in Florida's HAVA State Plan on page 45.

## **VOTER EDUCATION - \$2,333,346**

During 2004, Florida distributed \$2,333,346 to Florida's 67 county supervisors of elections to assist counties with conducting voter education programs. In order to receive voter education funding, counties were required to submit a detailed voter education plan to the Department of State along with a certified statement from the Board of County Commissioners providing matching county funds in the amount of fifteen percent (15%) to be used exclusively for voter education.

The Department of State recently conducted a survey regarding voter education programs being conducted in each county and prepared a report regarding the various types of voter education activities being utilized throughout the state. Responses to the survey indicated that counties are using voter education funds to disseminate information regarding the elections process through a variety of mediums in order to target as many diverse populations throughout the state as possible. Examples of voter education programs include the following:

- Printing and mailing sample ballots to registered voters
- Publishing sample ballots in local newspapers including those that target specific populations such as minority and college-age voters
- Conducting voting systems demonstrations at various types of locations including malls, businesses, community events, assisted living facilities and schools. Demonstrations included instructions on completing a ballot as well as using the voting systems equipment
- Printing a variety of publications with elections-related information including posters regarding voters rights and responsibilities to display at each polling place
- Conducting voter registration drives in a variety of locations such as malls, schools and businesses

A number of other voter education programs have been successfully implemented in the counties with excellent response from local citizens. It is apparent that counties are being innovative and

# ORIGINAL

resourceful in utilizing voter education funds in order to inform and educate citizens about the elections process.

Florida's voter education program is discussed in detail in the HAVA State Plan on pages 37 through 47 as well as on page 58.

## **TRAINING ELECTION OFFICIALS, POLL WORKERS AND ELECTION VOLUNTEERS - \$23,331**

The Department of State contracted with a communications consulting firm to develop and prepare a video titled "Conflict Management Skills for Poll Workers." It was used to help poll workers understand how to handle potentially difficult situations at polling places. The video was distributed to each of the 67 county supervisors of elections to use as part of their poll worker training.

Development of this video was not specifically addressed in the HAVA State Plan, however, it is consistent with the direction outlined in the State Plan for training poll workers found on pages 49 and 50.

## **DEVELOPING STATE PLAN - \$33,468**


The Department of State contracted with a consulting firm to facilitate revisions and updates to the HAVA State Plan. The firm worked with Department staff to draft proposed revisions to the original plan and to develop goals and performance measures to present to the HAVA State Planning Committee for review, discussion and inclusion in the revised document.

In addition to consultant firm fees, expenditures related to this activity included travel expenses for HAVA State Planning Committee members and Department of State staff who attended the State Planning Committee meetings. The meetings were held in two different geographical locations in Florida in order to provide accessibility to all citizens who were interested in attending and/or participating in the meetings.

Management of the State Plan and State Planning Committee is addressed on page 59 in the HAVA State Plan.

## **INTEREST ACCRUED**

During 2004 the Department of State invested Title I, Section 101 funds and accrued \$347,160.87 in interest.

**NOTE**



## FINANCIAL STATUS REPORT (Long Form)

(Follow instructions on the back)

1. Federal Agency and Organizational Element to Which Report is Submitted <b>U. S. Election Assistance Commission</b>		2. Federal Grant or Other Identifying Number Assigned By Federal Agency <b>39.011 - Section 101</b>		OMB Approval No. <b>0348-0039</b>	Page of <b>1</b> of <b>1</b> pages
3. Recipient Organization (Name and complete address, including ZIP code) Florida Department of State 500 South Bronough Street Tallahassee, FL 32399-0250					
4. Employer Identification Number <b>F593466865</b>		5. Recipient Account Number or Identifying Number <b>45-20-2-339097-00000000-00-000000-00</b>		6. Final Report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. Basis <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual					
8. Funding/Grant Period (See instructions) From: (Month, Day, Year) <b>4/23/2003</b>		To: (Month, Day, Year)		9. Period Covered by this Report From: (Month, Day, Year) <b>1/1/2005</b>	
				To: (Month, Day, Year) <b>12/31/2005</b>	
10. Transactions:					
				I	II
				Previously Reported	This Period
				III	Cumulative
a. Total outlays				6,625,656.45	4,220,745.52
b. Refunds, rebates, etc.					0.00
c. Program income used in accordance with the deduction alternative					0.00
d. Net outlays (Line a, less the sum of lines b and c)				6,625,656.45	4,220,745.52
				10,846,401.97	
<b>Recipient's share of net outlays, consisting of:</b>					
e. Third party (in-kind) contributions					0.00
f. Other Federal awards authorized to be used to match this award					0.00
g. Program income used in accordance with the matching or cost sharing alternative					0.00
h. All other recipient outlays not shown on lines e, f or g State Matching Funds				508,662.50	0.00
i. Total recipient share of net outlays (Sum of lines e, f, g and h)				508,662.50	0.00
				508,662.50	
j. Federal share of net outlays (line d less line i)				6,116,993.95	4,220,745.52
				10,337,739.47	
k. Total unliquidated obligations					
l. Recipient's share of unliquidated obligations					
m. Federal share of unliquidated obligations					
n. Total Federal share (sum of lines j and m)					10,337,739.47
o. Total Federal funds authorized for this funding period					15,331,718.09
p. Unobligated balance of Federal funds (Line o minus line n)					4,993,978.62
<b>Program income, consisting of:</b>					
q. Disbursed program income shown on lines c and/or g above					
r. Disbursed program income using the addition alternative					
s. Undisbursed program income					
t. Total program income realized (Sum of lines q, r and s)					0.00
11. Indirect Expense					
a. Type of Rate (Place "X" in appropriate box)					
<input checked="" type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed					
b. Rate		c. Base		d. Total Amount	
N/A					
e. Federal Share					
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. Total funds reflected on Line O include Interest accrued in 2003, 2004 and 2005. Interest accrued in 2003 - \$286,380.60. Interest accrued in 2004 - \$347,160.86. Interest accrued in 2005 - \$250,596.63.					
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.					
Typed or Printed Name and Title <b>Dawn K. Roberts, Director, Division of Elections</b>				Telephone (Area code, number and extension) <b>850-245-6200</b>	
Signature of Authorized Certifying Official <i>Sarah Jane Bradshaw for Dawn Roberts</i>				Date Report Submitted <b>February 28, 2006</b>	

**ORIGINAL**

**FLORIDA DEPARTMENT OF STATE  
REPORT ON EXPENDITURE OF TITLE I, SECTION 101 FUNDS DURING 2005**

As requested by the U.S. Election Assistance Commission, listed below is a detailed list of expenditures and a description of the related activities conducted by the Florida Department of State during calendar year 2005 utilizing Help America Vote Act (HAVA) Title I, Section 101 funds.

**VOTER EDUCATION - \$3,829,808**

During calendar year 2005 Florida distributed \$3,829,808 to the 67 county supervisors of elections to be utilized for voter education purposes. In order to receive the funds each supervisor of elections was required to submit a detailed plan outlining the anticipated uses of the funds. In addition to the plan, each Board of County Commissioners was required to provide fifteen percent matching funds to be used exclusively for voter education purposes.

County supervisors of elections are required to submit a report to the Department of State on an annual basis regarding voter education programs conducted in the counties until the funds distributed by the state are depleted. Based on the latest reports from supervisors of elections, counties continue to employ numerous voter education activities in an effort to involve citizens in the elections process.

These activities include printing and mailing sample ballots to registered voters, conducting voter registration drives at various locations and events throughout the county, disseminating information regarding election dates and related deadlines through a variety of media sources, and conducting demonstrations on the use of voting systems equipment.

Florida's voter education program is discussed in the HAVA State Plan on pages 37 through 47 and on page 58.

**ELECTION ADMINISTRATION - \$303,394**

Florida established three positions in the Department of State to provide administrative oversight and coordination for HAVA-related activities. Employees in these positions are responsible for monitoring HAVA expenditures to ensure compliance with federal requirements. The positions administer several contract programs that provide funds to county supervisors of elections for HAVA-related activities including voter education and voting systems assistance programs. In addition, the positions are responsible for administering grant funds awarded by the U. S. Department of Health and Human Services under the Voting Access for Individuals with Disability (VOTE) grant program.

Recommendations regarding establishment of positions associated with HAVA Oversight and Reporting can be found on page 59 in the HAVA State Plan.

Additional Title I funds were utilized to print several documents that were distributed to county supervisors of elections including a revised voter registration application form. Reference to publications required by HAVA can be found in the HAVA State Plan on pages 20 through 24 and on page 60.

The state contracted with an organization to assist county supervisors of elections with developing and implementing plans to make polling places and voting systems equipment accessible to individuals with disabilities. Reference to polling place accessibility is included in the HAVA State Plan on page 80 and 81.

**ORIGINAL**

**COMPLYING WITH REQUIREMENTS OF TITLE III - \$87,544**

One of the requirements of Title III includes development and implementation of a statewide voter registration system. The 2003 Florida Legislature appropriated funds to begin development of a system that would meet the criteria outlined HAVA. The Legislature included authority to establish five positions in the Department of State to assist with developing and implementing the voter registration system. Title I, Section 101 funds were used to fund these positions during the first few months of 2005. The positions were funded with Title II funds during the remainder of 2005.

Reference to these positions can be found in the HAVA State Plan on page 56 and 61.

**INTEREST ACCRUED - \$250,596.63**

During 2005 the Department of State invested Title I, Section 101 funds and accrued \$250,596.63 in Interest.



ORIGINAL

FLORIDA DEPARTMENT OF STATE

**Sue M. Cobb**

Secretary of State

DIVISION OF ELECTIONS

*Approved  
Filed*



February 28, 2006

The Honorable Paul S. DeGregorio, Chairman  
U.S. Election Assistance Commission  
State HAVA Funding Reports  
1225 New York Avenue, NW – Suite 1100  
Washington, D.C. 20005

Dear Mr. DeGregorio:

Enclosed are Florida's narrative reports regarding HAVA, Title I, Section 101 and 102 funds for the period from January 1, 2005 through December 31, 2005. A separate SF 269 form is included for Section 101 and Section 102 funds.

Also enclosed is a an updated SF 269 covering Title I, Section 101 funds for the period from January 1, 2004 through December 31, 2004. The entry on Line "o - Total Federal funds authorized for this funding period" has been adjusted to include Florida's portion of Section 101 funds plus Interest accrued on those funds during 2003 and 2004.

If you have any questions or would like additional information, please let us know.

Sincerely,

*Sarah Jane Bradshaw*

*for* Dawn K. Roberts, Esq.  
Director, Division of Elections

Enclosures

DKR/BL/aj

021478



ORIGINAL

STATE OF FLORIDA  
DEPARTMENT OF STATE  
DIVISION OF ELECTIONS

Jeb Bush  
Governor

Glenda E. Hood  
Secretary of State

January 22, 2004

Ms. Deborah Schilling  
Director of Budget  
United States General Services Administration  
1800 F Street, NW  
Washington, D.C. 20405-0002

Dear Ms. Schilling:

Enclosed are Financial Status Reports regarding HAVA expenditures for the period ending December 31, 2003. A separate form has been prepared for Section 101 and Section 102 funds as requested. These documents were also faxed to your office on January 21, 2004.

If you have any questions or need additional information, please let us know.

Sincerely,

Edward C. Kast  
Director, Division of Elections

EK/BL/aj

Enclosure

FEB 10 2004  
bb rec'd

021479

**ORIGINAL**

**FINANCIAL STATUS REPORT**  
(Short Form)  
(Follow instructions on the back)

1. Federal Agency and Organizational Element to Which Report is Submitted  General Services Administration		2. Federal Grant or Other Identifying Number Assigned By Federal Agency  39.011 Section 102		OMB Approval No. <b>0348-0039</b>	Page of  pages
3. Recipient Organization (Name and complete address, including ZIP code) Florida Department of State Division of Elections 107 W. Gaines Street, Rm 100 Tallahassee, FL 32399-0250					
4. Employer Identification Number F593466865		5. Recipient Account Number or Identifying Number 45-20-2-339097-00000000-00-000000-00		6. Final Report <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	7. Basis <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual
8. Funding/Grant Period (See Instructions) From: (Month, Day, Year) 6-16-03		To: (Month, Day, Year) OPEN		9. Period Covered by this Report From: (Month, Day, Year) 6-16-03 To: (Month, Day, Year) 12-31-03	
10. Transactions			I Previously Reported	II This Period	III Cumulative
a. Total outlays					11,581,377
b. Recipient share of outlays					_____
c. Federal share of outlays					11,581,377
d. Total unliquidated obligations					_____
e. Recipient share of unliquidated obligations					_____
f. Federal share of unliquidated obligations					_____
g. Total Federal share (Sum of lines c and f)					11,581,377
h. Total Federal funds authorized for this funding period					11,581,377
i. Unobligated balance of Federal funds (Line h minus line g)					0
11. Indirect Expense N/A	a. Type of Rate (Place "X" in appropriate box) <input type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed				
	b. Rate	c. Base	d. Total Amount	e. Federal Share	
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation.					
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.					
Typed or Printed Name and Title EDWARD C. KAST DIRECTOR, DIVISION OF ELECTIONS				Telephone (Area code, number and extension) 850-245-6200	
Signature of Authorized Certifying Official <i>Edward C. Kast</i>				Date Report Submitted 1-20-04	

021480

# FAX



**Department of State**

**Division of Elections**

**The Collins Building Room 100**

**107 West Gaines Street**

**Tallahassee, Florida 32399-0250**

Date 01/21/04 10:01 AM

Number of pages including cover sheet 3

**FILE COPY**

**To:**  
**General Services Administration**  
**Attn: Deborah Schilling**  
**Director of Budget**  
 Phone # \_\_\_\_\_  
 Fax # 202-501-1124

**From:**  
**Edward C. Kast**  
**Florida Div. of Elections**  
 Phone # (850) 245-6200  
 Fax # (850) 245-6217

**REMARKS:**

Per Your Request     For your review     Reply ASAP     Per Conversation

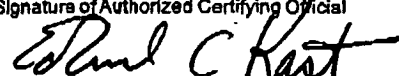
Attached are reports regarding expenditures through December 31, 2003 for HAVA funds. A separate form has been prepared for Section 101 and Section 102 categories as requested. If you have any questions or need additional information, please let us know.

**FILE COPY**

**FINANCIAL STATUS REPORT**

(Short Form)

(Follow Instructions on the back)

1. Federal Agency and Organizational Element to Which Report is Submitted  General Services Administration		2. Federal Grant or Other Identifying Number Assigned By Federal Agency  39.011 Section 102		OMB Approval No. <b>0348-0039</b>	Page of  pages
3. Recipient Organization (Name and complete address, including ZIP code)  Florida Department of State Division of Elections 107 W. Gaines Street, Rm 100 Tallahassee, FL 32399-0250					
4. Employer Identification Number  F593466865		5. Recipient Account Number or Identifying Number  45-20-2-339097-00000000-00-000000-00		6. Final Report <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	7. Basis <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual
8. Funding/Grant Period (See Instructions) From: (Month, Day, Year)  6-16-03		To: (Month, Day, Year)  OPEN		9. Period Covered by this Report From: (Month, Day, Year)  6-16-03 To: (Month, Day, Year)  12-31-03	
10. Transactions			I Previously Reported	II This Period	III Cumulative
a. Total outlays					11,581,377
b. Recipient share of outlays					—
c. Federal share of outlays					11,581,377
d. Total unliquidated obligations					—
e. Recipient share of unliquidated obligations					—
f. Federal share of unliquidated obligations					—
g. Total Federal share (Sum of lines c and f)					11,581,377
h. Total Federal funds authorized for this funding period					11,581,377
i. Unobligated balance of Federal funds (Line h minus line g)					0
11. Indirect Expense N/A	a. Type of Rate (Place "X" in appropriate box) <input type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed				
	b. Rate	c. Base	d. Total Amount	e. Federal Share	
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation.					
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.					
Typed or Printed Name and Title EDWARD C. KAST DIRECTOR, DIVISION OF ELECTIONS			Telephone (Area code, number and extension)  850-245-6200		
Signature of Authorized Certifying Official 			Date Report Submitted  1-20-04		

021482



**FINANCIAL STATUS REPORT  
(Long Form)**

*(Follow instructions on the back)*

1. Federal Agency and Organizational Element to Which Report is Submitted <b>U. S. Election Assistance Commission</b>		2. Federal Grant or Other Identifying Number Assigned By Federal Agency <b>39.011 - Title I, Section 102</b>		OMB Approval No. <b>0348-0039</b>	Page of  pages
3. Recipient Organization (Name and complete address, including ZIP code) <b>Florida Department of State 500 South Bronough Street Tallahassee, FL 32399-0250</b>					
4. Employer Identification Number <b>F593466865</b>		5. Recipient Account Number or Identifying Number <b>45-20-2-339097-00000000-00-000000-00</b>		6. Final Report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. Basis <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual					
8. Funding/Grant Period (See instructions) From: (Month, Day, Year) <b>6/16/2003</b>			9. Period Covered by this Report From: (Month, Day, Year) <b>6/16/2003</b>		
			To: (Month, Day, Year) <b>12/31/2005</b>		
10. Transactions:					
		I Previously Reported	I This Period	III Cumulative	
a. Total outlays		11,581,377.00	0.00	11,581,377.00	
b. Refunds, rebates, etc.				0.00	
c. Program income used in accordance with the deduction alternative				0.00	
d. Net outlays (Line a, less the sum of lines b and c)		11,581,377.00	0.00	11,581,377.00	
<b>Recipient's share of net outlays, consisting of:</b>					
e. Third party (in-kind) contributions				0.00	
f. Other Federal awards authorized to be used to match this award				0.00	
g. Program income used in accordance with the matching or cost sharing alternative				0.00	
h. All other recipient outlays not shown on lines e, f or g				0.00	
i. Total recipient share of net outlays (Sum of lines e, f, g and h)		0.00	0.00	0.00	
j. Federal share of net outlays (line d less line i)		11,581,377.00	0.00	11,581,377.00	
k. Total unliquidated obligations					
l. Recipient's share of unliquidated obligations					
m. Federal share of unliquidated obligations					
n. Total Federal share (sum of lines j and m)				11,581,377.00	
o. Total Federal funds authorized for this funding period				11,615,822.37	
p. Unobligated balance of Federal funds (Line o minus line n)				34,445.37	
<b>Program income, consisting of:</b>					
q. Disbursed program income shown on lines c and/or g above					
r. Disbursed program income using the addition alternative					
s. Undisbursed program income					
t. Total program income realized (Sum of lines q, r and s)				0.00	
11. Indirect Expense	a. Type of Rate (Place "X" in appropriate box) <input checked="" type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed				
	b. Rate <b>N/A</b>	c. Base	d. Total Amount	e. Federal Share	
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. <b>This is an amended report for Section 102 funds to reflect interest accrued on funds in 2003, 2004 and 2005. 2003 - \$32,220.26; 2004 - \$1,049.99; 2005 - \$1,175.12.</b>					
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.					
Typed or Printed Name and Title <b>Dawn K. Roberts, Director, Division of Elections</b>			Telephone (Area code, number and extension) <b>850-245-6200</b>		
Signature of Authorized Certifying Official <i>Sarah Jane Bradshaw for Dawn Roberts</i>			Date Report Submitted <b>February 28, 2006</b>		

**FLORIDA DEPARTMENT OF STATE  
REPORT ON EXPENDITURE OF TITLE I, SECTION 102 FUNDS**

This serves as an amended report regarding Florida's use of Title I, Section 102 funds through December 31, 2005. Florida received Section 102 funds in the amount of \$11,581,377. The funds were used to reimburse the state for funding provided to Florida's 67 counties in FY 2001-02 and FY 2002-03 to purchase voting systems equipment.

Florida invested Section 102 funds pending transfer of the funds to Florida's Working Capital Fund. Interest has continued to accrue on the initial investment of funds for a total of \$34,445.37 through December 31, 2005.

An amended SF269 form is attached to reflect the balance of Section 102 funds.

021484

**REVISED**

**FINANCIAL STATUS REPORT  
(Long Form)**

(Follow instructions on the back)

1. Federal Agency and Organizational Element to Which Report is Submitted <b>U. S. Election Assistance Commission</b>		2. Federal Grant or Other Identifying Number Assigned By Federal Agency <b>39.011 - Title I, Section 102</b>		OMB Approval No. <b>0348-0039</b>	Page of  pages
3. Recipient Organization (Name and complete address, including ZIP code) <b>Florida Department of State 500 South Bronough Street Tallahassee, FL 32399-0250</b>					
4. Employer Identification Number <b>F593466865</b>		5. Recipient Account Number or Identifying Number <b>45-20-2-339097-00000000-00-000000-00</b>		6. Final Report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. Basis <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual					
8. Funding/Grant Period (See instructions) From: (Month, Day, Year) <b>6/16/2003</b>		To: (Month, Day, Year)		9. Period Covered by this Report From: (Month, Day, Year) <b>6/16/2003</b>	
				To: (Month, Day, Year) <b>12/31/2005</b>	
10. Transactions:					
				I	II
				Previously Reported	This Period
				III Cumulative	
a. Total outlays				<b>11,581,377.00</b>	<b>0.00</b>
b. Refunds, rebates, etc.					<b>0.00</b>
c. Program income used in accordance with the deduction alternative					<b>0.00</b>
d. Net outlays (Line a, less the sum of lines b and c)				<b>11,581,377.00</b>	<b>0.00</b>
<b>Recipient's share of net outlays, consisting of:</b>					
e. Third party (in-kind) contributions					<b>0.00</b>
f. Other Federal awards authorized to be used to match this award					<b>0.00</b>
g. Program income used in accordance with the matching or cost sharing alternative					<b>0.00</b>
h. All other recipient outlays not shown on lines e, f or g					<b>0.00</b>
i. Total recipient share of net outlays (Sum of lines e, f, g and h)				<b>0.00</b>	<b>0.00</b>
j. Federal share of net outlays (line d less line i)				<b>11,581,377.00</b>	<b>0.00</b>
k. Total unliquidated obligations					
l. Recipient's share of unliquidated obligations					
m. Federal share of unliquidated obligations					
n. Total Federal share (sum of lines j and m)					<b>11,581,377.00</b>
o. Total Federal funds authorized for this funding period					<b>11,615,822.37</b>
p. Unobligated balance of Federal funds (Line o minus line n)					<b>34,445.37</b>
<b>Program income, consisting of:</b>					
q. Disbursed program income shown on lines c and/or g above					
r. Disbursed program income using the addition alternative					
s. Undisbursed program income					
t. Total program income realized (Sum of lines q, r and s)					<b>0.00</b>
11. Indirect Expense		a. Type of Rate (Place "X" in appropriate box) <input checked="" type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed			
		b. Rate <b>N/A</b>	c. Base	d. Total Amount	e. Federal Share
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. <b>This is an amended report for Section 102 funds to reflect interest accrued on funds in 2003, 2004 and 2005. 2003 - \$32,220.26; 2004 - \$1,049.99; 2005 - \$1,175.12.</b>					
13. Certification: <b>I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.</b>					
Typed or Printed Name and Title <b>Dawn K. Roberts, Director, Division of Elections</b>				Telephone (Area code, number and extension) <b>850-245-6200</b>	
Signature of Authorized Certifying Official <i>Sarah Jane Bradshaw for Dawn Roberts</i>				Date Report Submitted <b>February 28, 2006</b>	

**REVISED**

**FLORIDA DEPARTMENT OF STATE  
REPORT ON EXPENDITURE OF TITLE I, SECTION 102 FUNDS**

This serves as an amended report regarding Florida's use of Title I, Section 102 funds through December 31, 2005. Florida received Section 102 funds in the amount of \$11,581,377. The funds were used to reimburse the state for funding provided to Florida's 67 counties in FY 2001-02 and FY 2002-03 to purchase voting systems equipment.

Florida invested Section 102 funds pending transfer of the funds to Florida's Working Capital Fund. Interest has continued to accrue on the initial investment of funds for a total of \$34,445.37 through December 31, 2005.

An amended SF269 form is attached to reflect the balance of Section 102 funds.

021436

**FINANCIAL STATUS REPORT  
(Long Form)**

**ORIGINAL**

*(Follow instructions on the back)*

1. Federal Agency and Organizational Element to Which Report is Submitted <b>U. S. Election Assistance Commission</b>		2. Federal Grant or Other Identifying Number Assigned By Federal Agency <b>39.011 - Title I, Section 102</b>		OMB Approval No. <b>0348-0039</b>	Page of  pages
3. Recipient Organization (Name and complete address, including ZIP code) <b>Florida Department of State 500 South Bronough Street Tallahassee, FL 32399-0250</b>					
4. Employer Identification Number <b>F593466865</b>		5. Recipient Account Number or Identifying Number <b>45-20-2-339097-00000000-00-000000-00</b>		6. Final Report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. Basis <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual					
8. Funding/Grant Period (See instructions) From: (Month, Day, Year) <b>6/16/2003</b>		To: (Month, Day, Year)		9. Period Covered by this Report From: (Month, Day, Year) <b>6/16/2003</b>	
				To: (Month, Day, Year) <b>12/31/2005</b>	
10. Transactions:					
		I	I	III	
		Previously Reported	This Period	Cumulative	
a. Total outlays		11,581,377.00	0.00	11,581,377.00	
b. Refunds, rebates, etc.				0.00	
c. Program income used in accordance with the deduction alternative				0.00	
d. Net outlays (Line a, less the sum of lines b and c)		11,581,377.00	0.00	11,581,377.00	
<b>Recipient's share of net outlays, consisting of:</b>					
e. Third party (in-kind) contributions				0.00	
f. Other Federal awards authorized to be used to match this award				0.00	
g. Program income used in accordance with the matching or cost sharing alternative				0.00	
h. All other recipient outlays not shown on lines e, f or g				0.00	
i. Total recipient share of net outlays (Sum of lines e, f, g and h)		0.00	0.00	0.00	
j. Federal share of net outlays (line d less line i)		11,581,377.00	0.00	11,581,377.00	
k. Total unliquidated obligations					
l. Recipient's share of unliquidated obligations					
m. Federal share of unliquidated obligations					
n. Total Federal share (sum of lines j and m)				11,581,377.00	
o. Total Federal funds authorized for this funding period				11,615,822.37	
p. Unobligated balance of Federal funds (Line o minus line n)				34,445.37	
<b>Program income, consisting of:</b>					
q. Disbursed program income shown on lines c and/or g above					
r. Disbursed program income using the addition alternative					
s. Undisbursed program income					
t. Total program income realized (Sum of lines q, r and s)				0.00	
11. Indirect Expense					
a. Type of Rate (Place "X" in appropriate box)					
<input checked="" type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed					
b. Rate		c. Base		d. Total Amount	
N/A					
e. Federal Share					
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. <b>This is an amended report for Section 102 funds to reflect interest accrued on funds in 2003, 2004 and 2005. 2003 - \$32,220.26; 2004 - \$1,049.99; 2005 - \$1,175.12.</b>					
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.					
Typed or Printed Name and Title <b>Dawn K. Roberts, Director, Division of Elections</b>				Telephone (Area code, number and extension) <b>850-245-6200</b>	
Signature of Authorized Certifying Official <i>Sarah Jane Bradshaw for Dawn Roberts</i>				Date Report Submitted <b>February 28, 2006</b>	

021487

**ORIGINAL**

**FLORIDA DEPARTMENT OF STATE  
REPORT ON EXPENDITURE OF TITLE I, SECTION 102 FUNDS**

This serves as an amended report regarding Florida's use of Title I, Section 102 funds through December 31, 2005. Florida received Section 102 funds in the amount of \$11,581,377. The funds were used to reimburse the state for funding provided to Florida's 67 counties in FY 2001-02 and FY 2002-03 to purchase voting systems equipment.

Florida invested Section 102 funds pending transfer of the funds to Florida's Working Capital Fund. Interest has continued to accrue on the initial investment of funds for a total of \$34,445.37 through December 31, 2005.

An amended SF269 form is attached to reflect the balance of Section 102 funds.

021488



FEB 25 2004

The Honorable Glenda Hood  
The Secretary of State of Florida  
Tallahassee, FL 32399

Dear Ms. Secretary:

Thank you for your letter, dated January 21, 2004, certifying that your State would not meet the deadline of replacing all punch card and/or lever voting systems by the November 2004 general election, and asking for a waiver of the November 2004 deadline under Section 102(a)(3)(B) of the Help America Vote Act. Your request for a waiver of the deadline is approved, and the State shall ensure that all of the punch card and/or lever voting systems in the qualifying precincts within the State shall be replaced in time for the first election for Federal office held after January 1, 2006.

Your State will still be responsible for reporting to the General Services Administration in the manner outlined in our letter of July 28, 2003. The only change will be the extension of the deadline for replacement of the punch card and/or lever voting systems. If you have any questions or comments, please feel free to contact Stephen J. Kulenguski at (202) 501-4496.

Sincerely,

A handwritten signature in cursive script that reads "Deborah J. Schilling".

Deborah J. Schilling  
Director of Budget

cc:

The Honorable Jeb Bush  
Governor of Florida  
Tallahassee, FL 32399



GSA Office of the Chief Financial Officer

MAR 8 2004

The Honorable Glenda Hood  
The Secretary of State of Florida  
Tallahassee, FL 32399

Dear Ms. Secretary:

This is to inform you that we have inadvertently sent out an approved waiver request letter, dated February 25, 2004, to your office in reference to the replacement of all punch card/or lever voting systems, under Section 102(a)(3)(B) of the Help America Vote Act. Please disregard that letter. We apologize for any confusion and inconvenience this may have caused you.

If you have any questions, please feel free to contact Stephen J. Kulenguski at (202) 501-4496.

Sincerely,

A handwritten signature in black ink that reads "Deborah J. Schilling".

Deborah J. Schilling  
Director of Budget

cc:  
The Honorable Jeb Bush  
Governor of Florida  
Tallahassee, FL 32399

U.S. General Services Administration  
1800 F Street, NW  
Washington, DC 20405-0002  
www.gsa.gov

021490





RECEIVED  
MAR 31 2005  
BY: \_\_\_\_\_

Jeb Bush  
Governor

STATE OF FLORIDA  
DEPARTMENT OF STATE  
DIVISION OF ELECTIONS

Glenda E. Hood  
Secretary of State

March 29, 2005

ORIGINAL

The Honorable Gracia M. Hillman, Chair  
U.S. Election Assistance Commission  
State HAVA Funding Report  
1225 New York Avenue, NW – Suite 1100  
Washington, DC 20005

Dear Chairman Hillman:

Enclosed is Florida's report regarding the use of HAVA Title II, Section 251 funds for the period from June 23, 2004 through September 30, 2004. Included with the report is Standard Form 269.

If you have any questions or would like additional information, please let us know.

Sincerely,

Dawn K. Roberts, Esq.  
Director

DKR/aj

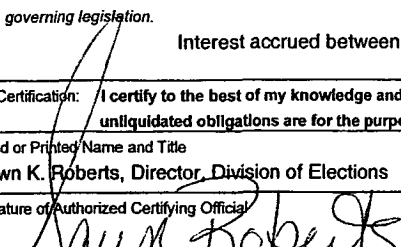
Enclosure

133105.868

**FINANCIAL STATUS REPORT  
(Long Form)**

**ORIGINAL**

*(Follow instructions on the back)*

1. Federal Agency and Organizational Element to Which Report is Submitted <b>U. S. Election Assistance Commission</b>		2. Federal Grant or Other Identifying Number Assigned By Federal Agency <b>39.011 - Title II, Section 251</b>		OMB Approval No. <b>0348-0039</b>	Page of  pages
3. Recipient Organization (Name and complete address, including ZIP code) <b>Florida Department of State 500 South Bronough Street Tallahassee, FL 32399-0250</b>					
4. Employer Identification Number <b>F593466865</b>		5. Recipient Account Number or Identifying Number <b>45-20-2-339097-00000000-00-000000-00</b>		6. Final Report <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
7. Basis <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual					
8. Funding/Grant Period (See Instructions) From: (Month, Day, Year) <b>6/23/2004</b>		To: (Month, Day, Year)		9. Period Covered by this Report From: (Month, Day, Year) <b>6/23/2004</b>	
		To: (Month, Day, Year) <b>9/30/2004</b>			
10. Transactions:					
		I Previously Reported	I This Period	III Cumulative	
a. Total outlays			0.00	0.00	
b. Refunds, rebates, etc.				0.00	
c. Program income used in accordance with the deduction alternative				0.00	
d. Net outlays (Line a, less the sum of lines b and c)		0.00	0.00	0.00	
<b>Recipient's share of net outlays, consisting of:</b>					
e. Third party (in-kind) contributions				0.00	
f. Other Federal awards authorized to be used to match this award				0.00	
g. Program income used in accordance with the matching or cost sharing alternative				0.00	
h. All other recipient outlays not shown on lines e, f or g				0.00	
i. Total recipient share of net outlays (Sum of lines e, f, g and h)		0.00	0.00	0.00	
j. Federal share of net outlays (line d less line i)		0.00	0.00	0.00	
k. Total unliquidated obligations					
l. Recipient's share of unliquidated obligations					
m. Federal share of unliquidated obligations					
n. Total Federal share (sum of lines j and m)				0.00	
o. Total Federal funds authorized for this funding period				47,416,833.00	
p. Unobligated balance of Federal funds (Line o minus line n)				47,416,833.00	
<b>Program income, consisting of:</b>					
q. Disbursed program income shown on lines c and/or g above					
r. Disbursed program income using the addition alternative					
s. Undisbursed program income					
t. Total program income realized (Sum of lines q, r and s)				0.00	
11. Indirect Expense		a. Type of Rate (Place "X" in appropriate box) <input checked="" type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed			
		b. Rate N/A	c. Base	d. Total Amount	e. Federal Share
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. <b>Interest accrued between 6/23/2004 and 9/30/2004 - \$456,770.63</b>					
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.					
Typed or Printed Name and Title <b>Dawn K. Roberts, Director, Division of Elections</b>				Telephone (Area code, number and extension) <b>850-245-6200</b>	
Signature of Authorized Certifying Official 				Date Report Submitted <b>March 22, 2005</b>	

**021492**

**FLORIDA DEPARTMENT OF STATE  
REPORT ON EXPENDITURE OF TITLE II FUNDS  
FEDERAL FISCAL YEAR OCTOBER 2003 – SEPTEMBER 2004**

The first report regarding expenditures made with Section 251, Title II HAVA funds covers the period from the date the funds were received in Florida through September 30, 2004. Florida received FY 2003 Section 251, Title II HAVA funds on June 23, 2004.

None of the Title II funds were expended during the current reporting period. While the Florida Legislature authorized the use of HAVA Section 251 funds for state Fiscal Year 2004-05, Florida did not begin disbursing the funds until after September 30, 2004.

**ORIGINAL**

021493

**FINANCIAL STATUS REPORT**  
(Long Form)

(Follow instructions on the back)

**REVISED**

1. Federal Agency and Organizational Element to Which Report is Submitted U. S. Election Assistance Commission		2. Federal Grant or Other Identifying Number Assigned By Federal Agency 90.401 - Title II, Section 251		OMB Approval No. 0348-0039	Page of pages
3. Recipient Organization (Name and complete address, including ZIP code) Florida Department of State 500 South Bronough Street Tallahassee, FL 32399-0250					
4. Employer Identification Number F593466865		5. Recipient Account Number or Identifying Number 45-20-2-339097-00000000-00-000000-00		6. Final Report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. Basis <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual					
8. Funding/Grant Period (See instructions) From: (Month, Day, Year) 6/23/2004		To: (Month, Day, Year)		9. Period Covered by this Report From: (Month, Day, Year) 6/23/2004	
				To: (Month, Day, Year) 9/30/2004	
10. Transactions:					
		I Previously Reported	I This Period	III Cumulative	
a. Total outlays			0.00		0.00
b. Refunds, rebates, etc.					0.00
c. Program income used in accordance with the deduction alternative					0.00
d. Net outlays (Line a, less the sum of lines b and c)		0.00	0.00		0.00
<b>Recipient's share of net outlays, consisting of:</b>					
e. Third party (in-kind) contributions					0.00
f. Other Federal awards authorized to be used to match this award					0.00
g. Program income used in accordance with the matching or cost sharing alternative					0.00
h. All other recipient outlays not shown on lines e, f or g					0.00
i. Total recipient share of net outlays (Sum of lines e, f, g and h)		0.00	0.00		0.00
j. Federal share of net outlays (line d less line i)		0.00	0.00		0.00
k. Total unliquidated obligations					
l. Recipient's share of unliquidated obligations					
m. Federal share of unliquidated obligations					
n. Total Federal share (sum of lines j and m)					0.00
o. Total Federal funds authorized for this funding period					47,873,603.63
p. Unobligated balance of Federal funds (Line o minus line n)					47,873,603.63
<b>Program income, consisting of:</b>					
q. Disbursed program income shown on lines c and/or g above					
r. Disbursed program income using the addition alternative					
s. Undisbursed program income					
t. Total program income realized (Sum of lines q, r and s)					0.00
11. Indirect Expense		a. Type of Rate (Place "X" in appropriate box) <input checked="" type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed			
		b. Rate N/A	c. Base	d. Total Amount	e. Federal Share
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. Form has been revised to include Interest in the amount of \$456,770.63 accrued between 6/23/2004 and 9/30/2004 on Line "O" - \$456,770.63.					
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.					
Typed or Printed Name and Title Dawn K. Roberts, Director, Division of Elections				Telephone (Area code, number and extension) 850-245-6200	
Signature of Authorized Certifying Official <i>Dawn Roberts</i>				Date Report Submitted March 27, 2006	

ORIGINAL

FINANCIAL STATUS REPORT  
(Long Form)

(Follow instructions on the back)

1. Federal Agency and Organizational Element to Which Report is Submitted U. S. Election Assistance Commission		2. Federal Grant or Other Identifying Number Assigned By Federal Agency 90.401 - Title II, Section 251		OMB Approval No. 0348-0039	Page of pages
3. Recipient Organization (Name and complete address, including ZIP code) Florida Department of State 500 South Bronough Street Tallahassee, FL 32399-0250					
4. Employer Identification Number F593466865		5. Recipient Account Number or Identifying Number 45-20-2-339097-00000000-00-000000-00		6. Final Report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. Basis <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual					
8. Funding/Grant Period (See instructions) From: (Month, Day, Year) 6/23/2004		To: (Month, Day, Year)		9. Period Covered by this Report From: (Month, Day, Year) 10/1/2004	
				To: (Month, Day, Year) 9/30/2005	
10. Transactions:					
		I	I	III	
		Previously Reported	This Period	Cumulative	
a. Total outlays		0.00	23,156,764.78	23,156,764.78	
b. Refunds, rebates, etc.				0.00	
c. Program income used in accordance with the deduction alternative				0.00	
d. Net outlays (Line a, less the sum of lines b and c)		0.00	23,156,764.78	23,156,764.78	
Recipient's share of net outlays, consisting of:					
e. Third party (in-kind) contributions				0.00	
f. Other Federal awards authorized to be used to match this award				0.00	
g. Program income used in accordance with the matching or cost sharing alternative				0.00	
h. All other recipient outlays not shown on lines e, f or g		0.00	385,000.00	385,000.00	
i. Total recipient share of net outlays (Sum of lines e, f, g and h)		0.00	385,000.00	385,000.00	
j. Federal share of net outlays (line d less line i)		0.00	22,771,764.78	22,771,764.78	
k. Total unliquidated obligations					
l. Recipient's share of unliquidated obligations					
m. Federal share of unliquidated obligations					
n. Total Federal share (sum of lines j and m)				22,771,764.78	
o. Total Federal funds authorized for this funding period				136,655,591.84	
p. Unobligated balance of Federal funds (Line o minus line n)				113,883,827.06	
Program income, consisting of:					
q. Disbursed program income shown on lines c and/or g above					
r. Disbursed program income using the addition alternative					
s. Undisbursed program income					
t. Total program income realized (Sum of lines q, r and s)				0.00	
11. Indirect Expense		a. Type of Rate (Place "X" in appropriate box) <input checked="" type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed			
		b. Rate N/A	c. Base	d. Total Amount	e. Federal Share
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. State Matching expenditures are shown on line "h." Interest in the amount of \$3,696,730.21 accrued during the current reporting period is included on line "o" with total Federal funds authorized for this funding period.					
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.					
Typed or Printed Name and Title Dawn Roberts, Director, Division of Elections, Florida Department of State				Telephone (Area code, number and extension) 850-245-6200	
Signature of Authorized Certifying Official <i>Dawn Roberts</i>				Date Report Submitted March 29, 2006	

ORIGINAL

**FLORIDA DEPARTMENT OF STATE  
REPORT ON EXPENDITURE OF TITLE II, SECTION 251 FUNDS  
OCTOBER 2004 THROUGH SEPTEMBER 2005**

As requested by the U.S. Election Assistance Commission, listed below is a detailed list of expenditures and a description of the related activities conducted by the Florida Department of State utilizing Help America Vote Act (HAVA) Title II, Section 251 funds during the period from October 1, 2004 through September 30, 2005.

**VOTING SYSTEMS ASSISTANCE - \$11.6 Million**

During the current reporting period, Florida distributed \$11.6 million to county supervisors of elections to purchase voting equipment that is accessible to individuals with disabilities. Funds were appropriated by the Florida Legislature in order to ensure that all counties had at least one accessible voting system at each polling place by January 1, 2006. Prior to distribution of the funds, counties were required to provide certified statements to the Department of State indicating the number of polling places in use and the number of accessible voting systems owned by the county. There were fifty-one (51) counties that required accessible voting systems in order to have one per polling place by January 1, 2006.

The HAVA State Plan includes references to acquiring accessible voting equipment for individuals with disabilities on pages 13 through 15 and on page 61.

**STATEWIDE VOTER REGISTRATION LIST - \$11,171,771**

Title II funds were utilized to continue development of a statewide voter registration system pursuant to requirements in Title III, Section 303 of the Help America Vote Act. The Florida Voter Registration System (FVRS) is a real-time system that contains the name and voter registration information of all voters in the state. The system allows counties to continue to use their existing systems with modifications to interface with the FVRS.

During the current reporting period, the Department of State issued bids to procure the services of two contractors to assist with implementing the FVRS. One vendor was selected to serve as the Prime Contractor and provide systems integration and software development for the FVRS. A second vendor was selected to provide project management and quality assurance to oversee the development and implementation phases of the FVRS.

In addition to the two primary contractors, the Department began the process of acquiring the necessary hardware and software required to implement the FVRS including back-up systems. Items purchased included servers, switching modules and various software systems needed to operate the system. An uninterruptible power supply (generator) was purchased to provide back-up operation during electrical outages and/or disasters. Other expenses included training provided to Department of State employees to give them the necessary skills to utilize the software being used to operate the system.

Other costs associated with the FVRS during the current reporting period include salaries for eleven positions in the Department of State, two positions at the Florida Department of Highway Safety and Motor Vehicles and two positions at the Florida Department of Law Enforcement.

These positions provide support for the various hardware and software systems being utilized to operate the system, legal expertise, and administration of a new bureau established to provide voter registration services for all of Florida's 67 counties.

Reference to the statewide voter registration system can be found in the HAVA State Plan on pages 26-31, 56-57 and 61.

**INTEREST ACCRUED - \$3,696,730**

During the current reporting period the Department of State invested Title II, Section 251 funds and accrued Interest in the amount of \$3,696,730.

**STATE MATCHING FUNDS - \$385,000**

During the current reporting period, Florida spent \$385,000 in State Matching funds.

**ORIGINAL**



FLORIDA DEPARTMENT OF STATE  
**Sue M. Cobb**  
Secretary of State  
DIVISION OF ELECTIONS

**REVISED**

March 29, 2006

The Honorable Paul S. DeGregorio, Chairman  
U.S. Election Assistance Commission  
State HAVA Funding Reports  
1225 New York Avenue, NW – Suite 1100  
Washington, D.C. 20005

Dear Mr. DeGregorio:

Enclosed is Florida's narrative report regarding HAVA, Title II, Section 251 funds for the period from October 1, 2004 through September 30, 2005. Form SF 269 regarding Title II, Section 251 funds is also included.

Also enclosed is an updated Form SF 269 for Title II, Section 251 funds covering the period from the initial receipt of funds in June 2004 through September 30, 2004. The entry on Line "o - Total Federal funds authorized for this funding period" has been adjusted to include Interest accrued on those funds during that time period.

If you have any questions or would like additional information, please let us know.

Sincerely,

A handwritten signature in black ink that reads "Dawn K. Roberts".

Dawn K. Roberts, Esq.  
Director, Division of Elections

Enclosures

DKR/BL/aj

021498





## U.S. ELECTION ASSISTANCE COMMISSION

### FAX COVER SHEET

Fax: 202/566-3127

Direct: 202/566-3120

Toll Free: 866-747-1471

---

DATE: December 14, 2004

TO: Governor Bush/FL

FAX NUMBER: 850-922-4292

FROM: Peggy Sims

NUMBER OF PAGES (INCLUDING COVER PAGE): 5

MESSAGE

ORIGINAL TO FOLLOW BY MAIL.

021499



U.S. ELECTION ASSISTANCE COMMISSION  
1225 NEW YORK AVENUE, N.W., SUITE 1100  
WASHINGTON, D.C. 20005

OFFICE OF THE CHAIRMAN

December 14, 2004

The Honorable Jeb Bush  
Governor  
Office of the Governor  
The Capitol  
400 South Monroe Street  
Tallahassee Florida 32399-0001

Dear Governor Bush:

The U. S. Election Assistance Commission (EAC) is pleased to inform you that the Help America Vote Act of 2002 (HAVA) allocation appropriated for your State is now available for disbursement.

HAVA requires the chief executive officer of the State, or designee, in consultation with the chief State election official, to file with EAC a statement certifying that the State is in compliance with the conditions set forth in section 253(b) in order to be eligible for a fiscal year's requirements payment. EAC received a certification statement from your State on December 7, 2004 declaring your State's eligibility for the requirements payment appropriated in fiscal year 2004.

Accordingly, EAC has notified the U.S. General Services Administration (GSA) that approximately \$85,085,258 should be disbursed to your State. Your State should receive these funds within five business days, provided your State has given GSA the information needed for the electronic transfer.

### **Use of Funds**

In accordance with HAVA Section 251(b), these funds are to be used only to meet the requirements of HAVA Title III, except that your State may use this payment to carry out other activities to improve the administration of elections for Federal office if the State certifies to EAC that:

- the State has implemented the requirements of Title III; or
- the amount to be expended with respect to such other activities does not exceed an amount equal to the minimum requirements payment amount applicable to the State.

Section 251(c) of the Act also explains that a State may use a requirements payment:

- as a reimbursement for costs incurred in obtaining voting equipment which meets the requirements of section 301 (voting systems standards) if the State obtains the equipment after the regularly scheduled general election for Federal office held in November 2000, notwithstanding the Act's maintenance of effort requirements<sup>1</sup>; and
- for any costs for voting equipment which meets the requirements of section 301 that were incurred pursuant to a multi-year contract on or after January 1, 2001, except that the amount that the State is otherwise required to contribute under the maintenance of effort requirements must be increased by the amount of the payment made with respect to such multiyear contract.

### **Conforming to Applicable Federal Guidelines**

Please note that the following Office of Management and Budget guidelines apply to these federal funds:

- A-87 - Cost Principles for State, Local and Indian Tribal Governments (Cost Principles).
- A-102 - Grants and Cooperative Agreements with State and Local Governments (Administrative Requirements).
- Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments ("Common Rule", Administrative Requirements, 53 FR 8087, March 11, 1988)
- A-133 – Audits of States, Local Governments, and Non-Profit Organizations (Single Audits, Audit Requirements).

These guidelines may be found at:

<http://www.whitehouse.gov/omb/circulars/index.html>

### **Material Changes to State Plans**

Section 254(a)(11) of HAVA prohibits a State from making material change(s) to the State plan unless the change:

---

<sup>1</sup> Maintenance of effort is addressed in HAVA section 254(a)(7), which requires the State to describe how it will maintain the expenditures of the State for activities funded by the requirements payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000.

- is developed and published in the *Federal Register* in accordance with Section 255 in the same manner as the State plan;
- is subject to public notice and comment in accordance with Section 256 in the same manner as the State plan; and
- takes effect only after the expiration of the 30-day period which begins on the date the change is published in the *Federal Register*.

Accordingly, if your State does make any material change(s) to your current State plan for which you are receiving this requirements payment, you must file an amended State plan with EAC. The amended State plan filed with EAC may be limited to describing in reasonable detail the changes that have been made between the amended State plan and the State plan currently in effect.

### **Reporting**

Also note that HAVA Section 258 requires your State to submit a report to EAC on the activities conducted with the funds provided during the Federal fiscal year, which runs from October 1 through September 30 of each year. This report must include:

- a list of expenditures made with respect to each category of activities described for the use of funds;
- the number and type of articles of voting equipment obtained with the funds; and
- an analysis and description of:
  - the activities funded to meet HAVA requirements; and
  - how such activities conform to the submitted State plan.

This report is due no later than six months after the end of each fiscal year. Accordingly, you should file your first report with EAC no later than March 30, 2005. States should submit Standard Form 269 as part of this report. This form may be found at the following web site:

[http://www.whitehouse.gov/omb/grants/grants\\_forms.html](http://www.whitehouse.gov/omb/grants/grants_forms.html)

### **Recordkeeping and Audits**

HAVA Title IX requires recipients of payments under the Act to keep records consistent with sound accounting principles to facilitate an effective audit. It authorizes EAC to audit or examine books, documents, papers and records of any

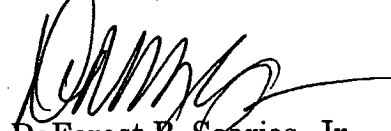
recipient that is deemed pertinent to the payment and stipulates that the provision applies to all recipients of payments under the Act. Such recipients would include local jurisdictions that received funds through the State as a result of the requirements payments.

HAVA also requires that all funds provided under the Act are subject to mandatory audit by the Comptroller General at least once during the lifetime of the program, with the same access to records as the EAC. If the Comptroller General determines that an excess payment has been made or the recipient is not in compliance, the recipient must pay the EAC an amount that reflects the excess payment or the proportion representing noncompliance.

### **Assistance**

If you have any questions about this matter, please have your staff contact Peggy Sims, EAC Research Specialist, by email at [psims@eac.gov](mailto:psims@eac.gov) or by phone at 1-866-747-1471 (toll free) or 202-566-3100.

Sincerely yours,



DeForest B. Searies, Jr.  
Chairman



## U.S. ELECTION ASSISTANCE COMMISSION

### FAX COVER SHEET

Fax: 202/566-3127

Direct: 202/566-3120

Toll Free: 866-747-1471

---

DATE: December 14, 2004

TO: Secretary Hood/FL

FAX NUMBER: 850/245-6125

FROM: Peggy Sims

NUMBER OF PAGES (INCLUDING COVER PAGE): 5

MESSAGE

ORIGINAL TO FOLLOW BY MAIL.

021504



U.S. ELECTION ASSISTANCE COMMISSION  
1225 NEW YORK AVENUE, N.W., SUITE 1100  
WASHINGTON, D.C. 20005

OFFICE OF THE CHAIRMAN

December 14, 2004

The Honorable Glenda Hood  
Secretary of State  
R. A. Gray Building  
500 S. Bronough Street, Room 316  
Tallahassee, Florida 32399-0250

Dear Secretary Hood:

The U. S. Election Assistance Commission (EAC) is pleased to inform you that the Help America Vote Act of 2002 (HAVA) allocation appropriated for your State is now available for disbursement.

HAVA requires the chief executive officer of the State, or designee, in consultation with the chief State election official, to file with EAC a statement certifying that the State is in compliance with the conditions set forth in section 253(b) in order to be eligible for a fiscal year's requirements payment. EAC received a certification statement from your State on December 7, 2004 declaring your State's eligibility for the requirements payment appropriated in fiscal year 2004.

Accordingly, EAC has notified the U.S. General Services Administration (GSA) that approximately \$85,085,258 should be disbursed to your State. Your State should receive these funds within five business days, provided your State has given GSA the information needed for the electronic transfer.

#### **Use of Funds**

In accordance with HAVA Section 251(b), these funds are to be used only to meet the requirements of HAVA Title III, except that your State may use this payment to carry out other activities to improve the administration of elections for Federal office if the State certifies to EAC that:

- the State has implemented the requirements of Title III; or
- the amount to be expended with respect to such other activities does not exceed an amount equal to the minimum requirements payment amount applicable to the State.

021505

Section 251(c) of the Act also explains that a State may use a requirements payment:

- as a reimbursement for costs incurred in obtaining voting equipment which meets the requirements of section 301 (voting systems standards) if the State obtains the equipment after the regularly scheduled general election for Federal office held in November 2000, notwithstanding the Act's maintenance of effort requirements<sup>1</sup>; and
- for any costs for voting equipment which meets the requirements of section 301 that were incurred pursuant to a multi-year contract on or after January 1, 2001, except that the amount that the State is otherwise required to contribute under the maintenance of effort requirements must be increased by the amount of the payment made with respect to such multiyear contract.

### **Conforming to Applicable Federal Guidelines**

Please note that the following Office of Management and Budget guidelines apply to these federal funds:

- A-87 - Cost Principles for State, Local and Indian Tribal Governments (Cost Principles).
- A-102 - Grants and Cooperative Agreements with State and Local Governments (Administrative Requirements).
- Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments ("Common Rule", Administrative Requirements, 53 FR 8087, March 11, 1988)
- A-133 - Audits of States, Local Governments, and Non-Profit Organizations (Single Audits, Audit Requirements).

These guidelines may be found at:

<http://www.whitehouse.gov/omb/circulars/index.html>

### **Material Changes to State Plans**

Section 254(a)(11) of HAVA prohibits a State from making material change(s) to the State plan unless the change:

---

<sup>1</sup> Maintenance of effort is addressed in HAVA section 254(a)(7), which requires the State to describe how it will maintain the expenditures of the State for activities funded by the requirements payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000.



- is developed and published in the *Federal Register* in accordance with Section 255 in the same manner as the State plan;
- is subject to public notice and comment in accordance with Section 256 in the same manner as the State plan; and
- takes effect only after the expiration of the 30-day period which begins on the date the change is published in the *Federal Register*.

Accordingly, if your State does make any material change(s) to your current State plan for which you are receiving this requirements payment, you must file an amended State plan with EAC. The amended State plan filed with EAC may be limited to describing in reasonable detail the changes that have been made between the amended State plan and the State plan currently in effect.

### **Reporting**

Also note that HAVA Section 258 requires your State to submit a report to EAC on the activities conducted with the funds provided during the Federal fiscal year, which runs from October 1 through September 30 of each year. This report must include:

- a list of expenditures made with respect to each category of activities described for the use of funds;
- the number and type of articles of voting equipment obtained with the funds; and
- an analysis and description of:
  - the activities funded to meet HAVA requirements; and
  - how such activities conform to the submitted State plan.

This report is due no later than six months after the end of each fiscal year. Accordingly, you should file your first report with EAC no later than March 30, 2005. States should submit Standard Form 269 as part of this report. This form may be found at the following web site:

[http://www.whitehouse.gov/omb/grants/grants\\_forms.html](http://www.whitehouse.gov/omb/grants/grants_forms.html)

### **Recordkeeping and Audits**

HAVA Title IX requires recipients of payments under the Act to keep records consistent with sound accounting principles to facilitate an effective audit. It authorizes EAC to audit or examine books, documents, papers and records of any

recipient that is deemed pertinent to the payment and stipulates that the provision applies to all recipients of payments under the Act. Such recipients would include local jurisdictions that received funds through the State as a result of the requirements payments.

HAVA also requires that all funds provided under the Act are subject to mandatory audit by the Comptroller General at least once during the lifetime of the program, with the same access to records as the EAC. If the Comptroller General determines that an excess payment has been made or the recipient is not in compliance, the recipient must pay the EAC an amount that reflects the excess payment or the proportion representing noncompliance.

### **Assistance**

If you have any questions about this matter, please have your staff contact Peggy Sims, EAC Research Specialist, by email at [psims@eac.gov](mailto:psims@eac.gov) or by phone at 1-866-747-1471 (toll free) or 202-566-3100.

Sincerely yours,



DeForest B. Soaries, Jr.  
Chairman



JEB BUSH  
GOVERNOR

STATE OF FLORIDA

# Office of the Governor

THE CAPITOL  
TALLAHASSEE, FLORIDA 32399-0001

www.flgov.com  
850-488-7146  
850-487-0801 fax

RECEIVED  
DEC 07 2004

BY: PS

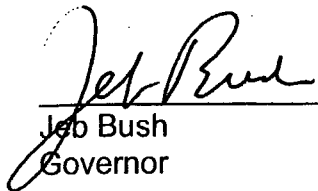
November 17, 2004

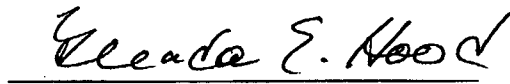
The Honorable DeForest B. Soaries, Jr., Chairman  
Election Assistance Commission  
1225 New York Ave. NW  
Suite 1100  
Washington, DC 20005

Dear Chairman Soaries:

The State of Florida's HAVA Plan was updated in June 2004 and has been published in the Federal Register by the Election Assistance Commission. The Plan meets all of the requirements listed in the Help America Vote Act (HAVA) regarding the conditions that must be met before a state is eligible to receive Title II requirements payments. This includes implementation of uniform, non-discriminatory administrative complaint procedures. In addition, Chapter 2003-415, Laws of Florida, implementing HAVA in Florida was pre-cleared by the Department of Justice on October 16, 2003. Therefore, Florida is requesting the requirements payment for Fiscal Year 2004. In making this request, Florida certifies the following:

"The State of Florida hereby certifies that it is in compliance with the requirements referred to in section 253(b) of the Help America Vote Act of 2002."

  
\_\_\_\_\_  
Jeb Bush  
Governor

  
\_\_\_\_\_  
Glenda E. Hood  
Secretary of State



Governor's Mentoring Initiative  
BE A MENTOR. BE A BIG HELP.  
1-800-825-3786

021509

H120704.497



"Leonard, Barbara "  
<BLEonard@dos.state.fl.us>  
12/08/2004 10:38 AM

To "psims@eac.gov" <psims@eac.gov>  
"Roberts, Dawn K." <DKRoberts@dos.state.fl.us>,  
cc "Bradshaw, Sarah" <SBradshaw@dos.state.fl.us>  
bcc  
Subject RE: 2004 HAVA Requirements Payment

Peggy,

The Florida Legislature has appropriated the required matching funds as indicated:

FY 2003-04	\$ 525,000
FY 2004-05	\$6,103,018

If you have any other questions, please let us know.

Thanks,  
Barbara

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Wednesday, December 08, 2004 9:01 AM  
**To:** BLEonard@dos.state.fl.us  
**Subject:** 2004 HAVA Requirements Payment

Hi, Barbara:

This is to confirm that, yesterday, EAC received Florida's certification for its 2004 requirements payment. Tomorrow afternoon, I am scheduled to present my recommendation to the EAC subcommittee set up to review requirements payments submissions. After that, a recommendation will be considered by all four EAC Commissioners on a 48-hour tally vote. I'll keep you posted on our progress, once that part of the process is finished.

I noticed that Florida's certification affirms that the State meets all the requirements in Section 253(b). I assume that includes the requirement in 253(b)(5) that the State has appropriated the 5% match. I saw that the 2004 State plan budgets for this match, but it is not clear if the amount has been appropriated. Because many States had to appropriate additional funds for the match when their share of the 2004 funds became larger than expected, this issue is often something on which the subcommittee members focus. If you could confirm that the State has already appropriated the match, in response to this email, it will help me answer questions that arise in tomorrow's subcommittee meeting. Thanks.

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

021510



U.S. Department of Justice

Civil Rights Division

JDR:JR:ALF:maf  
DJ 166-012-3  
2004-0774  
2004-0775

Voting Section - NWH  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530

March 23, 2004

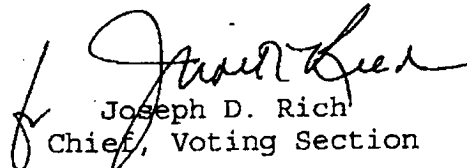
The Honorable Charlie Crist  
Attorney General  
State of Florida  
The Capitol, PL-01  
Tallahassee, Florida 32399-1050

Dear Mr. Attorney General:

This refers to Rule No. 1S-2037 (2003), which prescribes the form of the statewide provisional ballot envelope; and Rule No. 1S-2.038 (2003), which prescribes the complaint form to be used for alleged violations of the Help America Vote Act of 2002, 42 U.S.C. 15301-15545, for the State of Florida, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submissions on February 23, 2004.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. In addition, as authorized by Section 5, we reserve the right to reexamine these submissions if additional information that would otherwise require an objection comes to our attention during the remainder of the sixty-day review period. See Procedures for the Administration of Section 5 of the Voting Rights Act (28 C.F.R. 51.41 and 51.43).

Sincerely,

  
Joseph D. Rich  
Chief, Voting Section

021511



U.S. Department of Justice

Civil Rights Division

JDR:RAK:ALP:jdh  
DJ 166-012-3  
2004-0986

*Voting Section - NWB.  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530*

May 3, 2004

The Honorable Chris Nelson  
Secretary of State  
State of South Dakota  
500 East Capitol Avenue, Suite 204  
Pierre, South Dakota 57501-5070

Dear Mr. Secretary:

This refers to certain acts of the South Dakota Legislature and the administrative regulations promulgated by the South Dakota Board of Elections, submitted on behalf of Shannon and Todd Counties pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. Your submissions include the following:

1. Chapter 118, Section 3 (1974) that amends SDCL 12-4-1, which pertains to persons entitled to register;
2. Chapter 71, Section 2 (1999) that amends SDCL 12-4-1.1, which pertains to release documents for convicted felons;
3. Chapter 118, Section 4 (1974); Chapter 105, Section 1 (1976); Chapter 106, Section 1 (1985); Chapter 107, Section 1 (1994); Chapter 166, Section 3 (1997); and Chapter 83, Section 10 (2003) that amend SDCL 12-4-2, which pertains to the county auditor being in charge of voter registration records;
4. The 1994 promulgation of and the 1997 and 2003 amendments to ARSD 5:02:03:12, which pertains to agency voter registration instructions;
5. The 1994 promulgation of and the 1997 and 2003 amendments to ARSD 5:02:03:13, which pertains to voter registration instructions;
6. Chapter 28, Section 4 (1982) that repeals SDCL 12-4-2.1, which pertains to deputy auditors in unorganized counties;

021512

7. Chapter 28, Section 41 (1982) that repeals SDCL 12-4-2.2, which pertains to compensation for deputy auditors in unorganized counties;

8. Chapter 118, Section 5 (1974); Chapter 105, Section 2 (1976); Chapter 94, Section 3 (1978); and Chapter 107 (1983) that amend SDCL 12-4-3, which pertains to office hours for registration;

9. Chapter 118, Section 200 (1974) that repeals SDCL 12-4-4, which pertains to personal applications for voter registration;

10. Chapter 83, Section 13 (2003) that enacts 12-4-4.10, which pertains to the provision of voter registration procedures to overseas voters;

11. Chapter 118, Section 7 (1974); Chapter 94, Section 1 (1978); Chapter 120, Section 1 (1981); Chapter 106, Section 2 (1985); Chapter 107, Section 1 (1985); Chapter 110, Section 1C (1985); Chapter 107, Section 6 (1994); Section 95, Section 4 (1996); and Chapter 40, Section 5 (2002) that amend SDCL 12-4-5, which pertains to the entry of names in the master registration file;

12. Chapter 118, Section 200 (1974) that repeals SDCL 12-4-5.1, which pertains to the time for registration other than by the county auditor or the deputy;

13. Chapter 119, Section 1 (1974) that enacts SDCL 12-4-5.2, which pertains to the notice of registration procedures;

14. The 1977 promulgation of and the 1979, 1980, 1981, 1985, 1994, 1998, and 2001 amendments to ARSD 5:02:02:04, which pertains to the notice of deadline for voter registration;

15. Chapter 107, Section 7 (1994) and Chapter 95, Section 5 (1996) that enact and amend SDCL 12-4-5.3, which pertains to the review of a voter registration application by the auditor;

16. The 1994 promulgation of and the 1996 and 2002 amendments to ARSD 5:02:03:14, which pertains to the acknowledgment notice for invalid or incomplete voter registration applications;

17. The 1994 promulgation of and the 1996 and 2002 amendments to ARSD 5:02:03:15, which pertains to the acknowledgment notice for valid voter registration applications;

18. Chapter 83, Section 12 (2003) that enacts SDCL 12-4-5.5, which pertains to the verification of a drivers license or social security information;

19. Chapter 118, Section 8 (1974); Chapter 119, Section 13 (1975); and Chapter 107, Section 2 (1985) that amend SDCL 12-4-6, which pertains to filling out the registration card and receipt;

20. Chapter 78, Section 1 (1997) that enacts SDCL 12-4-6.1, which pertains to the effective date for voter registration;

21. Chapter 70, Section 1 (1973); Chapter 119, Section 15 (1975); Chapter 105, Section 4 (1976); Chapter 120, Section 2 (1981) that amend and repeal SDCL 12-4-7, which pertains to the filing, verification, and return of voter registration cards and receipts;

22. Chapter 118, Section 200 (1974) that repeals SDCL 12-4-7.1, which pertains to duplicate registration;

23. Chapter 119, Section 14 (1975); Chapter 105, Section 5 (1976); Chapter 94, Section 2 (1978); Chapter 107, Section 3 (1985); Chapter 127 (1989); and Chapter 110, Section 2 (1993) that enact and amend SDCL 12-4-7.2, which pertains to the duties of voter registrars;

24. Chapter 118, Section 11 (1974); Chapter 107, Section 14 (1994); and Chapter 40, Section 6 (2002) that enact and amend SDCL 12-4-8.2, which pertains to the true copy to replace a duplicate acknowledgment notice;

25. Chapter 118, Section 12 (1974) and Chapter 105, Section 6 (1976) that amend SDCL 12-4-9, which pertains to the master registration list;

26. Chapter 118, Section 200 (1974) that repeals SDCL 12-4-9.1, which pertains to the presidential voter list;

27. Chapter 118, Section 13 (1974); Chapter 120, Section 5 (1975); Chapter 105, Section 7 (1976); Chapter 107, Section 2 (1992); and Chapter 40, Section 2 (2002) that amend SDCL 12-4-10, which pertains to the precinct registration list;

28. Chapter 81 (1973) that enacts SDCL 12-4-10.1, which pertains to the registration lists furnished to the federal court for jury selection;





U.S. Department of Justice

Civil Rights Division

JDR:RPL:TL:jdh:par  
DJ 166-012-3  
2003-2929

*Voting Section*  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20035-6128

October 16, 2003

The Honorable Charlie Crist  
Attorney General  
State of Florida  
The Capitol, PL-01  
Tallahassee, Florida 32399-1050

Dear Attorney General Crist:

This refers to Chapter 2003-415, which revises the Florida Election Code to implement provisions of the Help America Vote Act (HAVA), 42 U.S.C. 15301-15544, and eliminates the second primary election for 2004, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on August 18, 2003.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

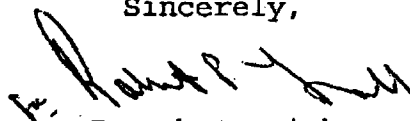
Chapter 2003-415 includes provisions that are enabling in nature. Therefore, the State, and other local jurisdictions are not relieved of their responsibility to seek Section 5 preclearance of any changes affecting voting proposed to be implemented pursuant to this legislation (e.g., the requirement that the Department of State prescribe the form for complaints alleging violation of Title III of HAVA, prescribe the form of the provisional ballot envelope, and adopt detailed rules prescribing additional recount procedures for each certified voting system; the requirement that the Division of Elections promulgate rules regarding automatic machine recounts; and the

021515

-2-

requirement that each supervisor of elections create a free access system that allows each person casting a provisional vote to learn if the ballot was counted and, if not, why it was not counted). See 28 C.F.R. 51.15.

Sincerely,



Joseph D. Rich  
Chief, Voting Section

021516



## U.S. ELECTION ASSISTANCE COMMISSION

### FAX COVER SHEET

Fax: 202/566-3127

Direct: 202/566-3100

Toll Free: 866-747-1471

---

DATE: June 17, 2004

TO: *Secretary Hood*

FAX NUMBER: *856-245-6125*

FROM: Peggy Sims

NUMBER OF PAGES (INCLUDING COVER PAGE): 5

MESSAGE

ORIGINAL TO FOLLOW BY MAIL.

021517



**U.S. ELECTION ASSISTANCE COMMISSION**

1225 NEW YORK AVENUE, N.W., SUITE 1100  
WASHINGTON, D.C. 20005

June 17, 2004

The Honorable Glenda Hood  
Secretary of State  
R. A. Gray Building  
500 S. Bronough  
Tallahassee, Florida 32399-0250

Dear Secretary Hood:

The U. S. Elections Assistance Commission is pleased to inform you that the Help America Vote Act of 2002 ("HAVA") allocation appropriated for your State is now available for disbursement.

HAVA requires the chief executive officer of the State, or designee, in consultation with the chief State election official, to file with the U.S. Election Assistance Commission ("EAC") a statement certifying that the State is in compliance with the conditions set forth in section 253(b) in order to be eligible for a fiscal year's requirements payment. The EAC received a certification statement from your State on June 10, 2004 declaring your State's eligibility for the requirements payment(s) appropriated in fiscal year(s) 2003.

Accordingly, the EAC has notified the U.S. General Services Administration ("GSA") that approximately \$47,416,833 should be disbursed to your State. Your State should receive these funds within five business days, provided your State has given GSA the information needed for the electronic transfer.

**Use of Funds**

In accordance with HAVA Section 251(b), these funds are to be used only to meet the requirements of HAVA Title III, except that your State may use these payment to carry out other activities to improve the administration of elections for Federal office if the State certifies to the EAC that:

- the State has implemented the requirements of Title III; or
- the amount to be expended with respect to such other activities does not exceed an amount equal to the minimum requirements payment amount applicable to the State.

Section 251(c) of the Act also explains that a State may use a requirements payment:

- as a reimbursement for costs incurred in obtaining voting equipment which meets the requirements of section 301 (voting systems standards) if the State obtains the equipment after the regularly scheduled general election for Federal office held in November 2000, notwithstanding the Act's maintenance of effort requirements<sup>1</sup>; and
- for any costs for voting equipment which meets the requirements of section 301 that were incurred pursuant to a multi-year contract on or after January 1, 2001, except that the amount that the State is otherwise required to contribute under the maintenance of effort requirements must be increased by the amount of the payment made with respect to such multiyear contract.

### **Conforming to Applicable Federal Guidelines**

Please note that the following Office of Management and Budget guidelines apply to these federal funds:

- A-87 - Cost Principles for State, Local and Indian Tribal Governments (Cost Principles).
- A-102 - Grants and Cooperative Agreements with State and Local Governments (Administrative Requirements).
- Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments ("Common Rule", Administrative Requirements, 53 FR 8087, March 11, 1988)
- A-133 – Audits of States, Local Governments, and Non-Profit Organizations (Single Audits, Audit Requirements).

These guidelines may be found at:

<http://www.whitehouse.gov/omb/circulars/index.html>

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Section 254(a)(11) of HAVA prohibits a State from making material change(s) to the State plan unless the change:

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This report is due no later than six months after the end of each fiscal year. Accordingly, you should file your first report with the EAC no later than March 30, 2005. States should submit Standard Form 269 as part of this report. This form may be found at the following web site:

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### **Assistance**

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Sincerely yours,



DeForest B. Soaries, Jr.  
Chairman



## U.S. ELECTION ASSISTANCE COMMISSION

### FAX COVER SHEET

Fax: 202/566-3127

Direct: 202/566-3100

Toll Free: 866-747-1471

---

DATE: June 17, 2004

TO: Governor Bush

FAX NUMBER: 850-922-4292

FROM: Peggy Sims

NUMBER OF PAGES (INCLUDING COVER PAGE): 5

MESSAGE

ORIGINAL TO FOLLOW BY MAIL.

021522





U.S. ELECTION ASSISTANCE COMMISSION  
1225 NEW YORK AVENUE, N.W., SUITE 1100  
WASHINGTON, D.C. 20005

June 17, 2004

The Honorable Jeb Bush  
Governor  
Office of the Governor  
The Capitol  
400 South Monroe Street  
Tallahassee, Florida 32399-0001

Dear Governor Bush:

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**Assistance**

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Sincerely yours,



DeForest B. Soaries, Jr.  
Chairman



JEB BUSH  
GOVERNOR

STATE OF FLORIDA

# Office of the Governor

THE CAPITOL  
TALLAHASSEE, FLORIDA 32399-0001

www.flgov.com  
850-488-7146  
850-487-0801 fax

RECEIVED  
JUN 10 2004

5:15 PM

BY:.....


June 3, 2004


The Honorable DeForest B. Soaries, Jr., Chairman  
Election Assistance Commission  
1225 New York Ave. NW  
Suite 1100  
Washington, DC 20005

Dear Chairman Soaries:

The State of Florida has reviewed the requirements listed in the Help America Vote Act (HAVA) regarding the conditions that must be met before a state is eligible to receive Title II requirements payments. All of the conditions have been met by the State of Florida. This includes implementation of uniform, non-discriminatory administrative complaint procedures. These procedures are referenced in Florida's State Plan on page 59. In addition, Chapter 2003-415, Laws of Florida, implementing HAVA in Florida was pre-cleared by the Department of Justice on October 16, 2003. Therefore, Florida is requesting the requirements payment for fiscal year 2003. In making this request, Florida certifies the following:

"The State of Florida hereby certifies that it is in compliance with the requirements referred to in section 253(b) of the Help America Vote Act of 2002."

  
\_\_\_\_\_  
Jeb Bush  
Governor

  
\_\_\_\_\_  
Glenda E. Hood  
Secretary of State



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021527



## U.S. ELECTION ASSISTANCE COMMISSION

### FAX COVER SHEET

Fax: 202/566-3127

Direct: 202/566-3100

Toll Free: 866-747-1471

---

DATE: May 7, 2004

TO: Secretary Hood

FAX NUMBER: 850-245-6125

FROM: Peggy Sims

NUMBER OF PAGES (INCLUDING COVER PAGE): 6

MESSAGE

ORIGINAL TO FOLLOW BY MAIL.

021528



U.S. ELECTION ASSISTANCE COMMISSION  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005

OFFICE OF THE CHAIRMAN

May 6, 2004

The Honorable Glenda Hood  
Secretary of State  
The Capitol  
Plaza Level, Room 2  
Tallahassee, Florida 32399-0250

Dear Ms. Hood:

Enclosed, please find a copy of a letter sent by the U.S. Election Assistance Commission (EAC) to the chief executive officer of your State. This letter summarizes provisions for filing statements of certification to receive requirements payments in accordance with the Help America Vote Act of 2002 (HAVA).

As you may know, to receive funds for a fiscal year, HAVA requires the chief executive officer of the State, or designee, in consultation with the chief State election official, to file with the EAC a statement certifying that the State is in compliance with the conditions set forth in HAVA Section 253(b). I hope that the enclosed letter helps you in this process.

Should you have any questions or need further clarification as to the contents of the attached letter, please do not hesitate to contact Peggy Sims at 1-866-747-1471 (toll free) or 202-566-3100.

Sincerely yours,

A handwritten signature in black ink, appearing to read "DeForest B. Soaries, Jr.", with a long horizontal line extending to the right.

DeForest B. Soaries, Jr.  
Chairman

Enclosure

021529



U.S. ELECTION ASSISTANCE COMMISSION  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005

OFFICE OF THE CHAIRMAN

May 6, 2004

The Honorable Jeb Bush  
Governor  
The Capitol  
400 South Monroe Street  
Tallahassee, FL 32399-0001

Dear Governor Bush:

The Help America Vote Act (hereafter "HAVA" or the "Act") authorizes payments to States, U.S. Territories and the District of Columbia (hereafter "States") to assist in meeting the "Uniform and Nondiscriminatory Election Technology and Administration Requirements" in Title III of the Act. In order to be eligible for receipt of a requirements payment, a State must file with the U.S. Election Assistance Commission (hereafter "EAC" or "Commission") a certification statement for the fiscal year, which declares that such State is in compliance with the required conditions set forth in section 253(b) of the Act. Title II requirements payments for Fiscal Years 2003 and 2004 are available at this time.

**Timing for Filing a Statement of Certification (Section 253(a) and (d))**

To receive funds for a fiscal year, HAVA requires the chief executive officer of the State, or designee, in consultation with the chief State election official, to file with the EAC a statement certifying that the State is in compliance with the conditions set forth in section 253(b).<sup>31</sup> This statement may not be filed until *after* the expiration of a 45-day period that began on March 24, 2004 – which was the day that all 55 State plans were published in the Federal Register by the Commission. The 45-day period expires on May 8, 2004.

**Language for Statement of Certification (Section 253(a))**

Recommended language for the certification statement is contained in Section 253(a) of the Act. Thus, the certification statement for a fiscal year may state the following:

“ \_\_\_\_\_ hereby certifies that it is in compliance with the requirements referred to in section 253(b) of the Help America Vote Act of 2002.”

<sup>31</sup> For the purpose of the requirements payments, the *chief State election official* is the individual designated by the State under section 10 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-8) to be responsible for coordination of the States responsibilities under such Act.

021530



## Condition for Receipt of Funds (Section 253(b))

The conditions for receipt of a requirements payment contained in section 253(b) require that a state certify to the Commission that, for the fiscal year(s) in which funds are requested, it:

- has filed a State plan with the EAC covering the fiscal year and which the State certifies:
  - contains each of the elements required to be in the State plan, according to section 254, including how the State will establish a State Election Fund in accordance with section 254(b);<sup>32</sup>
  - is developed in accordance with section 255, which describes the process of using a committee of appropriate individuals, including the chief election officials of the two most populous jurisdictions, other local election officials, stake holders (including representatives of groups of individuals with disabilities), and other citizens to develop the plan; and
  - meets the 30-day public notice and comment requirements of section 256.
- has filed with the EAC a plan for the implementation of the uniform, non-discriminatory administrative complaint procedures required under section 402 (or has included such a plan in the State plan), and has such procedures in place. If the State does not include such an implementation plan in the State plan, the *Federal Register* publication and the committee development requirements of sections 255(b) and 256 apply to the implementation of the administrative complaint procedure in the same manner as they apply to the State plan.
- is in compliance with each of the following federal laws as they apply to the Act:
  - The Voting Rights Act of 1965;
  - The Voting Accessibility for the Elderly and Handicapped Act;
  - The Uniformed and Overseas Citizens Absentee Voting Act;
  - The National Voter Registration Act of 1993;
  - The Americans with Disabilities Act of 1990; and
  - The Rehabilitation Act of 1973.
- has provided that, to the extent that any portion of the Title II requirements payment is used for activities other than meeting the requirements of Title III:
  - the State's proposed uses of the requirements payment are not inconsistent with the requirements of Title III; and

---

<sup>32</sup> Section 254(b)(1) and (2) of the Act describes the State Election Fund as a fund that is established in the treasury of the State government, which must be used by the State exclusively to carry out the activities for which the requirements payment (title II, Subtitle D, Part 1) is made to the State, and which consists of:

- amounts appropriated or otherwise made available by the State for carrying out the activities for which the requirements payment is made;
- the requirements payment to the State;
- such other amounts as may be appropriated under law; and
- interest earned on deposits of the fund.

HAVA section 254(b)(3) provides that, in the case of a State that requires State legislation to establish a State Election Fund, the EAC is required to defer disbursement of the requirements payment to such State until such time as legislation establishing the fund is enacted.

021531

- the use of the funds under this paragraph is consistent with the requirements of section 251(b); and
- has appropriated funds for carrying out the activities for which the requirements payment is made in an amount equal to **5 percent** of the total amount to be spent for such activities (taking into account the requirements payment and the amount spent by the State) and, in the case of a State that uses a requirements payment as a reimbursement for voting equipment under 251(c)(2), an additional amount equal to the amount of such reimbursement.<sup>33</sup>

Accordingly, prior to submission of a certification statement for a fiscal year(s) to the EAC, the Commission strongly encourages all States to verify compliance with the required conditions set forth in section 253(b). Should the Commission have any concerns that a particular State – which has submitted a certification statement to the EAC – has not met one of the required conditions, the EAC will immediately contact that particular State and/or communicate its concern in writing.

### **General Services Administration (GSA) Procedures for Payments**

GSA, which will disburse the Title II requirements payments to States under the direction of the EAC, requests that the following procedures be used for disbursement and receipt of these payments:

- **Step One – Registration.** State representatives should contact Sharon Pugh (Sharon.Pugh@GSA.gov) or Brad Farris (Brad.Farris@GSA.gov) on (816) 823-3108, as soon as possible, with information on State contact points, including name, address and email address. These contacts may very well be the same personnel that GSA worked with in distributing HAVA Title I funding. GSA will verify this information.
- **Step Two – EFT Setup.** GSA will contact the State representatives to obtain banking information required for an Electronic Funds Transfer (EFT). Again, this may be the same information submitted for HAVA Title I funding. Payments should be made into the Election Fund described in HAVA Section 254(b)(1). All funds will be disbursed via EFT.
- **Step Three – State Certification Statement to EAC** – States will submit required certification information to the EAC, as outlined above, after the completion of the 45-day period for publication of the State plan in the Federal Register.
- **Step Four – Notification to GSA by EAC** – Based upon the certification statement, the EAC will notify GSA that a State is due receipt of its Title II payment for a particular fiscal year (i.e., either FY 2003 funds, FY 2004 funds, or both).
- **Step Five – Disbursement of Title II Funds** – GSA will disburse the Title II funds for a particular fiscal year to the accounts specified by the States, and will notify the States and the EAC of the disbursement in writing.

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<sup>33</sup> For purposes of declaring sufficient funds are available for the State to carry out activities to meet Title III requirements, if the requirements payment is to be used as a reimbursement for voting equipment obtained on and after January 1, 2004 through multi-year contracts, the activity is not treated as an activity to meet Title III requirements.

Finally, the Commission has received numerous inquiries regarding the concern that the Title II requirements funds will no longer be available for disbursement to the States after the end of the current fiscal year (i.e., September 30, 2004). However, the Commission points to section 257(b) of the Act, which states in part:

“(b) AVAILABILITY- Any amounts appropriated pursuant to the authority of subsection (a) shall remain available *without fiscal year limitation until expended.*” (Emphasis added.)

Based upon the above statutory language, the Commission believes Congress’ intent was clear in that the Title II funds remain available to the States until fully disbursed by the EAC.

The Commission looks forward to working closely with all States as we enter into this next phase of HAVA implementation. Should you have any questions or need further clarification as to the contents of this letter, please do not hesitate to contact Peggy Sims at 1-866-747-1471 (toll free) or 202-566-3100.

Sincerely yours,

A handwritten signature in black ink, appearing to read "DeForest B. Soaries, Jr.", with a long horizontal flourish extending to the right.

DeForest B. Soaries, Jr.  
Chairman

cc: The Honorable Glenda Hood, Florida Secretary of State

021533



U.S. ELECTION ASSISTANCE COMMISSION  
1225 NEW YORK AVENUE, N.W., SUITE 1100  
WASHINGTON, D.C. 20005

OFFICE OF THE CHAIRMAN

February 17, 2006

The Honorable Sue Cobb  
Secretary of State  
R. A. Gray Building  
500 S. Bronough Street, Room 316  
Tallahassee Florida 32399-0250

Dear Secretary Cobb:

This letter serves as a reminder that reports on funds provided to States under the Help America Vote Act of 2002 (HAVA), Title I, Sections 101 and 102, and Title II, Section 251, are due soon to the U.S. Election Assistance Commission (EAC). Attached is a chart summarizing the due dates for the reports, the CFDA numbers applicable to the funds provided, the coverage dates for each report, and the form and content of the reports.

All reports on the HAVA Title I funds and Title II, Section 251 requirements payments should be submitted to the following address:

State HAVA Funding Reports  
U.S. Election Assistance Commission  
1225 New York Avenue, NW – Suite 1100  
Washington, DC 20005

If you have any questions about this matter, please contact Peggy Sims, Election Research Specialist. You can reach her by email at [psims@eac.gov](mailto:psims@eac.gov), or by phone at 1-866-747-1471 (toll free) or 202-566-3120.

Sincerely yours,

Paul S. DeGregorio  
Chairman

Attachment

**SCHEDULE OF HAVA REPORTS DUE TO EAC IN 2006**

<b>Due Date</b>	<b>HAVA Title &amp; Section</b>	<b>CFDA #</b>	<b>Coverage Dates</b>	<b>Report Form and Contents<sup>2</sup></b>
February 28, 2006	Title I, Section 101	39.011	January 1, 2005-December 31, 2005	Standard Form 269 with the following attached: <ul style="list-style-type: none"> <li>• a detailed list of expenditures by program, function, or task (including dollar amount) made with respect to each category of activities described for the permissible use of funds in HAVA Section 101(b);</li> <li>• the number and type of articles of voting equipment obtained with the funds; and</li> <li>• an analysis and description of the activities funded and how such activities conform to the submitted State plan.</li> </ul>
February 28, 2006	Title I, Section 102	39.011	January 1, 2005-December 31, 2005	Standard Form 269 with the following attached: <ul style="list-style-type: none"> <li>• a detailed list of expenditures (including dollar amount) made for the replacement of punchcard and lever voting systems in accordance with HAVA Section 102(a)(2);</li> <li>• the number and type of articles of voting equipment obtained with the funds; and</li> <li>• an analysis and description of how the expenditures conform to the submitted State plan.</li> </ul>
March 30, 2006	Title II, Section 251	90.401	October 1, 2004-September 30, 2005	Standard Form 269 with the following attached: <ul style="list-style-type: none"> <li>• a list of expenditures made with respect to each category of activities described for the use of funds in HAVA Section 251;</li> <li>• the number and type of articles of voting equipment obtained with the funds; and</li> <li>• an analysis and description of the activities funded to meet HAVA requirements and how such activities conform to the submitted State plan.</li> </ul>

<sup>1</sup> Reports are due if the State has received funds under the HAVA title and section noted, and has not previously reported the expenditure of all such funds (including interest earned and, in the case of Title II, Section 251 payments, the 5% match).

<sup>2</sup> Standard Form 269 may be accessed at <http://www.whitehouse.gov/omb/grants/sf269.pdf>.



U.S. ELECTION ASSISTANCE COMMISSION  
1225 NEW YORK AVENUE, N.W., SUITE 1100  
WASHINGTON, D.C. 20005

OFFICE OF THE CHAIRMAN

January 26, 2005

The Honorable Glenda Hood  
Secretary of State  
R. A. Gray Building  
500 S. Bronough Street, Room 316  
Tallahassee, Florida 32399-0250

Dear Secretary Hood:

This letter is in response to numerous State inquiries about future reporting responsibilities for funds provided under Title I, Sections 101 and 102, of the Help America Vote Act (HAVA).

In a July 2003 letter, the General Services Administration (GSA) notified your State that separate reports for Section 101 and 102 funds, covering financial activity from the date of GSA's disbursement of the funds to your State through December 31, 2003, were to be filed with GSA by January 21, 2004. GSA noted that States should report using Standard Form 269, with a separate form to be filed for Section 101 and, if applicable, 102 funds received by the State. GSA required each funding recipient to submit verification of actual purchases and expenditures.

The GSA letter also noted that the agency would provide information from these reports to Election Assistance Commission (EAC), once it was up and running, and that reporting dates would be subject to change by EAC. EAC has assumed the responsibility for receiving reports regarding these funds, in accordance with the agency's assumption of its audit responsibilities under HAVA, Title IX, Section 902.

EAC therefore requests that your State file your next report(s) no later than February 28, 2005 regarding all HAVA Title I funds provided to your State that had not been disbursed as of December 31, 2003 (the closing date of the report to GSA). Separate reports must be filed for the Section 101 and, if applicable, 102 funds that were received by your State; should cover financial activity during the period beginning January 1, 2004 and ending December 31, 2004; and must include the following information:

- a detailed list of expenditures by program, function, or task (including dollar amount) made with respect to each category of activities described for the permissible use of funds in HAVA sections 101(b) and 102(a)(2);

- the number and type of articles of voting equipment obtained with the funds; and
- an analysis and description of:
  - the activities funded to meet HAVA requirements; and
  - how such activities conform to the submitted State plan.

States should submit Standard Form 269 as part of each report. This form may be found at the <http://www.whitehouse.gov/omb/grants/sf269.pdf>.

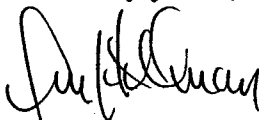
Subsequent reports providing the same information on HAVA Title I expenditures will be due annually on February 28, covering the financial activity for the previous calendar year, until the State has filed final reports indicating that no such funds remain to be disbursed.

All reports on the HAVA Title I funds must be submitted to the following address:

State HAVA Funding Reports  
U.S. Election Assistance Commission  
1225 New York Avenue, NW – Suite 1100  
Washington, DC 20005

If you have any questions about this matter, please contact Peggy Sims, Election Research Specialist, by email at [psims@eac.gov](mailto:psims@eac.gov) or by phone at 1-866-747-1471 (toll free) or 202-566-3120.

Sincerely yours,



Gracia M. Hillman  
Chair

021537



GSA Office of the Chief Financial Officer

July 28, 2003

The Honorable Jeb Bush  
Governor of Florida  
Tallahassee, FL 32399

Dear Governor Bush:

This letter describes the final distribution of funds by the General Services Administration (GSA), in carrying out our responsibilities under Title 1 of Public Law (P.L.) 107-252, the Help America Vote Act (HAVA, "the Act"). The Act tasks GSA with responsibility for disbursing funds to the States, the District of Columbia and the Territories to implement various improvements to the Federal election process, including the replacement of voting equipment. Please see the enclosed letter (Enclosure 1) for background information on the program, original plans for applying for funds, timeline, et cetera.

### Payments

Florida applied and certified timely to Sections 101 and 102 of HAVA, Title I. GSA, as described in Enclosure 1, processed an initial payment of \$5,000,000.00, which was transferred electronically on 4/23/2003 to the account specified by Edward Kast, Director, Division of Elections. Once all of the State applications were received and verified, GSA determined the final distribution of funds to the States, according to HAVA instructions, and processed the final payments. An additional payment of \$21,028,957.00 was made to the same account specified, again by Electronic Funds Transfer (EFT), and GSA verified receipt of the funds to that account on Monday, June 16, 2003. Thus, Florida received a total of \$26,028,957.00, consisting of a Section 101 payment of \$14,447,580.00, and a Section 102 payment of \$11,581,377.00. We will assume that your Chief Election Official and designee for payment of funds is Glenda Hood, Secretary of State, unless you notify us differently.

The Section 101 payment is for one or more of the following purposes, as indicated by Florida's certification of Section 101:

- Complying with the requirements of Title III of the Act;
- Improving the administration of elections for Federal office;
- Educating voters concerning voting procedures, voting rights, and voting technology;

U.S. General Services Administration  
1800 F Street, NW  
Washington, DC 20405-0002  
www.gsa.gov

021538



- Training election officials, poll workers, and election volunteers;
- Developing the State plan for requirements payments to be submitted under Part 1 of Subtitle D of Title II (Sections 251-257) of the Act;
- Improving, acquiring, leasing, modifying, or replacing voting systems and technology and methods for the casting and counting of votes;
- Improving the accessibility and quantity of polling places, including providing physical access for individuals with disabilities, providing non-visual access for individuals with visual impairments, and providing assistance to Native Americans, Alaska Native citizens, and to individuals with limited proficiency in the English language; and/or
- Establishing a toll-free telephone hotline that voters may use to report possible voting fraud and voting rights violations, to obtain general election information, and to access detailed automated information on their own voter registration status, specified polling place locations, and other relevant information.

The Section 102 payment is for the following purpose as indicated by Florida's certification of Section 102, for 3,628 total qualifying precincts, consisting of 3,588 punch card precincts and 40 lever voter system precincts:

- A State is obligated to use the funding (either directly or as a reimbursement for costs incurred on or after January 1, 2001) to replace punch card voting systems or lever voting systems in precincts within that State that used such systems in the November 2000 election ("qualifying precincts").
- A State that receives funding for this program must ensure that all of the punch card voting systems or lever systems in the qualifying precincts within that State will be replaced in time for the regularly scheduled general election for Federal office to be held in November 2004 (unless a waiver is obtained under Section 102(a)(3)(B)).
- Section 102(a)(3)(B) says that States may request a waiver by certifying to the Administrator of General Services not later than January 1, 2004, that the State will not meet the deadline specified above, for good cause and including in the certification the reasons for the failure to meet such deadline, the State shall ensure that all of the punch card voting systems or lever voting systems in the qualifying precincts within the State will be replaced in time for the first election for Federal office held after January 1, 2006.
- Section 102(d) deals with repayment of funds for failure to meet the deadline, and says that if a State receiving Section 102 funds fails to meet the deadlines stated above, the State shall pay to the Administrator an amount equal to the noncompliant precinct percentage of the amount of the funds provided to the State under the program. This amount will be \$3,192.22 per noncompliant precinct.
- The State will continue to comply with current voting laws stated in Section 906; and,
- The replacement voting systems will meet the requirements of Title III, Section 301.

## Method of Calculations

The following describes the method of calculations for distribution of the HAVA Title I funds, which was reviewed and cleared with both House and Senate staff, our General Counsel's office, and our Inspector General's office.

Total Availability. The total amount available for distribution is \$649,500,000, calculated by taking the total \$650,000,000 appropriated for this purpose in Public Law 108-7, and subtracting the \$500,000 allowed for GSA administrative costs.<sup>1</sup> For initial calculations, this amount is divided evenly between Sections 101 and 102 at \$324,750,000 per section.

Section 101. Step one of two gives one-half of one percent of \$324,750,000 to each State and the District of Columbia (\$1,623,750) and one tenth of one percent of the total (\$324,750) to Guam, Puerto Rico, the U.S. Virgin Islands and America Samoa. The total distributed under step one is \$84,110,250.

The second step allocates funds from the \$324,750,000 not allocated in the first step (totaling \$240,639,750) based on each State and Territory's proportionate share of the voting age population as reported in the 2000 Census (total 212,050,630, including Territories). The sum of the funds allocated in the first step and the second step equals \$324,750,000.

Section 102. First, \$4000 was allocated to each State for each precinct that used punch card or lever voting machines in the 2000 election, as certified by the State, totaling \$376,312,000. The State totals were then reduced on a pro rata basis to 86.29807 percent of the original total, so that the nationwide total of funds allocated did not exceed \$324,750,000.

Section 103. Section 103 of the Act guarantees that each State will receive a minimum payment of \$5,000,000 and each territory will receive a minimum payment of \$1,000,000. If a State were to receive less than \$5,000,000 (or a Territory less than \$1,000,000) for both programs, based on the calculations described above for Sections 101 and 102, that State's or Territory's payment was increased to the minimum. The remaining States' payments under Sections 101 and 102 were reduced on a pro rata basis, per Section 103(b), so that the total did not exceed the \$649,500,000 total availability. The amount of the reduction to the remaining States' payments was \$44,460,348. This required a pro rata reduction of 7.52341 percent to the remaining State's Sections 101 and 102 payments. After all reductions, the net amount per qualifying precinct for voting machine replacement is \$3,192.22.

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<sup>1</sup> GSA's administrative costs will be substantially less than \$500,000, and the amount not used by GSA will be transferred to the Election Assistance Commission when it becomes operational.

## **Reporting and Conformance**

By January 21, 2004, States will provide reports to GSA on actual expenditures as of December 31, 2003. Each funding recipient will be required to submit verification of actual purchases and expenditures. States should report using Standard Form 269 for Sections 101 and 102 categories. A separate form should be used for each section. Information regarding actual funds expended will be reconciled against funding provided. GSA will provide this information to the Election Assistance Commission once it becomes operational, and reporting dates are subject to change by the Commission.

State recipients of these funds are required to conform to the following Office of Management and Budget (OMB) grant guidelines found at <http://www.whitehouse.gov/omb/circulars/index.html> :

- OMB Circular A-87, Cost Principles for State, Local and Indian Tribal Governments (Cost Principles)
- OMB Circular A-102, Grants and Cooperative Agreements With State and Local Governments (Administrative Requirements)
- Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments ("Common Rule", Administrative Requirement, 53 FR 8087, March 11, 1988)
- OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations (Single Audits, Audit Requirements).
- In addition, Title I funds are subject to the Cash Management Improvement Act (CMIA) that is generally applicable to all Federal grants. State Treasurers/Chief Financial Officers are very familiar with CMIA and should be able to offer guidance on requirements.

The Catalog of Federal Domestic Assistance number assigned to this project is 39.011, Election Reform Payments. Please see the following reference for further information:

- <http://www.cfda.gov/public/viewprog.asp?progid=1668>

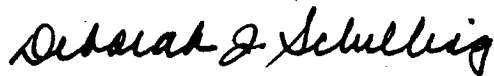
## **Audits**

Title IX, Section 902 of Public Law 107-252, states that with respect to any grant or payment made in accordance with this Act by GSA, the Election Assistance Commission must be regarded as the office making the grant or payment, for the purposes of audits.

**Assistance**

If you have any questions or comments, please feel free to contact me at 202.501.0719, or Stephen Kulenguski at 202.501.4496. Questions about transfers of funds may be addressed to Sharon Pugh or Brad Farris at 816.823.3108 in our regional Finance Center. The GSA Regional Administrator for Florida is Edwin E Fielder, Jr., telephone 404.331.3200. Thank you.

Sincerely,



Deborah J. Schilling  
Director of Budget

Enclosures

Copies sent to:  
Chief Election Official, Glenda Hood, Secretary of State  
Chief Financial Officer, Tom Gallagher, State Treasurer  
Regional Administrators

021542

# FAX

Department of State

Division of Elections

Room 316, R.A. Gray Building

500 South Bronough Street

Tallahassee, Florida 32399-0250



Date 01/12/07 4:20 PM

Number of pages including cover sheet \_\_\_\_\_

To:

Mr. Edgardo Cortes

Election Assistance Commission

Phone # 202-566-3100

Fax # 202-566-1392

From:

Amy K. Tuck

Director, Division of Elections

Phone # (850) 245-6200

Fax # (850) 245-6217

REMARKS:

Per Your Request  For your review  Reply ASAP  Per Conversation

Re: CERTIFICATION: USE OF HAVA SECTION 102 FUNDS AND REPLACEMENT OF PUNCH CARD AND LEVER MACHINES

021543



**CERTIFICATION: USE OF HAVA SECTION 102 FUNDS AND REPLACEMENT OF PUNCH CARD AND LEVER MACHINES**

I, the undersigned, having investigated or caused to be investigated each matter, below; certify, affirm and acknowledge that each of the following numbered statements, and any attachments to this certification document, are true and accurately reflect the status, condition and operations of Florida (hereinafter "state") as they related to the use and status of Help America Vote Act (HAVA) Section 102 Funds and the replacement of punch card or lever machines.

I understand that by certifying the information below, I am making a statement or representation to the U.S. Election Assistance Commission, an independent Federal Agency, necessary for the agency to determine Florida's required compliance with HAVA Section 102. (42 U.S.C. §15302). Compliance with HAVA Section 102 is required by the state as a result of its accepting Federal funds under that provision. As a condition of receiving 102 funds, the state certified that it would "use the payment... to replace punch card voting systems or lever voting systems (as the case may be) in the qualifying precincts within the state by the deadline prescribed... [regularly scheduled general election for Federal office to be held in November 2004]." (42 U.S.C. §15302(b)).

I further understand that to the extent any of the below (or attached) representations or certifications are found to be materially false, the Federal funds received by the state will be subject to audit and possible recoupment. Further, such false statements may subject the undersigned to criminal prosecution under 18 U.S.C. §1001 or other Federal Statutes.

**I. BACKGROUND.** *Read the statements below and initial the items that you certify as true and accurate. If you are not able to certify one or more of the following statements, you must line through the statement at issue and attach a signed explanation identifying it and explaining why it may not be certified. The statement (attachment) should provide all necessary facts and concisely explain the conditions that make certification a problem. The explanation shall be labeled "Attachment A, Background."*

1. **Signing Official.** I hereby certify that I am the Chief State Election Official for Florida, per 42 U.S.C. 1973gg-8 (National Voter Registration Act).

Initials: *[Signature]*

2. **Triggering Election.** The regularly scheduled general election for Federal Office in November 2004 (triggering the deadline noted in 42 U.S.C. 15302 (a)(3)(A)) for the state was held on November 2, 2004.

Initials: *[Signature]*

3. **Funds Received.** The State received \$11,581,377.00 in Federal Funds pursuant to HAVA section 102.

Initials: *[Signature]*

**II. PUNCH CARD OR LEVER MACHINE REPLACEMENT.** *Read the statements below and initial the items that you certify as true and accurate. If you are not able to certify one or more of the below statements, you must line through the statement at issue and attach a signed explanation identifying it and explaining why it may not be certified. The statement (attachment) should provide all necessary facts and concisely explain the conditions that make certification a problem. The explanation shall be labeled "Attachment B, Punch Card or Lever Machine Replacement."*

1. **Qualified Precincts.** The State had 3,628 total qualified precincts (precincts which used punch card or lever machines to administer the regularly scheduled general election for Federal office held in November of 2000).

Initials: *[Signature]*

2. **Qualified Precincts: No Punch Card or Lever Machine Used.** None of the qualifying precincts, noted in statement 1 above, used a lever or punch card machine in an election for Federal office on or after November 2, 2004.

Initials: *[Signature]*

3. **No Punch Card or Lever Machine Used in State.** No precinct in the state used a punch card or lever machine for an election for Federal office on or after November 2, 2004.

Initials: *[Signature]*

4. **Replacement Machines.** All machines purchased, leased or otherwise procured to replace punch card or lever machines in qualifying precincts meet the requirements of HAVA section 301 (42 U.S.C. §15481) and comply with all other relevant Federal statutory requirements (noted in 42 U.S.C. §15545). This includes the requirement that each polling place have at least one voting system equipped for individuals with disabilities. *Please provide (below) a complete list of all voting systems procured, leased or otherwise obtained to replace the state's punch card or lever machines.*

Manufacturer	Model	Version	Quantity
1. ES&S	iVotronic	6.1.3.1	19,416
2. ES&S	iVotronic 15"	6.2.0.3	37
3. ES&S	M100	4.5.5	146
4. Sequoia	Edge 1	3.1	11,220
5. Global (Diebold)	Accuvote	1.94	511
6.			
7.			

*If you need additional space, please continue this table on a separate, signed attachment.*

Initials: *[Signature]*

5. **Voting Systems in Place.** All voting systems procured to replace punch card or lever machines were in place and used in the state's November 2, 2004 Federal election.

Initials: *[Signature]*

**III. HAVA § 102 FUNDS.** Read the statements below and initial the items that you certify as true and accurate. If you are not able to certify to either response "a" or "b" in statement 1 or statement 2, below, you must line through the statement and attach a signed document explaining why you could not make a certification. The explanation (attachment) should provide all necessary facts and concisely explain the conditions that make certification a problem. The explanation shall be labeled "Attachment C, HAVA §102 Funds."

1. **Status of HAVA §102 Funds.** Please check the statement below that applies to your state. (Check only one statement).

(a) The state had none of the \$11,581,377 it received pursuant to HAVA §102 remaining in its election fund after November 2, 2004. This means that as of this date, all 102 funds were expended. Funds are expended when finally transferred to another party (manufacturer or vendor) for consideration (voting system).

(b) The state had only obligated funds remaining in its election fund after November 2, 2004. This means that as of this date, all funds were either expended or obligated. Funds are expended when finally transferred to another party (manufacturer or vendor) for consideration (voting system). Funds are properly obligated when the state has incurred a legally enforceable liability (such as a grant agreement, contract or lease) to another party (such as a local government or contractor) for a specific portion of the 102 funds. If the state had only obligated funds in its election funds after the above date, attach a statement explaining the obligation(s). This statement must clearly explain and state the value of the obligated funds remaining and the nature of the obligation. Documentation regarding the obligation should also be attached and explained (e.g. documents from vendor contracts or agreements with local governments). This explanation and supporting documentation shall be labeled "Attachment D, Obligated Funds."

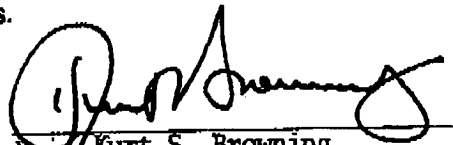
Initials: *KB*

2. **Use of HAVA §102 Funds.** All HAVA §102 funds expended or obligated by the state were used to replace punch card or lever machines in qualifying precincts per 42 U.S.C. §15302(a)(2).

Initials: *KB*

I, by signing my name below, certify, affirm and acknowledge, under penalty of Federal law, that each of the above numbered paragraphs initialed above accurately represent the operations, conditions and practices of Florida as they related to the use and status of HAVA Section 102 Funds and the replacement of punch card or lever machines.

Signed this day, 1/12/07 :  
Date

  
Name: Kurt S. Browning  
Secretary of State  
Title

021546





## CERTIFICATION: USE OF HAVA SECTION 102 FUNDS AND REPLACEMENT OF PUNCH CARD AND LEVER MACHINES

I, the undersigned, having investigated or caused to be investigated each matter, below; certify, affirm and acknowledge that each of the following numbered statements, and any attachments to this certification document, are true and accurately reflect the status, condition and operations of Florida (hereinafter "state") as they related to the use and status of Help America Vote Act (HAVA) Section 102 Funds and the replacement of punch card or lever machines.

I understand that by certifying the information below, I am making a statement or representation to the U.S. Election Assistance Commission, an independent Federal Agency, necessary for the agency to determine Florida's required compliance with HAVA Section 102. (42 U.S.C. §15302). Compliance with HAVA Section 102 is required by the state as a result of its accepting Federal funds under that provision. As a condition of receiving 102 funds, the state certified that it would "use the payment... to replace punch card voting systems or lever voting systems (as the case may be) in the qualifying precincts within the state by the deadline prescribed... [regularly scheduled general election for Federal office to be held in November 2004]." (42 U.S.C. §15302(b)).

I further understand that to the extent any of the below (or attached) representations or certifications are found to be materially false, the Federal funds received by the state will be subject to audit and possible recoupment. Further, such false statements may subject the undersigned to criminal prosecution under 18 U.S.C. §1001 or other Federal Statutes.

**I. BACKGROUND.** *Read the statements below and initial the items that you certify as true and accurate. If you are not able to certify one or more of the following statements, you must line through the statement at issue and attach a signed explanation identifying it and explaining why it may not be certified. The statement (attachment) should provide all necessary facts and concisely explain the conditions that make certification a problem. The explanation shall be labeled "Attachment A, Background."*

1. **Signing Official.** I hereby certify that I am the Chief State Election Official for Florida, per 42 U.S.C. 1973gg-8 (National Voter Registration Act).

Initials: 

2. **Triggering Election.** The regularly scheduled general election for Federal Office in November 2004 (triggering the deadline noted in 42 U.S.C. 15302 (a)(3)(A)) for the state was held on November 2, 2004.

Initials: 

3. **Funds Received.** The State received \$11,581,377.00 in Federal Funds pursuant to HAVA section 102.

Initials: 

021547

**II. PUNCH CARD OR LEVER MACHINE REPLACEMENT.** *Read the statements below and initial the items that you certify as true and accurate. If you are not able to certify one or more of the below statements, you must line through the statement at issue and attach a signed explanation identifying it and explaining why it may not be certified. The statement (attachment) should provide all necessary facts and concisely explain the conditions that make certification a problem. The explanation shall be labeled "Attachment B, Punch Card or Lever Machine Replacement."*

1. **Qualified Precincts.** The State had 3,628 total qualified precincts (precincts which used punch card or lever machines to administer the regularly scheduled general election for Federal office held in November of 2000).

Initials: *[Signature]*

2. **Qualified Precincts: No Punch Card or Lever Machine Used.** None of the qualifying precincts, noted in statement 1 above, used a lever or punch card machine in an election for Federal office on or after November 2, 2004.

Initials: *[Signature]*

3. **No Punch Card or Lever Machine Used in State.** No precinct in the state used a punch card or lever machine for an election for Federal office on or after November 2, 2004.

Initials: *[Signature]*

4. **Replacement Machines.** All machines purchased, leased or otherwise procured to replace punch card or lever machines in qualifying precincts meet the requirements of HAVA section 301 (42 U.S.C. §15481) and comply with all other relevant Federal statutory requirements (noted in 42 U.S.C. §15545). This includes the requirement that each polling place have at least one voting system equipped for individuals with disabilities. *Please provide (below) a complete list of all voting systems procured, leased or otherwise obtained to replace the state's punch card or lever machines.*

Manufacturer	Model	Version	Quantity
1. ES&S	iVotronic	6.1.3.1	19,416
2. ES&S	iVotronic 15"	6.2.0.3	37
3. ES&S	M100	4.5.5	146
4. Sequoia	Edge 1	3.1	11,220
5. Global (Diebold)	Accuvote	1.94	511
6.			
7.			

*If you need additional space, please continue this table on a separate, signed attachment.*

Initials: *[Signature]*

5. **Voting Systems in Place.** All voting systems procured to replace punch card or lever machines were in place and used in the state's November 2, 2004 Federal election.

Initials: *[Signature]*

**III. HAVA § 102 FUNDS.** Read the statements below and initial the items that you certify as true and accurate. If you are not able to certify to either response "a" or "b" in statement 1 or statement 2, below, you must line through the statement and attach a signed document explaining why you could not make a certification. The explanation (attachment) should provide all necessary facts and concisely explain the conditions that make certification a problem. The explanation shall be labeled "Attachment C, HAVA §102 Funds."

1. **Status of HAVA §102 Funds.** Please check the statement below that applies to your state. (Check only one statement).

(a) The state had none of the \$11,581,377 it received pursuant to HAVA §102 remaining in its election fund after November 2, 2004. This means that as of this date, all 102 funds were expended. Funds are expended when finally transferred to another party (manufacturer or vendor) for consideration (voting system).

(b) The state had only obligated funds remaining in its election fund after November 2, 2004. This means that as of this date, all funds were either expended or obligated. Funds are expended when finally transferred to another party (manufacturer or vendor) for consideration (voting system). Funds are properly obligated when the state has incurred a legally enforceable liability (such as a grant agreement, contract or lease) to another party (such as a local government or contractor) for a specific portion of the 102 funds. *If the state had only obligated funds in its election funds after the above date, attach a statement explaining the obligation(s). This statement must clearly explain and state the value of the obligated funds remaining and the nature of the obligation. Documentation regarding the obligation should also be attached and explained (e.g. documents from vendor contracts or agreements with local governments). This explanation and supporting documentation shall be labeled "Attachment D, Obligated Funds."*

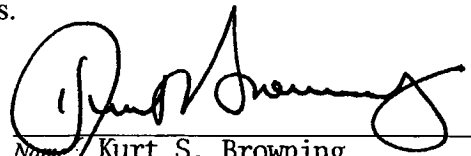
Initials: *AB*

2. **Use of HAVA §102 Funds.** All HAVA §102 funds expended or obligated by the state were used to replace punch card or lever machines in qualifying precincts per 42 U.S.C. §15302(a)(2).

Initials: *AB*

I, by signing my name below, certify, affirm and acknowledge, under penalty of Federal law, that each of the above numbered paragraphs initialed above accurately represent the operations, conditions and practices of Florida as they related to the use and status of HAVA Section 102 Funds and the replacement of punch card or lever machines.

Signed this day, 1/12/07 :  
Date

  
Name: Kurt S. Browning  
Secretary of State  
Title

21549



U. S. ELECTION ASSISTANCE COMMISSION  
 OFFICE OF THE EXECUTIVE DIRECTOR  
 1225 New York Avenue, NW, Suite 1100  
 Washington, DC. 20005

**FILE COPY**

December 14, 2006

Sue Cobb  
 Secretary of State  
 R. A. Gray Building  
 500 S. Bronough Street, Room 316  
 Tallahassee, Florida 32399-0250

**RE: Certification—HAVA 102 Funding**

Dear Secretary Cobb,

The purpose of this letter is to obtain a certification from you, as Florida's Chief State Election Official, regarding the state's use of funds provided under section 102 of the Help America Vote Act (HAVA). These funds were granted to the state for the replacement of punch card or lever voting machines (42 U.S.C. §15302). The U.S. Election Assistance Commission (EAC or Commission) is the Federal agency responsible for administering HAVA §102 funds. The regularly scheduled general election for Federal office in November 2004 was held on November 2, 2004. The date of this election represents the deadline for the state's use of the Federal funds it received pursuant to HAVA section 102. (42 USC §15302(a)(3)) Now that this deadline has passed, the state must demonstrate that the funds it received were used for the purpose and by the deadlines set forth in HAVA (42 U.S.C. §15302 (a) & (b)). A certification document has been enclosed for this purpose. If Florida cannot certify the proper and timely use of the 102 funds, HAVA requires that they are returned to the EAC to be dispersed as requirements payments. (42 U.S.C. §§ 15304 & 15401).

**Replacement of Voting Systems.** In order to avoid repayment of funds, Florida will be required to certify the total number of qualified precincts<sup>5</sup> which replaced **all** punch card or lever machines in time for the regularly scheduled general election for Federal office in November 2004 that took place on November 2, 2004. This means that **no** punch card or lever voting systems were used in the qualified precinct.<sup>6</sup> The replacement systems must (1) not use punch cards or levers, (2) meet the requirements of HAVA section 301 (42 U.S.C. §15481) and (3) comply with all other relevant Federal statutory requirements (noted in 42 U.S.C. §15545). Failure to demonstrate compliance will require repayment. The repayment provisions of HAVA require repayment of funds on a prorated basis. The rate is established by taking the total

<sup>5</sup> Those precincts which used punch card or lever machines to administer the regularly scheduled general election for Federal office held in November of 2000.

<sup>6</sup> Replaced punch card or lever voting systems may not be transferred for use in a different precinct.

021550

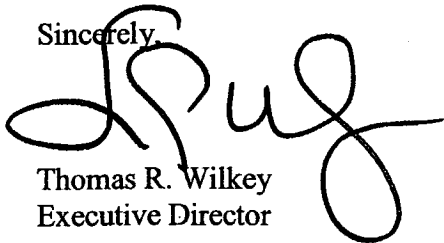
number of qualifying precincts which have **fully** met the requirements of HAVA, as a function of the total number of qualifying precincts within the State. (See 42 USC §15302(d)).

**Timely Expenditure of Funds.** To avoid repayment, Florida must also show that all HAVA 102 funds received were used for their designated purpose prior to the November 2, 2004 HAVA deadline. This means that all 102 funds were either expended (finally transferred to another party for consideration) and/or obligated in such a way that the state incurred a legally enforceable liability to another party (such as a local government or contractor) for the full value of its 102 funding. Florida must be able to document and certify the status of the 102 funding it received. In the event Florida possesses unobligated 102 funds after the deadline, the state will be required to return either an amount equal to the noncompliant precinct percentage, as discussed above, or the total amount of unobligated 102 funds, whichever is greater.

**Certification.** As Chief State Election Official, we ask that you carefully review the enclosed certification and its instructions. The document shall be filled out by initialing each statement that is true and accurate. If a statement may not be certified as true and accurate it must be lined through and a written and signed explanation attached (see instructions in italics). **The certification must be completed and received by the Commission no later than January 15, 2007. Failure to timely file the enclosed certification will result in the Commission's forwarding of this matter to the EAC's Office of the Inspector General for action.**

Thank you for your attention to this matter. All questions or correspondence should be directed to Edgardo Cortes, Election Assistance Commission, 102 Funds Certification, 1225 New York Ave., NW, Suite 1100, Washington, D.C. 20005 [(202) 566-3100].

Sincerely,



Thomas R. Wilkey  
Executive Director

Enclosure

021551



## CERTIFICATION: USE OF HAVA SECTION 102 FUNDS AND REPLACEMENT OF PUNCH CARD AND LEVER MACHINES

I, the undersigned, having investigated or caused to be investigated each matter, below; certify, affirm and acknowledge that each of the following numbered statements, and any attachments to this certification document, are true and accurately reflect the status, condition and operations of Florida (hereinafter "state") as they related to the use and status of Help America Vote Act (HAVA) Section 102 Funds and the replacement of punch card or lever machines.

I understand that by certifying the information below, I am making a statement or representation to the U.S. Election Assistance Commission, an independent Federal Agency, necessary for the agency to determine Florida's required compliance with HAVA Section 102. (42 U.S.C. §15302). Compliance with HAVA Section 102 is required by the state as a result of its accepting Federal funds under that provision. As a condition of receiving 102 funds, the state certified that it would "use the payment... to replace punch card voting systems or lever voting systems (as the case may be) in the qualifying precincts within the state by the deadline prescribed... [regularly scheduled general election for Federal office to be held in November 2004]." (42 U.S.C. §15302(b)).

I further understand that to the extent any of the below (or attached) representations or certifications are found to be materially false, the Federal funds received by the state will be subject to audit and possible recoupment. Further, such false statements may subject the undersigned to criminal prosecution under 18 U.S.C. §1001 or other Federal Statutes.

**I. BACKGROUND.** *Read the statements below and initial the items that you certify as true and accurate. If you are not able to certify one or more of the following statements, you must line through the statement at issue and attach a signed explanation identifying it and explaining why it may not be certified. The statement (attachment) should provide all necessary facts and concisely explain the conditions that make certification a problem. The explanation shall be labeled "Attachment A, Background."*

1. **Signing Official.** I hereby certify that I am the Chief State Election Official for Florida, per 42 U.S.C. 1973gg-8 (National Voter Registration Act).

*Initials:* \_\_\_\_\_

2. **Triggering Election.** The regularly scheduled general election for Federal Office in November 2004 (triggering the deadline noted in 42 U.S.C. 15302 (a)(3)(A)) for the state was held on November 2, 2004.

*Initials:* \_\_\_\_\_

3. **Funds Received.** The State received \$11,581,377.00 in Federal Funds pursuant to HAVA section 102.

*Initials:* \_\_\_\_\_

021552

**II. PUNCH CARD OR LEVER MACHINE REPLACEMENT.** *Read the statements below and initial the items that you certify as true and accurate. If you are not able to certify one or more of the below statements, you must line through the statement at issue and attach a signed explanation identifying it and explaining why it may not be certified. The statement (attachment) should provide all necessary facts and concisely explain the conditions that make certification a problem. The explanation shall be labeled "Attachment B, Punch Card or Lever Machine Replacement."*

**1. Qualified Precincts.** The State had 3,628 total qualified precincts (precincts which used punch card or lever machines to administer the regularly scheduled general election for Federal office held in November of 2000).

*Initials:* \_\_\_\_\_

**2. Qualified Precincts: No Punch Card or Lever Machine Used.** None of the qualifying precincts, noted in statement 1 above, used a lever or punch card machine in an election for Federal office on or after November 2, 2004.

*Initials:* \_\_\_\_\_

**3. No Punch Card or Lever Machine Used in State.** No precinct in the state used a punch card or lever machine for an election for Federal office on or after November 2, 2004.

*Initials:* \_\_\_\_\_

**4. Replacement Machines.** All machines purchased, leased or otherwise procured to replace punch card or lever machines in qualifying precincts meet the requirements of HAVA section 301 (42 U.S.C. §15481) and comply with all other relevant Federal statutory requirements (noted in 42 U.S.C. §15545). This includes the requirement that each polling place have at least one voting system equipped for individuals with disabilities. *Please provide (below) a complete list of all voting systems procured, leased or otherwise obtained to replace the state's punch card or lever machines.*

	Manufacturer	Model	Version	Quantity
1.				
2.				
3.				
4.				
5.				
6.				
7.				

*If you need additional space, please continue this table on a separate, signed attachment.*

*Initials:* \_\_\_\_\_

**5. Voting Systems in Place.** All voting systems procured to replace punch card or lever machines were in place and used in the state's November 2, 2004 Federal election.

*Initials:* \_\_\_\_\_

**III. HAVA § 102 FUNDS.** Read the statements below and initial the items that you certify as true and accurate. If you are not able to certify to either response "a" or "b" in statement 1 or statement 2, below, you must line through the statement and attach a signed document explaining why you could not make a certification. The explanation (attachment) should provide all necessary facts and concisely explain the conditions that make certification a problem. The explanation shall be labeled "Attachment C, HAVA §102 Funds."

1. **Status of HAVA §102 Funds.** Please check the statement below that applies to your state. (*Check only one statement*).

\_\_\_ (a) The state had none of the \$11,581,377 it received pursuant to HAVA §102 remaining in its election fund after November 2, 2004. This means that as of this date, all 102 funds were expended. Funds are expended when finally transferred to another party (manufacturer or vendor) for consideration (voting system).

\_\_\_ (b) The state had **only** obligated funds remaining in its election fund after November 2, 2004. This means that as of this date, all funds were either expended or obligated. Funds are expended when finally transferred to another party (manufacturer or vendor) for consideration (voting system). Funds are properly obligated when the state has incurred a legally enforceable liability (such as a grant agreement, contract or lease) to another party (such as a local government or contractor) for a specific portion of the 102 funds. *If the state had only obligated funds in its election funds after the above date, attach a statement explaining the obligation(s). This statement must clearly explain and state the value of the obligated funds remaining and the nature of the obligation. Documentation regarding the obligation should also be attached and explained (e.g. documents from vendor contracts or agreements with local governments). This explanation and supporting documentation shall be labeled "Attachment D, Obligated Funds."*

*Initials:* \_\_\_\_\_

2. **Use of HAVA §102 Funds.** All HAVA §102 funds expended or obligated by the state were used to replace punch card or lever machines in qualifying precincts per 42 U.S.C. §15302(a)(2).

*Initials:* \_\_\_\_\_

I, by signing my name below, certify, affirm and acknowledge, under penalty of Federal law, that each of the above numbered paragraphs initialed above accurately represent the operations, conditions and practices of Florida as they related to the use and status of HAVA Section 102 Funds and the replacement of punch card or lever machines.

Signed this day, \_\_\_\_\_:

*Date*

\_\_\_\_\_  
*Name*

\_\_\_\_\_  
*Title*

021554



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A. Signature <b>X</b> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to: <b>Sue Cobb            R.A. Gray Bldg            500 S. Bronough St            Rm. 316            Tallahassee FL            32399</b>	B. Received by (Printed Name) C. Date of Delivery  D. Is delivery address different from that of the addressee? <b>DEPT OF STATE</b> <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No  <b>DEC 20 2006</b>
2. Article Number (Transfer from service label) <b>7005 0390 0002 5027 6914</b>	<b>CLEARED</b> 3. Service Type: <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.
PS Form 3811, February 2004	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes
Domestic Return Receipt	102595-02-M-1540

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Street, Apt. No., or PO Box No.	<b>500 S. Bronough St Rm 316</b>
City, State, ZIP+4	<b>Tallahassee, FL 32399-0250</b>

PS Form 3800, June 2002 See Reverse for Instructions

021555



**STATE OF FLORIDA  
DEPARTMENT OF STATE**

**JEB BUSH**  
*Governor*

**SUE M. COBB**  
*Secretary of State*

28 August 2006

Thomas R. Wilkey  
Executive Director  
U.S. Election Assistance Commission  
1225 New York Avenue N.W., Suite - 1100  
Washington, DC 20005

Dear Mr. Wilkey:

On behalf of Secretary of State, Sue M. Cobb, the chief elections official for the State of Florida, we hereby submit this certification to the U.S. Elections Assistance Commission that the State of Florida has fully implemented the requirements of Title III of the Help America Vote Act of 2002. Pursuant to section 251(b)(2) of the Title II of the Help America Vote Act of 2002 (HAVA), such certification permits the State to use HAVA requirements funds for other activities to improve the administration of elections for Federal office.

If you have any comments or questions regarding this certification, please do not hesitate to contact us at 850-245-6500.

Sincerely,

A handwritten signature in cursive script that reads "Dawn K. Roberts".

Dawn K. Roberts, Director, Division of Elections

Cc: Sue M. Cobb, Secretary of State  
Heidi Hughes, Chief of Staff and General Counsel  
Barbara Leonard, HAVA Funds Coordinator  
Maria Matthews, designated staff attorney for HAVA

021556

Office of the Secretary

R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250  
Telephone: (850) 245-6500 • Facsimile: (850) 245-6125 • <http://www.dos.state.fl.us>



STATE OF FLORIDA  
DEPARTMENT OF STATE

JEB BUSH  
Governor

SUE M. COBB  
Secretary of State

13 March 2006

Thomas R. Wilkey  
Executive Director  
U.S. Election Assistance Commission  
1225 New York Avenue N.W., Suite - 1100  
Washington, DC 20005

Dear Mr. Wilkey:

On behalf of Secretary of State, Sue M. Cobb, the chief elections official for the State of Florida, we hereby submit this certification to the U.S. Elections Assistance Commission regarding our state's intended use of the requirements payments to carry out other activities to improve election administration for Federal office.

Pursuant to section 251(b)(2) of the Title II of the Help America Vote Act of 2002(HAVA), the State of Florida certifies that it intends to use \$4,000,000.00 of the requirements payment for improving election administration. More specifically, these funds will be used to complete major poll worker recruitment and training efforts statewide that primarily begin in June 2006 and end by August 2006, before the primary election scheduled for September 5, 2006. Three million dollars will be distributed to the counties for their recruitment and training activities. The county must provide a 15% match. The remaining one million dollars will be used by the Department of State to develop a statewide poll worker curriculum to be used by all counties to assure uniform poll worker training.

We also certify that the \$4,000,000.00 is an amount that does not exceed the amount equal to the total minimum requirements payment amount applicable to Florida under section 252(c) if Title II of HAVA which has been determined to be \$11,596,803.00.

If you have any comments or questions regarding this certification, please do not hesitate to contact us at 850-245-6500.

Sincerely,

Dawn K. Roberts, Director, Division of Elections

Cc: Sue M. Cobb, Secretary of State  
Heidi Hughes, Chief of Staff and General Counsel  
Barbara Leonard, HAVA Funds Coordinator  
Maria Matthews, designated staff attorney for HAVA

Office of the Secretary

R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250  
Telephone: (850) 245-6500 • Facsimile: (850) 245-6125 • <http://www.dos.state.fl.us>

021557




U.S. ELECTION ASSISTANCE COMMISSION  
1225 New York Ave. NW – Suite 1100  
Washington, DC 20005

January 11, 2007

**MEMORANDUM**

**TO:** State HAVA Coordinators

**FROM:** Edgardo Cortés, Election Research Specialist 

**SUBJECT:** Request for Amended Reports on Help America Vote Act Expenditures from Chief State Election Officials, due January 26, 2007

This is to inform you that the U.S. Election Assistance Commission (EAC) has requested that your Chief State Election Official provide amended (corrected) reports on the use of funds provided to your State under the Help America Vote Act of 2002 (HAVA) Title I and Title II, Section 251. Copies of all letters sent regarding this request are enclosed with this Memorandum. Each letter details the corrections and clarifications required for the Standard Form (SF) 269s and accompanying narratives now on file with the EAC. As your State's designated HAVA coordinator, we ask your help to ensure that the amended reports are filed by the deadline.

Enclosed in this packet is a color-coded illustration of the SF 269 form to assist you in filling out the form correctly. Two sample narratives are also enclosed that show different, acceptable styles of documenting HAVA activities and expenditures during the reporting period. Please review these models carefully as they are designed to help you meet your State's reporting obligations. A PDF copy of SF 269 may be found at <http://www.whitehouse.gov/omb/grants/sf269.pdf>.

**All amended reports and narratives are due by January 26, 2007.** If your state will not be able to meet this deadline, you need to request an extension in writing and provide a reason for the delay and the expected completion date. The necessary reports or requests for extensions should be mailed to my attention at the address above. Please let me know if you have any questions about this process. You can reach me at [ecortes@eac.gov](mailto:ecortes@eac.gov), (202) 566-3126, or (866) 747-1471.

021558



U. S. ELECTION ASSISTANCE COMMISSION  
OFFICE OF THE EXECUTIVE DIRECTOR  
1225 New York Avenue, NW, Suite 1100  
Washington, DC. 20005  
(202) 566-3100

January 10, 2007

Secretary Kurt Browning  
Secretary of State  
R. A. Gray Building  
500 S. Bronough Street, Room 316  
Tallahassee, Florida 32399-0250

Reference: Amended HAVA Reports Title I, Section 102 for Calendar Years 2004 and 2005

**Response Due Date:**  
**January 26, 2007**

Dear Secretary Browning:

The purpose of this letter is to obtain corrected (amended) reports for your state's use of funds under Title I, Section 102 of the *Help America Vote Act of 2002 (HAVA)* for the Calendar Years (CY) 2004 and 2005. The amended SF 269 reports are essential as the U.S. Election Assistance Commission (EAC) prepares its *Annual Report to Congress* which will summarize HAVA funds expenditures, as reported by Florida.

Below is an itemization of the information required in your Amended SF 269 report(s) for Title I, Section 102:

- The State's report dated 1/20/04 for the period beginning 6/16/03 to 12/31/03 indicates that it is a FINAL report. However, a seceding report dated 2/28/06 for the period 6/16/03 to 12/31/05 is Amended to show interest on those funds for three years. Please submit Amended reports indicating whether or not the fund has been fully expended or the correct interest on the remainder.

Please review the guidance provided in the color-coded Model SF 269 *Long Form* and the Model Narratives enclosed for more information about how to prepare the Amended Title I, Section 102 report(s). A blank copy of the auto-fill form can be found at [www.whitehouse.gov/omb/grants/sf269.pdf](http://www.whitehouse.gov/omb/grants/sf269.pdf).

There is also a list of Frequently Asked Questions and other information under the Funding for States section on the EAC website at <http://www.eac.gov/>. Contact Edgardo Cortes by e-mail at [ecortes@eac.gov](mailto:ecortes@eac.gov), by phone at 1-866-747-1471 (toll free) or 202-566-3116 (direct) should you have additional questions.

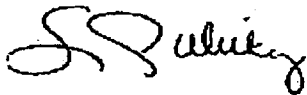
021559

**The requested Amended report(s) for Title I, Section 102 must be completed and received by the Commission no later than January 26, 2007. If you fail to respond by that time, EAC will have no choice but to forward this matter to the EAC's Office of the Inspector General for review and investigation.**

Amended reports should be mailed to the Election Assistance Commission, Amended 102 Reports, 1225 New York Ave., NW, Suite 1100, Washington, D.C. 20005.

Thank you for your attention to this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "T. Wilkey". The signature is written in a cursive style with a large initial "T" and "W".

Thomas R. Wilkey  
Executive Director

Enclosures:

Model SF 269 *Long Form*  
Model Narratives

**U.S. Postal Service™ Delivery Confirmation™ Receipt**

Ms. Barbara Leonard  
HAVA Coordinator  
Office of the Secretary of State  
R. A. Gray Building  
500 S. Bronough Street, Room 316  
Tallahassee, Florida 32399-0250

re mailing.

DELIVERY CONFIRMATION NUMBER:  
1 5531 9902



PS Form 152, May 2002

(See Reverse)

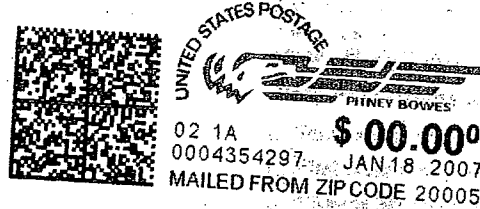
**U.S. Postal Service™ Delivery Confirmation™ Receipt**

Ms. Deborah Garrison  
Accounting Services Supervisor  
Department of State  
Tallahassee, Florida

iling.

DELIVERY CONFIRMATION NUMBER:  
0306 2400 0001 6536 9911

POSTAL CUSTOMER:



PS Form 152, May 2002

021561




**U.S. ELECTION ASSISTANCE COMMISSION**  
1225 New York Ave. NW – Suite 1100  
Washington, DC 20005

January 11, 2007

**MEMORANDUM**

**TO:** State HAVA Coordinators

**FROM:** Edgardo Cortés, Election Research Specialist 

**SUBJECT:** Request for Amended Reports on Help America Vote Act Expenditures from Chief State Election Officials, due January 26, 2007

This is to inform you that the U.S. Election Assistance Commission (EAC) has requested that your Chief State Election Official provide amended (corrected) reports on the use of funds provided to your State under the Help America Vote Act of 2002 (HAVA) Title I and Title II, Section 251. Copies of all letters sent regarding this request are enclosed with this Memorandum. Each letter details the corrections and clarifications required for the Standard Form (SF) 269s and accompanying narratives now on file with the EAC. As your State's designated HAVA coordinator, we ask your help to ensure that the amended reports are filed by the deadline.

Enclosed in this packet is a color-coded illustration of the SF 269 form to assist you in filling out the form correctly. Two sample narratives are also enclosed that show different, acceptable styles of documenting HAVA activities and expenditures during the reporting period. Please review these models carefully as they are designed to help you meet your State's reporting obligations. A PDF copy of SF 269 may be found at <http://www.whitehouse.gov/omb/grants/sf269.pdf>.

**All amended reports and narratives are due by January 26, 2007.** If your state will not be able to meet this deadline, you need to request an extension in writing and provide a reason for the delay and the expected completion date. The necessary reports or requests for extensions should be mailed to my attention at the address above. Please let me know if you have any questions about this process. You can reach me at [ecortes@eac.gov](mailto:ecortes@eac.gov), (202) 566-3126, or (866) 747-1471.

021562





U. S. ELECTION ASSISTANCE COMMISSION  
OFFICE OF THE EXECUTIVE DIRECTOR  
1225 New York Avenue, NW, Suite 1100  
Washington, DC. 20005  
(202) 566-3100

January 10, 2007

Secretary Kurt Browning  
Secretary of State  
R. A. Gray Building  
500 S. Bronough Street, Room 316  
Tallahassee, Florida 32399-0250

Reference: Amended HAVA Reports Title I, Section 102 for Calendar Years 2004 and 2005

**Response Due Date:**  
**January 26, 2007**

Dear Secretary Browning:

The purpose of this letter is to obtain corrected (amended) reports for your state's use of funds under Title I, Section 102 of the *Help America Vote Act of 2002 (HAVA)* for the Calendar Years (CY) 2004 and 2005. The amended SF 269 reports are essential as the U.S. Election Assistance Commission (EAC) prepares its *Annual Report to Congress* which will summarize HAVA funds expenditures, as reported by Florida.

Below is an itemization of the information required in your Amended SF 269 report(s) for Title I, Section 102:

- The State's report dated 1/20/04 for the period beginning 6/16/03 to 12/31/03 indicates that it is a FINAL report. However, a seceding report dated 2/28/06 for the period 6/16/03 to 12/31/05 is Amended to show interest on those funds for three years. Please submit Amended reports indicating whether or not the fund has been fully expended or the correct interest on the remainder.

Please review the guidance provided in the color-coded Model SF 269 *Long Form* and the Model Narratives enclosed for more information about how to prepare the Amended Title I, Section 102 report(s). A blank copy of the auto-fill form can be found at [www.whitehouse.gov/omb/grants/sf269.pdf](http://www.whitehouse.gov/omb/grants/sf269.pdf).

There is also a list of Frequently Asked Questions and other information under the Funding for States section on the EAC website at <http://www.eac.gov/>. Contact Edgardo Cortes by e-mail at [ecortes@eac.gov](mailto:ecortes@eac.gov), by phone at 1-866-747-1471 (toll free) or 202-566-3116 (direct) should you have additional questions.

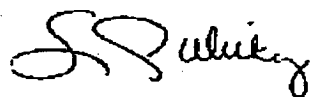
021563

**The requested Amended report(s) for Title I, Section 102 must be completed and received by the Commission no later than January 26, 2007. If you fail to respond by that time, EAC will have no choice but to forward this matter to the EAC's Office of the Inspector General for review and investigation.**

Amended reports should be mailed to the Election Assistance Commission, Amended 102 Reports, 1225 New York Ave., NW, Suite 1100, Washington, D.C. 20005.

Thank you for your attention to this matter.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "T. Wilkey".

Thomas R. Wilkey  
Executive Director

Enclosures:

Model SF 269 *Long Form*  
Model Narratives



## FLORIDA DEPARTMENT of STATE

**CHARLIE CRIST**  
Governor

**KURT S. BROWNING**  
Secretary of State

March 29, 2007

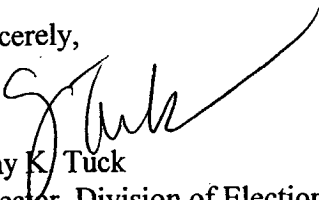
Mr. Thomas R. Wilkey  
Executive Director  
U. S. Election Assistance Commission  
1225 New York Avenue, NW – Suite 1100  
Washington, DC 20005

Dear Mr. Wilkey:

Enclosed is Florida's narrative report regarding HAVA, Title II, Section 251 funds for the period from October 1, 2005 through September 30, 2006. Form SF 269 regarding Title II, Section 251 funds is also included.

If you have any questions or would like additional information, please let us know.

Sincerely,

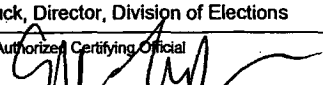
  
Amy K. Tuck  
Director, Division of Elections

Enclosures

AKT/BL/aj

**FINANCIAL STATUS REPORT**  
(Long Form)

(Follow instructions on the back)

1. Federal Agency and Organizational Element to Which Report is Submitted <b>U. S. Election Assistance Commission</b>		2. Federal Grant or Other Identifying Number Assigned By Federal Agency <b>Title II, 251</b>		OMB Approval No. <b>0348-0039</b>	Page of <b>1</b> of <b>1</b> pages
3. Recipient Organization (Name and complete address, including ZIP code) <b>Florida Department of State 500 South Bronough Street Tallahassee, FL 32399-0250</b>					
4. Employer Identification Number <b>F593466865</b>		5. Recipient Account Number or Identifying Number <b>CFDA 90.401</b>		6. Final Report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. Basis <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual					
8. Funding/Grant Period (See instructions) From: (Month, Day, Year) <b>6/23/2004</b>		To: (Month, Day, Year) <b>Until disbursed</b>		9. Period Covered by this Report From: (Month, Day, Year) <b>10/1/2005</b>	
To: (Month, Day, Year) <b>9/30/2006</b>					
10. Transactions:					
				i	ii
				Previously Reported	This Period
				iii	Cumulative
a. Total outlays		23,156,764.78	29,021,508.00	52,178,272.78	
b. Refunds, rebates, etc.			615,316.09	615,316.09	
c. Program income used in accordance with the deduction alternative				0.00	
d. Net outlays (Line a, less the sum of lines b and c)		23,156,764.78	28,406,191.91	51,562,956.69	
<b>Recipient's share of net outlays, consisting of:</b>					
e. Third party (in-kind) contributions				0.00	
f. Other Federal awards authorized to be used to match this award				0.00	
g. Program income used in accordance with the matching or cost sharing alternative				0.00	
h. All other recipient outlays not shown on lines e, f or g State Matching Funds		385,000.00	1,484,094.35	1,869,094.35	
i. Total recipient share of net outlays (Sum of lines e, f, g and h)		385,000.00	1,484,094.35	1,869,094.35	
j. Federal share of net outlays (line d less line i)		22,771,764.78	26,922,097.56	49,693,862.34	
k. Total unliquidated obligations				212,999.89	
l. Recipient's share of unliquidated obligations				56,300.00	
m. Federal share of unliquidated obligations				156,699.89	
n. Total Federal share (sum of lines j and m)				49,850,562.23	
o. Total Federal funds authorized for this funding period				140,414,512.85	
p. Unobligated balance of Federal funds (Line o minus line n)				90,563,950.62	
<b>Program Income, consisting of:</b>					
q. Disbursed program income shown on lines c and/or g above				0.00	
r. Disbursed program income using the addition alternative				0.00	
s. Undisbursed program income				0.00	
t. Total program income realized (Sum of lines q, r and s)				0.00	
11. Indirect Expense		a. Type of Rate (Place "X" in appropriate box) <input checked="" type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed			
		b. Rate <b>N/A</b>	c. Base	d. Total Amount	e. Federal Share
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. Line O - Sec. 251 cumulative interest thru 9-30-2006 - \$7,912,421.85. Sec. 251 interest accrued current reporting period - \$3,758,921.01. Total appropriation for State Match - \$6,628,018. State Match cumulative interest - \$439,618.54. FY 2005-06 MOE expend. - \$3,570,408. See Attachment.					
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.					
Typed or Printed Name and Title <b>Amy K. Tuck, Director, Division of Elections</b>				Telephone (Area code, number and extension) <b>850-245-6200</b>	
Signature of Authorized Certifying Official 				Date Report Submitted <b>March 28, 2007</b>	

FLORIDA DEPARTMENT OF STATE  
DIVISION OF ELECTIONS

ATTACHMENT TO FINANCIAL STATUS REPORT, SF 269  
REPORTING PERIOD FROM OCTOBER 1, 2005 THROUGH SEPTEMBER 30, 2006

Line 12, Remarks:

The instructions for completing SF 269 Form, Section 12 include a request for states to report the total Maintenance of Effort appropriated for the next state fiscal year.

Florida does not appropriate funds based on Maintenance of Effort. Although the required Maintenance of Effort is considered during the appropriation process, funds are appropriated at a higher aggregate level. Florida fully anticipates meeting its required Maintenance of Effort level although actual expenditures will not be available until the end of the state's fiscal year.

021567

**FLORIDA DEPARTMENT OF STATE  
REPORT ON EXPENDITURE OF TITLE II, SECTION 251 FUNDS  
OCTOBER 2005 THROUGH SEPTEMBER 2006**

As requested by the U.S. Election Assistance Commission, listed below is a detailed list of expenditures and a description of the related activities conducted by the Florida Department of State utilizing Help America Vote Act (HAVA) Title II, Section 251 funds during the period from October 1, 2005 through September 30, 2006.

**VOTING SYSTEMS ASSISTANCE – \$12,576,798**

During the current reporting period, Florida provided funds to sixteen county supervisors of elections to reimburse them for disability-accessible voting systems that had been purchased prior to July 1, 2004. Distribution of funds was based on the same formula used to distribute funds in FY 2004-05 to fifty-one counties that were required to purchase accessible voting systems in order to have one accessible voting system for each polling place by January 1, 2006. In addition to the sixteen counties, an additional eight counties received reimbursement for existing DRE's for which funding was not previously provided.

In addition to the Section 251 funds used for this purpose, Florida used state matching funds for a portion of the expenditures made to supervisors of elections to assist with accessible voting systems. Please see the section "State Matching Funds" at the end of this report.

The HAVA State Plan includes references to acquiring accessible voting equipment for individuals with disabilities on pages 13 through 15 and on page 61.

**STATEWIDE VOTER REGISTRATION LIST - \$11,960,615**

During the current reporting period, Florida completed development of the statewide voter registration system and moved into the operational phase of the project. The Florida Voter Registration System (FVRS) is a real-time system that contains the name and voter registration information of all voters in the state. The system allows counties to continue to use their existing systems with modifications to interface with the FVRS.

Expenditures for this activity included payments to the vendor that served as Prime Contractor in developing the system as well as the vendor that provided quality assurance and oversight during the developmental phase of the project. Other costs incurred included servers, software and related license fees, network fees to establish the statewide frame relay network for the FVRS, a risk assessment study for the FVRS, training for Department of State employees related to software systems being utilized to operate the FVRS, and costs associated with establishing and operating a bureau to handle voter registration services at the state level for Florida's 67 counties. The bureau is responsible for processing voter registration applications as well as reviewing and verifying potential matches in the FVRS for felons, persons declared mentally incompetent and deceased persons.

Other expenditures included salaries and related expenses for thirty-three positions associated with operating and maintaining voter registration services provided through the FVRS. These include thirty-one positions in the Department of State and two positions at the Florida Department of Highway Safety and Motor Vehicles. These positions provide support for the various hardware and software systems being utilized to operate the system, legal expertise, and voter registration services for Florida's counties.

Reference to the statewide voter registration system can be found in the HAVA State Plan on pages 26-31, 56-57 and 61.

**POLL WORKER RECRUITMENT AND TRAINING - \$3,000,000**

In March 2006 Florida submitted a certification to the Election Assistance Commission regarding Florida's intention to use a portion of the requirements payment to assist with poll worker recruitment and training efforts. Funds were distributed to Florida's 67 supervisors of elections in order to provide funds statewide to assist with recruiting and training poll workers. Prior to receiving the funds, supervisors of elections were required to submit a plan to the Department of State describing the intended use of the funds. In addition, each county was required to provide 15% matching funds to be used exclusively for activities associated with recruiting and training poll workers.

Reference to poll worker recruitment and training is included in the HAVA State Plan on pages 49-51 and page 61.

**INTEREST ACCRUED - \$3,758,921.01**

During the current reporting period the Department of State invested Title II, Section 251 funds and accrued Interest in the amount of \$3,758,921.01.

**STATE MATCHING FUNDS - \$1,484,094**

During the current reporting period, Florida spent \$1,484,094.35 in State Matching funds.



ORIGINAL

**FLORIDA DEPARTMENT of STATE**

**CHARLIE CRIST**  
Governor

**KURT S. BROWNING**  
Secretary of State

February 23, 2007

Mr. Thomas R. Wilkey  
Executive Director  
U. S. Election Assistance Commission  
1225 New York Avenue, NW – Suite 1100  
Washington, DC 20005

RECEIVED  
U.S. ELECTION ASSISTANCE  
COMMISSION  
2007 FEB 26 PM 4:02

Dear Mr. Wilkey:

Enclosed are Florida's narrative reports regarding HAVA, Title I, Section 101 and 102 funds for the period from January 1, 2006 through December 31, 2006. A separate SF 269 form is included for Section 101 and 102 funds.

If you have any questions or would like additional information, please let us know.

Sincerely,

Amy R. Tuck  
Director, Division of Elections

Enclosures

AKT/BL/aj

Division of Elections  
R. A. Gray Building, Room 316 • 500 South Bronough Street • Tallahassee, Florida 32399-0250

Telephone: (850) 245-6200 • Facsimile: (850) 245-6217  
election.dos.state.fl.us

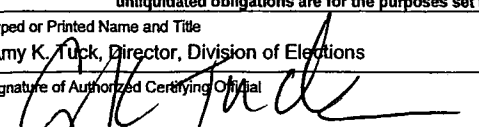
021570



**FINANCIAL STATUS REPORT  
(Long Form)**

**ORIGINAL**

*(Follow instructions on the back)*

1. Federal Agency and Organizational Element to Which Report is Submitted <b>U. S. Election Assistance Commission</b>		2. Federal Grant or Other Identifying Number Assigned By Federal Agency <b>Title I, 101</b>		OMB Approval No. <b>0348-0039</b>	Page of <b>1</b>   <b>1</b> pages
3. Recipient Organization (Name and complete address, including ZIP code) <b>Florida Department of State 500 South Bronough Street Tallahassee, FL 32399-0250</b>					
4. Employer Identification Number <b>F593466865</b>		5. Recipient Account Number or Identifying Number <b>CFDA 39.011</b>		6. Final Report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. Basis <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual					
8. Funding/Grant Period (See instructions) From: (Month, Day, Year) <b>4/23/2003</b>		To: (Month, Day, Year) <b>Until disbursed</b>		9. Period Covered by this Report From: (Month, Day, Year) <b>1/1/2006</b>	
To: (Month, Day, Year) <b>12/31/2006</b>					
10. Transactions:				I	II
				Previously Reported	This Period
				III	Cumulative
a. Total outlays				10,846,401.97	1,425,146.79
b. Refunds, rebates, etc.					0.00
c. Program income used in accordance with the deduction alternative					0.00
d. Net outlays (Line a, less the sum of lines b and c)				10,846,401.97	1,425,146.79
e. Third party (in-kind) contributions					0.00
f. Other Federal awards authorized to be used to match this award					0.00
g. Program income used in accordance with the matching or cost sharing alternative					0.00
h. All other recipient outlays not shown on lines e, f or g <b>State Matching Funds</b>				508,662.50	0.00
i. Total recipient share of net outlays (Sum of lines e, f, g and h)				508,662.50	0.00
j. Federal share of net outlays (line d less line i)				10,337,739.47	1,425,146.79
k. Total unliquidated obligations					109,456.00
l. Recipient's share of unliquidated obligations					0.00
m. Federal share of unliquidated obligations					109,456.00
n. Total Federal share (sum of lines j and m)					11,872,342.26
o. Total Federal funds authorized for this funding period					15,517,295.67
p. Unobligated balance of Federal funds (Line o minus line n)					3,644,953.41
Program income, consisting of:					0.00
q. Disbursed program income shown on lines c and/or g above					0.00
r. Disbursed program income using the addition alternative					0.00
s. Undisbursed program income					0.00
t. Total program income realized (Sum of lines q, r and s)					0.00
11. Indirect Expense		a. Type of Rate (Place "X" in appropriate box) <input checked="" type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed			
		b. Rate <b>N/A</b>	c. Base	d. Total Amount	e. Federal Share
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. <b>Line O includes total interest accrued through 2006 in the amount of \$1,069,715.67. 2003 = \$286,380.60; 2004 = \$347,160.86; 2005 = \$250,596.63; 2006 = \$185,577.58</b>					
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.					
Typed or Printed Name and Title <b>Amy K. Tuck, Director, Division of Elections</b>				Telephone (Area code, number and extension) <b>850-245-6200</b>	
Signature of Authorized Certifying Official 				Date Report Submitted <b>February 20, 2007</b>	

RECEIVED  
U.S. ELECTION ASSISTANCE  
COMMISSION

2007 FEB 26 PM 4:03

**FLORIDA DEPARTMENT OF STATE  
REPORT ON EXPENDITURE OF TITLE I, SECTION 101 FUNDS DURING 2006**

As requested by the U.S. Election Assistance Commission, listed below is a detailed list of expenditures and a description of the related activities conducted by the Florida Department of State during calendar year 2006 utilizing Help America Vote Act (HAVA) Title I, Section 101 funds.

**VOTER EDUCATION - \$1,073,923**

During calendar year 2006, Florida distributed \$1,073,923 to the 67 county supervisors of elections to be utilized for voter education purposes. In order to receive the funds each supervisor of elections was required to submit a detailed plan outlining the anticipated uses of the funds. In addition to the plan, each local Board of County Commissioners was required to provide fifteen percent in matching funds to be used exclusively for voter education purposes.

County supervisors of elections are required to submit a report to the Department of State on an annual basis regarding voter education programs conducted in the counties until the funds distributed by the state are depleted. Based on the latest reports from supervisors of elections, counties continue to employ numerous voter education activities in an effort to involve citizens in the elections process.

These activities include printing and mailing sample ballots to registered voters, conducting voter registration drives at various locations and events throughout the county, disseminating information regarding election dates and related deadlines through a variety of media sources, and conducting demonstrations on the use of voting systems equipment.

Florida's voter education program is discussed in the HAVA State Plan on pages 37 through 47 and on page 58.

**ELECTION ADMINISTRATION - \$193,434**

Florida established three positions in the Department of State to provide administrative oversight and coordination for HAVA-related activities. Employees in these positions are responsible for monitoring HAVA expenditures to ensure compliance with federal requirements. The positions administer several contract programs that provide funds to county supervisors of elections for HAVA-related activities including voter education, voting systems assistance as well as poll worker recruitment and training programs. In addition, the positions are responsible for administering grant funds awarded by the U. S. Department of Health and Human Services under the Voting Access for Individuals with Disability (VOTE) grant program.

Recommendations regarding establishment of positions associated with HAVA Oversight and Reporting can be found on page 59 in the HAVA State Plan.

**STATE PLAN - \$2,991**

The HAVA State Planning Committee held two meetings in order to update the HAVA State Plan. The meetings were held in Pensacola and Miami in an effort to provide an opportunity for participation by citizens in various locations throughout the state. Expenditures included travel expenses for HAVA State Planning Committee members as well as Department of State staff who participated in the meetings.

Reference to managing the State Plan is included on pages 82-83 in the HAVA State Plan.

RECEIVED  
U.S. ELECTION ASSISTANCE  
COMMISSION

2007 FEB 26 PM 4:04

**TRAINING ELECTION OFFICIALS, POLL WORKERS AND ELECTION VOLUNTEERS – \$154,800**

The Florida Division of Elections contracted with a video production company to produce two videos that could be used in conducting training for poll workers. The videos were distributed to Florida's 67 county supervisors of elections to use in poll worker training sessions. One of the videos covered sensitivity issues when dealing with individuals with disabilities and the other video provided conflict management training skills for poll workers.

The Florida Department of State contracted with one of Florida's universities to develop a statewide poll worker curriculum to be used by Florida's 67 county supervisors of elections. The curriculum is intended to provide uniformity in poll worker training efforts throughout the state.

Florida's efforts to assist supervisors of elections in conducting training for poll workers can be found in the HAVA State Plan on pages 49 through 51, pages 58 through 61.

**INTEREST ACCRUED - \$185,577.58**

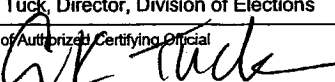
During 2006, the Department of State invested Title I, Section 101 funds and accrued interest in the amount of \$185,577.58.

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2007 FEB 26 PM 4:04

**FINANCIAL STATUS REPORT  
(Long Form)**

**ORIGINAL**

*(Follow instructions on the back)*

1. Federal Agency and Organizational Element to Which Report is Submitted <b>U. S. Election Assistance Commission</b>		2. Federal Grant or Other Identifying Number Assigned By Federal Agency <b>Title I, Section 102</b>		OMB Approval No. <b>0348-0039</b>	Page of pages
3. Recipient Organization (Name and complete address, including ZIP code) <b>Florida Department of State 500 South Bronough Street Tallahassee, FL 32399-0250</b>					
4. Employer Identification Number <b>F593466865</b>		5. Recipient Account Number or Identifying Number <b>CFDA #39.011</b>		6. Final Report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. Basis <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual		8. Funding/Grant Period (See instructions) From: (Month, Day, Year) <b>6/16/2003</b>		9. Period Covered by this Report From: (Month, Day, Year) <b>1/1/2006</b>	
		To: (Month, Day, Year) *State deadline for Section 102*		To: (Month, Day, Year) <b>12/31/2006</b>	
10. Transactions:					
		I	I	III	
		Previously Reported	This Period	Cumulative	
a. Total outlays		11,581,377.00	0.00	11,581,377.00	
b. Refunds, rebates, etc.				0.00	
c. Program income used in accordance with the deduction alternative				0.00	
d. Net outlays (Line a, less the sum of lines b and c)		11,581,377.00	0.00	11,581,377.00	
<b>Recipient's share of net outlays, consisting of:</b>					
e. Third party (in-kind) contributions		0.00		0.00	
f. Other Federal awards authorized to be used to match this award		0.00		0.00	
g. Program income used in accordance with the matching or cost sharing alternative		0.00		0.00	
h. All other recipient outlays not shown on lines e, f or g		0.00		0.00	
i. Total recipient share of net outlays (Sum of lines e, f, g and h)		0.00	0.00	0.00	
j. Federal share of net outlays (line d less line i)		11,581,377.00	0.00	11,581,377.00	
k. Total unliquidated obligations				0.00	
l. Recipient's share of unliquidated obligations				0.00	
m. Federal share of unliquidated obligations				0.00	
n. Total Federal share (sum of lines j and m)				11,581,377.00	
o. Total Federal funds authorized for this funding period				11,617,405.56	
p. Unobligated balance of Federal funds (Line o minus line n)				36,028.56	
<b>Program income, consisting of:</b>					
q. Disbursed program income shown on lines c and/or g above				0.00	
r. Disbursed program income using the addition alternative				0.00	
s. Undisbursed program income				0.00	
t. Total program income realized (Sum of lines q, r and s)				0.00	
11. Indirect Expense	a. Type of Rate (Place "X" in appropriate box) <input checked="" type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed				
	b. Rate <b>N/A</b>	c. Base	d. Total Amount	e. Federal Share	
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. <b>Total interest earned through 12-31-2006 is \$36,028.56. Interest accrued in 2006 - \$1,583.19</b>					
13. Certification: <b>I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.</b>					
Typed or Printed Name and Title <b>Amy K. Tuck, Director, Division of Elections</b>			Telephone (Area code, number and extension) <b>850-245-6200</b>		
Signature of Authorized Certifying Official 			Date Report Submitted <b>February 20, 2007</b>		

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COMMISSION

2007 FEB 26 PM 4:04

021574

**FLORIDA DEPARTMENT OF STATE  
REPORT ON TITLE I, SECTION 102 FUNDS**

Florida received \$11,581,377 from Title I, Section 102 funds. The funds were invested pending transfer to Florida's Working Capital Fund to reimburse the state for funding provided to Florida's 67 counties in FY 2001-02 and FY 2002-03 to purchase voting systems equipment.

Interest on the initial investment has continued to accrue with earnings in the amount of \$1,583.19 reported for calendar year 2006.

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2007 FEB 26 PM 4:04

021575



U. S. ELECTION ASSISTANCE COMMISSION  
OFFICE OF THE EXECUTIVE DIRECTOR  
1225 New York Avenue, NW, Suite 1100  
Washington, DC. 20005  
(202) 566-3100

January 10, 2007

Secretary Kurt Browning  
Secretary of State  
R. A. Gray Building  
500 S. Bronough Street, Room 316  
Tallahassee, Florida 32399-0250

Reference: Amended HAVA Reports Title I, Section 102 for Calendar Years 2004 and 2005

**Response Due Date:**  
**January 26, 2007**

Dear Secretary Browning:

The purpose of this letter is to obtain corrected (amended) reports for your state's use of funds under Title I, Section 102 of the *Help America Vote Act of 2002 (HAVA)* for the Calendar Years (CY) 2004 and 2005. The amended SF 269 reports are essential as the U.S. Election Assistance Commission (EAC) prepares its *Annual Report to Congress* which will summarize HAVA funds expenditures, as reported by Florida.

Below is an itemization of the information required in your Amended SF 269 report(s) for Title I, Section 102:

- The State's report dated 1/20/04 for the period beginning 6/16/03 to 12/31/03 indicates that it is a FINAL report. However, a seceding report dated 2/28/06 for the period 6/16/03 to 12/31/05 is Amended to show interest on those funds for three years. Please submit Amended reports indicating whether or not the fund has been fully expended or the correct interest on the remainder.

Please review the guidance provided in the color-coded Model SF 269 *Long Form* and the Model Narratives enclosed for more information about how to prepare the Amended Title I, Section 102 report(s). A blank copy of the auto-fill form can be found at [www.whitehouse.gov/omb/grants/sf269.pdf](http://www.whitehouse.gov/omb/grants/sf269.pdf).

There is also a list of Frequently Asked Questions and other information under the Funding for States section on the EAC website at <http://www.eac.gov/>. Contact Edgardo Cortes by e-mail at [ecortes@eac.gov](mailto:ecortes@eac.gov), by phone at 1-866-747-1471 (toll free) or 202-566-3116 (direct) should you have additional questions.

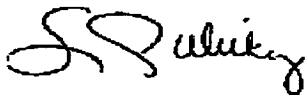
021576

**The requested Amended report(s) for Title I, Section 102 must be completed and received by the Commission no later than January 26, 2007. If you fail to respond by that time, EAC will have no choice but to forward this matter to the EAC's Office of the Inspector General for review and investigation.**

Amended reports should be mailed to the Election Assistance Commission, Amended 102 Reports, 1225 New York Ave., NW, Suite 1100, Washington, D.C. 20005.

Thank you for your attention to this matter.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "T. Wilkey".

Thomas R. Wilkey  
Executive Director

Enclosures:

*Model SF 269 Long Form*  
Model Narratives

7005 3110 0002 9823 5222

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)



UNITED STATES POSTAGE  
02 1A  
0004354297  
MAILED FROM ZIP CODE 20005  
PITNEY BOWES  
\$ 00.00<sup>00</sup>  
JAN 10 2007

Sent To  
Street, Ap  
or PO Box  
City, State  
PS Form 3811  
Secretary Sue Cobb  
Secretary of State  
R. A. Gray Building  
500 S. Bronough Street, Room 316  
Tallahassee, Florida 32399-0250

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>ning R. A. Gray 500 S. Bronough Street, Room 316 Tallahassee, Florida 32399-0250</p>	<p>B. Received by (Printed Name) C. Date of Delivery</p>	
	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p> <p><b>JAN 16 2007</b></p> <p><b>CLEARED</b></p>	
	<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number <b>7005 3110 0002 9823 5222</b> (Transfer from ser)</p>		
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>		

021578





REVISED

**FLORIDA DEPARTMENT of STATE**

CHARLIE CRIST  
Governor

KURT S. BROWNING  
Secretary of State

January 25, 2007


Mr. Thomas R. Wilkey  
Executive Director  
Election Assistance Commission  
1225 New York Ave., N.W., Suite 1100  
Washington, D.C. 20005

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U.S. ELECTION ASSISTANCE  
COMMISSION  
2007 JAN 26 PM 5:02

Dear Mr. Wilkey:

As requested in your letter of January 10, 2007 enclosed are amended financial reports (SF 269) regarding Florida's use of HAVA Title I, Section 102 funds. If you have any questions or would like additional information, please let us know.

Sincerely,

  
Amy K. Tuck  
Director, Division of Elections

Enclosures

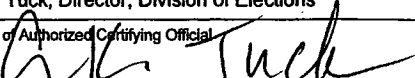
Division of Elections  
R. A. Gray Building, Room 316 • 500 South Bronough Street • Tallahassee, Florida 32399-0250  
Telephone: (850) 245-6200 • Facsimile: (850) 245-6217  
election.dos.state.fl.us

021579

**FINANCIAL STATUS REPORT**  
(Long Form)

**REVISED**

(Follow instructions on the back)

1. Federal Agency and Organizational Element to Which Report is Submitted <b>U. S. Election Assistance Commission</b>		2. Federal Grant or Other Identifying Number Assigned By Federal Agency <b>Title I, Section 102</b>		OMB Approval No. <b>0348-0039</b>	Page of  pages
3. Recipient Organization (Name and complete address, including ZIP code) <b>Florida Department of State 500 South Bronough Street Tallahassee, FL 32399-0250</b>					
4. Employer Identification Number <b>F593466865</b>		5. Recipient Account Number or Identifying Number <b>CFDA #39.011</b>		6. Final Report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. Basis <input type="checkbox"/> Cash <input checked="" type="checkbox"/> Accrual					
8. Funding/Grant Period (See instructions) From: (Month, Day, Year) <b>6/16/2003</b>		9. Period Covered by this Report From: (Month, Day, Year) <b>6/16/2003</b>		To: (Month, Day, Year) <b>12/31/2003</b>	
		To: (Month, Day, Year) *State deadline for Section 102*			
10. Transactions:					
		I Previously Reported	I This Period	III Cumulative	
a. Total outlays			11,581,377.00	11,581,377.00	
b. Refunds, rebates, etc.				0.00	
c. Program income used in accordance with the deduction alternative				0.00	
d. Net outlays (Line a, less the sum of lines b and c)		0.00	11,581,377.00	11,581,377.00	
<b>Recipient's share of net outlays, consisting of:</b>					
e. Third party (in-kind) contributions				0.00	
f. Other Federal awards authorized to be used to match this award				0.00	
g. Program income used in accordance with the matching or cost sharing alternative				0.00	
h. All other recipient outlays not shown on lines e, f or g				0.00	
i. Total recipient share of net outlays (Sum of lines e, f, g and h)		0.00	0.00	0.00	
j. Federal share of net outlays (line d less line i)		0.00	11,581,377.00	11,581,377.00	
k. Total unliquidated obligations				0.00	
l. Recipient's share of unliquidated obligations				0.00	
m. Federal share of unliquidated obligations				0.00	
n. Total Federal share (sum of lines j and m)				11,581,377.00	
o. Total Federal funds authorized for this funding period				11,613,597.26	
p. Unobligated balance of Federal funds (Line o minus line n)				32,220.26	
<b>Program income, consisting of:</b>					
q. Disbursed program income shown on lines c and/or g above					
r. Disbursed program income using the addition alternative					
s. Undisbursed program income					
t. Total program income realized (Sum of lines q, r and s)				0.00	
11. Indirect Expense		a. Type of Rate (Place "X" in appropriate box) <input checked="" type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed			
		b. Rate <b>N/A</b>	c. Base	d. Total Amount	e. Federal Share
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. <b>Note: This is an amended report to include interest earned during 2003. Line o includes interest in the amount of \$32,220.26.</b>					
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.					
Typed or Printed Name and Title <b>Amy K. Tuck, Director, Division of Elections</b>				Telephone (Area code, number and extension) <b>850-245-6200</b>	
Signature of Authorized Certifying Official 				Date Report Submitted <b>January 25, 2007</b>	

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021580

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FINANCIAL STATUS REPORT (Long Form)

(Follow instructions on the back)

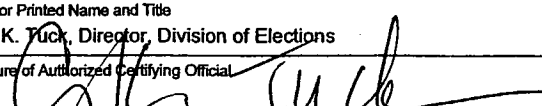
1. Federal Agency and Organizational Element to Which Report is Submitted
2. Federal Grant or Other Identifying Number Assigned By Federal Agency
3. Recipient Organization (Name and complete address, including ZIP code)
4. Employer Identification Number
5. Recipient Account Number or Identifying Number
6. Final Report
7. Basis
8. Funding/Grant Period
9. Period Covered by this Report
10. Transactions:
11. Indirect Expense
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation.
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.

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024581 021587

**FINANCIAL STATUS REPORT**  
(Long Form)  
(Follow instructions on the back)

**REVISED**

1. Federal Agency and Organizational Element to Which Report is Submitted <b>U. S. Election Assistance Commission</b>		2. Federal Grant or Other Identifying Number Assigned By Federal Agency <b>Title I, Section 102</b>		OMB Approval No. <b>0348-0039</b>	Page of  pages
3. Recipient Organization (Name and complete address, including ZIP code) <b>Florida Department of State 500 South Bronough Street Tallahassee, FL 32399-0250</b>					
4. Employer Identification Number <b>F593466865</b>		5. Recipient Account Number or Identifying Number <b>CFDA #39.011</b>		6. Final Report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. Basis <input type="checkbox"/> Cash <input checked="" type="checkbox"/> Accrual					
8. Funding/Grant Period (See instructions) From: (Month, Day, Year) <b>6/16/2003</b>		To: (Month, Day, Year) *State deadline for Section 102*		9. Period Covered by this Report From: (Month, Day, Year) <b>1/1/2005</b>	
				To: (Month, Day, Year) <b>12/31/2005</b>	
10. Transactions:					
				I	II
				Previously Reported	This Period
				III	Cumulative
a. Total outlays				11,581,377.00	0.00
b. Refunds, rebates, etc.					0.00
c. Program income used in accordance with the deduction alternative					0.00
d. Net outlays (Line a, less the sum of lines b and c)				11,581,377.00	0.00
Recipient's share of net outlays, consisting of:					
e. Third party (in-kind) contributions				0.00	0.00
f. Other Federal awards authorized to be used to match this award				0.00	0.00
g. Program income used in accordance with the matching or cost sharing alternative				0.00	0.00
h. All other recipient outlays not shown on lines e, f or g				0.00	0.00
i. Total recipient share of net outlays (Sum of lines e, f, g and h)				0.00	0.00
j. Federal share of net outlays (line d less line i)				11,581,377.00	0.00
k. Total unliquidated obligations					0.00
l. Recipient's share of unliquidated obligations					0.00
m. Federal share of unliquidated obligations					0.00
n. Total Federal share (sum of lines j and m)					11,581,377.00
o. Total Federal funds authorized for this funding period					11,615,822.37
p. Unobligated balance of Federal funds (Line o minus line n)					34,445.37
Program Income, consisting of:					
q. Disbursed program income shown on lines c and/or g above					0.00
r. Disbursed program income using the addition alternative					0.00
s. Undisbursed program income					0.00
t. Total program income realized (Sum of lines q, r and s)					0.00
11. Indirect Expense		a. Type of Rate (Place "X" in appropriate box) <input checked="" type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed			
		b. Rate <b>N/A</b>	c. Base	d. Total Amount	e. Federal Share
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. Note: This is an amended report to include Interest earned during 2005 in the amount of \$1,175.12. Total Interest earned through 12-31-2005 is \$34,445.37.					
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.					
Typed or Printed Name and Title <b>Amy K. Tuck, Director, Division of Elections</b>				Telephone (Area code, number and extension) <b>850-245-6200</b>	
Signature of Authorized Certifying Official 				Date Report Submitted <b>January 25, 2007</b>	

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COMMISSION

021582

# **FOIA File**



**U.S. ELECTION ASSISTANCE COMMISSION**  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005

October 6, 2006

Mr. Michael Montgomery  
Baker & Hostetler LLP  
3200 National City Center  
1900 East 9<sup>th</sup> Street  
Cleveland, Ohio 44114-3485

Dear Mr. Montgomery:

This letter is in response to your Freedom of Information Act (FOIA) request for: 1) all materials submitted by the Ohio Secretary of State that pertain to Ohio's expenditure of funds allocated under the Help America Vote Act; 2) all communications between the U.S. Election Assistance Commission and the Ohio Secretary of State concerning HAVA-related matters; and 3) any materials setting forth guidelines for spending HAVA funds.

**Responsive records.** The responsive documents regarding items # 1 and # 2 are attached. The materials requested in item number 3 are available at [www.eac.gov](http://www.eac.gov) by clicking on "EAC Advisories and Guidance," "Funding for States," and "HAVA Funding FAQs."

**Withheld records.** The EAC is withholding documents held by the agency's Office of Inspector General. The Inspector General's office is presently engaged in an audit of the State of Ohio. The audit and report are not yet complete. The documents at issue are pre-decisional and protected from release under Section (b) (5) of FOIA. When the report is complete, it will be available at [www.eac.gov](http://www.eac.gov).

The EAC has decided to waive the processing fees for your request. If you interpret any portion of this response as an adverse action, you may appeal it to the Election Assistance Commission. Your appeal must be in writing and sent to the address noted on the above letterhead. Any appeal submitted, must be postmarked no later than 60 calendar days from the date of this letter. Please include your reasons for reconsideration and attach a copy of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeannie Layson", with a long horizontal flourish extending to the right.

Jeannie Layson  
Director of Communications  
U.S. Election Assistance Commission

Attachments:

1. Your Request Letter (August 24, 2006);
2. Responsive Documents

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U.S. ELECTION ASSISTANCE  
COMMISSION

Baker Hostetler 2005 AUG 28 PM 4: 20

Baker & Hostetler LLP

3200 National City Center  
1900 East 9th Street  
Cleveland, OH 44114-3485

T 216.621.0200  
F 216.696.0740  
www.bakerlaw.com

August 24, 2006

United States Election Assistance Commission  
1225 New York Avenue N.W., Suite - 1100  
Washington, DC 20005

Michael J. Montgomery  
direct dial: 216.861.6101  
mmontgomery@bakerlaw.com

Re: Freedom of Information Act Request

To Whom It May Concern:

I am writing to make a formal request for materials pursuant to the Freedom of Information Act. In particular, I am interested in receiving the following items:

- (1) All materials submitted by the Ohio Secretary of State that pertain to Ohio's expenditure of funds allocated under the Help America Vote Act ("HAVA").
- (2) All communications between the U.S. Election Assistance Commission and the Ohio Secretary of State concerning HAVA-related matters.
- (3) Any materials setting forth guidelines for spending HAVA funds.

Thank you in advance for your attention to my request.

Sincerely,

  
Michael J. Montgomery



"Scott, Keith"  
<kscott@sos.state.oh.us>  
08/11/2005 02:57 PM

To "bwhitener@eac.gov" <bwhitener@eac.gov>  
cc  
bcc  
Subject 2002 FEC Voting System Standards

Brian:

Thanks for looking into this for me. I am trying to find out if the 2002 FEC standards went into effect prior to the date that HAVA passed or went into effect. If you have the actual effective date of the standards, that would be great. If not, just confirmation that it was in effect at the time HAVA passed is fine.

***Keith A. Scott***

HAVA Attorney  
Office of J. Kenneth Blackwell  
Ohio Secretary of State  
180 East Broad Street, 15th Floor  
Columbus, Ohio 43215  
(614) 995-2170  
(614) 485-7682 (fax)


**CONFIDENTIALITY STATEMENT**

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021585



Bryan Whitener /EAC/GOV  
08/11/2005 03:04 PM

To "Scott, Keith" <kscott@sos.state.oh.us>@GSAEXTERNAL  
cc  
bcc  
Subject Re: 2002 FEC Voting System Standards 

Keith,  
If you're fine with it, in order to better assist you, I would need to send your request to the appropriate EAC staff members. Please let me know.  
Bryan Whitener

"Scott, Keith" <kscott@sos.state.oh.us>



"Scott, Keith"  
<kscott@sos.state.oh.us>  
08/11/2005 02:57 PM

To "bwhitener@eac.gov" <bwhitener@eac.gov>  
cc  
Subject 2002 FEC Voting System Standards

Brian:

Thanks for looking into this for me. I am trying to find out if the 2002 FEC standards went into effect prior to the date that HAVA passed or went into effect. If you have the actual effective date of the standards, that would be great. If not, just confirmation that it was in effect at the time HAVA passed is fine.

***Keith A. Scott***

HAVA Attorney  
Office of J. Kenneth Blackwell  
Ohio Secretary of State  
180 East Broad Street, 15th Floor  
Columbus, Ohio 43215  
(614) 995-2170  
(614) 485-7682 (fax)

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021586



"Scott, Keith"  
<kscott@sos.state.oh.us>  
08/11/2005 03:07 PM

To "'Bryan Whitener'" <bwhitener@eac.gov>  
cc  
bcc  
Subject RE: 2002 FEC Voting System Standards

Thats fine. Whatever is the quickest way. Thanks again.

Keith

-----Original Message-----

**From:** Bryan Whitener [mailto:bwhitener@eac.gov]  
**Sent:** Thursday, August 11, 2005 3:05 PM  
**To:** kscott@sos.state.oh.us  
**Subject:** Re: 2002 FEC Voting System Standards

Keith,  
If you're fine with it, in order to better assist you, I would need to send your request to the appropriate EAC staff members. Please let me know.  
Bryan Whitener

"Scott, Keith" <kscott@sos.state.oh.us>  
08/11/2005 02:57 PM

To "'bwhitener@eac.gov'" <bwhitener@eac.gov>  
cc  
Subject 2002 FEC Voting System Standards

Brian:

Thanks for looking into this for me. I am trying to find out if the 2002 FEC standards went into effect prior to the date that HAVA passed or went into effect. If you have the actual effective date of the standards, that would be great. If not, just confirmation that it was in effect at the time HAVA passed is fine.

***Keith A. Scott***

HAVA Attorney  
Office of J. Kenneth Blackwell  
Ohio Secretary of State  
180 East Broad Street, 15th Floor  
Columbus, Ohio 43215  
(614) 995-2170

021587

(614) 485-7682 (fax)

**CONFIDENTIALITY STATEMENT**

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021588



RECEIVED  
OCT 04 2004  
BY: *JW*

J. KENNETH BLACKWELL  
Ohio Secretary of State

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

September 24, 2004

Ms. Juliet E. Thompson  
General Counsel  
US Election Assistance Commission  
1225 New York Avenue, NW  
Suite 1100  
Washington, DC 20005

RE: Directive 2004-31 and EAC Best Practices Tool Kit

Dear Ms. Thompson:

This response is to acknowledge that I am in receipt of your letter and take exception to your mischaracterizations of inaccuracies in my Directive 2004-31. Upon reviewing my Directive and the US Election Assistance Commission Best Practices Tool Kit issued July 30, 2004, both documents essentially state the same fact: "[t]he state may choose to honor the affirmation of citizenship and age that goes with the signing of the registration form and register a person who did not check the "yes" box." So, based upon the EAC's opinion presented in the "Best Practices Tool Kit," I cannot comprehend your rationale for allowing me to adopt the policy in my Directive but without attributing it to the EAC.

It is quite apparent that after the Commissioners touted the benefits of uniformity in the jurisdictions by following the "Best Practices Tool Kit" as stated at the NASS and NASED conferences, they were expressing an opinion on the information contained in the document. Even by naming the document, "Best Practices Tool Kit" the Commission expresses an opinion in the purpose by providing the document to the states. At the major annual conference of Election Administrators, NASED, held in August, the attendees, who are state election administrators from all over the country, were given a copy of the "Best Practices Tool Kit" and were asked to use it for the implementation of HAVA. I believe you cannot now accurately state that the Commission has no opinion on the information in the "Best Practices Tool Kit" when we clearly followed the direction of the Commission in using the information as presented. Once you have the opportunity to review the EAC's "Best Practices Tool Kit" you will realize that I am correct in my instruction to the Boards.

021539

7100404.303

If you now choose to have the Department of Justice review the "Best Practices Tool Kit" after having officially distributed it to all jurisdictions, I consider that you were derelict in not doing this before you distributed the information to the states and jurisdictions.

Therefore, it is within my legal purview to administer Directives with regard to processing voter registration applications as applicable to the laws of Ohio and federal law. My Directive stands as originally released on September 7, 2004.

Sincerely,

  
J. Kenneth Blackwell  
Secretary of State

cc: DeForest B. Soaries, Jr., Chairman  
Gracia Hillman, Vice-Chair  
Paul DeGregorio, Commissioner  
Ray Martinez, Commissioner  
Cassandra Hicks, General Counsel, Ohio Secretary of State  
Pat Wolfe, Director of Elections, Ohio Secretary of State  
Judy Grady, Director of Election Reform, Ohio Secretary of State



U.S. ELECTION ASSISTANCE COMMISSION  
1225 NEW YORK AVENUE, N.W., SUITE 1100  
WASHINGTON, D.C. 20005

OFFICE OF THE CHAIRMAN

February 7, 2005

Honorable Kenneth J. Blackwell  
Secretary of State  
180 East Broad Street, 16<sup>th</sup> Floor  
Columbus, OH 43215

**Via Facsimile Transmission**  
**614-644-0649**

ATTENTION: Rose

RE: Invitation to speak at February 23, 2005  
Public Hearing on Provisional Voting

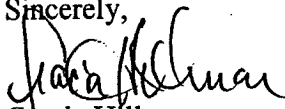
Dear Secretary Blackwell:

On February 23, 2005, the United States Election Assistance Commission (EAC) will be conducting a public hearing regarding provisional voting. The hearing will take place in Columbus, Ohio at the Moritz School of Law on February 23, 2005 from 1:00 to 5:00 p.m. This hearing is an information gathering session that is intended to begin the research process for the EAC's work in developing voluntary guidance on provisional voting. The hearing involves receiving testimony from three panels of speakers. The first panel will include election professionals from the state and local level. The second panel will include representatives of non-government sector organizations that are interested in election reform issues. The third panel will include academicians who have researched the issue of provisional voting.

The Commission would like to invite you to participate on the panel of election professionals. The Commission would ask that you limit your comments to no more than 10 minutes on the experiences in your state regarding the implementation and use of provisional voting during the elections of 2004. If you are able to attend, the Commission would ask that you submit written comments by Wednesday, February 16, 2005. Those comments can be sent via email to [testimony@eac.gov](mailto:testimony@eac.gov).

Thank you for your consideration of this request. We look forward to hearing from you.

Sincerely,

  
Gracia Hillman  
Chair



U.S. ELECTION ASSISTANCE COMMISSION  
1225 NEW YORK AVENUE, N.W., SUITE 1100  
WASHINGTON, D.C. 20005

February 11, 2005

Honorable Kenneth J. Blackwell  
Secretary of State  
180 East Broad Street, 16<sup>th</sup> Floor  
Columbus, OH 43215

**Via Facsimile Transmission**  
**614-644-0649**

ATTENTION: Rose

RE: Invitation to speak at February 23, 2005  
Public Hearing on Provisional Voting

Dear Secretary Blackwell:

We appreciate your consideration of speaking at the public hearing on provisional voting to be held on Wednesday, February 23, 2005 in Columbus, Ohio. We must quickly finalize our arrangements and panelists for this hearing. As such, we would appreciate confirmation that you will or will not be able to speak at this event by 10:00 a.m. on Monday, February 14, 2005. If we have not received confirmation at that point, we will have to select another speaker.

Thank you in advance for your consideration and timely response.

Sincerely,

A handwritten signature in black ink that reads "Gracia M. Hillman". The signature is written in a cursive style.

Gracia Hillman  
Chair



U.S. ELECTION ASSISTANCE COMMISSION  
1225 NEW YORK AVENUE, N.W., SUITE 1100  
WASHINGTON, D.C. 20005

OFFICE OF THE CHAIR

March 9, 2005

Honorable J. Kenneth Blackwell  
Secretary of State  
180 East Broad Street, 16<sup>th</sup> Floor  
Columbus, OH 43215

RE: Participation in February 23, 2005  
Public hearing on provisional voting

Dear Secretary Blackwell:

Thank you for participating in the United States Election Assistance Commission's public hearing on provisional voting. Initial responses indicate that the hearing was a great success, providing needed light to an issue that has been a source of confusion for many voters and election administrators alike.

Your testimony regarding the experience of Ohio in implementing provisional voting was insightful and helpful to EAC as it begins its work on provisional voting. We were particularly interested in the effect of litigation on the efforts of the state and local election officials to implement provisional voting.

Again, thank you for your time and assistance in beginning EAC's research and guidance work on provisional voting.

Sincerely,

A handwritten signature in black ink, appearing to read "Gracia Hillman".

Gracia Hillman  
Chair





*J. Kenneth Blackwell*  
**J. KENNETH BLACKWELL**  
Ohio Secretary of State

180 E. BROAD STREET / 16TH FLOOR / COLUMBUS, OH 43215  
614.466.2655 / TOLL FREE: 877.767.6446 / FAX: 614.644.0649  
e-mail: blackwell@sos.state.oh.us    [www.state.oh.us/sos/](http://www.state.oh.us/sos/)

February 14, 2006

The Honorable Ray Martinez  
U.S. Election Assistance Commission  
1225 New York Avenue, NW  
Suite 1100  
Washington, DC 20005

Dear Commissioner Martinez:

I am formally requesting the appointment of Mr. Steve Harsman to the EAC Standards Board under section 213 of the Help America Vote Act (HAVA) of 2002. Mr. Harsman will fill the current county level vacancy for Ohio. Michael Sciortino formerly held this position.

Steve is the current Director of the Montgomery County Board of Elections, which is one of Ohio's largest counties. In his capacity as Director, he will bring added wealth and expertise to the Standards Boards.

If you require additional information regarding my request, please contact Judy Grady, my Director of Elections, at 614-466-2585.

Thank you for your attention in this matter.

Sincerely,

A handwritten signature in cursive script that reads "J. Kenneth Blackwell".

J. Kenneth Blackwell

cc: Steve Harsman, Director, Montgomery County Board of Elections

021594

Curtis Crider/EAC/GOV  
06/27/2006 12:26 PM

To jgrady@sos.state.oh.us  
cc Joseph Ansnick/CONTRACTOR/EAC/GOV@EAC  
bcc  
Subject engagement letter

Attached is the engagement letter for our upcoming audit. If you have any questions please do not hesitate to contact me.

Curtis Crider  
Office of Inspector General, Election Assistance Commission  
Phone - (202) 566-3125  
Fax - (202) 566-3127



Ohio Letter.pdf

**Important:** This electronic transmission is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected from disclosure under applicable law.

021595



U.S. ELECTION ASSISTANCE COMMISSION  
OFFICE OF INSPECTOR GENERAL  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005

June 27, 2006

The Honorable J. Kenneth Blackwell  
Ohio Secretary of State  
180 E. Broad Street  
Columbus, Ohio 43215

Dear Secretary of State Blackwell:

The Office of Inspector General has scheduled an audit of the administration of Help America Vote Act (HAVA) funds by the State of Ohio. The objectives of the audit are to determine whether Ohio (1) expended HAVA payments in accordance with the Act and related administrative requirements and (2) complied with the HAVA requirements for replacing punch card or lever voting machines, for appropriating a 5 percent match for requirements payments, for establishing an election fund, and for maintaining state expenditures for elections at a level not less than expended in fiscal year 2000. The audit will cover Ohio's expenditure and obligation of HAVA funds from fiscal year 2003 through fiscal year 2006, and will include the following activities:

- Accumulating the financial information reported to the Election Assistance Commission on Standard Forms 269.
- Accounting for salaries.
- Purchasing goods and services
- Accounting for property.
- Charging indirect costs.
- Spending by counties.
- Maintaining the election fund.
- Accounting for interest and program income.
- Sustaining the State's level of expenditures for elections.

In our telephone conversation with Ms. Judy Grady of your office, we agreed to start our audit on or about July 10, 2006. Mr. Joseph Ansnick and Mr. Gary Gunderson will conduct the review. To complete our audit, we anticipate examining the following information:

1. All audit reports and other reviews related to the financial management systems and the HAVA program for the last 2 years.
2. Policies, procedures and regulations for Ohio's management and accounting systems as they relate to the administration of HAVA programs.

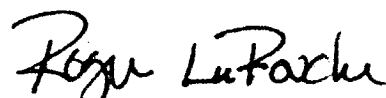
021596

3. An organizational chart and a list of all full and part-time employees indicating those employees whose salary is financed with HAVA funds. (If applicable, also identify other employees from the State whose salary is paid in full or in part with HAVA funds).
4. Inventory list of all equipment purchased with HAVA funds.
5. Contract files for major procurements (i.e. voter registration system and election systems).
6. Information regarding what source/supporting documents are maintained in the accounting system for payments made with HAVA funds.
7. List of all sub-grant or other agreements providing HAVA funds to counties or other political subdivisions of the state.
8. County financial reports.
9. Ohio laws that impact the election fund.
10. Description of Ohio's methods of accounting for any income, such as revenue from equipment leases, generated by HAVA programs.
11. Appropriations and expenditure reports for State funds used to maintain the level of expenses for elections at least equal to the amount expended in fiscal year 2000 and to meet the five percent matching requirement for section 251 requirements payments.
12. Information regarding what source/supporting documents are kept for maintenance of effort and matching contributions.

To perform the review, we will need your help with: (1) facilities to accommodate two auditors, (2) access to a telephone, a copier, a printer, and a fax machine, and (3) data lines for our laptop computers.

We appreciate your assistance. If you have any questions regarding this letter, please contact me at (202) 566-3121.

Sincerely,

  
Roger La Rouche  
Acting Inspector General

cc: Director of Elections, Ohio  
Secretary of State's Office  
Chief Financial Officer, Ohio  
Secretary of State's Office  
Chairman, U.S. Election Assistance  
Commission  
Executive Director, U.S. Election  
Assistance Commission

021597

Curtis Crider/EAC/GOV  
08/30/2006 07:18 AM

To  
cc  
bcc  
Subject Fw: Extension to Travel Authorization Date

Joseph  
Ansnick/CONTRACTOR/  
EAC/GOV

08/28/2006 07:42 AM

To rlarouche@eac.gov  
cc

Subject Fw: RE: Draft NFR No. OH-3 on Cash  
Management

Roger,

I received the message below from the CFO in Ohio. I guess I will be going to Ohio next week.

Thank you,

Joe

-----Forwarded by Joseph Ansnick/CONTRACTOR/EAC/GOV on 08/28/2006 07:41AM -----

To: jansnick@eac.gov  
From: "Mehta, Dilip" <dmehta@sos.state.oh.us>  
Date: 08/25/2006 02:20PM  
Subject: RE: Draft NFR No. OH-3 on Cash Management

Joe ? Monday is not an option. As a matter of fact, the entire week is booked. However, I am willing to do an initial phone conversation for a few minutes. At that time we can set up an appointment for you to come to Columbus for one day. I need a few days to think about it. Hence, I will call you sometime the middle of next week and we will have our initial conversation on the phone. Please provide me the phone number to get in touch with you then.

Thank you.

Dilip

-----Original Message-----

**From:** jansnick@eac.gov [mailto:jansnick@eac.gov]  
**Sent:** Friday, August 25, 2006 11:19 AM  
**To:** Mehta, Dilip  
**Subject:** RE: Draft NFR No. OH-3 on Cash Management

021598

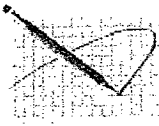
Dilip,

I will come to Columbus. Will you be ready for me on Monday? I can fly to Columbus Monday morning and return to DC Monday evening. Do you think that will give us enough time to discuss the cash management issue and for me to review the payroll distribution for the resolution of NFR OH-1 and see the inventory lists for the three counties we mentioned? If necessary I can return to DC Tuesday.

Thank you,

Joe Ansnick

021599



Joseph  
Ansnick/CONTRACTOR/EAC/  
GOV

08/30/2006 06:17 AM

To ccrider@eac.gov

cc

bcc

Subject Fw: Ohio audit

Curtis,

Here is an email re: FOIA

-----Forwarded by Joseph Ansnick/CONTRACTOR/EAC/GOV on 08/30/2006 06:17AM -----

To: garry\_gunderson@oig.doi.gov  
From: Joseph Ansnick/CONTRACTOR/EAC/GOV  
Date: 08/10/2006 08:33AM  
Subject: Fw: Ohio audit

----- Forwarded by Joseph Ansnick/CONTRACTOR/EAC/GOV on 08/10/2006 08:33 AM -----

Joseph  
Ansnick/CONTRACTO  
R/EAC/GOV

08/09/2006 01:07 PM

Togarry\_gunderson@doi.oig.gov

cc

SubjectFw: Ohio audit

----- Forwarded by Joseph Ansnick/CONTRACTOR/EAC/GOV on 08/09/2006 01:07 PM -----

"Jordan, Lori"  
<ljordan@sos.state.oh.  
us>

08/08/2006 08:03 AM

Tojansnick@eac.gov

ccggunderson@eac.gov

SubjectOhio audit

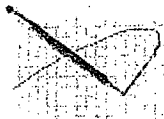
Hi Joe and Garry,

Sorry I wasn't here on Thursday. If you need any other assistance please let me know. I appreciated your input for the Ohio HAVA program and I enjoyed helping you both with the financial disc.

Take care,

Lori Jordan  
Finance Grants Manager  
Ohio Secretary of State's Office  
180 E. Broad St. 17th Fl.  
Columbus, OH 43215  
phone 614-466-6232  
fax 614-485-7677  
HAVA nice day! :)

021600



Joseph  
Ansnick/CONTRACTOR/EAC/  
GOV

08/30/2006 06:15 AM

To ccrider@eac.gov

cc

bcc

Subject Fw: re: Status of Ohio Audit

Curtis,

Here is an email re: FOIA.

-----Forwarded by Joseph Ansnick/CONTRACTOR/EAC/GOV on 08/30/2006 06:15AM -----

To: rlarouche@eac.gov  
From: Joseph Ansnick/CONTRACTOR/EAC/GOV  
Date: 08/02/2006 10:24AM  
Subject: re: Status of Ohio Audit

Roger,

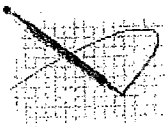
We plan on holding the exit conference tomorrow afternoon, Thursday, August 3, because of the unavailability of management on Friday. We will mention at the exit conference that additional issues may surface as continue our work on Friday and we finalize our working papers and send them through the review process during the week of August 7.

Thank you,

Joe

021601





Joseph  
Ansnick/CONTRACTOR/EAC/  
GOV  
08/30/2006 06:13 AM

To ccrider@eac.gov  
cc  
bcc  
Subject Fw: Re: Touch Base with Ohio

Curtis,

Here is an email re: FOIA request.

-----Forwarded by Joseph Ansnick/CONTRACTOR/EAC/GOV on 08/30/2006 06:13AM -----

To: Roger Larouche/CONTRACTOR/EAC/GOV@EAC  
From: Joseph Ansnick/CONTRACTOR/EAC/GOV  
Date: 06/28/2006 09:30AM  
Subject: Re: Touch Base with Ohio

Roger,

I'll check out the airline schedules for Garry Gunderson and myself before I call him and then try to arrange the entrance conference for Monday afternoon.

Thank you,

Joe

Roger Larouche/CONTRACTOR/EAC/GOV

Roger  
Larouche/CONTRACT  
OR/EAC/GOV

06/28/2006 09:22 AM

To Joseph  
Ansnick/CONTRACTOR/EAC/GOV@EAC

cc Garry\_Gunderson@oig.doi.gov

Subject Touch Base with Ohio

Joe,

I got a call from a Mr. Keith Scott from Ohio. (not sure of his title). He wanted to confirm that the audit team would be arriving on July 10. I told him that the team would be traveling on July 10 and that I was not sure if they would be in the offices on the 10th or 11th. I also told him that you would call today to confirm the date and time of your arrival. Mr. Scott's telephone number is (614) 995-2170.

021602



"Jordan, Lori"  
<ljordan@sos.state.oh.us>  
09/30/2005 03:29 PM

To psims@eac.gov  
cc  
bcc

Subject RE: CFDA Numbers for HAVA Funding Programs

Hi Peggy,

Our original report filed last year for the requirements payments used the CFDA 39.011. Do we need to attach a corrected report to this year's report? Also, I checked the CFDA website when we received our requirement payments and did not see that CFDA number. There was no mention of it in the award letter either. When did that information become available?

Just curious so I will know how to proceed.

Thanks and have a great weekend!

Lori Jordan  
Finance Grants Manager  
Ohio Secretary of State's Office  
180 E. Broad St. 17th Fl.  
Columbus, OH 43215  
phone 614-466-6232  
fax 614-485-7677  
HAVA nice day! :)

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Thursday, September 22, 2005 4:26 PM

**To:** cguidry@sos.louisiana.gov; jholjes@state.pa.us; judye.schneider@sos.state.co.us; lguerrero@secstate.wa.gov; lshea@secstate.wa.gov; jennifer.jacobson@state.sd.us; dglotzer@sos.state.tx.us; Cara.Harr@state.tn.us; Jordan, Lori; longj1@michigan.gov; jim\_shine@gov.state.ak.us; Lynda.Anderson@sbe.virginia.gov; james.graham@sos.arkansas.gov; RLParker@sos.nv.gov; Robynn.Yokooji@hawaii.gov; hkgrimm@sosmail.state.ar.us; BrianH@kssos.org; pharrington@sos.nv.gov; Scott.Logan@ncmail.net; don.wright@ncmail.net; Valerie.Holman@lps.state.nj.us; john.t.smith@maine.gov; plaso@viaccess.net; CStender@azsos.gov; mbeirne@sec.state.ri.us; Asgelect@samoatelco.com; jreynolds@elections.sc.gov; steven.talpas@lps.state.nj.us; mjohnson@sos.state.ms.us; rondamoore@sos.nv.gov; kdewolfe@sec.state.vt.us; MRoate@elections.state.il.us; jcasto@wvsos.com; SMacDonald@utah.gov; lauri\_allred@gov.state.ak.us; ptracey@elections.state.ny.us; nmgorbea@ec.state.ri.us; dkohel@sos.state.ne.us; BGlazier@elections.state.il.us; Virginia.Lane@state.de.us; rhonda.jones@sos.mo.gov; jwilliams@wvsos.com; jjordan@elections.state.md.us; Kathy.Sibbel@state.mn.us; jmairs@idsos.state.id.us; jsilrum@state.nd.us; pdaley@sec.state.vt.us; astevens@sos.state.nh.us; roach@oklaosf.state.ok.us; SimonC1@michigan.gov; smyers@azsos.gov; egraveley@state.mt.us; secstate@state.nm.us; frank.garcia-jr@state.or.us; bryan.rusciano@lps.state.nj.us; lklass@state.wy.us; Faith.EAC@gsa.gov; Edgren@sbe.wi.us; martina.cdebaca@state.nm.us; creynold@ss.ca.gov; eswedenburg@sos.al.gov; gec@ite.net; pkosinski@elections.state.ny.us; jadurbin@dos.state.fl.us; kevin.kennedy@sbe.state.wi.us; patriwili@state.pa.us; havaadministrator@sos.in.gov; Lynda.Anderson@sbe.virginia.gov; johnbower@juno.com; dsabaril@sos.ca.gov; maria.hernandez@lbb.state.tx.us; ccaldwell@lpo.state.ar.us

021683

**Cc:** reynolds@sso.org; mglazer@csg.org  
**Subject:** CFDA Numbers for HAVA Funding Programs

Hello, HAVA Administrators and Financial Officers:

This is to confirm that a Catalogue of Federal Domestic Assistance (CFDA) number has been assigned to the "requirements payments" distributed by the U.S. Election Assistance Commission (EAC) under Title II of the Help America Vote Act. CFDA numbers reflect the government agency providing the funds and the program under which the monies were distributed. The CFDA numbers assigned thus far to HAVA programs are:

- **39.011** - Title I, sections 101 and 102 - election reform payments [distributed by the General Services Administration (GSA) in 2003].
- **93.617** - Title II, section 261 - grants to States for voting access for individuals with disabilities [aka EAID, distributed by the U.S. Department of Health and Human Services (HHS) in 2003, 2004, and 2005].
- **93.618** - Title II, section 291 - grants to State protection and advocacy systems to promote voting access for individuals with disabilities [distributed by HHS in 2003, 2004, and 2005; authorized for distribution in 2006].
- **90.400** - Help America Vote College Program - grants to promote the participation of college students as nonpartisan poll workers [distributed by EAC in 2004; may be distributed in future years].
- **90.401** - Title II, section 251 - "requirements payments" [provided by EAC, beginning in 2004].

Some confusion has been caused by the removal of the HAVA Title I listing from the CFDA website (<http://12.46.245.173/cfda/cfda.html>). This was done without consulting with EAC. I suspect that the entry was removed by GSA for the following reasons:

- The CFDA number for the Title I funds has a GSA designation;
- No more funds are to be distributed under this program; and
- In accordance with HAVA Section 902(b)(4), EAC is responsible for auditing these funds.

I have discussed the matter with EAC's General Counsel, Julie Thompson. It is our position that, for tracking purposes, States and local jurisdictions should continue to use the GSA number originally assigned to the Title I funds. EAC cannot seek a new number for these funds because HAVA does not authorize EAC to make Title I payments.


I hope this information helps. Let me know if you need further assistance.

Sincerely,

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

021604

Margaret Sims /EAC/GOV  
04/07/2005 09:55 AM

To "Grady, Judy" <JGrady@sos.state.oh.us>@GSAEXTERNAL  
cc  
bcc  
Subject RE: Ohio Revised State Plan 

Good Morning, Judy:

The material changes to Ohio's State plan were published in today's *Federal Register*. (See <http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/pdf/05-6750.pdf>.) Today counts as the first of the 30 days required for publication, after which the State can implement the material changes. Please let me know if you have any questions.

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

021605

Margaret Sims /EAC/GOV  
10/03/2005 09:22 AM

To "Jordan, Lori" <ljordan@sos.state.oh.us>@GSAEXTERNAL  
cc  
bcc  
Subject RE: CFDA Numbers for HAVA Funding Programs

Lori:

The requirements payments award notice did not include a CFDA number because we did not have the number at that time. We were told that we did not need one because the payments did not qualify as discretionary grants. Nevertheless, many States called to ask for a number because they use the number to track the funds. Consequently, we began jumping through the hoops necessary to obtain the number. The CFDA number for the requirements payments was confirmed earlier in the same week that I sent the message to you. It is on the web at [http://12.46.245.173/pls/portal30/CATALOG.PROGRAM\\_TEXT.RPT.SHOW?p\\_arg\\_names=prog\\_nbr&p\\_arg\\_values=90.401](http://12.46.245.173/pls/portal30/CATALOG.PROGRAM_TEXT.RPT.SHOW?p_arg_names=prog_nbr&p_arg_values=90.401).

Regarding the number you put on the first requirements payments report, I'll just place a copy of your email in the report folder, for now. Hope all is well with you.

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

"Jordan, Lori" <ljordan@sos.state.oh.us>



"Jordan, Lori"  
<ljordan@sos.state.oh.us>  
09/30/2005 03:29 PM

To psims@eac.gov  
cc  
Subject RE: CFDA Numbers for HAVA Funding Programs

Hi Peggy,  
Our original report filed last year for the requirements payments used the CFDA 39.011. Do we need to attach a corrected report to this year's report? Also, I checked the CFDA website when we received our requirement payments and did not see that CFDA number. There was no mention of it in the award letter either. When did that information become available?  
Just curious so I will know how to proceed.  
Thanks and have a great weekend!

Lori Jordan  
Finance Grants Manager

021606

Ohio Secretary of State's Office  
180 E. Broad St. 17th Fl.  
Columbus, OH 43215  
phone 614-466-6232  
fax 614-485-7677  
HAVA nice day! :)

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Thursday, September 22, 2005 4:26 PM

**To:** cguidry@sos.louisiana.gov; jholjes@state.pa.us; judye.schneider@sos.state.co.us; lguerrero@secstate.wa.gov; lshea@secstate.wa.gov; jennifer.jacobson@state.sd.us; dglotzer@sos.state.tx.us; Cara.Harr@state.tn.us; Jordan, Lori; longj1@michigan.gov; jim\_shine@gov.state.ak.us; Lynda.Anderson@sbe.virginia.gov; james.graham@sos.arkansas.gov; RLParker@sos.nv.gov; Robynn.Yokooji@hawaii.gov; hkgrimm@sosmail.state.ar.us; BrianH@kssos.org; pharrington@sos.nv.gov; Scott.Logan@ncmail.net; don.wright@ncmail.net; Valerie.Holman@lps.state.nj.us; john.t.smith@maine.gov; plaso@viaccess.net; CStender@azsos.gov; mbeirne@sec.state.ri.us; Asgelect@samoatelco.com; jreynolds@elections.sc.gov; steven.talpas@lps.state.nj.us; mjohnson@sos.state.ms.us; rondamoore@sos.nv.gov; kdewolfe@sec.state.vt.us; MRoate@elections.state.il.us; jcasto@wvsos.com; SMacDonald@utah.gov; lauri\_allred@gov.state.ak.us; ptracey@elections.state.ny.us; nmgorbea@ec.state.ri.us; dkohel@sos.state.ne.us; BGlazier@elections.state.il.us; Virginia.Lane@state.de.us; rhonda.jones@sos.mo.gov; jwilliams@wvsos.com; jjordan@elections.state.md.us; Kathy.Sibbel@state.mn.us; jmairs@idsos.state.id.us; jsilrum@state.nd.us; pdaley@sec.state.vt.us; astevens@sos.state.nh.us; roach@oklaosf.state.ok.us; SimonC1@michigan.gov; smyers@azsos.gov; egraveley@state.mt.us; secstate@state.nm.us; frank.garcia-jr@state.or.us; bryan.rusciano@lps.state.nj.us; lklass@state.wy.us; Faith.EAC@gsa.gov; Edgren@sbe.wi.us; martina.cdeBaca@state.nm.us; creynold@ss.ca.gov; eswedenburg@sos.al.gov; gec@ite.net; pkosinski@elections.state.ny.us; jadurbin@dos.state.fl.us; kevin.kennedy@sbe.state.wi.us; patriwili@state.pa.us; havaadministrator@sos.in.gov; Lynda.Anderson@sbe.virginia.gov; johnbower@juno.com; dsabaryl@sos.ca.gov; maria.hernandez@lbb.state.tx.us; ccaldwell@lapo.state.ar.us

**Cc:** reynolds@sso.org; mglazer@csg.org

**Subject:** CFDA Numbers for HAVA Funding Programs

Hello, HAVA Administrators and Financial Officers:

This is to confirm that a Catalogue of Federal Domestic Assistance (CFDA) number has been assigned to the "requirements payments" distributed by the U.S. Election Assistance Commission (EAC) under Title II of the Help America Vote Act. CFDA numbers reflect the government agency providing the funds and the program under which the monies were distributed. The CFDA numbers assigned thus far to HAVA programs are:

- **39.011** - Title I, sections 101 and 102 - election reform payments [distributed by the General Services Administration (GSA) in 2003].
- **93.617** - Title II, section 261 - grants to States for voting access for individuals with disabilities [aka EAID, distributed by the U.S. Department of Health and Human Services (HHS) in 2003, 2004, and 2005].
- **93.618** - Title II, section 291 - grants to State protection and advocacy systems to promote voting access for individuals with disabilities [distributed by HHS in 2003, 2004, and 2005; authorized for distribution in 2006].
- **90.400** - Help America Vote College Program - grants to promote the participation of college students as nonpartisan poll workers [distributed by EAC in 2004; may be

021807

- distributed in future years].
- 90.401 - Title II, section 251 - "requirements payments" [provided by EAC, beginning in 2004].

Some confusion has been caused by the removal of the HAVA Title I listing from the CFDA website (<http://12.46.245.173/cfda/cfda.html>). This was done without consulting with EAC. I suspect that the entry was removed by GSA for the following reasons:

- The CFDA number for the Title I funds has a GSA designation;
- No more funds are to be distributed under this program; and
- In accordance with HAVA Section 902(b)(4), EAC is responsible for auditing these funds.

I have discussed the matter with EAC's General Counsel, Julie Thompson. It is our position that, for tracking purposes, States and local jurisdictions should continue to use the GSA number originally assigned to the Title I funds. EAC cannot seek a new number for these funds because HAVA does not authorize EAC to make Title I payments.


I hope this information helps. Let me know if you need further assistance.

Sincerely,

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: [psims@eac.gov](mailto:psims@eac.gov)

021608

Margaret Sims /EAC/GOV  
03/22/2005 08:50 AM

To "Grady, Judy" <JGrady@sos.state.oh.us>@GSAEXTERNAL  
cc  
bcc  
Subject RE: Ohio Revised State Plan 

Thanks, Judy! I'll keep you posted on my progress.

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

"Grady, Judy" <JGrady@sos.state.oh.us>



"Grady, Judy"  
<JGrady@sos.state.oh.us>  
03/22/2005 08:46 AM

To "psims@eac.gov" <psims@eac.gov>  
cc  
Subject RE: Ohio Revised State Plan

Peggy,

I have reviewed the attached pages of excerpts from the Ohio revised State Plan and have added text to item 12 in section XIX. I am fine with the layout and especially fine with saving the taxpayers \$8000!! Let me know if you need anything else from me. Thanks for your assistance with our revised plan.

Judy Grady  
Director of Election Reform  
Ohio Secretary of State  
180 E Broad Street  
Columbus, OH 43215  
614-466-5515

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

021609



**Sent:** Friday, March 18, 2005 12:08 PM  
**To:** JGrady@sos.state.oh.us  
**Subject:** Re: Ohio Revised State Plan

Judy:

I have to meet with the subcommittee that deals with requirements payments about the upcoming publication of State plans. My first opportunity since March 2 (and last for the next 3 weeks) will be next week. At that time, I can present the draft Federal Register Notice that will accompany the excerpts or your State's plan and another State's plan. Once the two Commissioners on this subcommittee sign off on the notice, it has to be circulated to all four Commissioners for a 48-hour tally vote.

After I receive certification of a tally vote to approve the notice, I can submit the notice and State plans to the Office of Federal Register. After that, it is anyone's guess as to when the plans will be published. (The quickest we have seen has been one week.) I will send an email to you when I have confirmed the publication date.

In the interim, I need you to review the attached 18 pages of excerpts from Ohio's revised State plan. (If we publish just these and your cover letter instead of the full 51-page revised plan you submitted, we can save the taxpayers almost \$8,000.) Have I picked up all of the sections that contained material changes? Do you want to make any adjustments to the format or page breaks?

I would also like to draw your attention to item 12 and the last statement before the Secretary's signature in the excerpted section XIX. Do you really want to leave these as is for publication as part of the *revised* State plan?

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

"Grady, Judy" <JGrady@sos.state.oh.us>

03/17/2005 04:31 PM

To "Psims@eac.gov" <Psims@eac.gov>  
cc  
SubjectFW: Ohio Revised State Plan

021610

Peggy,

Per our telephone conversation earlier this week, can you please tell me the status of when you will have Ohio's revised plan placed in the *Federal Register* ? Please let me know if you need additional information from me. Thank you, I may be reached at 614-466-5515.

Thank you,

Judy Grady

Director of Election Reform

-----Original Message-----

**From:** Grady, Judy

**Sent:** Friday, February 25, 2005 5:21 PM

**To:** 'psims@eac.gov'

**Subject:** Ohio Revised State Plan

Peggy,

Attached is the Ohio revised state plan and letter from Secretary Blackwell. A hard copy has been sent via Federal Express and should arrive Monday morning. Please call me if you have any questions or concerns. I left the yellow highlight in your copy to show the changes. I can take them off and resend it if you prefer.

021611

Also please advise when the revised plan will appear in the *Federal Register* .

Thanks,

Judy



614-466-5515 OH State Plan Excerpts.doc

021612



"Grady, Judy"  
<JGrady@sos.state.oh.us>  
03/22/2005 08:46 AM

To "'psims@eac.gov'" <psims@eac.gov>  
cc  
bcc  
Subject RE: Ohio Revised State Plan

Peggy,

I have reviewed the attached pages of excerpts from the Ohio revised State Plan and have added text to item 12 in section XIX. I am fine with the layout and especially fine with saving the taxpayers \$8000!! Let me know if you need anything else from me. Thanks for your assistance with our revised plan.

Judy Grady

Director of Election Reform

Ohio Secretary of State

180 E Broad Street

Columbus, OH 43215

614-466-5515

-----Original Message-----

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**Sent:** Friday, March 18, 2005 12:08 PM

**To:** JGrady@sos.state.oh.us

**Subject:** Re: Ohio Revised State Plan

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After I receive certification of a tally vote to approve the notice, I can submit the notice and State plans to the Office of Federal Register. After that, it is anyone's guess as to when the plans will be published. (The quickest we have seen has been one week.) I will send an email to you when I have confirmed the publication date.

021613

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I would also like to draw your attention to item 12 and the last statement before the Secretary's signature in the excerpted section XIX. Do you really want to leave these as is for publication as part of the *revised* State plan?

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

"Grady, Judy" <JGrady@sos.state.oh.us>

03/17/2005 04:31 PM

To: "Psims@eac.gov" <Psims@eac.gov>

cc

Subject: FW: Ohio Revised State Plan

Peggy,

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021614

will have Ohio's revised plan placed in the *Federal Register* ? Please let me know if you need additional information from me. Thank you, I may be reached at 614-466-5515.

Thank you,

Judy Grady

Director of Election Reform

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**From:** Grady, Judy

**Sent:** Friday, February 25, 2005 5:21 PM

**To:** 'psims@eac.gov'

**Subject:** Ohio Revised State Plan

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Also please advise when the revised plan will appear in the *Federal Register* .

Thanks,

Judy



614-466-5515 OH State Plan Excerpts.doc

021615

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

## HELP AMERICA VOTE ACT

### The State Plan Committee

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

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

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

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

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

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

**State Rep. Nancy Hollister**, *R-Marietta*

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

**State Sen. Mark Mallory**, *D-Cincinnati*

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

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

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

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

#### IV. State of Ohio Elections Systems

Deleted: IV

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

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

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

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



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

1/12/2005

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MEDINA	145	101,054	PUNHCARD
MEIGS	27	14,685	PUNHCARD
MERCER	40	26,724	PUNHCARD
MIAMI	82	66,743	SCAN
MONROE	29	9,866	PUNHCARD
MONTGOMERY	593	334,787	PUNHCARD
MORGAN	22	8,600	PUNHCARD
MORROW	36	21,354	PUNHCARD
MUSKINGUM	85	48,175	PUNHCARD
NOBLE	27	8,173	PUNHCARD
OTTAWA	78	26,905	SCAN
PAULDING	30	13,374	PUNHCARD
PERRY	46	20,815	PUNHCARD
PICKAWAY	53	27,505	ELECTRONIC
PIKE	24	17,849	PUNHCARD
PORTAGE	129	94,711	PUNHCARD
PREBLE	46	28,108	PUNHCARD
PUTNAM	51	24,360	PUNHCARD
RICHLAND	133	83,151	PUNHCARD
ROSS	76	37,478	ELECTRONIC
SANDUSKY	73	39,768	SCAN
SCIOTO	107	43,062	PUNHCARD
SENECA	73	35,707	PUNHCARD
SHELBY	45	29,776	PUNHCARD
STARK	364	246,562	PUNHCARD
SUMMIT	507	334,515	PUNHCARD
TRUMBULL	274	132,957	PUNHCARD
TUSCARAWAS	81	53,930	PUNHCARD
UNION	47	25,880	PUNHCARD

1/12/2005

021619

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

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

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

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

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

<sup>1</sup> *Ohio Elections Summit Report*, Office of the Secretary of State, published May 2001.

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

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

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

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

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

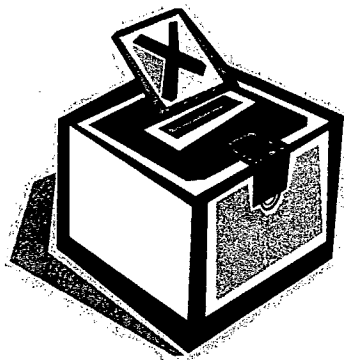
County	2000 Voting System	Total Votes Cast	Total Votes Counted	Difference	Percent Difference
Holmes	PUNHCARD	9,937	9,145	792	7.97%
Pike	PUNHCARD	11,084	10,560	524	4.73%
Vinton	PUNHCARD	5,184	4,946	238	4.59%
Adams	PUNHCARD	10,727	10,235	492	4.59%
Meigs	PUNHCARD	10,228	9,795	433	4.23%
Noble	PUNHCARD	6,210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

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

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

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

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



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

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

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

## V. Voter Trends: the Context for Change and Reform

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

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

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

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

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

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

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

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

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

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

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

## **VIII. Distribution of Resources to Local Governments**

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

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

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

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

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

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

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Distribution of Resources to Local Governments¶



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

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

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

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

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

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

Voting Equipment and other Activities	\$116 million	State on behalf of Counties	For new voting equipment and to meet other HAVA requirements
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In simplest terms, this allocates Help America Vote funds where the money is needed most: in Ohio counties. While it is the responsibility of the Ohio Secretary of State to monitor performance and ensure implementation of the Act, the execution of the Ohio plan, ultimately, will take place at the county level. On that basis, we believe it prudent to maximize resources for election reform in the counties where election reform will occur.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## X. Voter Education, Election Official and Poll Worker Training

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Achieving the mechanical and technological change of the Help America Vote Act of 2002 is only part of the challenge of enacting true modernization and reform of Ohio's voting system. While devices will enhance the efficiency of Ohio's voting and

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

election process, voter education and training of election officials and poll workers is critical to full implementation of the reforms to the benefit of Ohio voters.

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

To these marvelous citizens, voting isn't just a right it's an obligation and a precious American birthright that has been paid

for with the blood, sweat and tears of those who sacrificed their lives on foreign soil. As these citizen patriots retire from the poll worker ranks in Ohio's election system, we are looking to the future to determine how best we can recruit the next generation of poll workers who will embrace this important Election Day service with the same degree of commitment, enthusiasm and competence of our older poll workers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The program's Web site, [www.YourVoteCountsOhio.org](http://www.YourVoteCountsOhio.org), features educational materials and instructional videos showing how to vote using punch card, optical scan and DRE (electronic) voting machines. Also included in the program printed material and public service messages for television and radio.

In addition, the Secretary of State has made a special effort to reach out to students with his "Xpect More" campaign. The "Xpect More" advertising campaign is aimed at inviting young voters between the age of 18 and 24 into the democratic process. To date, more than 623,000 "Xpect More" brochures have been distributed to students through schools and across Ohio.

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

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

participate in the election process and to determine if there are programs and initiatives that can be implemented to address their concerns and entice them to the polls.

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

The proposed budget for these activities is \$2.5 million earmarked for voter education, and \$5 million set aside for election official and poll-worker training. We propose making election official and poll-

worker training funds available as state grants to the counties to supplement local activities and initiatives of the county boards of elections.

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

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

## XVI. Estimated Timelines for Implementation of the State Plan

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

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

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- April 29, 2004: Clinton County first to establish Centralized Voter Registration File processes between the county and the Secretary of State.
- May 7, 2004: Substitute House Bill 262 enacted.
- August 18, 2004: Diebold Direct Recording Electronic (DRE) Technical Security Re-Assessment Report prepared by Compuware submitted to Secretary of State.
- Nov. 2, 2004: General Election
- November 17, 2004: VVPAT requirements distributed for comments.
- January 3, 2005: Diebold Direct Recording Electronic (DRE) Technical Security Re-Assessment Report Addendum prepared by Compuware submitted to Secretary of State.
- January 3, 2005: VVPAT rules filed with JCARR.
- January 1, 2006: Centralized Statewide Voter Registration File fully implemented.
- May 2, 2006: Replacement of punch-card and lever machine complete.

### XVIII. The State Plan Committee: HAVA and Beyond

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

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

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

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

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



Additionally, some committee members recommended working with the Ohio Department of Education and the Ohio Board of Regents to explore ways to better educate and encourage political participation by high school and college students. Pastor Wheeler suggested Ohio public schools should ponder curriculum requirements that focus exclusively on voting and election processes.

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

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

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

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

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

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

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

Ms. Alvarado noted the projected growth of Hispanic populations both nationally and in the State of Ohio. Several committee

members agreed that rather than addressing this issue later and incurring cost for conforming equipment, the RFP should anticipate the language requirement and it should be purchased now while federal funds are available to help Ohio make the transition to new voting equipment.

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

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

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

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

Rep. Hollister agreed there needs to be periodic evaluation of Ohio's progress in meeting voting and election reforms. She

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

suggested a need to pause from time to time to reflect on what has been accomplished, what future reforms need to be considered, and what revenues are available to achieve those objectives.

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

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

As expected, much of the panel's deliberation was focused on funding and whether the federal allocation to Ohio was adequate to effect the wholesale change in

voting systems in the state. A key voice in that discussion was Larry Long, executive director of the County Commissioners Association of Ohio.

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

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

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

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

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

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

## **XIX. Summary of the State Plan**

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

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

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

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

The Secretary of State, however, believes Ohio cannot afford to delay its implementation of the plan because every election cycle that passes is another election where voters are potentially disenfranchised

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

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

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

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

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

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

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

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

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

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

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

accommodates the needs of people with disabilities.

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

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

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

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

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

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

**(2) How the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in paragraph (1).**

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

**(3) How the State will provide for programs for voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of title III.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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


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

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



J. KENNETH BLACKWELL  
Secretary of State

Margaret Sims /EAC/GOV  
03/18/2005 12:07 PM

To "Grady, Judy" <JGrady@sos.state.oh.us>@GSAEXTERNAL  
cc  
bcc  
Subject Re: Ohio Revised State Plan 

Judy:

I have to meet with the subcommittee that deals with requirements payments about the upcoming publication of State plans. My first opportunity since March 2 (and last for the next 3 weeks) will be next week. At that time, I can present the draft Federal Register Notice that will accompany the excerpts or your State's plan and another State's plan. Once the two Commissioners on this subcommittee sign off on the notice, it has to be circulated to all four Commissioners for a 48-hour tally vote.

After I receive certification of a tally vote to approve the notice, I can submit the notice and State plans to the Office of Federal Register. After that, it is anyone's guess as to when the plans will be published. (The quickest we have seen has been one week.) I will send an email to you when I have confirmed the publication date.

In the interim, I need you to review the attached 18 pages of excerpts from Ohio's revised State plan. (If we publish just these and your cover letter instead of the full 51-page revised plan you submitted, we can save the taxpayers almost \$8,000.) Have I picked up all of the sections that contained material changes? Do you want to make any adjustments to the format or page breaks?

I would also like to draw your attention to item 12 and the last statement before the Secretary's signature in the excerpted section XIX. Do you really want to leave these as is for publication as part of the *revised* State plan?

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov



OH State Plan Excerpts.doc

"Grady, Judy" <JGrady@sos.state.oh.us>



"Grady, Judy"  
<JGrady@sos.state.oh.us>  
03/17/2005 04:31 PM

To "Psims@eac.gov" <Psims@eac.gov>  
cc  
Subject FW: Ohio Revised State Plan

Peggy,

021643

Per our telephone conversation earlier this week, can you please tell me the status of when you will have Ohio's revised plan placed in the *Federal Register* ? Please let me know if you need additional information from me. Thank you, I may be reached at 614-466-5515.

Thank you,

Judy Grady

Director of Election Reform

-----Original Message-----

**From:** Grady, Judy

**Sent:** Friday, February 25, 2005 5:21 PM

**To:** 'psims@eac.gov'

**Subject:** Ohio Revised State Plan

Peggy,

Attached is the Ohio revised state plan and letter from Secretary Blackwell. A hard copy has been sent via Federal Express and should arrive Monday morning. Please call me if you have any questions or concerns. I left the yellow highlight in your copy to show the changes. I can take them off and resend it if you prefer.

Also please advise when the revised plan will appear in the *Federal Register* .

Thanks,

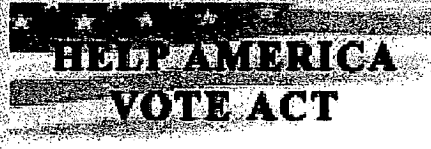
Judy



614-466-5515 Blackwell Ltr to EAC.pdf Final Revised State Plan EAC.doc

021644

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



### The State Plan Committee

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

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

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

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

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

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

**State Rep. Nancy Hollister**, *R-Marietta*

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

**State Sen. Mark Mallory**, *D-Cincinnati*

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

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

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

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

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#### IV. State of Ohio Elections Systems

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

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

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

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

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

MEDINA	145	101,054	PUNCHCARD
MEIGS	27	14,685	PUNCHCARD
MERCER	40	26,724	PUNCHCARD
MIAMI	82	66,743	SCAN
MONROE	29	9,866	PUNCHCARD
MONTGOMERY	593	334,787	PUNCHCARD
MORGAN	22	8,600	PUNCHCARD
MORROW	36	21,354	PUNCHCARD
MUSKINGUM	85	48,175	PUNCHCARD
NOBLE	27	8,173	PUNCHCARD
OTTAWA	78	26,905	SCAN
PAULDING	30	13,374	PUNCHCARD
PERRY	46	20,815	PUNCHCARD
PICKAWAY	53	27,505	ELECTRONIC
PIKE	24	17,849	PUNCHCARD
PORTAGE	129	94,711	PUNCHCARD
PREBLE	46	28,108	PUNCHCARD
PUTNAM	51	24,360	PUNCHCARD
RICHLAND	133	83,151	PUNCHCARD
ROSS	76	37,478	ELECTRONIC
SANDUSKY	73	39,768	SCAN
SCIOTO	107	43,062	PUNCHCARD
SENECA	73	35,707	PUNCHCARD
SHELBY	45	29,776	PUNCHCARD
STARK	364	246,562	PUNCHCARD
SUMMIT	507	334,515	PUNCHCARD
TRUMBULL	274	132,957	PUNCHCARD
TUSCARAWAS	81	53,930	PUNCHCARD
UNION	47	25,880	PUNCHCARD

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

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

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

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

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

<sup>1</sup> *Ohio Elections Summit Report*, Office of the Secretary of State, published May 2001.



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

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

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

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

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

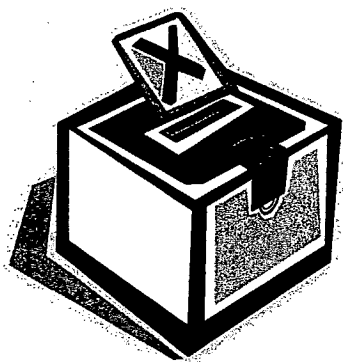
County	2000 Voting System	Total Votes Cast	Total Votes Counted	Difference	Percent Difference
Holmes	PUNCHCARD	9,937	9,145	792	7.97%
Pike	PUNCHCARD	11,084	10,560	524	4.73%
Vinton	PUNCHCARD	5,184	4,946	238	4.59%
Adams	PUNCHCARD	10,727	10,235	492	4.59%
Meigs	PUNCHCARD	10,228	9,795	433	4.23%
Noble	PUNCHCARD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

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

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

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

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



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

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

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

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## V. Voter Trends: the Context for Change and Reform

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

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

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

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

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

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

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

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

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

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

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

## **VIII. Distribution of Resources to Local Governments**

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

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

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

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

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

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

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

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

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

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

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

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

Voting Equipment and other Activities	\$116 million	State on behalf of Counties	For new voting equipment and to meet other HAVA requirements
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In simplest terms, this allocates Help America Vote funds where the money is needed most: in Ohio counties. While it is the responsibility of the Ohio Secretary of State to monitor performance and ensure implementation of the Act, the execution of the Ohio plan, ultimately, will take place at the county level. On that basis, we believe it prudent to maximize resources for election reform in the counties where election reform will occur.

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

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

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

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

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

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

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

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

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

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

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

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

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



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

## X. Voter Education, Election Official and Poll Worker Training

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

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

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

To these marvelous citizens, voting isn't just a right it's an obligation and a precious American birthright that has been paid

for with the blood, sweat and tears of those who sacrificed their lives on foreign soil. As these citizen patriots retire from the poll worker ranks in Ohio's election system, we are looking to the future to determine how best we can recruit the next generation of poll workers who will embrace this important Election Day service with the same degree of commitment, enthusiasm and competence of our older poll workers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The program's Web site, [www>YourVoteCountsOhio.org](http://www>YourVoteCountsOhio.org), features educational materials and instructional videos showing how to vote using punch card, optical scan and DRE (electronic) voting machines. Also included in the program printed material and public service messages for television and radio.

In addition, the Secretary of State has made a special effort to reach out to students with his "Xpect More" campaign. The "Xpect More" advertising campaign is aimed at inviting young voters between the age of 18 and 24 into the democratic process. To date, more than 623,000 "Xpect More" brochures have been distributed to students through schools and across Ohio.

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

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

participate in the election process and to determine if there are programs and initiatives that can be implemented to address their concerns and entice them to the polls.

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

The proposed budget for these activities is \$2.5 million earmarked for voter education, and \$5 million set aside for election official and poll-worker training. We propose making election official and poll-

worker training funds available as state grants to the counties to supplement local activities and initiatives of the county boards of elections.

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

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

## **XVI. Estimated Timelines for Implementation of the State Plan**

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

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

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- **April 29, 2004:** Clinton County first to establish Centralized Voter Registration File processes between the county and the Secretary of State.
- **May 7, 2004:** Substitute House Bill 262 enacted.
- **August 18, 2004:** Diebold Direct Recording Electronic (DRE) Technical Security Re-Assessment Report prepared by Compuware submitted to Secretary of State.
- **Nov. 2, 2004:** General Election
- **November 17, 2004:** VVPAT requirements distributed for comments.
- **January 3, 2005:** Diebold Direct Recording Electronic (DRE) Technical Security Re-Assessment Report Addendum prepared by Compuware submitted to Secretary of State.
- **January 3, 2005:** VVPAT rules filed with JCARR.
- **January 1, 2006:** Centralized Statewide Voter Registration File fully implemented.
- **May 2, 2006:** Replacement of punch-card and lever machine complete.

## XVIII. The State Plan Committee: HAVA and Beyond

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

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

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

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

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

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Additionally, some committee members recommended working with the Ohio Department of Education and the Ohio Board of Regents to explore ways to better educate and encourage political participation by high school and college students. Pastor Wheeler suggested Ohio public schools should ponder curriculum requirements that focus exclusively on voting and election processes.

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

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

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

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

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

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

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

Ms. Alvarado noted the projected growth of Hispanic populations both nationally and in the State of Ohio. Several committee

members agreed that rather than addressing this issue later and incurring cost for conforming equipment, the RFP should anticipate the language requirement and it should be purchased now while federal funds are available to help Ohio make the transition to new voting equipment.

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

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

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

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

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

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

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

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

As expected, much of the panel's deliberation was focused on funding and whether the federal allocation to Ohio was adequate to effect the wholesale change in

voting systems in the state. A key voice in that discussion was Larry Long, executive director of the County Commissioners Association of Ohio.

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

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

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

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

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

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

## **XIX. Summary of the State Plan**

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

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

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

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

The Secretary of State, however, believes Ohio cannot afford to delay its implementation of the plan because every election cycle that passes is another election where voters are potentially disenfranchised

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

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

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

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

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

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

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

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

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

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

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

accommodates the needs of people with disabilities.

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

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

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

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

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

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

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

**(2) How the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in paragraph (1).**

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

**(3) How the State will provide for programs for voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of title III.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This State Plan represents Ohio's initial submission of a State Plan to the Elections Assistance Commission.

**(13) A description of the committee which participated in the development of the State Plan in accordance with section 255 and the procedures followed by the committee under such section and section 256.**

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

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



**J. KENNETH BLACKWELL**  
Secretary of State



"Grady, Judy"  
<JGrady@sos.state.oh.us>  
03/17/2005 04:31 PM

To "'Psims@eac.gov'" <Psims@eac.gov>  
cc  
bcc  
Subject FW: Ohio Revised State Plan

Peggy,

Per our telephone conversation earlier this week, can you please tell me the status of when you will have Ohio's revised plan placed in the *Federal Register* ? Please let me know if you need additional information from me. Thank you, I may be reached at 614-466-5515.

Thank you,

Judy Grady

Director of Election Reform

-----Original Message-----

**From:** Grady, Judy  
**Sent:** Friday, February 25, 2005 5:21 PM  
**To:** 'psims@eac.gov'  
**Subject:** Ohio Revised State Plan

Peggy,

Attached is the Ohio revised state plan and letter from Secretary Blackwell. A hard copy has been sent via Federal Express and should arrive Monday morning. Please call me if you have any questions or concerns. I left the yellow highlight in your copy to show the changes. I can take them off and resend it if you prefer.

Also please advise when the revised plan will appear in the *Federal Register* .

Thanks,

Judy

021672



614-466-5515 Blackwell Ltr to EAC.pdf Final Revised State Plan EAC.doc

021673





**J. KENNETH BLACKWELL**  
Ohio Secretary of State

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

February 23, 2005

Dear Election Assistance Commission and Ohio Voters:

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

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

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

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

Sincerely,

A handwritten signature in cursive script that reads "J. Kenneth Blackwell".

J. Kenneth Blackwell

021674

J. Kenneth Blackwell

*Ohio Secretary of State*

# Changing the Election Landscape in the State of Ohio



A State Plan to implement the Help America Vote Act of  
2002 in accordance with Public Law 107-252, §253(b)  
Revised January 12, 2005

*"The Act appropriately respects the primacy of state and local governments in the administration of elections, while helping to ensure the integrity and efficiency of voting processes in federal elections by providing federal governmental support for that vital endeavor."*

**PRESIDENT GEORGE W. BUSH**  
THE WHITE HOUSE,  
October 29, 2002

021675

June 16, 2003

Dear Election Assistance Commission and Ohio Voters:

I can think of no greater gift we can give future generations than an electoral process that ensures the integrity of their vote and provides them with an election system that is efficient and fair.

At the very least, we need an election system that assures every vote counts and every voice is heard in electing those who will serve in government and decide the many critical issues we face as citizens. No voter should be excluded from the process because of a disability, as no voter should be excluded because of inadequate, outdated and imprecise voting mechanisms.

That's what this report is all about. That's what the Help America Vote Act of 2002 is all about – fair elections and empowering every voter to exercise their obligation, responsibility and privilege to fully engage in the election process.

Democracy, after all, is a fragile system that relies on the voices and participation of all its citizens, not just a chosen few. Every voter and every vote cast strengthens our democracy and enhances the opportunity to choose the best people for the job of leading our government, at all levels, and deciding those issues that affect our local community, state and nation.

My thanks to the State Plan Committee who worked so diligently to help me create this document that will open a new era for the way we vote in Ohio. Truly, we are dramatically changing the election landscape in our state and in our nation. That is a good thing and probably one of the most important contributions we can make to future generations of Ohioans.

In the final analysis, the Help America Vote Act of 2002 is about inclusion more than it is about all the technical change and new administrative processes and procedures called for in this plan. Inclusion is, after all, the thread that binds the fabric of democracy.

Very truly yours,



J. KENNETH BLACKWELL  
Ohio Secretary of State

021676

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

## **HELP AMERICA VOTE ACT**

### **The State Plan Committee**

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

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

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

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

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

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

**State Rep. Nancy Hollister**, *R-Marietta*

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

**State Sen. Mark Mallory**, *D-Cincinnati*

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

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

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

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

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*Attachments and Addendum*

021679

## Help America Vote Act of 2002

### **I. Introduction and Overview**

On Oct. 29, 2002, President George Bush signed into law the Help America Vote Act of 2002. The legislation was passed in the U.S. House in late 2001 and was approved by the U.S. Senate the following year.

Much of the law embraces recommendations advanced by the National Commission on Federal Election Reform, a group that included both former Presidents Jimmy Carter and Gerald Ford as its honorary co-chairs. The commission observed that democracy is a precious birthright. But they also noted that each generation must nourish and improve the processes of democracy for its successors.

The Help America Vote Act logically embraces the goals of election reform by expecting all levels of government to provide a democratic process that:

- maintains an accurate list of citizens who are qualified to vote;
- encourages every eligible voter to participate effectively;
- uses equipment that reliably clarifies and registers the voter's choice;
- handles close elections in a foreseeable and fair way;
- operates with equal effectiveness for every citizen and every community;
- and
- reflects limited but responsible federal participation.

In Ohio, the Secretary of State and the State Plan Committee used those broad parameters, principles and guidelines as the foundation objective for developing this plan. From that platform, the Secretary and State Plan Committee formulated the Ohio Plan to address the following specific issues to meet and exceed the minimum standards of the Help America Vote Act. In greater detail, this report addresses:

1. How Ohio will use requirement payments, distribute and monitor the allocation of these funds to county governments, and what criteria will be used to determine eligibility for these funds.
2. How Ohio will measure the performance of county governments to ensure they are in compliance with the Act.
3. How Ohio will develop programs to provide voter education, election official and poll worker education and training to meet the standards of the Act.
4. How Ohio will establish voting system guidelines and processes.
5. How Ohio will administer these activities and budget for administrative costs, as well as establishing a budget for overall implementation of the plan based on our best estimate of costs.
6. How Ohio will use the requirement payments without reducing state support for voter and election activities below what the state was spending in November, 2000.

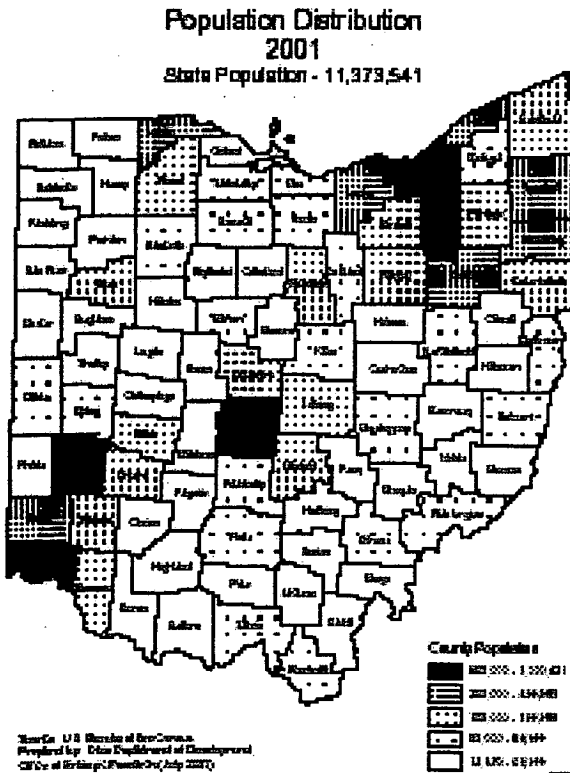
7. How Ohio will establish performance goals and measures for county government.
8. How Ohio will create and develop a uniform administrative complaint procedure.
9. How payments under Title I will be used for punch-card replacement in Ohio and how that will affect and enhance the overall implementation of the plan.
10. How Ohio intends to conduct ongoing oversight and management of election reforms and improvements.

*The size and composition of Ohio's population is a challenge to implementation of wholesale election reform in the state, but Ohio also is challenged because of the prevalence of punch-card voting. Nationally, it is estimated that 34.4 percent of the nation's voters cast their ballot on punch-card voting devices. In Ohio, 72 percent of the state's voters use this ballot method.*

As the following section of the report suggests, election reform as envisioned by the Help America Vote Act is not a casual undertaking in Ohio. The demographics of the state reveal a broad mix of urban, rural and mid-size communities. Ohio, for example, has eight urban markets that include three large metropolitan cities – Cleveland, Columbus and Cincinnati. Smaller urban centers include Toledo, Youngstown, Dayton, Akron and Steubenville. Each enjoys its own community culture and election traditions.

In addition to these larger urban centers are mid-size communities like Mansfield and Lima, which represent the balance of Ohio's Metropolitan Statistical Areas (MSA's) according to the U.S. Census Bureau. But beyond those 10 communities and the counties they represent are 78 other Ohio counties that reflect a more rural population, including a large portion of Southeast Ohio that is designated as part of the Appalachian region.

The size and composition of Ohio's population is a challenge to implementation of wholesale election reform in the state, but Ohio also is challenged because of the prevalence of punch-card voting. Nationally, it is estimated that 34.4 percent of the nation's voters cast their ballot on punch-card voting devices. In Ohio, 72 percent of the state's voters use this ballot method.





Given that context, we offer the following demographic overview of the State of Ohio to provide the Election Assistance Commission with what we regard to be a valuable foundation perspective for the implementation of election reforms in Ohio.

## II. Ohio Demographics

While Ohio remains one of the nation's leading manufacturing centers, the state, during the past two decades, has made the transition to a more service-industry economy.

Nearly 28 percent of Ohio's 5.4 million employee workforce is now classified as service employees. From 1990 to 2000, the state's population grew from 10.8 million to 11.3 million.

The state is comprised of 88 counties that occupy nearly 41,000 square miles of land. Ohio is bounded on the south and east by the Ohio River and on the north by Lake Erie.

About 11.5 percent of that population is African-American and 1.9 percent is Hispanic/Latino, according to the most recent Census data. In total, Ohio's minority population is about 16 percent of the total population.

The median age in the state is 36.2 years of age and, like many other states, is trending older. About two-thirds of Ohio residents live in owner-occupied households and about 29 percent live in renter-occupied dwellings.

The state has a wealth of educational institutions with 15 public four-year universities and 62 private colleges and universities. There are 25 two-year colleges in the state. The largest counties, in rank order and based on 2000 Census data, are:

<u>Rank</u>	<u>County</u>	<u>Population</u>
1	Cuyahoga	1,393,978
2	Franklin	1,068,978
3	Hamilton	845,303
4	Montgomery	559,062
5	Summit	542,899
6	Lucas	455,054
7	Stark	378,098
8	Butler	332,807
9	Lorain	284,664
10	Mahoning	257,555

The state's major employers include such corporate notables as AK Steel, Daimler Chrysler, Delphi Automotive Systems, Ford Motor Co., General Electric Co., General Motors Corp., Goodyear Tire & Rubber Co., Honda Motor Co. Ltd., Kroger, Nationwide Insurance, Procter & Gamble, TRW Inc. and Wendy's International.

In total, there are about 240,000 active businesses in Ohio, including about 80,000 farms that represent 14.9 million acres.

The state boasts 115 state parks that provide nearly 115,000 acres of recreational space for Ohio residents. There are six airports in the state with scheduled airline service and another 164 commercial airports and 10 commercial heliports. Transportation arteries

in the state include 1,572 miles of interstate highways, 3,918 miles of U.S. highways, and more than 14,000 miles of state highways. The Ohio Turnpike that ribbons through northern Ohio covers 241 miles from the Indiana state line to the Pennsylvania state line.

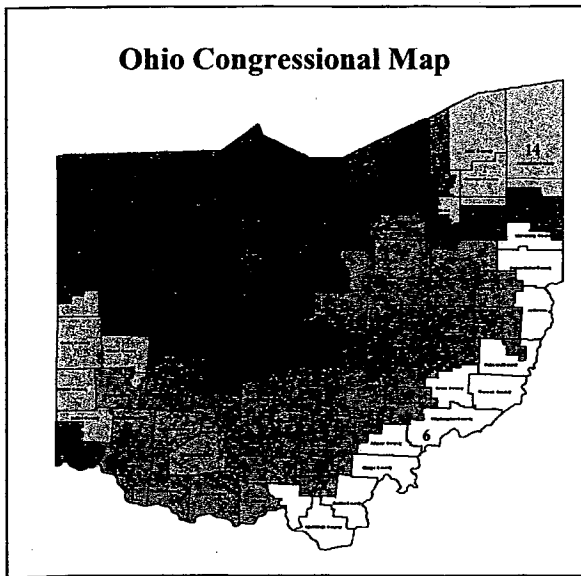
### III. State Political/Governmental Structure

Ohio is governed by five major statewide officeholders including Gov. Bob Taft, Attorney General Jim Petro, State Auditor Betty Montgomery, Secretary of State J. Kenneth Blackwell and Treasurer Joseph Deters. The Ohio General Assembly includes 99 members of the Ohio House of Representatives and 33 members of the Ohio Senate.

Since 1992, both statewide officeholders and elected legislators are subject to term limits. Statewide officeholders are limited to two four-year terms. In the Ohio General Assembly, House members are limited to four two-year terms and State Senators are limited by two four-year terms.

Some local government officials also are subject to term limits as a result of local ballot initiatives in some Ohio communities.

The Ohio Supreme Court includes seven justices who are elected statewide. The Supreme Court is not subject to term limits. The Chief Justice of the Ohio Supreme Court is Thomas Moyer.



The local government structure in Ohio includes a mix of city and county elected officials, with most cities and villages in Ohio administered by a mayor/council form of government. Some municipalities have an appointed city manager form of government in which an executive is appointed to administer local municipal affairs.

In Ohio local government, there are "statutory" cities that operate largely on the basis of state statutory law and "charter" cities that may adopt so-called "home rule" guidelines to conduct the affairs of local government.

On the county level, 87 of 88 Ohio counties are governed by a Board of County Commissioners, which oversee county administration. Summit County is the only county in Ohio with a county executive/council form of government. The Summit County Council is comprised of eight district council members and three who are elected at large. Ohio counties also elect county auditors, prosecutors, treasurers, clerks of court, judges and county sheriffs.

The state is represented by 18 elected members of the U.S. House of Representatives and, of course, two U.S. Senators.

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## IV. State of Ohio Elections Systems

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

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

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

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

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

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MEDINA	145	101,054	PUNCHCARD
MEIGS	27	14,685	PUNCHCARD
MERCER	40	26,724	PUNCHCARD
MIAMI	82	66,743	SCAN
MONROE	29	9,866	PUNCHCARD
MONTGOMERY	593	334,787	PUNCHCARD
MORGAN	22	8,600	PUNCHCARD
MORROW	36	21,354	PUNCHCARD
MUSKINGUM	85	48,175	PUNCHCARD
NOBLE	27	8,173	PUNCHCARD
OTTAWA	78	26,905	SCAN
PAULDING	30	13,374	PUNCHCARD
PERRY	46	20,815	PUNCHCARD
PICKAWAY	53	27,505	ELECTRONIC
PIKE	24	17,849	PUNCHCARD
PORTAGE	129	94,711	PUNCHCARD
PREBLE	46	28,108	PUNCHCARD
PUTNAM	51	24,360	PUNCHCARD
RICHLAND	133	83,151	PUNCHCARD
ROSS	76	37,478	ELECTRONIC
SANDUSKY	73	39,768	SCAN
SCIOTO	107	43,062	PUNCHCARD
SENECA	73	35,707	PUNCHCARD
SHELBY	45	29,776	PUNCHCARD
STARK	364	246,562	PUNCHCARD
SUMMIT	507	334,515	PUNCHCARD
TRUMBULL	274	132,957	PUNCHCARD
TUSCARAWAS	81	53,930	PUNCHCARD
UNION	47	25,880	PUNCHCARD

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

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

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

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

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

<sup>1</sup> *Ohio Elections Summit Report*, Office of the Secretary of State, published May 2001.

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

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

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

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

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

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

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

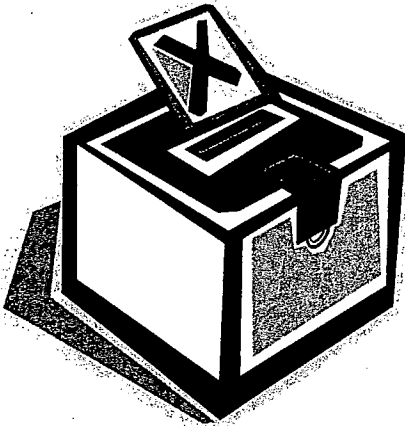
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Ross	ELECTRONIC AVB: scan	26,348	26,016	332	1.26%
Wood	PUNCHCARD	52,832	52,194	638	1.21%
Hancock	SCAN	30,958	30,617	341	1.10%
Ottawa	SCAN	20,185	19,968	217	1.08%
Knox	ELECTRONIC AVB: scan	21,488	21,260	228	1.06%
Delaware	PUNCHCARD	55,959	55,403	556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

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

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



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

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

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

## V. Voter Trends: the Context for Change and Reform

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

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

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

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

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

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

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

As a result, our Plan assumes that growth rate and the recommended voting systems design model proposed in this report anticipates that growth and demand on the state's election system in future peak presidential voting years. We use the presidential

voting cycle as a base for our plan because that assumes the heaviest potential voter turnout and the busiest times for local boards of elections.

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

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

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

## **VI. How Ohio Developed its State Plan**

In development of the State Plan, we insisted on inclusion in both creation of the State Plan Committee and in public input into the process. This report represents a broad outreach to minorities, senior citizens, people with disabilities, elected officials, election officials, public interest groups and the public at large.

Our foundation principle in developing this plan was based on the view that such far-reaching reforms to a system so vital to the most fundamental democratic process in our state and nation required a fair, open and dynamic process where there is an opportunity for every voice to be heard. We were proactive in developing a structure to embrace that principle.

As a first step in our process, we widely publicized hearing dates and created a web site that invited public comment and input. We invited written testimony from groups and organizations who wanted to lend their perspective to election reform in Ohio. Additionally, we actively solicited input from critical stakeholders for our public hearings, including key representative voices from among groups such as the Urban League, the League of Women Voters, the Disability Policy Coalition, and the American Association of Retired Persons (AARP).

Our lead-off witness was Chet Kalis of the House Administration Committee, who worked closely with U.S. Rep. Bob Ney, R-Ohio, primary sponsor of the Help America Vote Act of 2002. We asked Mr. Kalis to lay the groundwork for our committee by providing them with a foundation perspective of the Act, its mission, aims and objectives.

The State Plan Committee also heard from Doug Lewis, executive director of The Election Center, a national nonprofit organization serving the elections and voter registration profession. Mr. Lewis developed and authored the Professional Education Program for elections/registration officials – named the best continuing education program in the nation by the National University Continuing Education Association.

Mr. Lewis was able to provide the committee with a national view of election reform and voter registration from the valuable perspective of someone with intricate knowledge of election systems across the nation.

To provide the perspective on Ohio, Dr. Herb Asher, professor emeritus of political science at The Ohio State University, brought election reform home for our State Plan Committee. Few voices are more respected than the voice of Dr. Asher as a knowledgeable expert and commentator about the political and election process in Ohio.

While the State Plan Committee itself included representation from boards of elections, we reached out to three other boards to provide the committee with a strong representative sample of the diverse local election operations in the state. Among those invited to testify were Janet F. Clair, director of the Lake County Board of Elections, Rita Yarman, deputy director of the Knox County Board of Elections, and Terry Burton, deputy director of the Wood County Board of Elections.

The testimony of the three elections officials was particularly valuable to the Committee because Lake and Knox counties are two jurisdictions that recently modernized their election systems. In addition, four other counties – Ross, Pickaway, Mahoning and Franklin counties – currently have electronic-based voting systems. Wood County represents one of the Ohio counties facing an extensive overhaul of its system under the Help America Vote Act.

Dolores Blankenship, advocacy volunteer from AARP, offered the State Plan Committee an incisive look at the election process through the eyes of a senior citizen, and eight witnesses representing the Disability Policy Coalition offered riveting testimony about the Election Day challenges facing voters with disabilities.

The strong presence of people with disabilities in these hearings underscores the importance Ohio attaches to this issue and our resolve to provide physically challenged voters with every opportunity to cast their ballot in a setting that assures their access to the polls and their right to cast a ballot unrestrained by barriers and obstacles that preclude their full participation in the voting process.

Peg Rosenfield, a former state elections official and now a representative of the League of Women Voters of Ohio, provided testimony on behalf of that voter advocacy group, and Ernest Perry of the Columbus Urban League was the voice for that group.

The final witness was Eric Seabrook, chief counsel to the Ohio Secretary of State, who described the administrative complaint procedure envisioned by Secretary of State Blackwell and the potential contracting procedures under review to establish an election system that meets the uniform voting standards of the Help America Vote Act.

The State Plan Committee met in public session on April 3-4 to hear testimony from these witnesses and then reconvened on April 17 for a focused facilitated work session to refine and finalize the State Plan.

We believe the process used to develop the State Plan in Ohio is one of the most aggressive public outreach efforts in the nation. While the aim of the process was to be as inclusive as possible, we think it had the added benefit of educating and informing the committee and citizens of our state about the Help America Vote Act and its far-reaching implications for an improved voting and election system in Ohio.

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The open and proactive design of our process signaled to every Ohioan the importance of enacting voter and election reforms in the state, and how that reform was likely to affect their participation in the electoral process.

In addition to the public hearings, the Secretary of State solicited all Ohioans to provide input to the plan by providing written communications with his office or to communicate ideas via the Secretary of State's website. This communication was provided to members of the State Plan Committee and is attached as part of the State Plan.

## **VII. Federal Funding Assumptions of the Act**

The Help America Vote Act of 2002 makes available certain federal funding to help achieve requirements and mandates of the Act. The funding components of the Act are reflected in Title I, Title II, Title IV and Title V. In summary, the federal government has agreed to the following federal funding thresholds for each of the Title sections of the Act:

### **Title I – Antiquated Machine Buy-Out**

- \$325 million for buying out punch-card and lever voting machines.
- \$325 million in payments to states to improve election administration.

### **Title II – Election Assistance**

#### Requirement Payments

- \$3 billion for meeting requirements, poll-worker training, voter education, and improving administration of elections.

#### Access Grants

- \$100 million for increasing polling place access for voters with disabilities

#### Research Grants

- \$20 million for research and development to improve voting technology

#### Pilot Program Grants

- \$10 million for pilot programs to test new voting systems and equipment.

#### Protecting and Advocacy Systems Payments

- \$40 million for state protection and advocacy systems.

### **Title V – Help America Vote College Program**

- \$5 million to encourage college students to participate in the political process by volunteering as poll workers.

### **Title VI – Help America Vote Foundation**

- \$5 million to encourage high school students to participate in the political process by volunteering as poll workers.

Of obvious, primary and immediate importance to the State of Ohio is the Title I funding and the state's share of Title II monies for Requirement Payments for poll-worker training, voter education, and improving administration of elections, as well as federal funds available for Access Grants to make election sites more accessible to people with disabilities. These three specific funding sources enable Ohio to address what we regard to be the core modernization and reform of its election system.

The buy-out program under Title I has special implications for Ohio because of the prevalent use of punch-card voting in the state. Likewise the \$325 million being allocated to states to improve election administration is important because these funds represent resources that will be allocated for development of a centralized voter registration system in the state.

***The state will apply for research and pilot program grants. But for now, our focus is to first establish a reliable, accurate and fair election system, conduct the training and education necessary to make that system work, and to ensure accessibility of the disabled and physically challenged citizens of our state. The Secretary of State believes Ohio should be particularly aggressive in seeking available federal funds under Title II for access grants to make Ohio's polling places more accessible to the disabled.***

Title I largely represents base funding for Ohio to address the mechanical implementation of the Help America Vote Act. Title II payments represent a source of funding to train, educate and administer the state's election program once the transition is made from punch-card voting to a more modern mode of voting, and to make poll sites more accessible to people with disabilities. Later in the plan, we discuss allocating a portion of Title II funds to voting system upgrades.

The state will apply for research and pilot program grants. But for now, our focus is to first establish a reliable, accurate and fair election system, conduct the training and education necessary to make that system work, and to ensure accessibility of Ohio's citizens with disabilities. The Secretary of State believes Ohio should be particularly aggressive in seeking available federal funds

under Title II for access grants to make Ohio's polling places more accessible.

Of note and as it relates to Title V and Title VI of the Act, the Ohio Secretary of State's office is currently conducting research related to poll worker issues. A component of that research anticipates a greater role for high school and college students in the electoral process, as well as other initiatives that will enhance the identification, selection, education and training of poll workers.

As this State Plan is being submitted, we anticipate that research will be completed and recommendations forthcoming in the next few months about how Ohio will maximize poll-worker recruitment and training, and ensure the presence of quality, qualified poll workers in every precinct.

Such initiatives underscore our determination to not only meet the minimum requirements of the Help America Vote Act of 2002, but to make Ohio a model state for implementation of these reforms and to lead the nation in development and

implementation of a modern, fair, reliable and accurate election system. As U.S. Rep. Bob Ney led the federal initiative to enact the Help America Vote Act, it was the mandate of our State Plan Committee to formulate a plan that makes Ohio a showcase for election reform.

## VIII. Distribution of Resources to Local Governments

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

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

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

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

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

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

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

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

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

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

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

<b>Activity</b>	<b>Fund Distribution</b>	<b>Jurisdiction</b>	<b>Purpose</b>
Voter Registration Database	\$5 million	State and Counties	Develop statewide voter registration database
Voter Education	\$5 million	State and Counties	Administered by the State in coordination with the counties
Poll Worker Training	\$5 million	State	To be distributed as grants to counties
Administrative Expenses	\$2 million	State	For state personnel to administer and monitor HAVA implementation
Provisional Voter Hotline	\$250,000	State	To establish a state hotline for provisional voters
Miscellaneous	\$2 million	State	For associated costs of implementing HAVA
Voting Equipment and other Activities	\$116 million	State on behalf of Counties	For new voting equipment and to meet other HAVA requirements

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



prudent to maximize resources for election reform in the counties where election reform will occur.

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

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

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

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

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

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

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

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

Since the Secretary of State will centralize and oversee this process, the Secretary will ensure compliance with all requirements of the Help America Vote Act. The performance timeline requires the Secretary to establish the list of approved vendors by

Aug. 1, 2003, providing county boards of elections with ample time to review the list, choose the vendor and establish transition to the new voting systems.

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

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

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

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

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

## IX. §301. Meeting the Voting System Standards of the Act

The Help America Vote Act requires “uniform and nondiscriminatory election technology” that meets specific voting system standards. Ohio has opted for a program that specifically addresses the requirements of the Act, but provides counties with some degree of flexibility in choice of vendor and how they implement and develop voting systems to meet the particular needs of their region.

Assurance that the state will meet voting system standards specified in the Act is the responsibility of the Secretary of State, so system specifications will be drafted by the

***Providing counties with the ability to choose among a list of qualified vendors preserves the involvement of the counties in the vendor process while maximizing the buying power of the state under a state term contract procedure. The Secretary of State will serve as the primary contractor for voting devices in the State of Ohio, embracing the concept that the ultimate beneficiaries of the contract are the counties.***

Secretary and the list of available vendors will reflect only those companies that submit bids demonstrating their ability to meet the rigorous and unambiguous system specifications and timelines established by the Secretary.

To ensure compliance with the Act, the Secretary of State will appoint a committee comprised of knowledgeable persons in the Secretary’s office who have the technical capability to review vendor proposals for electronic voting equipment and tabulating devices and the committee will recommend final adoption of a list of approved vendors that meet system specifications. The committee will review standards set by the Standards Board and make recommendations to the Secretary

based on tabulating systems meeting the standards set by the Federal Election Commission.

Additionally, the Secretary of State will ask the state’s Board of Voting Machine Examiners to review the recommendations of the committee to ensure the vendors and systems meet not only the requirements of the Act, but are reasonable based on their knowledge of Ohio counties and their voting needs. The Board of Voting Machine Examiners currently provide a valuable service to the Secretary of State in the certification of voting equipment to ensure the equipment meets established certification criteria set by the National Association of State Election Directors.

It is logical this group assist the Secretary in this important endeavor to modernize and reform Ohio’s voting systems.

Providing counties with the ability to choose among a list of qualified vendors preserves the involvement of the counties in the vendor process while maximizing the buying power of the state under a state term contract procedure. The Secretary of State will serve as the primary contractor for voting devices in the State of Ohio, embracing the concept that the ultimate beneficiaries of the contract are the counties.

Ultimately, the responsibility for ensuring compliance with the Help America Vote Act of 2002 falls to the chief elections official in the state. But the Secretary of State recognizes the execution of the Act will take place at the county level.

Each vendor chosen to participate in the selection process must demonstrate a capability to serve the whole of the state and, potentially, all 88 counties. Successful vendors must also certify their ability to provide the volume of equipment required to service the state, and demonstrate the organizational capacity to provide statewide support, training and service to county clients.

Eligible vendors must assure their equipment meets a high threshold of security, accuracy and ease of use. They must also ensure timely delivery of equipment to meet the deadlines established by the Secretary of State for full implementation and operation by Feb. 1, 2004. Finally, the financial viability of the vendor will be a consideration for the awarding of contracts.

The Secretary of State believes training and education are essential to the successful deployment of new voting machine equipment. The best technology available is rendered useless unless vendors can provide adequate training and education to ensure both election officials and voters know how to use the equipment efficiently and effortlessly.

To achieve the education and training objective, some states have earmarked a portion of available money specifically for that purpose. We will request vendors designate how much of their proposal specifically applies to training and education.

Absent a recitation of detailed technical requirements listed in the request for proposal that will be issued by the Secretary of State, the Secretary insists successful bidders must provide a system that, at minimum, accomplishes the following:

### **General Requirements**

- Guarantees voters will be able to verify their ballot before it is cast and counted. This means the system must include features that allow voters to vote, review their ballot choices and decisions, and correct errors or omissions before submitting their vote for final tabulation.
- As part of the review and correction process, if a voter selects more than the permissible number of candidates for a single office, the system will alert the voter of the selection and its impact, or prevent over-voting. Additionally, the system must give the voter an opportunity to correct the ballot before it is processed and counted.
- In addition to providing equipment, hardware and applicable software to accomplish these features, vendors will be required to include, as a supplement to the system, information materials clearly explaining the operations and functions of the voting equipment, the effect of casting multiple votes for one office, and corrective procedures and processes available to voters. The system also must alert voters when they have failed to vote for a candidate or issue. We envision a simple pamphlet or brochure that

will be available to every voter written in clear language with amplifying graphics.

- The system must ensure the privacy of the voter and confidentiality of the ballot.

### **Audit Capacity**

- While the system allows the vote to be counted and tabulated electronically, the system also must be capable of producing a permanent paper record that can be audited manually. The paper record must be produced in such a way as to function as an official record for any potential recount or any question that might arise subsequent to the election.

This issue was addressed by several witnesses and State Plan Committee members during our public hearings. Almost everyone agrees that to ensure public confidence in any voting system, there must be a paper trail that will provide election officials, the public and media with a permanent, retrievable and readily accessible record and history of the election and provide a traceable mechanism to accommodate questions, election-related issues and recounts.

Ms. Rosenfield of the League of Women Voters told the State Plan Committee that an audit capacity in the form of a paper record was critical to reassure the public and the media that an open and fair election was conducted. We agree and this component is essential to any system configuration advanced by all prospective vendors.

### **Disability Access**

- The system must be accessible for individuals with disabilities, including non-visual accessibility for people who are blind or who have visual impairments, ensuring the same standards for privacy and confidentiality afforded to people without disabilities. This means the voting system for people with disabilities must allow them to vote unassisted. At least one voting device must be available at each polling location that includes, at minimum, audio features. Additional features could include keypad functions and enlarged font size. The system must also include features that accommodate people who have limited mobility. That means the device must be of a sufficient weight and size to be transported within the environs of the voting location in those facilities that may not be readily accessible and sufficiently adjustable to match voters' eye levels.

During the hearings, we heard from several witnesses with first-hand knowledge of disabilities who underscored for us the importance of not only focusing on voting devices, but the accessibility of polling places. Technology, we were told, does not remedy polling locations that are difficult for people with disabilities to navigate or facilities that lack adequate amenities, such as accessible restrooms.

Karla M. Lortz of Delaware, Ohio, reminded us that voting is a basic American right that should not be restricted or diminished because of a disability. She also emphasized the need to train and educate poll workers about persons with disabilities.

But all of those with disabilities who testified stressed the need to be vigilant about the selection of poll and voter sites to ensure they are barrier free and accessible.

Ohio law requires that a polling place is considered accessible if it is free of barriers that would impede ingress and egress of people with disabilities. The law requires the entrance to be level or feature a nonskid ramp of not more than 8 percent gradient. Doors must be a minimum of 32-inches wide (R.C. 3501.29.)

The Secretary of State will require that all election sites and facilities be reviewed for access to ensure these voting locations meet and, if possible, exceed these minimum standards. At the recommendation of committee member Eric Duffy, the Secretary also will convene a committee to study this issue and to make recommendations about how the state can best address the needs of voters with disabilities.

### **Alternative Language Accessibility**

- Where applicable and in those precincts where substantial non-English speaking populations exist, voting systems must provide alternative language accessibility pursuant to the requirements of the Voting Rights Act of 1965. This alternative-language accommodation shall be available in any precinct where it is determined that 5 percent or more of the registered voters in any precinct might be non-English speaking voters. Each county board of elections is required, 30 days prior to any election, to assure that alternative language mechanisms are available, as mandated by law.

Based on the current composition of the state's population, there is no concentration of non-English speaking populations that warrant specific activities in this regard. However, as the composition of the state's population changes, counties will be required to address this issue as the need arises.

### **Error Rates**

- All voting systems in the state must achieve an error rate threshold that complies with error-rate standards established by the Federal Elections Commission (FEC) which are in effect 30 days prior to any election. The Secretary of State will take steps and facilitate measures to require performance of logic and accuracy tests by counties before elections and will require counties to have all system tabulating equipment and programs tested to ensure the correctness of the vote count cast within the error parameters established by the FEC.

### **Additional Considerations**

Although we explore this later in our discussion of voter education, we offer two additional vendor considerations for our system specifications. The Secretary of State invites vendors to consider, as part of their proposal, a model or "practice" voting device that simulates the actual voting machine at the polling place. We believe this feature would provide voters with an opportunity to become more familiar with the voting equipment before actually casting their vote.

***In addition, the Secretary of State will ask vendors to make available software that would enable voters to access such simulators on the Secretary's website via the internet. This feature would enable voters, at their leisure, prior to Election Day, to learn more about the equipment they will use at the voting place and practice using the equipment and devices on the internet.***

These so-called simulators, we believe, would provide some voters with a greater comfort level at the polling place if they are provided an opportunity to "practice" on a simulated voting device.

In addition, the Secretary of State will ask vendors to make available software that will enable voters to access such simulators on the Secretary's website via the internet. This feature would enable voters, at their leisure, prior to Election Day, to learn more about the equipment they will use at the voting place and practice using the equipment and devices on the internet.

While we regard this to be part of our proposed voter education program, we think these innovations would help voters better understand the new technology, ease their apprehension about the use of new voting technology, and speed the voting process at the polling place.

We think these elements would minimize much of the confusion that invariably will accompany the conversion of voting systems in the majority of Ohio counties. As more and more Ohioans enjoy expanded access to the internet and world wide web, cyberspace would seem to be a logical environment to offer these features as an enhancement to Ohio's voter education program.

### **Uniform Definition of Vote**

Ohio law grants broad authority to the Ohio Secretary of State with regard to election rules and regulations. H.B. 5 passed by the Ohio Legislature in the 124<sup>th</sup> General Assembly gives the Secretary authority to issue directives and these directives have the same weight as law when applied to election-related matters and issues.

We note this authority in the Secretary's ability to establish a uniform definition of a vote. Currently, Ohio law addresses the definition of a vote for punch-card ballots. Similar legislation was considered for "optical scan" voting devices, but with passage of H.B. 5, the Secretary of State embraced a definition of vote for optical scanning equipment as part of his directives authority.

As is evident, the Secretary of State has the power and authority, via directive, to adjust, modify, revise and refine a uniform definition to meet the state's needs based on the voting systems adopted in the state. However, the Secretary will consult guidelines

established by the Federal Election Commission, the Voting Rights Act and all other federal authority in establishing a uniform definition of a vote in Ohio.

We include with the plan, as an attachment, the language that gives the Secretary of State this authority.

## **X. Voter Education, Election Official and Poll Worker Training**

Achieving the mechanical and technological change of the Help America Vote Act of 2002 is only part of the challenge of enacting true modernization and reform of Ohio's voting system. While devices will enhance the efficiency of Ohio's voting and

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

election process, voter education and training of election officials and poll workers is critical to full implementation of the reforms to the benefit of Ohio voters.

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

To these marvelous citizens, voting isn't just a right it's an obligation and a precious American birthright that has been paid

for with the blood, sweat and tears of those who sacrificed their lives on foreign soil. As these citizen patriots retire from the poll worker ranks in Ohio's election system, we are looking to the future to determine how best we can recruit the next generation of poll workers who will embrace this important Election Day service with the same degree of commitment, enthusiasm and competence of our older poll workers.

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

Obviously, these poll workers must be adequately trained to render assistance to voters in a competent and knowledgeable way, not only in terms of helping them



understand and use the new technology that accompanies election reform, but also by applying the laws and addressing the myriad of Election Day issues that invariably arise.

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

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

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

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

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

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

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

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

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

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

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

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

The program’s Web site, [www.YourVoteCountsOhio.org](http://www.YourVoteCountsOhio.org), features educational materials and instructional videos showing how to vote using punch card, optical scan and DRE (electronic) voting machines. Also included in the program printed material and public service messages for television and radio.

In addition, the Secretary of State has made a special effort to reach out to students with his “Xpect More” campaign. The “Xpect More” advertising campaign is aimed at inviting young voters between the age of 18 and 24 into the democratic process. To date, more than 623,000 “Xpect More” brochures have been distributed to students through schools and across Ohio.

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

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

participate in the election process and to determine if there are programs and initiatives that can be implemented to address their concerns and entice them to the polls.

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

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

As counties deliberate equipment and voting systems, we will encourage them to consider appropriation of available residual funds to voter education and poll worker

training. In crafting local budgets to achieve the objectives of the Help America Vote Act, we believe counties must give consideration to these initiatives to supplement state efforts for education and training.

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

## XI. §302. Provisional Voting and Voting Information

The critical role of provisional voting in election reform was underscored by a college newspaper in Ohio several years ago that reported only 5.4 percent of registered students at Ohio University actually voted during one election cycle in the late 1990s.<sup>3</sup>

Provisional voting makes it possible for many more of those students to engage and participate in the elections process. Provisional voting is a way to ensure every eligible voter who shows up at the polls on Election Day can cast a ballot.

***For purposes of our State Plan, suffice that Ohio and the Secretary of State, as a matter of public policy, embraces the concept that every effort should be made at every board of elections in the state to accommodate every voter who, for whatever reason, does not appear on the certified list of registered voters in any jurisdiction of the state.***

The National Voter Registration Act, or so-called "motor voter" law, protects those who changed their residence, but what about those who, for example, were incorrectly purged from the voter registration list?

Ohio is sensitive to this issue and the Secretary of State is committed to making sure every voter and every vote counts. The Secretary understands that no matter what reforms are enacted, human error will always be a factor in voter registration. No voter should be disenfranchised just because someone made a mistake, or the paperwork on a change of address was overlooked, misplaced,

incorrectly recorded or just didn't get entered into the database in time to be reflected on the voter rolls.

Ohio's system of provisional voting has been successful and voters who otherwise might have been denied a ballot were given an opportunity in recent elections to cast a provisional ballot, and for local boards of elections to determine if those ballots were valid. We have guidelines and procedures in place to address provisional voting in Ohio and we will continue to refine and expand the scope of provisional voting in the state to comply with the spirit, intent and letter of the law in the Help America Vote Act.

The Act requires provisional voting as a condition for receiving federal funding for election reform and Ohio is poised to meet all such requirements. We anticipate the

<sup>3</sup> The (Ohio University) Post, *Voters still have time*, Oct. 11, 2001.

Federal Election Commission will continue to explore this issue and we will make adjustments to provisional voting regulations in the state as those guidelines and adjustments are released.

The Secretary of State also will review, prior to each election, procedures for the handling and processing of provisional votes to ensure full compliance with state and federal guidelines. To provide fullest utilization of the provisional voting mechanism, every local board of elections will be required to adopt provisional voting policies that are weighted more toward inclusion in the voting process than challenges and exclusion in the ballot process.

For purposes of our State Plan, suffice that Ohio and the Secretary of State, as a matter of public policy, embraces the concept that every effort should be made at every board of elections in the state to accommodate every voter who, for whatever reason, does not appear on the certified list of registered voters in any jurisdiction of the state. Provisional voting is a valuable fail-safe mechanism that is an essential component of election reform in Ohio.

Further, we believe those who cast a provisional ballot should have access to mechanisms and procedures that tell them whether their ballot was counted. Toward that end, our budget presumes establishment of a toll-free hotline that will enable provisional voters, after the election, to learn whether their ballot was counted and to receive an explanation about why it wasn't counted if, indeed, a determination was made that it was not a valid vote. We have allocated \$250,000 in our State Plan budget to create and maintain such a hotline and encourage local boards to prominently display information by whatever means to advise provisional voters of this follow-up option.

Additionally, information will be available at every precinct and voting location to explain provisional voting procedures and who may cast a provisional vote. Such information should also be readily available on the Secretary of State's website and all county election board websites, where such sites exist.

As part of the National Voter Registration Act, Ohio has endeavored to forge a partnership with other state public agencies in voter registration and it is logical to extend an invitation to these agencies to also educate, advise and alert prospective voters about their provisional voting options in these venues.

Ohio also would expect to partner with the state's media in making voters aware of the provisional option. We contemplate deployment of a series of public service commercials on local television stations in the days preceding elections advising voters of their options for casting a provisional vote. We think a compelling argument can be made to broadcast outlets around the state that full citizen participation in the election process is public service of the highest order.

## **XII. §303. Statewide Voter Registration and Registration by Mail**

Maintaining a viable voter registration list is an essential ingredient in conducting fair and participatory voting processes. Centralizing registration in a single statewide database is a sensible change that ensures uniformity, consistency and reliability. To

accomplish this task, the Secretary of State will seek one vendor to develop a registration system that must meet the needs of voters and elections officials alike.

The system must be sufficiently functional that all eligible voters can register to vote with ease and simplicity. The system must accommodate both written (mail-in registration and in-person registration) and electronic means for voters to initiate the registration process. Registration sites, locations and opportunities must be varied and plentiful.

It is not sufficient that voters would be required to register only at boards of elections or obtain registration materials only at governmental venues. The successful vendor must anticipate a variety of locations and opportunities for citizens to register in both public and private settings. The system must contemplate a solution for converting current voter registration data now housed in local boards of elections and transferring that data to the centralized database in the Secretary of State's office.

The statewide voter registration system must meet technical demands that will readily allow local boards of elections to seamlessly and effortlessly interface with the state database in a way that assures instant access to all qualified registered voters in their jurisdiction and the state. The system must include sufficient data that provides local election officials with the means to segregate voters by political and geographic

boundaries to the extent these officials can create and develop voter lists by precinct and voting location.

The system must include features that permit local elections officials to track the voting history of registered voters, identify those no longer legally registered, and readily accommodate change of address or voting status.

And, finally, the system must anticipate that these records are public records and must be maintained in a way that conforms to state public records law and all

other applicable state and federal laws that pertain to voter registration currently in effect.

Our budget presumes a \$5 million to \$10 million allocation for creation and development of a statewide voter registration system.

Closely akin to the registration issue are voter identification requirements. It was the consensus of both witnesses who testified before the State Plan Committee and the committee itself that the Secretary of State should establish policies that expand rather than restrict the types of instruments used by voters as a means of identification. We believe this is in keeping with the spirit and intent of the Help America Vote Act.

As no voter should be denied an opportunity to cast a provisional ballot in those circumstances where their name might not appear on the voter rolls, neither should a voter be denied an opportunity to vote because of arbitrary and restrictive identification requirements. While it is logical the Secretary of State should work in coordination with agencies such as the Ohio Bureau of Motor Vehicles to validate the identity of new

***The statewide voter registration system must meet technical demands that will readily allow local boards of elections to seamlessly and effortlessly interface with the state database in a way that assures instant access to all qualified registered voters in their jurisdiction and the state.***

voters, such identification requirements must, by definition, extend beyond identification devices such as a valid state drivers' license.

As several Ohioans with disabilities testified, many people with disabilities do not have a drivers' license. It is the intention of the Secretary of State to extend identification requirements to include any reasonable means of identification such as utility bills, rent receipts or any legal or quasi-legal instrument that bears the name and address of the prospective voter.

The policy of the Secretary of State is that voter challenges on the basis of identification should be judged on a liberal construction of voter ID rather than a restrictive construction that would deny the voter an opportunity to cast a ballot.

Based on testimony provided by Mr. Perry of the Columbus Urban League, the Secretary of State also would like to more closely examine the issue of restoring voter rights to persons released from incarceration in the state's Department of Rehabilitation and Corrections. There is a widespread perception that these persons, as a result of felony convictions, have forever forfeited their right to participate in the election process. Such is not the case.

Persons who have had their voting rights taken away because of a felony conviction are subject to re-enfranchisement as legal voters to restore their right to vote. As these persons have presumably paid their debt to society as a result of their incarceration, full integration back into society as fully functioning citizens should also presume their eventual re-engagement and participation in the election process.

For these persons, identification also is an issue because drivers' licenses might have expired during their period of incarceration. At minimum, the Secretary of State pledges to educate election officials and poll workers about the rights and processes available to these individuals.

*The complaint and grievance procedures developed by the Secretary of State are constructed toward development of a non-adversarial complaint process where the desired outcome is a solution or remedy of the problem, rather than a highly evidentiary process.*

### **XIII. §402. Administrative Complaint Procedures and Grievances**

To fully facilitate implementation of the Help America Vote Act of 2002, Ohio will establish an administrative complaint procedure to address allegations by any citizen who believes their voting rights have been violated under Title III of the Act.

The complaint and grievance procedures developed by the Secretary of State are constructed toward development of a non-adversarial complaint process where the desired outcome is a solution or remedy of the problem, rather than a highly evidentiary process.

The process adopted by the Secretary of State includes an alternative dispute resolution component that invites parties to seek equitable resolution in that venue as well as through a formal hearing process. When a valid complaint or grievance is filed as part

of this process, it is ultimately the state, and more specifically the Secretary of State, that must provide the appropriate remedy.

We attach, as an addendum to this report, the full text of the proposed procedure. Following, in summary, are the relevant elements of the complaint procedure:

- Any Ohio citizen who believes there is a violation of any provision of Title III of the Help America Vote Act may file a complaint.
- All complaints must be in writing, signed, notarized and be sworn under oath.
- The complainant must be identified by name and mailing address, and the complaint must include a description of the violation alleged to have occurred.
- The complaint must be filed with the Secretary of State along with proof of delivery of a copy of the complaint to each respondent.
- In addition to failure to include any of the foregoing, the Secretary of State may reject the complaint if more than 90 days have lapsed since the final certification of the federal election at issue.
- The Secretary of State must establish procedures and schedules addressing when the complaint will be heard and considered.
- The Secretary of State or designated hearing officer must compile and maintain an official record of any proceeding and include submissions and evidence provided.
- Complaints must be heard and determined by the Secretary of State or designated hearing officer, who is required to prepare a report expressing an opinion about whether a violation did occur within 20 days of the filing of such a complaint.
- Any hearings conducted pursuant to the filing of a complaint must be tape recorded.
- Dates, times and locations of hearings must be established and all parties must be given at least five days notice of such hearings.
- All relevant parties, including the complainant and all respondents may appear at the hearing, testify and present evidence. There is no requirement that any complainant, respondent or any other party to the proceeding be represented by an attorney.

- The Secretary of State or a designated hearing officer is required to prepare a transcript of the tape recorded hearing and that transcript is a public record under Ohio's public records law.
- A final decision must be rendered within 60 days after the complaint is filed.
- If a violation is determined to have occurred, a determination must be issued specifying the appropriate remedy. If a violation is deemed not to have occurred, the complaint must be dismissed.
- The remedy may not include any award of monetary damages, costs or attorney fees, and may not include the invalidation of any election or a determination of the validity of any ballot or vote.
- The decision under this process is final and is not subject to judicial review.
- The complaint and grievance procedure does not preclude any other legal action provided by law.

#### XIV. Ongoing Performance Measurement

*Each year, boards of election throughout Ohio prepare annual budgets anticipating costs and expenses for conducting elections. We recommend that while each board is preparing their budgets that they also take time to review the improvements they have made in their elections operations during the past year and report their progress in meeting election reform objectives under the Help America Vote Act.*

As Ohio anticipates successful implementation of reforms and modernization of its election systems and processes to accomplish its objectives under the Help America Vote Act of 2002, we believe performance measurement is an essential and ongoing requirement to ensure a fair and inclusive election system.

Each year, boards of elections throughout Ohio prepare annual budgets anticipating costs and expenses for conducting elections. We recommend that while each board is preparing their budgets that they also take time to review the improvements they have made in their election operations during the past year and report their progress in meeting election reform objectives under the Help America Vote Act.

The Secretary of State will compile these annual reports and submit a summary of initiatives, improvements and progress to the Election Assistance Commission. We think this is a way for

all election officials in Ohio to remain vigilant of our obligation to continue measuring our performance in making the election process fair and accessible to all Ohioans.

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As stated earlier in this report, we view this opportunity to reform Ohio's election system not as an end process, but as the beginning of a renewed effort to fully engage our citizens in their most vital civic responsibility in a democratic process. Election reform, after all, is a futile exercise unless citizens view themselves as stakeholders in their local community, their state and the nation.

Our guiding principle in developing this state plan is that voters should willingly and enthusiastically participate in the electoral process, free of obstacles that might inhibit them from participating. To accomplish that, we, as election officials, are obligated to provide them with the best and most modern tools available so they can exercise their right to vote with assurance that every vote and every voter counts and will be counted on Election Day.

No legal voter should be taken for granted and no legal vote should be discounted or, worse, not counted. Every vote cast, every ballot submitted must be treated as if our very system of government and our way of life depends on it, simply because it does. No greater is the obligation of every eligible voter to be an active, knowledgeable and willing participant in the election process, and no greater responsibility as election officials do we have than to ensure those voices are heard and those votes are counted.

## **XV. Requirements Payments: Maintenance of Effort**

As a condition for receiving Requirements payments under the Help America Vote Act, states must maintain expenditures for funded activities "at a level that is not less than the level of such expenditures maintained by the state for the fiscal year ending prior to November, 2000."

Attached to the State Plan are budget materials that document state spending on election and election administration through the Secretary of State's office for Fiscal Year 2000 (July 1, 1999 – June 30, 2000.)

The total amount of \$2,739,159.04 million does not include reimbursements to county boards of elections for advertising costs related to state issue ballot advertising. The total budget request of the Secretary of State's office for FY 2004 and FY 2005 are sufficient to fund continued investment in elections at this annual level.

Additionally, the Secretary of State shall include a HAVA-compliance and funding report as part of future biennial budget requests of the Ohio Legislature to certify HAVA-compliant funding and continue Ohio's maintenance of effort.

## **XVI. Estimated Timelines for Implementation of the State Plan**

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

- **March 18, 2003:** State Plan Advisory Committee named, public input process defined.
- **April 3-4, 2003:** State Plan Advisory Committee conducts public hearings.

- **April 9, 2003:** RFP released for statewide voter registration system.
- **April 17, 2003:** State Plan Advisory Committee reconvenes to review draft State Plan.
- **May 7, 2003:** Competitive bids due for voter registration system.
- **May 13, 2003:** State Plan finalized and published for 30-day review.
- **May 16, 2003:** RFP released for voting system vendors.
- **June 2, 2003:** Secretary of State awards bids for voter registration system.
- **June 16, 2003:** State Plan submitted to federal Elections Assistance Commission for publication in the Federal Register. Competitive bids due for election system.
- **Aug. 1, 2003:** Secretary of State awards bids for election systems. County boards of elections notified of eligible system vendors.
- **Sept. 2, 2003:** County boards of elections must notify Secretary of State which vendor they have chosen for election system improvements.
- **November 21, 2003:** Direct Recording Electronic (DRE) Technical Security Assessment Report prepared by Compuware submitted to Secretary of State.
- **Dec. 1, 2003:** Statewide voter registration system installed and fully operational.
- **Dec. 19, 2003:** Requested a waiver from the Federal Government on deployment of the computerized voter registration system.
- **March 2, 2004:** Primary Election. (Ohio General Assembly considering change of Primary to May, 2004.)
- **April 29, 2004:** Clinton County first to establish Centralized Voter Registration File processes between the county and the Secretary of State.
- **May 7, 2004:** Substitute House Bill 262 enacted.
- **August 18, 2004:** Diebold Direct Recording Electronic (DRE) Technical Security Re-Assessment Report prepared by Compuware submitted to Secretary of State.
- **Nov. 2, 2004:** General Election
- **November 17, 2004:** VVPAT requirements distributed for comments.
- **January 3, 2005:** Diebold Direct Recording Electronic (DRE) Technical Security Re-Assessment Report Addendum prepared by Compuware submitted to Secretary of State.
- **January 3, 2005:** VVPAT rules filed with JCARR.
- **January 1, 2006:** Centralized Statewide Voter Registration File fully implemented.
- **May 2, 2006:** Replacement of punch-card and lever machine complete.

## **XVII. Plan Submission Presumes Full Federal Funding**

Submission of this plan presumes full and timely federal funding. In order for Ohio to meet the ambitious schedule outlined in this State Plan, it is imperative that federal monies be made available to the state on a schedule that is consistent with implementation of the base components of the plan.

Ohio reserves the right to seek waivers stipulated in the Help America Vote Act that allow us to delay implementation of this plan if federal funding is not forthcoming in a timely manner that will enable us to accomplish the objectives outlined in this report to the Election Assistance Commission.

Proceeding without a guarantee of federal funds would create a financial burden for the State of Ohio and its 88 county jurisdictions. While Ohio is anxious to meet and exceed the standards of the Help America Vote Act, implementation is not possible without the federal guarantees that accompany the Act.

The preponderance of unacceptable voting devices in the state underscore the necessity for reform, but it shows the very real and special challenges Ohio faces in fully complying with the Act and the funding that will be required to reconstruct and reconfigure the voting and election systems in the state.

Our pledge is to implement reforms, as outlined in this State Plan, as federal funds become available.

### **XVIII. The State Plan Committee: HAVA and Beyond**

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

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

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

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

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

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

Ohio public schools should ponder curriculum requirements that focus exclusively on voting and election processes.

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

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

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

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

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

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

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

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

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

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

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

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

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

Rep. Hollister agreed there needs to be periodic evaluation of Ohio's progress in meeting voting and election reforms. She

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

suggested a need to pause from time to time to reflect on what has been accomplished, what future reforms need to be considered, and what revenues are available to achieve those objectives.

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

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

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

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

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

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

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

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

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

## **XIX. Summary of the State Plan**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

accommodates the needs of people with disabilities.

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

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

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

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

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

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

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



**(2) How the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in paragraph (1).**

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

**(3) How the State will provide for programs for voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of title III.**

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

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

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

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

Such a fund has already been established by the Secretary of State and will be monitored by both the Secretary of State and the Auditor of State, as Ohio law applies to state auditing requirements and reporting procedures. Fund management procedures include quarterly reports to the Election Assistance Commission to detail

receipt and expenditure of funds, and how those funds were used to meet the objectives of the Act.

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

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

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

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

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

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

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

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

021723

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

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

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

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

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

This State Plan represents Ohio's initial submission of a State Plan to the Elections Assistance Commission.

**(13) A description of the committee which participated in the development of the State Plan in accordance with section 255 and the procedures followed by the committee under such section and section 256.**

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

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



**J. KENNETH BLACKWELL**  
Secretary of State

021724

The State of Ohio

021725



"Grady, Judy"  
<JGrady@sos.state.oh.us>  
11/04/2004 03:17 PM

To "psims@eac.gov" <psims@eac.gov>  
cc  
bcc

Subject RE: Changes to State Plan

Peggy,

thank for the sample. I'll take a look at the FR as well.

Judy Grady  
614-466-5515

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Thursday, November 04, 2004 3:04 PM  
**To:** jgrady@sos.state.oh.us  
**Subject:** Changes to State Plan

Hi, Judy:

Attached is the letter used by Pennsylvania when the State submitted just the materially changed portions of its State plan, along with a description of how the State succeeded in carrying out the State plan submitted the previous year. (The latter was provided to comply with HAVA Section 254(a)(12).) If you want to review examples of comprehensive amended State plans vs. submissions of selected portions of State plans, take a look at the September 30, 2004 issue of the *Federal Register*, in which seven State plans (or portions thereof) were published.

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

021726

Margaret Sims /EAC/GOV

11/04/2004 03:04 PM

To jgrady@sos.state.oh.us

cc

bcc

Subject Changes to State Plan

Hi, Judy:

Attached is the letter used by Pennsylvania when the State submitted just the materially changed portions of its State plan, along with a description of how the State succeeded in carrying out the State plan submitted the previous year. (The latter was provided to comply with HAVA Section 254(a)(12).) If you want to review examples of comprehensive amended State plans vs. submissions of selected portions of State plans, take a look at the September 30, 2004 issue of the *Federal Register*, in which seven State plans (or portions thereof) were published.

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
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Fax: 202-566-3127  
email: psims@eac.gov



PA Cover Ltr-State Plan Amendments to EAC (08-13-04).doc

021727

August 13, 2004

Dear Members of the 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 will comprise Elements 6, 10 and 12 of the State Plan of Commonwealth of Pennsylvania for the 2005 Fiscal Year. These new pages, together with non-substantive changes that we have made, will constitute the Commonwealth of Pennsylvania's HAVA State Plan for Fiscal Year 2005.

As required by section 254(a)(12) of HAVA, Element 12, as amended, describes the material changes that Pennsylvania has made to the State Plan filed in 2003. Specifically, Element 12 contains descriptions of the amended versions of Elements 6 and 10 and lists the progress that the Commonwealth has made with regard to the State Plan that the Commonwealth filed with the Federal Election Commission on July 31, 2003.

Please note that non-material changes to the Pennsylvania State Plan can be found throughout every element of the Pennsylvania State Plan. After consulting with EAC staff, the Commonwealth has elected not to include those changes for publication in the *Federal Register* as unnecessary under HAVA. Instead, we would direct the EAC and members of the public to the Pennsylvania Department of State's HAVA website ([www.hava.state.pa.us](http://www.hava.state.pa.us)) to view and copy the complete Pennsylvania State Plan as the Commonwealth has amended it.

The 2004 Amendments to the State Plan of Commonwealth of Pennsylvania 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 Commonwealth of Pennsylvania, I thank the Commission for its assistance. I look forward to our continued collaboration to improve the administration of elections in Pennsylvania.

Very truly yours,

Pedro A. Cortés

021728

Margaret Sims /EAC/GOV  
09/16/2004 03:45 PM

To "Jordan, Lori"  
<LJordan@sos.state.oh.us>@GSAEXTERNAL  
cc  
bcc

Subject RE: Reporting Requirements for HAVA

Lori:

You're not a pest! I've been trying to get some folks here to focus on the reporting requirements for Title I funds for some time. So far, other issues have taken priority. I'll try again by forwarding your email. I apologize.

What do you mean by "confirmation of the 253(b) requirements"? That section just lists the requirements the State must meet to certify for requirements payments. Are you asking for confirmation of the reporting requirements that apply to the requirements payments received? If so, we included the following in the letter that went to States receiving requirements payments:

### Reporting

Also note that HAVA Section 258 requires your State to submit a report to EAC on the activities conducted with the funds provided during the Federal fiscal year, which runs from October 1 through September 30 of each year. This report must include:

- a list of expenditures made with respect to each category of activities described for the use of funds;
- the number and type of articles of voting equipment obtained with the funds; and
- an analysis and description of:
  - o the activities funded to meet HAVA requirements; and
  - o how such activities conform to the submitted State plan.

This report is due no later than six months after the end of each fiscal year. Accordingly, you should file your first report with EAC no later than March 30, 2005. States should submit Standard Form 269 as part of this report. This form may be found at the following web site:

[http://www.whitehouse.gov/omb/grants/grants\\_forms.html](http://www.whitehouse.gov/omb/grants/grants_forms.html)

Hope you are doing well.

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (local)  
Fax: 202-566-3127  
email: psims@eac.gov

"Jordan, Lori" <LJordan@sos.state.oh.us>



"Jordan, Lori"

021729





<LJordan@sos.state.oh.us>

09/16/2004 03:06 PM

To "psims@eac.gov" <psims@eac.gov>

cc

Subject RE: Reporting Requirements for HAVA

Hi Peggy,

It is the pest from Ohio again. I hope everything is going well for you.

Could you please provide me with the most recent reporting requirements through yearend, including a confirmation of the 253(b) requirements?

I just want to verify since federal fiscal yearend is getting close so I don't miss a deadline. Since I haven't received any new info about 101 and 102 I assume you don't currently have an update. Last year the reporting was through 12-31-03 for 101 and 102. Do you think it will be the same this year or will it go to federal fiscal yearend 9-30-04.

Sorry to bother you on this again but I would really appreciate your clarification on these confusing reporting issues.

Thanks,

*Lori Jordan*

*Finance Grants Manager*

*Secretary of State*

*180 E. Broad St. 16th Fl.*

*Columbus, OH 43215*

*Phone (614) 466-6232*

*Fax (614) 485-7677*

*"HAVA" nice day!! :)*

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Thursday, August 12, 2004 8:11 AM

**To:** LJordan@sos.state.oh.us

**Subject:** RE: Reporting Requirements for HAVA

Hi, Lori,

Not yet. I'll let you know when I know. --- Peggy

021730

"Jordan, Lori" <LJordan@sos.state.oh.us>

08/12/2004 08:00 AM

To "psims@eac.gov" <psims@eac.gov>

cc

Subject RE: Reporting Requirements for HAVA

Hi Peggy,

I hope everything is going well for you.

Has there been any updates regarding the Title I reporting?

Thanks,

*Lori Jordan*

*Finance Grants Manager*

*Secretary of State*

*180 E. Broad St. 16th Fl.*

*Columbus, OH 43215*

*Phone (614) 466-6232*

*Fax (614) 485-7677*

*"HAVA" nice day!! :)*

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]

**Sent:** Tuesday, June 22, 2004 6:53 PM

**To:** LJordan@sos.state.oh.us

**Subject:** Re: Reporting Requirements for HAVA

Hi, Lori:

021731

Your questions are not confusing at all, but I'll have to get back to you on this. The Commission began considering the issue of Title I reporting this week.

Regards,

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005

Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

"Jordan, Lori" <LJordan@sos.state.oh.us>

06/22/2004 03:58 PM

To "Peggy Sims (E-mail)" <psims@eac.gov>  
cc  
Subject Reporting Requirements for HAVA

Hi Peggy,

I am the Finance Grants Manager for the Ohio Secretary of State's Office.

While I was reviewing the letter from the U.S. Election Assistance Commission dated June 17, 2004, I am a little confused on the reporting requirements. Here is my question.

The original Title I funds for Section 101 and Section 102 required that we submit a 269 for each section of funds for the period ending 12-31-03 by the due date of 1-21-04 to the GSA. We did so. What are the reporting requirements for the Title I funds Section 101 and Section 102 and what is the ending date for the report?

Does the Section 101 and 102 get reported with the Section 253(b) money? If so, does each section require a separate 269 form? The 269 report along

021732

with the other details described on page 3 of the letter is due no later than March 30, 2005. Since we filed the report 12-31-03 do we use the 1-1-04 starting date or redo the 12-31-03 reports to include the amounts prior to 12-31-03.

Please call me because I know my questions are probably very confusing.

I

just want to make sure we do everything properly.

Thanks in advance for your assistance in this matter.

Lori Jordan

Finance Grants Manager

Secretary of State

180 E. Broad St. 16th Fl.

Columbus, OH 43215

Phone (614) 466-6232

Fax (614) 485-7677

"HAVA" nice day!! :)

021733

Margaret Sims /EAC/GOV  
05/13/2004 04:36 PM

To ljordan@sos.state.oh.us  
cc  
bcc  
Subject State Certification for HAVA Requirements Payments

Dear Lori,

The sample letter is attached. Give me another call if you have additional questions.

Sincerely,

Peggy Sims  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3100 (local)  
Fax: 202-566-3127  
email: psims@eac.gov



SAMPLEGovernor's letter 5-6-04.pdf

021734



U.S. ELECTION ASSISTANCE COMMISSION  
1225 New York Ave. NW – Suite 1100  
Washington, DC 20005

OFFICE OF THE CHAIRMAN

May 6, 2004

The Honorable Jim Doyle  
Governor  
Office of the Governor  
State Capitol  
115 East  
Madison, WI 53702

Dear Governor Doyle:

The Help America Vote Act (hereafter “HAVA” or the “Act”) authorizes payments to States, U.S. Territories and the District of Columbia (hereafter “States”) to assist in meeting the “Uniform and Nondiscriminatory Election Technology and Administration Requirements” in Title III of the Act. In order to be eligible for receipt of a requirements payment, a State must file with the U.S. Election Assistance Commission (hereafter “EAC” or “Commission”) a certification statement for the fiscal year, which declares that such State is in compliance with the required conditions set forth in section 253(b) of the Act. Title II requirements payments for Fiscal Years 2003 and 2004 are available at this time.

**Timing for Filing a Statement of Certification (Section 253(a) and (d))**

To receive funds for a fiscal year, HAVA requires the chief executive officer of the State, or designee, in consultation with the chief State election official, to file with the EAC a statement certifying that the State is in compliance with the conditions set forth in section 253(b).<sup>1</sup> This statement may not be filed until *after* the expiration of a 45-day period that began on March 24, 2004 – which was the day that all 55 State plans were published in the Federal Register by the Commission. The 45-day period expires on May 8, 2004.

**Language for Statement of Certification (Section 253(a))**

Recommended language for the certification statement is contained in Section 253(a) of the Act. Thus, the certification statement for a fiscal year may state the following:

“ \_\_\_\_\_ hereby certifies that it is in compliance with the requirements referred to in section 253(b) of the Help America Vote Act of 2002.”

<sup>1</sup> For the purpose of the requirements payments, the *chief State election official* is the individual designated by the State under section 10 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-8) to be responsible for coordination of the States responsibilities under such Act.

021735

### Condition for Receipt of Funds (Section 253(b))

The conditions for receipt of a requirements payment contained in section 253(b) require that a state certify to the Commission that, for the fiscal year(s) in which funds are requested, it:

- has filed a State plan with the EAC covering the fiscal year and which the State certifies:
  - contains each of the elements required to be in the State plan, according to section 254, including how the State will establish a State Election Fund in accordance with section 254(b);<sup>2</sup>
  - is developed in accordance with section 255, which describes the process of using a committee of appropriate individuals, including the chief election officials of the two most populous jurisdictions, other local election officials, stake holders (including representatives of groups of individuals with disabilities), and other citizens to develop the plan; and
  - meets the 30-day public notice and comment requirements of section 256.
- has filed with the EAC a plan for the implementation of the uniform, non-discriminatory administrative complaint procedures required under section 402 (or has included such a plan in the State plan), and has such procedures in place. If the State does not include such an implementation plan in the State plan, the *Federal Register* publication and the committee development requirements of sections 255(b) and 256 apply to the implementation of the administrative complaint procedure in the same manner as they apply to the State plan.
- is in compliance with each of the following federal laws as they apply to the Act:
  - The Voting Rights Act of 1965;
  - The Voting Accessibility for the Elderly and Handicapped Act;
  - The Uniformed and Overseas Citizens Absentee Voting Act;
  - The National Voter Registration Act of 1993;
  - The Americans with Disabilities Act of 1990; and
  - The Rehabilitation Act of 1973.
- has provided that, to the extent that any portion of the Title II requirements payment is used for activities other than meeting the requirements of Title III:

---

<sup>2</sup> Section 254(b)(1) and (2) of the Act describes the State Election Fund as a fund that is established in the treasury of the State government, which must be used by the State exclusively to carry out the activities for which the requirements payment (title II, Subtitle D, Part 1) is made to the State, and which consists of:

- amounts appropriated or otherwise made available by the State for carrying out the activities for which the requirements payment is made;
- the requirements payment to the State;
- such other amounts as may be appropriated under law; and
- interest earned on deposits of the fund.

HAVA section 254(b)(3) provides that, in the case of a State that requires State legislation to establish a State Election Fund, the EAC is required to defer disbursement of the requirements payment to such State until such time as legislation establishing the fund is enacted.

- the State's proposed uses of the requirements payment are not inconsistent with the requirements of Title III; and
- the use of the funds under this paragraph is consistent with the requirements of section 251(b); and
- has appropriated funds for carrying out the activities for which the requirements payment is made in an amount equal to **5 percent** of the total amount to be spent for such activities (taking into account the requirements payment and the amount spent by the State) and, in the case of a State that uses a requirements payment as a reimbursement for voting equipment under 251(c)(2), an additional amount equal to the amount of such reimbursement.<sup>3</sup>

Accordingly, prior to submission of a certification statement for a fiscal year(s) to the EAC, the Commission strongly encourages all States to verify compliance with the required conditions set forth in section 253(b). Should the Commission have any concerns that a particular State – which has submitted a certification statement to the EAC – has not met one of the required conditions, the EAC will immediately contact that particular State and/or communicate its concern in writing.

#### **General Services Administration (GSA) Procedures for Payments**

GSA, which will disburse the Title II requirements payments to States under the direction of the EAC, requests that the following procedures be used for disbursement and receipt of these payments:

- **Step One – Registration.** State representatives should contact Sharon Pugh ([Sharon.Pugh@GSA.gov](mailto:Sharon.Pugh@GSA.gov)) or Brad Farris ([Brad.Farris@GSA.gov](mailto:Brad.Farris@GSA.gov)) on (816) 823-3108, as soon as possible, with information on State contact points, including name, address and email address. These contacts may very well be the same personnel that GSA worked with in distributing HAVA Title I funding. GSA will verify this information.
- **Step Two – EFT Setup.** GSA will contact the State representatives to obtain banking information required for an Electronic Funds Transfer (EFT). Again, this may be the same information submitted for HAVA Title I funding. Payments should be made into the Election Fund described in HAVA Section 254(b)(1). All funds will be disbursed via EFT.
- **Step Three – State Certification Statement to EAC** – States will submit required certification information to the EAC, as outlined above, after the completion of the 45-day period for publication of the State plan in the Federal Register.
- **Step Four – Notification to GSA by EAC** – Based upon the certification statement, the EAC will notify GSA that a State is due receipt of its Title II payment for a particular fiscal year (i.e., either FY 2003 funds, FY 2004 funds, or both).

---

<sup>3</sup> For purposes of declaring sufficient funds are available for the State to carry out activities to meet Title III requirements, if the requirements payment is to be used as a reimbursement for voting equipment obtained on and after January 1, 2004 through multi-year contracts, the activity is not treated as an activity to meet Title III requirements.



- **Step Five – Disbursement of Title II Funds** – GSA will disburse the Title II funds for a particular fiscal year to the accounts specified by the States, and will notify the States and the EAC of the disbursement in writing.

Finally, the Commission has received numerous inquiries regarding the concern that the Title II requirements funds will no longer be available for disbursement to the States after the end of the current fiscal year (i.e., September 30, 2004). However, the Commission points to section 257(b) of the Act, which states in part:

“(b) AVAILABILITY- Any amounts appropriated pursuant to the authority of subsection (a) shall remain available *without fiscal year limitation until expended.*”  
(Emphasis added.)

Based upon the above statutory language, the Commission believes Congress’ intent was clear in that the Title II funds remain available to the States until fully disbursed by the EAC.

The Commission looks forward to working closely with all States as we enter into this next phase of HAVA implementation. Should you have any questions or need further clarification as to the contents of this letter, please do not hesitate to contact Peggy Sims at 1-866-747-1471 (toll free) or 202-566-3100.

Sincerely yours,

DeForest B. Soaries, Jr.  
Chairman

cc: The Honorable Kevin Kennedy, Executive Director, Wisconsin State Elections Board



"Grady, Judy"  
<JGrady@sos.state.oh.us>  
02/25/2005 05:20 PM

To "psims@eac.gov" <psims@eac.gov>  
cc  
bcc  
Subject Ohio Revised State Plan

Peggy,

Attached is the Ohio revised state plan and letter from Secretary Blackwell. A hard copy has been sent via Federal Express and should arrive Monday morning. Please call me if you have any questions or concerns. I left the yellow highlight in your copy to show the changes. I can take them off and resend it if you prefer.

Also please advise when the revised plan will appear in the *Federal Register* .

Thanks,

Judy



614-466-5515 Blackwell Ltr to EAC.pdf Final Revised State Plan EAC.doc

021739

J. Kenneth Blackwell

*Ohio Secretary of State*

# Changing the Election Landscape in the State of Ohio



A State Plan to implement the Help America Vote Act of  
2002 in accordance with Public Law 107-252, §253(b)  
Revised January 12, 2005

*"The Act appropriately respects the primacy of  
state and local governments in the administration  
of elections, while helping to ensure the integrity  
and efficiency of voting processes in federal  
elections by providing federal governmental  
support for that vital endeavor."*

**PRESIDENT GEORGE W. BUSH**  
THE WHITE HOUSE,  
October 29, 2002

021740

June 16, 2003

Dear Election Assistance Commission and Ohio Voters:

I can think of no greater gift we can give future generations than an electoral process that ensures the integrity of their vote and provides them with an election system that is efficient and fair.

At the very least, we need an election system that assures every vote counts and every voice is heard in electing those who will serve in government and decide the many critical issues we face as citizens. No voter should be excluded from the process because of a disability, as no voter should be excluded because of inadequate, outdated and imprecise voting mechanisms.

That's what this report is all about. That's what the Help America Vote Act of 2002 is all about – fair elections and empowering every voter to exercise their obligation, responsibility and privilege to fully engage in the election process.

Democracy, after all, is a fragile system that relies on the voices and participation of all its citizens, not just a chosen few. Every voter and every vote cast strengthens our democracy and enhances the opportunity to choose the best people for the job of leading our government, at all levels, and deciding those issues that affect our local community, state and nation.

My thanks to the State Plan Committee who worked so diligently to help me create this document that will open a new era for the way we vote in Ohio. Truly, we are dramatically changing the election landscape in our state and in our nation. That is a good thing and probably one of the most important contributions we can make to future generations of Ohioans.

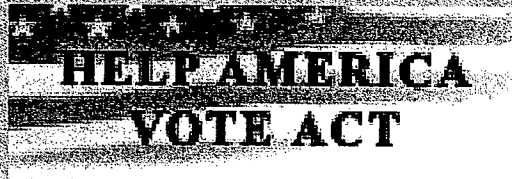
In the final analysis, the Help America Vote Act of 2002 is about inclusion more than it is about all the technical change and new administrative processes and procedures called for in this plan. Inclusion is, after all, the thread that binds the fabric of democracy.

Very truly yours,



J. KENNETH BLACKWELL  
Ohio Secretary of State

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



### The State Plan Committee

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

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

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

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

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

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

**State Rep. Nancy Hollister**, *R-Marietta*

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

**State Sen. Mark Mallory**, *D-Cincinnati*

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

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

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

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

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## Help America Vote Act of 2002

### **I. Introduction and Overview**

On Oct. 29, 2002, President George Bush signed into law the Help America Vote Act of 2002. The legislation was passed in the U.S. House in late 2001 and was approved by the U.S. Senate the following year.

Much of the law embraces recommendations advanced by the National Commission on Federal Election Reform, a group that included both former Presidents Jimmy Carter and Gerald Ford as its honorary co-chairs. The commission observed that democracy is a precious birthright. But they also noted that each generation must nourish and improve the processes of democracy for its successors.

The Help America Vote Act logically embraces the goals of election reform by expecting all levels of government to provide a democratic process that:

- maintains an accurate list of citizens who are qualified to vote;
- encourages every eligible voter to participate effectively;
- uses equipment that reliably clarifies and registers the voter's choice;
- handles close elections in a foreseeable and fair way;
- operates with equal effectiveness for every citizen and every community; and
- reflects limited but responsible federal participation.

In Ohio, the Secretary of State and the State Plan Committee used those broad parameters, principles and guidelines as the foundation objective for developing this plan. From that platform, the Secretary and State Plan Committee formulated the Ohio Plan to address the following specific issues to meet and exceed the minimum standards of the Help America Vote Act. In greater detail, this report addresses:

1. How Ohio will use requirement payments, distribute and monitor the allocation of these funds to county governments, and what criteria will be used to determine eligibility for these funds.
2. How Ohio will measure the performance of county governments to ensure they are in compliance with the Act.
3. How Ohio will develop programs to provide voter education, election official and poll worker education and training to meet the standards of the Act.
4. How Ohio will establish voting system guidelines and processes.
5. How Ohio will administer these activities and budget for administrative costs, as well as establishing a budget for overall implementation of the plan based on our best estimate of costs.
6. How Ohio will use the requirement payments without reducing state support for voter and election activities below what the state was spending in November, 2000.



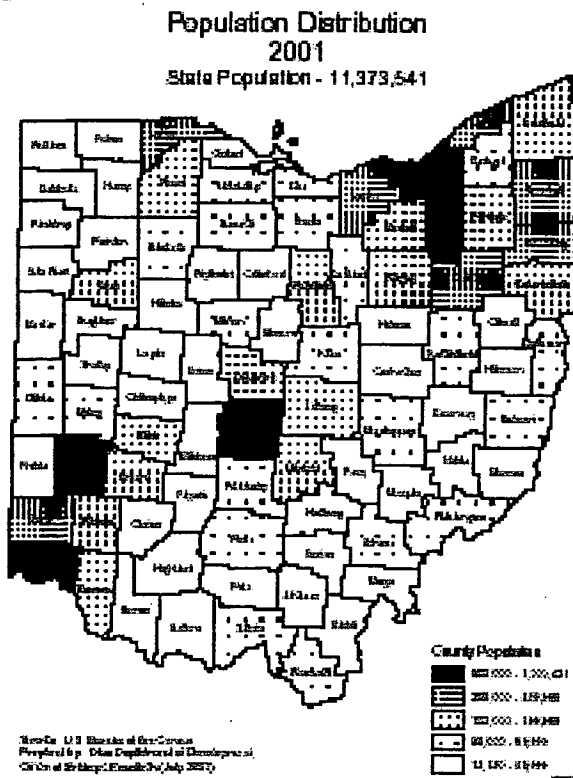
7. How Ohio will establish performance goals and measures for county government.
8. How Ohio will create and develop a uniform administrative complaint procedure.
9. How payments under Title I will be used for punch-card replacement in Ohio and how that will affect and enhance the overall implementation of the plan.
10. How Ohio intends to conduct ongoing oversight and management of election reforms and improvements.

***The size and composition of Ohio's population is a challenge to implementation of wholesale election reform in the state, but Ohio also is challenged because of the prevalence of punch-card voting. Nationally, it is estimated that 34.4 percent of the nation's voters cast their ballot on punch-card voting devices. In Ohio, 72 percent of the state's voters use this ballot method.***

As the following section of the report suggests, election reform as envisioned by the Help America Vote Act is not a casual undertaking in Ohio. The demographics of the state reveal a broad mix of urban, rural and mid-size communities. Ohio, for example, has eight urban markets that include three large metropolitan cities – Cleveland, Columbus and Cincinnati. Smaller urban centers include Toledo, Youngstown, Dayton, Akron and Steubenville. Each enjoys its own community culture and election traditions.

In addition to these larger urban centers are mid-size communities like Mansfield and Lima, which represent the balance of Ohio's Metropolitan Statistical Areas (MSA's) according to the U.S. Census Bureau. But beyond those 10 communities and the counties they represent are 78 other Ohio counties that reflect a more rural population, including a large portion of Southeast Ohio that is designated as part of the Appalachian region.

The size and composition of Ohio's population is a challenge to implementation of wholesale election reform in the state, but Ohio also is challenged because of the prevalence of punch-card voting. Nationally, it is estimated that 34.4 percent of the nation's voters cast their ballot on punch-card voting devices. In Ohio, 72 percent of the state's voters use this ballot method.



Given that context, we offer the following demographic overview of the State of Ohio to provide the Election Assistance Commission with what we regard to be a valuable foundation perspective for the implementation of election reforms in Ohio.

## II. Ohio Demographics

While Ohio remains one of the nation's leading manufacturing centers, the state, during the past two decades, has made the transition to a more service-industry economy.

Nearly 28 percent of Ohio's 5.4 million employee workforce is now classified as service employees. From 1990 to 2000, the state's population grew from 10.8 million to 11.3 million.

The state is comprised of 88 counties that occupy nearly 41,000 square miles of land. Ohio is bounded on the south and east by the Ohio River and on the north by Lake Erie.

About 11.5 percent of that population is African-American and 1.9 percent is Hispanic/Latino, according to the most recent Census data. In total, Ohio's minority population is about 16 percent of the total population.

The median age in the state is 36.2 years of age and, like many other states, is trending older. About two-thirds of Ohio residents live in owner-occupied households and about 29 percent live in renter-occupied dwellings.

The state has a wealth of educational institutions with 15 public four-year universities and 62 private colleges and universities. There are 25 two-year colleges in the state. The largest counties, in rank order and based on 2000 Census data, are:

<u>Rank</u>	<u>County</u>	<u>Population</u>
1	Cuyahoga	1,393,978
2	Franklin	1,068,978
3	Hamilton	845,303
4	Montgomery	559,062
5	Summit	542,899
6	Lucas	455,054
7	Stark	378,098
8	Butler	332,807
9	Lorain	284,664
10	Mahoning	257,555

The state's major employers include such corporate notables as AK Steel, Daimler Chrysler, Delphi Automotive Systems, Ford Motor Co., General Electric Co., General Motors Corp., Goodyear Tire & Rubber Co., Honda Motor Co. Ltd., Kroger, Nationwide Insurance, Procter & Gamble, TRW Inc. and Wendy's International.

In total, there are about 240,000 active businesses in Ohio, including about 80,000 farms that represent 14.9 million acres.

The state boasts 115 state parks that provide nearly 115,000 acres of recreational space for Ohio residents. There are six airports in the state with scheduled airline service and another 164 commercial airports and 10 commercial heliports. Transportation arteries

in the state include 1,572 miles of interstate highways, 3,918 miles of U.S. highways, and more than 14,000 miles of state highways. The Ohio Turnpike that ribbons through northern Ohio covers 241 miles from the Indiana state line to the Pennsylvania state line.

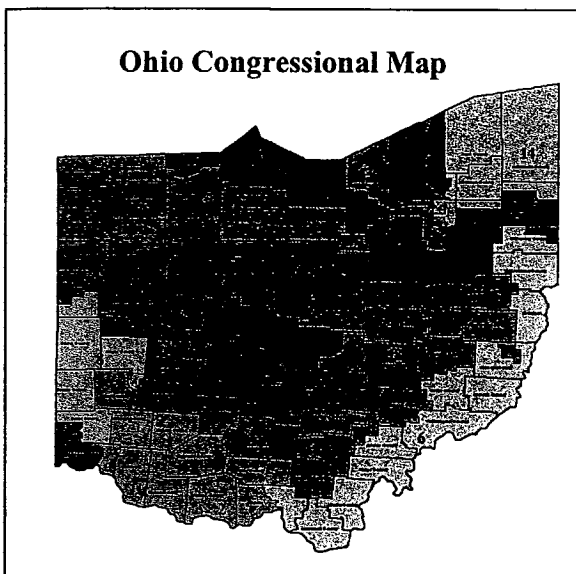
### III. State Political/Governmental Structure

Ohio is governed by five major statewide officeholders including Gov. Bob Taft, Attorney General Jim Petro, State Auditor Betty Montgomery, Secretary of State J. Kenneth Blackwell and Treasurer Joseph Deters. The Ohio General Assembly includes 99 members of the Ohio House of Representatives and 33 members of the Ohio Senate.

Since 1992, both statewide officeholders and elected legislators are subject to term limits. Statewide officeholders are limited to two four-year terms. In the Ohio General Assembly, House members are limited to four two-year terms and State Senators are limited by two four-year terms.

Some local government officials also are subject to term limits as a result of local ballot initiatives in some Ohio communities.

The Ohio Supreme Court includes seven justices who are elected statewide. The Supreme Court is not subject to term limits. The Chief Justice of the Ohio Supreme Court is Thomas Moyer.



The local government structure in Ohio includes a mix of city and county elected officials, with most cities and villages in Ohio administered by a mayor/council form of government. Some municipalities have an appointed city manager form of government in which an executive is appointed to administer local municipal affairs.

In Ohio local government, there are "statutory" cities that operate largely on the basis of state statutory law and "charter" cities that may adopt so-called "home rule" guidelines to conduct the affairs of local government.

On the county level, 87 of 88 Ohio counties are governed by a Board of County Commissioners, which oversee county administration. Summit County is the only county in Ohio with a county executive/council form of government. The Summit County Council is comprised of eight district council members and three who are elected at large. Ohio counties also elect county auditors, prosecutors, treasurers, clerks of court, judges and county sheriffs.

The state is represented by 18 elected members of the U.S. House of Representatives and, of course, two U.S. Senators.

## IV. State of Ohio Elections Systems

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

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

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

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

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

MEDINA	145	101,054	PUNCHCARD
MEIGS	27	14,685	PUNCHCARD
MERCER	40	26,724	PUNCHCARD
MIAMI	82	66,743	SCAN
MONROE	29	9,866	PUNCHCARD
MONTGOMERY	593	334,787	PUNCHCARD
MORGAN	22	8,600	PUNCHCARD
MORROW	36	21,354	PUNCHCARD
MUSKINGUM	85	48,175	PUNCHCARD
NOBLE	27	8,173	PUNCHCARD
OTTAWA	78	26,905	SCAN
PAULDING	30	13,374	PUNCHCARD
PERRY	46	20,815	PUNCHCARD
PICKAWAY	53	27,505	ELECTRONIC
PIKE	24	17,849	PUNCHCARD
PORTAGE	129	94,711	PUNCHCARD
PREBLE	46	28,108	PUNCHCARD
PUTNAM	51	24,360	PUNCHCARD
RICHLAND	133	83,151	PUNCHCARD
ROSS	76	37,478	ELECTRONIC
SANDUSKY	73	39,768	SCAN
SCIOTO	107	43,062	PUNCHCARD
SENECA	73	35,707	PUNCHCARD
SHELBY	45	29,776	PUNCHCARD
STARK	364	246,562	PUNCHCARD
SUMMIT	507	334,515	PUNCHCARD
TRUMBULL	274	132,957	PUNCHCARD
TUSCARAWAS	81	53,930	PUNCHCARD
UNION	47	25,880	PUNCHCARD

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

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

**NOTE:** In 2004, the number of registered voters grew to over 7.9 million and the number of precincts was reduced to 11,360.

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

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

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

<sup>1</sup> *Ohio Elections Summit Report*, Office of the Secretary of State, published May 2001.

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

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

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

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

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

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

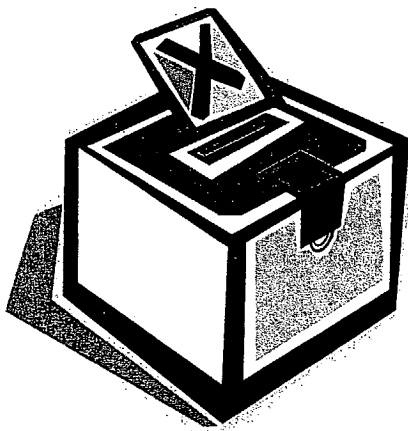


Perry	PUNCHCARD	13,147	12,828	319	2.43%
Richland	PUNCHCARD	54,088	52,779	1,309	2.42%
Mahoning	SCAN	116,889	114,119	2,770	2.37%
Morrow	PUNCHCARD	13,145	12,839	306	2.33%
Seneca	PUNCHCARD	24,931	24,351	580	2.33%
Wyandot	PUNCHCARD	10,059	9,827	232	2.31%
Jefferson	PUNCHCARD	35,449	34,636	813	2.29%
Erie	SCAN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

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

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

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



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

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

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

## V. Voter Trends: the Context for Change and Reform

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

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

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

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

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

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

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

As a result, our Plan assumes that growth rate and the recommended voting systems design model proposed in this report anticipates that growth and demand on the state's election system in future peak presidential voting years. We use the presidential

voting cycle as a base for our plan because that assumes the heaviest potential voter turnout and the busiest times for local boards of elections.

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

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

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

## **VI. How Ohio Developed its State Plan**

In development of the State Plan, we insisted on inclusion in both creation of the State Plan Committee and in public input into the process. This report represents a broad outreach to minorities, senior citizens, people with disabilities, elected officials, election officials, public interest groups and the public at large.

Our foundation principle in developing this plan was based on the view that such far-reaching reforms to a system so vital to the most fundamental democratic process in our state and nation required a fair, open and dynamic process where there is an opportunity for every voice to be heard. We were proactive in developing a structure to embrace that principle.

As a first step in our process, we widely publicized hearing dates and created a web site that invited public comment and input. We invited written testimony from groups and organizations who wanted to lend their perspective to election reform in Ohio. Additionally, we actively solicited input from critical stakeholders for our public hearings, including key representative voices from among groups such as the Urban League, the League of Women Voters, the Disability Policy Coalition, and the American Association of Retired Persons (AARP).

Our lead-off witness was Chet Kalis of the House Administration Committee, who worked closely with U.S. Rep. Bob Ney, R-Ohio, primary sponsor of the Help America Vote Act of 2002. We asked Mr. Kalis to lay the groundwork for our committee by providing them with a foundation perspective of the Act, its mission, aims and objectives.

The State Plan Committee also heard from Doug Lewis, executive director of The Election Center, a national nonprofit organization serving the elections and voter registration profession. Mr. Lewis developed and authored the Professional Education Program for elections/registration officials – named the best continuing education program in the nation by the National University Continuing Education Association.

Mr. Lewis was able to provide the committee with a national view of election reform and voter registration from the valuable perspective of someone with intricate knowledge of election systems across the nation.

To provide the perspective on Ohio, Dr. Herb Asher, professor emeritus of political science at The Ohio State University, brought election reform home for our State Plan Committee. Few voices are more respected than the voice of Dr. Asher as a knowledgeable expert and commentator about the political and election process in Ohio.

While the State Plan Committee itself included representation from boards of elections, we reached out to three other boards to provide the committee with a strong representative sample of the diverse local election operations in the state. Among those invited to testify were Janet F. Clair, director of the Lake County Board of Elections, Rita Yarman, deputy director of the Knox County Board of Elections, and Terry Burton, deputy director of the Wood County Board of Elections.

The testimony of the three elections officials was particularly valuable to the Committee because Lake and Knox counties are two jurisdictions that recently modernized their election systems. In addition, four other counties – Ross, Pickaway, Mahoning and Franklin counties – currently have electronic-based voting systems. Wood County represents one of the Ohio counties facing an extensive overhaul of its system under the Help America Vote Act.

Dolores Blankenship, advocacy volunteer from AARP, offered the State Plan Committee an incisive look at the election process through the eyes of a senior citizen, and eight witnesses representing the Disability Policy Coalition offered riveting testimony about the Election Day challenges facing voters with disabilities.

The strong presence of people with disabilities in these hearings underscores the importance Ohio attaches to this issue and our resolve to provide physically challenged voters with every opportunity to cast their ballot in a setting that assures their access to the polls and their right to cast a ballot unrestrained by barriers and obstacles that preclude their full participation in the voting process.

Peg Rosenfield, a former state elections official and now a representative of the League of Women Voters of Ohio, provided testimony on behalf of that voter advocacy group, and Ernest Perry of the Columbus Urban League was the voice for that group.

The final witness was Eric Seabrook, chief counsel to the Ohio Secretary of State, who described the administrative complaint procedure envisioned by Secretary of State Blackwell and the potential contracting procedures under review to establish an election system that meets the uniform voting standards of the Help America Vote Act.

The State Plan Committee met in public session on April 3-4 to hear testimony from these witnesses and then reconvened on April 17 for a focused facilitated work session to refine and finalize the State Plan.

We believe the process used to develop the State Plan in Ohio is one of the most aggressive public outreach efforts in the nation. While the aim of the process was to be as inclusive as possible, we think it had the added benefit of educating and informing the committee and citizens of our state about the Help America Vote Act and its far-reaching implications for an improved voting and election system in Ohio.

The open and proactive design of our process signaled to every Ohioan the importance of enacting voter and election reforms in the state, and how that reform was likely to affect their participation in the electoral process.

In addition to the public hearings, the Secretary of State solicited all Ohioans to provide input to the plan by providing written communications with his office or to communicate ideas via the Secretary of State's website. This communication was provided to members of the State Plan Committee and is attached as part of the State Plan.

## **VII. Federal Funding Assumptions of the Act**

The Help America Vote Act of 2002 makes available certain federal funding to help achieve requirements and mandates of the Act. The funding components of the Act are reflected in Title I, Title II, Title IV and Title V. In summary, the federal government has agreed to the following federal funding thresholds for each of the Title sections of the Act:

### **Title I – Antiquated Machine Buy-Out**

- \$325 million for buying out punch-card and lever voting machines.
- \$325 million in payments to states to improve election administration.

### **Title II – Election Assistance**

#### Requirement Payments

- \$3 billion for meeting requirements, poll-worker training, voter education, and improving administration of elections.

#### Access Grants

- \$100 million for increasing polling place access for voters with disabilities

#### Research Grants

- \$20 million for research and development to improve voting technology

#### Pilot Program Grants

- \$10 million for pilot programs to test new voting systems and equipment.

#### Protecting and Advocacy Systems Payments

- \$40 million for state protection and advocacy systems.

### **Title V – Help America Vote College Program**

- \$5 million to encourage college students to participate in the political process by volunteering as poll workers.

### **Title VI – Help America Vote Foundation**

- \$5 million to encourage high school students to participate in the political process by volunteering as poll workers.

Of obvious, primary and immediate importance to the State of Ohio is the Title I funding and the state's share of Title II monies for Requirement Payments for poll-worker training, voter education, and improving administration of elections, as well as federal funds available for Access Grants to make election sites more accessible to people with disabilities. These three specific funding sources enable Ohio to address what we regard to be the core modernization and reform of its election system.

The buy-out program under Title I has special implications for Ohio because of the prevalent use of punch-card voting in the state. Likewise the \$325 million being allocated to states to improve election administration is important because these funds represent resources that will be allocated for development of a centralized voter registration system in the state.

***The state will apply for research and pilot program grants. But for now, our focus is to first establish a reliable, accurate and fair election system, conduct the training and education necessary to make that system work, and to ensure accessibility of the disabled and physically challenged citizens of our state. The Secretary of State believes Ohio should be particularly aggressive in seeking available federal funds under Title II for access grants to make Ohio's polling places more accessible to the disabled.***

Title I largely represents base funding for Ohio to address the mechanical implementation of the Help America Vote Act. Title II payments represent a source of funding to train, educate and administer the state's election program once the transition is made from punch-card voting to a more modern mode of voting, and to make poll sites more accessible to people with disabilities. Later in the plan, we discuss allocating a portion of Title II funds to voting system upgrades.

The state will apply for research and pilot program grants. But for now, our focus is to first establish a reliable, accurate and fair election system, conduct the training and education necessary to make that system work, and to ensure accessibility of Ohio's citizens with disabilities. The Secretary of State believes Ohio should be particularly aggressive in seeking available federal funds

under Title II for access grants to make Ohio's polling places more accessible.

Of note and as it relates to Title V and Title VI of the Act, the Ohio Secretary of State's office is currently conducting research related to poll worker issues. A component of that research anticipates a greater role for high school and college students in the electoral process, as well as other initiatives that will enhance the identification, selection, education and training of poll workers.

As this State Plan is being submitted, we anticipate that research will be completed and recommendations forthcoming in the next few months about how Ohio will maximize poll-worker recruitment and training, and ensure the presence of quality, qualified poll workers in every precinct.

Such initiatives underscore our determination to not only meet the minimum requirements of the Help America Vote Act of 2002, but to make Ohio a model state for implementation of these reforms and to lead the nation in development and

implementation of a modern, fair, reliable and accurate election system. As U.S. Rep. Bob Ney led the federal initiative to enact the Help America Vote Act, it was the mandate of our State Plan Committee to formulate a plan that makes Ohio a showcase for election reform.

## VIII. Distribution of Resources to Local Governments

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

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

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

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

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

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

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

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



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

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

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

<b>Activity</b>	<b>Fund Distribution</b>	<b>Jurisdiction</b>	<b>Purpose</b>
Voter Registration Database	\$5 million	State and Counties	Develop statewide voter registration database
Voter Education	\$5 million	State and Counties	Administered by the State in coordination with the counties
Poll Worker Training	\$5 million	State	To be distributed as grants to counties
Administrative Expenses	\$2 million	State	For state personnel to administer and monitor HAVA implementation
Provisional Voter Hotline	\$250,000	State	To establish a state hotline for provisional voters
Miscellaneous	\$2 million	State	For associated costs of implementing HAVA
Voting Equipment and other Activities	\$116 million	State on behalf of Counties	For new voting equipment and to meet other HAVA requirements

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

prudent to maximize resources for election reform in the counties where election reform will occur.

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

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

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

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

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

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

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

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

Since the Secretary of State will centralize and oversee this process, the Secretary will ensure compliance with all requirements of the Help America Vote Act. The performance timeline requires the Secretary to establish the list of approved vendors by

Aug. 1, 2003, providing county boards of elections with ample time to review the list, choose the vendor and establish transition to the new voting systems.

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

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

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

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

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

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## IX. §301. Meeting the Voting System Standards of the Act

The Help America Vote Act requires “uniform and nondiscriminatory election technology” that meets specific voting system standards. Ohio has opted for a program that specifically addresses the requirements of the Act, but provides counties with some degree of flexibility in choice of vendor and how they implement and develop voting systems to meet the particular needs of their region.

Assurance that the state will meet voting system standards specified in the Act is the responsibility of the Secretary of State, so system specifications will be drafted by the

***Providing counties with the ability to choose among a list of qualified vendors preserves the involvement of the counties in the vendor process while maximizing the buying power of the state under a state term contract procedure. The Secretary of State will serve as the primary contractor for voting devices in the State of Ohio, embracing the concept that the ultimate beneficiaries of the contract are the counties.***

Secretary and the list of available vendors will reflect only those companies that submit bids demonstrating their ability to meet the rigorous and unambiguous system specifications and timelines established by the Secretary.

To ensure compliance with the Act, the Secretary of State will appoint a committee comprised of knowledgeable persons in the Secretary’s office who have the technical capability to review vendor proposals for electronic voting equipment and tabulating devices and the committee will recommend final adoption of a list of approved vendors that meet system specifications. The committee will review standards set by the Standards Board and make recommendations to the Secretary

based on tabulating systems meeting the standards set by the Federal Election Commission.

Additionally, the Secretary of State will ask the state’s Board of Voting Machine Examiners to review the recommendations of the committee to ensure the vendors and systems meet not only the requirements of the Act, but are reasonable based on their knowledge of Ohio counties and their voting needs. The Board of Voting Machine Examiners currently provide a valuable service to the Secretary of State in the certification of voting equipment to ensure the equipment meets established certification criteria set by the National Association of State Election Directors.

It is logical this group assist the Secretary in this important endeavor to modernize and reform Ohio’s voting systems.

Providing counties with the ability to choose among a list of qualified vendors preserves the involvement of the counties in the vendor process while maximizing the buying power of the state under a state term contract procedure. The Secretary of State will serve as the primary contractor for voting devices in the State of Ohio, embracing the concept that the ultimate beneficiaries of the contract are the counties.

Ultimately, the responsibility for ensuring compliance with the Help America Vote Act of 2002 falls to the chief elections official in the state. But the Secretary of State recognizes the execution of the Act will take place at the county level.

Each vendor chosen to participate in the selection process must demonstrate a capability to serve the whole of the state and, potentially, all 88 counties. Successful vendors must also certify their ability to provide the volume of equipment required to service the state, and demonstrate the organizational capacity to provide statewide support, training and service to county clients.

Eligible vendors must assure their equipment meets a high threshold of security, accuracy and ease of use. They must also ensure timely delivery of equipment to meet the deadlines established by the Secretary of State for full implementation and operation by Feb. 1, 2004. Finally, the financial viability of the vendor will be a consideration for the awarding of contracts.

The Secretary of State believes training and education are essential to the successful deployment of new voting machine equipment. The best technology available is rendered useless unless vendors can provide adequate training and education to ensure both election officials and voters know how to use the equipment efficiently and effortlessly.

To achieve the education and training objective, some states have earmarked a portion of available money specifically for that purpose. We will request vendors designate how much of their proposal specifically applies to training and education.

Absent a recitation of detailed technical requirements listed in the request for proposal that will be issued by the Secretary of State, the Secretary insists successful bidders must provide a system that, at minimum, accomplishes the following:

### **General Requirements**

- Guarantees voters will be able to verify their ballot before it is cast and counted. This means the system must include features that allow voters to vote, review their ballot choices and decisions, and correct errors or omissions before submitting their vote for final tabulation.
- As part of the review and correction process, if a voter selects more than the permissible number of candidates for a single office, the system will alert the voter of the selection and its impact, or prevent over-voting. Additionally, the system must give the voter an opportunity to correct the ballot before it is processed and counted.
- In addition to providing equipment, hardware and applicable software to accomplish these features, vendors will be required to include, as a supplement to the system, information materials clearly explaining the operations and functions of the voting equipment, the effect of casting multiple votes for one office, and corrective procedures and processes available to voters. The system also must alert voters when they have failed to vote for a candidate or issue. We envision a simple pamphlet or brochure that

will be available to every voter written in clear language with amplifying graphics.

- The system must ensure the privacy of the voter and confidentiality of the ballot.

### **Audit Capacity**

- While the system allows the vote to be counted and tabulated electronically, the system also must be capable of producing a permanent paper record that can be audited manually. The paper record must be produced in such a way as to function as an official record for any potential recount or any question that might arise subsequent to the election.

This issue was addressed by several witnesses and State Plan Committee members during our public hearings. Almost everyone agrees that to ensure public confidence in any voting system, there must be a paper trail that will provide election officials, the public and media with a permanent, retrievable and readily accessible record and history of the election and provide a traceable mechanism to accommodate questions, election-related issues and recounts.

Ms. Rosenfield of the League of Women Voters told the State Plan Committee that an audit capacity in the form of a paper record was critical to reassure the public and the media that an open and fair election was conducted. We agree and this component is essential to any system configuration advanced by all prospective vendors.

### **Disability Access**

- The system must be accessible for individuals with disabilities, including non-visual accessibility for people who are blind or who have visual impairments, ensuring the same standards for privacy and confidentiality afforded to people without disabilities. This means the voting system for people with disabilities must allow them to vote unassisted. At least one voting device must be available at each polling location that includes, at minimum, audio features. Additional features could include keypad functions and enlarged font size. The system must also include features that accommodate people who have limited mobility. That means the device must be of a sufficient weight and size to be transported within the environs of the voting location in those facilities that may not be readily accessible and sufficiently adjustable to match voters' eye levels.

During the hearings, we heard from several witnesses with first-hand knowledge of disabilities who underscored for us the importance of not only focusing on voting devices, but the accessibility of polling places. Technology, we were told, does not remedy polling locations that are difficult for people with disabilities to navigate or facilities that lack adequate amenities, such as accessible restrooms.

Karla M. Lortz of Delaware, Ohio, reminded us that voting is a basic American right that should not be restricted or diminished because of a disability. She also emphasized the need to train and educate poll workers about persons with disabilities.

But all of those with disabilities who testified stressed the need to be vigilant about the selection of poll and voter sites to ensure they are barrier free and accessible.

Ohio law requires that a polling place is considered accessible if it is free of barriers that would impede ingress and egress of people with disabilities. The law requires the entrance to be level or feature a nonskid ramp of not more than 8 percent gradient. Doors must be a minimum of 32-inches wide (R.C. 3501.29.)

The Secretary of State will require that all election sites and facilities be reviewed for access to ensure these voting locations meet and, if possible, exceed these minimum standards. At the recommendation of committee member Eric Duffy, the Secretary also will convene a committee to study this issue and to make recommendations about how the state can best address the needs of voters with disabilities.

### **Alternative Language Accessibility**

- Where applicable and in those precincts where substantial non-English speaking populations exist, voting systems must provide alternative language accessibility pursuant to the requirements of the Voting Rights Act of 1965. This alternative-language accommodation shall be available in any precinct where it is determined that 5 percent or more of the registered voters in any precinct might be non-English speaking voters. Each county board of elections is required, 30 days prior to any election, to assure that alternative language mechanisms are available, as mandated by law.

Based on the current composition of the state's population, there is no concentration of non-English speaking populations that warrant specific activities in this regard. However, as the composition of the state's population changes, counties will be required to address this issue as the need arises.

### **Error Rates**

- All voting systems in the state must achieve an error rate threshold that complies with error-rate standards established by the Federal Elections Commission (FEC) which are in effect 30 days prior to any election. The Secretary of State will take steps and facilitate measures to require performance of logic and accuracy tests by counties before elections and will require counties to have all system tabulating equipment and programs tested to ensure the correctness of the vote count cast within the error parameters established by the FEC.

### **Additional Considerations**

Although we explore this later in our discussion of voter education, we offer two additional vendor considerations for our system specifications. The Secretary of State invites vendors to consider, as part of their proposal, a model or "practice" voting device that simulates the actual voting machine at the polling place. We believe this feature would provide voters with an opportunity to become more familiar with the voting equipment before actually casting their vote.

***In addition, the Secretary of State will ask vendors to make available software that would enable voters to access such simulators on the Secretary's website via the internet. This feature would enable voters, at their leisure, prior to Election Day, to learn more about the equipment they will use at the voting place and practice using the equipment and devices on the internet.***

These so-called simulators, we believe, would provide some voters with a greater comfort level at the polling place if they are provided an opportunity to "practice" on a simulated voting device.

In addition, the Secretary of State will ask vendors to make available software that will enable voters to access such simulators on the Secretary's website via the internet. This feature would enable voters, at their leisure, prior to Election Day, to learn more about the equipment they will use at the voting place and practice using the equipment and devices on the internet.

While we regard this to be part of our proposed voter education program, we think these innovations would help voters better understand the new technology, ease their apprehension about the use of new voting technology, and speed the voting process at the polling place.

We think these elements would minimize much of the confusion that invariably will accompany the conversion of voting systems in the majority of Ohio counties. As more and more Ohioans enjoy expanded access to the internet and world wide web, cyberspace would seem to be a logical environment to offer these features as an enhancement to Ohio's voter education program.

### **Uniform Definition of Vote**

Ohio law grants broad authority to the Ohio Secretary of State with regard to election rules and regulations. H.B. 5 passed by the Ohio Legislature in the 124<sup>th</sup> General Assembly gives the Secretary authority to issue directives and these directives have the same weight as law when applied to election-related matters and issues.

We note this authority in the Secretary's ability to establish a uniform definition of a vote. Currently, Ohio law addresses the definition of a vote for punch-card ballots. Similar legislation was considered for "optical scan" voting devices, but with passage of H.B. 5, the Secretary of State embraced a definition of vote for optical scanning equipment as part of his directives authority.

As is evident, the Secretary of State has the power and authority, via directive, to adjust, modify, revise and refine a uniform definition to meet the state's needs based on the voting systems adopted in the state. However, the Secretary will consult guidelines



established by the Federal Election Commission, the Voting Rights Act and all other federal authority in establishing a uniform definition of a vote in Ohio.

We include with the plan, as an attachment, the language that gives the Secretary of State this authority.

## X. Voter Education, Election Official and Poll Worker Training

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

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

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

To these marvelous citizens, voting isn't just a right it's an obligation and a precious American birthright that has been paid

for with the blood, sweat and tears of those who sacrificed their lives on foreign soil. As these citizen patriots retire from the poll worker ranks in Ohio's election system, we are looking to the future to determine how best we can recruit the next generation of poll workers who will embrace this important Election Day service with the same degree of commitment, enthusiasm and competence of our older poll workers.

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

Obviously, these poll workers must be adequately trained to render assistance to voters in a competent and knowledgeable way, not only in terms of helping them

understand and use the new technology that accompanies election reform, but also by applying the laws and addressing the myriad of Election Day issues that invariably arise.

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

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

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

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

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

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

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

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

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

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

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

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

The program’s Web site, [www.YourVoteCountsOhio.org](http://www.YourVoteCountsOhio.org), features educational materials and instructional videos showing how to vote using punch card, optical scan and DRE (electronic) voting machines. Also included in the program printed material and public service messages for television and radio.

In addition, the Secretary of State has made a special effort to reach out to students with his “Xpect More” campaign. The “Xpect More” advertising campaign is aimed at inviting young voters between the age of 18 and 24 into the democratic process. To date, more than 623,000 “Xpect More” brochures have been distributed to students through schools and across Ohio.

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

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

participate in the election process and to determine if there are programs and initiatives that can be implemented to address their concerns and entice them to the polls.

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

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

As counties deliberate equipment and voting systems, we will encourage them to consider appropriation of available residual funds to voter education and poll worker

training. In crafting local budgets to achieve the objectives of the Help America Vote Act, we believe counties must give consideration to these initiatives to supplement state efforts for education and training.

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

## XI. §302. Provisional Voting and Voting Information

The critical role of provisional voting in election reform was underscored by a college newspaper in Ohio several years ago that reported only 5.4 percent of registered students at Ohio University actually voted during one election cycle in the late 1990s.<sup>3</sup>

Provisional voting makes it possible for many more of those students to engage and participate in the elections process. Provisional voting is a way to ensure every eligible voter who shows up at the polls on Election Day can cast a ballot.

***For purposes of our State Plan, suffice that Ohio and the Secretary of State, as a matter of public policy, embraces the concept that every effort should be made at every board of elections in the state to accommodate every voter who, for whatever reason, does not appear on the certified list of registered voters in any jurisdiction of the state.***

The National Voter Registration Act, or so-called "motor voter" law, protects those who changed their residence, but what about those who, for example, were incorrectly purged from the voter registration list?

Ohio is sensitive to this issue and the Secretary of State is committed to making sure every voter and every vote counts. The Secretary understands that no matter what reforms are enacted, human error will always be a factor in voter registration. No voter should be disenfranchised just because someone made a mistake, or the paperwork on a change of address was overlooked, misplaced,

incorrectly recorded or just didn't get entered into the database in time to be reflected on the voter rolls.

Ohio's system of provisional voting has been successful and voters who otherwise might have been denied a ballot were given an opportunity in recent elections to cast a provisional ballot, and for local boards of elections to determine if those ballots were valid. We have guidelines and procedures in place to address provisional voting in Ohio and we will continue to refine and expand the scope of provisional voting in the state to comply with the spirit, intent and letter of the law in the Help America Vote Act.

The Act requires provisional voting as a condition for receiving federal funding for election reform and Ohio is poised to meet all such requirements. We anticipate the

<sup>3</sup> The (Ohio University) Post, *Voters still have time*, Oct. 11, 2001.

Federal Election Commission will continue to explore this issue and we will make adjustments to provisional voting regulations in the state as those guidelines and adjustments are released.

The Secretary of State also will review, prior to each election, procedures for the handling and processing of provisional votes to ensure full compliance with state and federal guidelines. To provide fullest utilization of the provisional voting mechanism, every local board of elections will be required to adopt provisional voting policies that are weighted more toward inclusion in the voting process than challenges and exclusion in the ballot process.

For purposes of our State Plan, suffice that Ohio and the Secretary of State, as a matter of public policy, embraces the concept that every effort should be made at every board of elections in the state to accommodate every voter who, for whatever reason, does not appear on the certified list of registered voters in any jurisdiction of the state. Provisional voting is a valuable fail-safe mechanism that is an essential component of election reform in Ohio.

Further, we believe those who cast a provisional ballot should have access to mechanisms and procedures that tell them whether their ballot was counted. Toward that end, our budget presumes establishment of a toll-free hotline that will enable provisional voters, after the election, to learn whether their ballot was counted and to receive an explanation about why it wasn't counted if, indeed, a determination was made that it was not a valid vote. We have allocated \$250,000 in our State Plan budget to create and maintain such a hotline and encourage local boards to prominently display information by whatever means to advise provisional voters of this follow-up option.

Additionally, information will be available at every precinct and voting location to explain provisional voting procedures and who may cast a provisional vote. Such information should also be readily available on the Secretary of State's website and all county election board websites, where such sites exist.

As part of the National Voter Registration Act, Ohio has endeavored to forge a partnership with other state public agencies in voter registration and it is logical to extend an invitation to these agencies to also educate, advise and alert prospective voters about their provisional voting options in these venues.

Ohio also would expect to partner with the state's media in making voters aware of the provisional option. We contemplate deployment of a series of public service commercials on local television stations in the days preceding elections advising voters of their options for casting a provisional vote. We think a compelling argument can be made to broadcast outlets around the state that full citizen participation in the election process is public service of the highest order.

## **XII. §303. Statewide Voter Registration and Registration by Mail**

Maintaining a viable voter registration list is an essential ingredient in conducting fair and participatory voting processes. Centralizing registration in a single statewide database is a sensible change that ensures uniformity, consistency and reliability. To

accomplish this task, the Secretary of State will seek one vendor to develop a registration system that must meet the needs of voters and elections officials alike.

The system must be sufficiently functional that all eligible voters can register to vote with ease and simplicity. The system must accommodate both written (mail-in registration and in-person registration) and electronic means for voters to initiate the registration process. Registration sites, locations and opportunities must be varied and plentiful.

It is not sufficient that voters would be required to register only at boards of elections or obtain registration materials only at governmental venues. The successful vendor must anticipate a variety of locations and opportunities for citizens to register in both public and private settings. The system must contemplate a solution for converting current voter registration data now housed in local boards of elections and transferring that data to the centralized database in the Secretary of State's office.

The statewide voter registration system must meet technical demands that will readily allow local boards of elections to seamlessly and effortlessly interface with the state database in a way that assures instant access to all qualified registered voters in their jurisdiction and the state. The system must include sufficient data that provides local election officials with the means to segregate voters by political and geographic

***The statewide voter registration system must meet technical demands that will readily allow local boards of elections to seamlessly and effortlessly interface with the state database in a way that assures instant access to all qualified registered voters in their jurisdiction and the state.***

boundaries to the extent these officials can create and develop voter lists by precinct and voting location.

The system must include features that permit local elections officials to track the voting history of registered voters, identify those no longer legally registered, and readily accommodate change of address or voting status.

And, finally, the system must anticipate that these records are public records and must be maintained in a way that conforms to state public records law and all

other applicable state and federal laws that pertain to voter registration currently in effect.

Our budget presumes a \$5 million to \$10 million allocation for creation and development of a statewide voter registration system.

Closely akin to the registration issue are voter identification requirements. It was the consensus of both witnesses who testified before the State Plan Committee and the committee itself that the Secretary of State should establish policies that expand rather than restrict the types of instruments used by voters as a means of identification. We believe this is in keeping with the spirit and intent of the Help America Vote Act.

As no voter should be denied an opportunity to cast a provisional ballot in those circumstances where their name might not appear on the voter rolls, neither should a voter be denied an opportunity to vote because of arbitrary and restrictive identification requirements. While it is logical the Secretary of State should work in coordination with agencies such as the Ohio Bureau of Motor Vehicles to validate the identity of new

voters, such identification requirements must, by definition, extend beyond identification devices such as a valid state drivers' license.

As several Ohioans with disabilities testified, many people with disabilities do not have a drivers' license. It is the intention of the Secretary of State to extend identification requirements to include any reasonable means of identification such as utility bills, rent receipts or any legal or quasi-legal instrument that bears the name and address of the prospective voter.

The policy of the Secretary of State is that voter challenges on the basis of identification should be judged on a liberal construction of voter ID rather than a restrictive construction that would deny the voter an opportunity to cast a ballot.

Based on testimony provided by Mr. Perry of the Columbus Urban League, the Secretary of State also would like to more closely examine the issue of restoring voter rights to persons released from incarceration in the state's Department of Rehabilitation and Corrections. There is a widespread perception that these persons, as a result of felony convictions, have forever forfeited their right to participate in the election process. Such is not the case.

Persons who have had their voting rights taken away because of a felony conviction are subject to re-enfranchisement as legal voters to restore their right to vote. As these persons have presumably paid their debt to society as a result of their incarceration, full integration back into society as fully functioning citizens should also presume their eventual re-engagement and participation in the election process.

For these persons, identification also is an issue because drivers' licenses might have expired during their period of incarceration. At minimum, the Secretary of State pledges to educate election officials and poll workers about the rights and processes available to these individuals.

*The complaint and grievance procedures developed by the Secretary of State are constructed toward development of a non-adversarial complaint process where the desired outcome is a solution or remedy of the problem, rather than a highly evidentiary process.*

### **XIII. §402. Administrative Complaint Procedures and Grievances**

To fully facilitate implementation of the Help America Vote Act of 2002, Ohio will establish an administrative complaint procedure to address allegations by any citizen who believes their voting rights have been violated under Title III of the Act.

The complaint and grievance procedures developed by the Secretary of State are constructed toward development of a non-adversarial complaint process where the desired outcome is a solution or remedy of the problem, rather than a highly evidentiary process.

The process adopted by the Secretary of State includes an alternative dispute resolution component that invites parties to seek equitable resolution in that venue as well as through a formal hearing process. When a valid complaint or grievance is filed as part

of this process, it is ultimately the state, and more specifically the Secretary of State, that must provide the appropriate remedy.

We attach, as an addendum to this report, the full text of the proposed procedure. Following, in summary, are the relevant elements of the complaint procedure:

- Any Ohio citizen who believes there is a violation of any provision of Title III of the Help America Vote Act may file a complaint.
- All complaints must be in writing, signed, notarized and be sworn under oath.
- The complainant must be identified by name and mailing address, and the complaint must include a description of the violation alleged to have occurred.
- The complaint must be filed with the Secretary of State along with proof of delivery of a copy of the complaint to each respondent.
- In addition to failure to include any of the foregoing, the Secretary of State may reject the complaint if more than 90 days have lapsed since the final certification of the federal election at issue.
- The Secretary of State must establish procedures and schedules addressing when the complaint will be heard and considered.
- The Secretary of State or designated hearing officer must compile and maintain an official record of any proceeding and include submissions and evidence provided.
- Complaints must be heard and determined by the Secretary of State or designated hearing officer, who is required to prepare a report expressing an opinion about whether a violation did occur within 20 days of the filing of such a complaint.
- Any hearings conducted pursuant to the filing of a complaint must be tape recorded.
- Dates, times and locations of hearings must be established and all parties must be given at least five days notice of such hearings.
- All relevant parties, including the complainant and all respondents may appear at the hearing, testify and present evidence. There is no requirement that any complainant, respondent or any other party to the proceeding be represented by an attorney.



- The Secretary of State or a designated hearing officer is required to prepare a transcript of the tape recorded hearing and that transcript is a public record under Ohio's public records law.
- A final decision must be rendered within 60 days after the complaint is filed.
- If a violation is determined to have occurred, a determination must be issued specifying the appropriate remedy. If a violation is deemed not to have occurred, the complaint must be dismissed.
- The remedy may not include any award of monetary damages, costs or attorney fees, and may not include the invalidation of any election or a determination of the validity of any ballot or vote.
- The decision under this process is final and is not subject to judicial review.
- The complaint and grievance procedure does not preclude any other legal action provided by law.

#### XIV. Ongoing Performance Measurement

*Each year, boards of election throughout Ohio prepare annual budgets anticipating costs and expenses for conducting elections. We recommend that while each board is preparing their budgets that they also take time to review the improvements they have made in their elections operations during the past year and report their progress in meeting election reform objectives under the Help America Vote Act.*

As Ohio anticipates successful implementation of reforms and modernization of its election systems and processes to accomplish its objectives under the Help America Vote Act of 2002, we believe performance measurement is an essential and ongoing requirement to ensure a fair and inclusive election system.

Each year, boards of elections throughout Ohio prepare annual budgets anticipating costs and expenses for conducting elections. We recommend that while each board is preparing their budgets that they also take time to review the improvements they have made in their election operations during the past year and report their progress in meeting election reform objectives under the Help America Vote Act.

The Secretary of State will compile these annual reports and submit a summary of initiatives, improvements and progress to the Election Assistance Commission. We think this is a way for

all election officials in Ohio to remain vigilant of our obligation to continue measuring our performance in making the election process fair and accessible to all Ohioans.

As stated earlier in this report, we view this opportunity to reform Ohio's election system not as an end process, but as the beginning of a renewed effort to fully engage our citizens in their most vital civic responsibility in a democratic process. Election reform, after all, is a futile exercise unless citizens view themselves as stakeholders in their local community, their state and the nation.

Our guiding principle in developing this state plan is that voters should willingly and enthusiastically participate in the electoral process, free of obstacles that might inhibit them from participating. To accomplish that, we, as election officials, are obligated to provide them with the best and most modern tools available so they can exercise their right to vote with assurance that every vote and every voter counts and will be counted on Election Day.

No legal voter should be taken for granted and no legal vote should be discounted or, worse, not counted. Every vote cast, every ballot submitted must be treated as if our very system of government and our way of life depends on it, simply because it does. No greater is the obligation of every eligible voter to be an active, knowledgeable and willing participant in the election process, and no greater responsibility as election officials do we have than to ensure those voices are heard and those votes are counted.

## **XV. Requirements Payments: Maintenance of Effort**

As a condition for receiving Requirements payments under the Help America Vote Act, states must maintain expenditures for funded activities "at a level that is not less than the level of such expenditures maintained by the state for the fiscal year ending prior to November, 2000."

Attached to the State Plan are budget materials that document state spending on election and election administration through the Secretary of State's office for Fiscal Year 2000 (July 1, 1999 – June 30, 2000.)

The total amount of \$2,739,159.04 million does not include reimbursements to county boards of elections for advertising costs related to state issue ballot advertising. The total budget request of the Secretary of State's office for FY 2004 and FY 2005 are sufficient to fund continued investment in elections at this annual level.

Additionally, the Secretary of State shall include a HAVA-compliance and funding report as part of future biennial budget requests of the Ohio Legislature to certify HAVA-compliant funding and continue Ohio's maintenance of effort.

## **XVI. Estimated Timelines for Implementation of the State Plan**

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

- **March 18, 2003:** State Plan Advisory Committee named, public input process defined.
- **April 3-4, 2003:** State Plan Advisory Committee conducts public hearings.

- **April 9, 2003:** RFP released for statewide voter registration system.
- **April 17, 2003:** State Plan Advisory Committee reconvenes to review draft State Plan.
- **May 7, 2003:** Competitive bids due for voter registration system.
- **May 13, 2003:** State Plan finalized and published for 30-day review.
- **May 16, 2003:** RFP released for voting system vendors.
- **June 2, 2003:** Secretary of State awards bids for voter registration system.
- **June 16, 2003:** State Plan submitted to federal Elections Assistance Commission for publication in the Federal Register. Competitive bids due for election system.
- **Aug. 1, 2003:** Secretary of State awards bids for election systems. County boards of elections notified of eligible system vendors.
- **Sept. 2, 2003:** County boards of elections must notify Secretary of State which vendor they have chosen for election system improvements.
- **November 21, 2003:** Direct Recording Electronic (DRE) Technical Security Assessment Report prepared by Compuware submitted to Secretary of State.
- **Dec. 1, 2003:** Statewide voter registration system installed and fully operational.
- **Dec. 19, 2003:** Requested a waiver from the Federal Government on deployment of the computerized voter registration system.
- **March 2, 2004:** Primary Election. (Ohio General Assembly considering change of Primary to May, 2004.)
- **April 29, 2004:** Clinton County first to establish Centralized Voter Registration File processes between the county and the Secretary of State.
- **May 7, 2004:** Substitute House Bill 262 enacted.
- **August 18, 2004:** Diebold Direct Recording Electronic (DRE) Technical Security Re-Assessment Report prepared by Compuware submitted to Secretary of State.
- **Nov. 2, 2004:** General Election
- **November 17, 2004:** VVPAT requirements distributed for comments.
- **January 3, 2005:** Diebold Direct Recording Electronic (DRE) Technical Security Re-Assessment Report Addendum prepared by Compuware submitted to Secretary of State.
- **January 3, 2005:** VVPAT rules filed with ICARR.
- **January 1, 2006:** Centralized Statewide Voter Registration File fully implemented.
- **May 2, 2006:** Replacement of punch-card and lever machine complete.

## **XVII. Plan Submission Presumes Full Federal Funding**

Submission of this plan presumes full and timely federal funding. In order for Ohio to meet the ambitious schedule outlined in this State Plan, it is imperative that federal monies be made available to the state on a schedule that is consistent with implementation of the base components of the plan.

Ohio reserves the right to seek waivers stipulated in the Help America Vote Act that allow us to delay implementation of this plan if federal funding is not forthcoming in a timely manner that will enable us to accomplish the objectives outlined in this report to the Election Assistance Commission.

Proceeding without a guarantee of federal funds would create a financial burden for the State of Ohio and its 88 county jurisdictions. While Ohio is anxious to meet and exceed the standards of the Help America Vote Act, implementation is not possible without the federal guarantees that accompany the Act.

The preponderance of unacceptable voting devices in the state underscore the necessity for reform, but it shows the very real and special challenges Ohio faces in fully complying with the Act and the funding that will be required to reconstruct and reconfigure the voting and election systems in the state.

Our pledge is to implement reforms, as outlined in this State Plan, as federal funds become available.

### **XVIII. The State Plan Committee: HAVA and Beyond**

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

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

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

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

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

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

Ohio public schools should ponder curriculum requirements that focus exclusively on voting and election processes.

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

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

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

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

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

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

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

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

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

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

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

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

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

Rep. Hollister agreed there needs to be periodic evaluation of Ohio's progress in

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

meeting voting and election reforms. She suggested a need to pause from time to time to reflect on what has been accomplished, what future reforms need to be considered, and what revenues are available to achieve those objectives.

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

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

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

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

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

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

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

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

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

## XIX. Summary of the State Plan

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

accommodates the needs of people with disabilities.

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

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

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

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

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

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

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

**(2) How the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in paragraph (1).**

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

**(3) How the State will provide for programs for voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of title III.**

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

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

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

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

Such a fund has already been established by the Secretary of State and will be monitored by both the Secretary of State and the Auditor of State, as Ohio law applies to state auditing requirements and reporting procedures. Fund management procedures include quarterly reports to the Election Assistance Commission to detail

receipt and expenditure of funds, and how those funds were used to meet the objectives of the Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

This State Plan represents Ohio's initial submission of a State Plan to the Elections Assistance Commission.

**(13) A description of the committee which participated in the development of the State Plan in accordance with section 255 and the procedures followed by the committee under such section and section 256.**

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

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



**J. KENNETH BLACKWELL**  
Secretary of State

The State of Ohio

RECEIVED  
FEB 28 2005

BY: \_\_\_\_\_



**J. KENNETH BLACKWELL**  
Ohio Secretary of State

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February 23, 2005

Dear Election Assistance Commission and Ohio Voters:

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

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

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

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

Sincerely,

A handwritten signature in cursive script that reads "J. Kenneth Blackwell".

J. Kenneth Blackwell

021791

422805-694

Ohio Secretary of State, J. Kenneth Blackwell

## HAVA State Plan

Page 1 of 1  
Print this Page

January 12, 2005

Dear Ohio Voters:

As Chief Election Officer of the State, I invite you to review our revised HAVA state plan entitled: Changing the Election Landscape in the State of Ohio. The revised state plan reflects the total funding received from the Federal Government, which is significantly lower than originally anticipated, and the additional legislative requirements mandated from Substitute House Bill 262.

A logical analysis of the requirements of both HAVA and SHB 262 showed that in order for the state of Ohio to be in compliance with both federal and state law, meeting both time, cost and certification constraints, I will authorize the purchase of Precinct Count Optical Scan voting equipment systems through existing contracts already approved by the Controlling Board to satisfy HAVA requirements.

If you have written comments on the revised state plan, please forward them to Judy Grady, Director of Election Reform, Office of the Secretary of State, 180 E. Board Street, 15th Floor, Columbus, OH, 43215 or [hava@sos.state.oh.us](mailto:hava@sos.state.oh.us)

Very truly yours,

J. KENNETH BLACKWELL  
Ohio Secretary of State

[\\* Revised Plan in PDF Format](#)

021792

# Changing the Election Landscape in the State of Ohio



A State Plan to implement the Help America Vote Act of  
2002 in accordance with Public Law 107-252, §253(b)  
Revised January 12, 2005

*"The Act appropriately respects the primacy of state and local governments in the administration of elections, while helping to ensure the integrity and efficiency of voting processes in federal elections by providing federal governmental support for that vital endeavor."*

PRESIDENT GEORGE W. BUSH  
THE WHITE HOUSE,  
October 29, 2002



June 16, 2003

Dear Election Assistance Commission and Ohio Voters:

I can think of no greater gift we can give future generations than an electoral process that ensures the integrity of their vote and provides them with an election system that is efficient and fair.

At the very least, we need an election system that assures every vote counts and every voice is heard in electing those who will serve in government and decide the many critical issues we face as citizens. No voter should be excluded from the process because of a disability, as no voter should be excluded because of inadequate, outdated and imprecise voting mechanisms.

That's what this report is all about. That's what the Help America Vote Act of 2002 is all about – fair elections and empowering every voter to exercise their obligation, responsibility and privilege to fully engage in the election process.

Democracy, after all, is a fragile system that relies on the voices and participation of all its citizens, not just a chosen few. Every voter and every vote cast strengthens our democracy and enhances the opportunity to choose the best people for the job of leading our government, at all levels, and deciding those issues that affect our local community, state and nation.

My thanks to the State Plan Committee who worked so diligently to help me create this document that will open a new era for the way we vote in Ohio. Truly, we are dramatically changing the election landscape in our state and in our nation. That is a good thing and probably one of the most important contributions we can make to future generations of Ohioans.

In the final analysis, the Help America Vote Act of 2002 is about inclusion more than it is about all the technical change and new administrative processes and procedures called for in this plan. Inclusion is, after all, the thread that binds the fabric of democracy.

Very truly yours,



J. KENNETH BLACKWELL  
Ohio Secretary of State

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

## HELP AMERICA VOTE ACT

### The State Plan Committee

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

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

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

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

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

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

**State Rep. Nancy Hollister**, R-Marietta

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

**State Sen. Mark Mallory**, D-Cincinnati

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

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

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

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

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## Help America Vote Act of 2002

### **I. Introduction and Overview**

On Oct. 29, 2002, President George Bush signed into law the Help America Vote Act of 2002. The legislation was passed in the U.S. House in late 2001 and was approved by the U.S. Senate the following year.

Much of the law embraces recommendations advanced by the National Commission on Federal Election Reform, a group that included both former Presidents Jimmy Carter and Gerald Ford as its honorary co-chairs. The commission observed that democracy is a precious birthright. But they also noted that each generation must nourish and improve the processes of democracy for its successors.

The Help America Vote Act logically embraces the goals of election reform by expecting all levels of government to provide a democratic process that:

- maintains an accurate list of citizens who are qualified to vote;
- encourages every eligible voter to participate effectively;
- uses equipment that reliably clarifies and registers the voter's choice;
- handles close elections in a foreseeable and fair way;
- operates with equal effectiveness for every citizen and every community;
- and
- reflects limited but responsible federal participation.

In Ohio, the Secretary of State and the State Plan Committee used those broad parameters, principles and guidelines as the foundation objective for developing this plan. From that platform, the Secretary and State Plan Committee formulated the Ohio Plan to address the following specific issues to meet and exceed the minimum standards of the Help America Vote Act. In greater detail, this report addresses:

1. How Ohio will use requirement payments, distribute and monitor the allocation of these funds to county governments, and what criteria will be used to determine eligibility for these funds.
2. How Ohio will measure the performance of county governments to ensure they are in compliance with the Act.
3. How Ohio will develop programs to provide voter education, election official and poll worker education and training to meet the standards of the Act.
4. How Ohio will establish voting system guidelines and processes.
5. How Ohio will administer these activities and budget for administrative costs, as well as establishing a budget for overall implementation of the plan based on our best estimate of costs.
6. How Ohio will use the requirement payments without reducing state support for voter and election activities below what the state was spending in November, 2000.

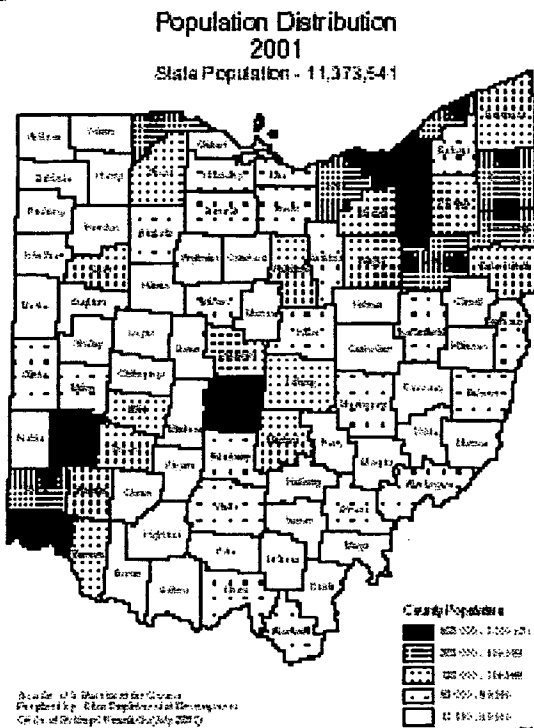
7. How Ohio will establish performance goals and measures for county government.
8. How Ohio will create and develop a uniform administrative complaint procedure.
9. How payments under Title I will be used for punch-card replacement in Ohio and how that will affect and enhance the overall implementation of the plan.
10. How Ohio intends to conduct ongoing oversight and management of election reforms and improvements.

*The size and composition of Ohio's population is a challenge to implementation of wholesale election reform in the state, but Ohio also is challenged because of the prevalence of punch-card voting. Nationally, it is estimated that 34.4 percent of the nation's voters cast their ballot on punch-card voting devices. In Ohio, 72 percent of the state's voters use this ballot method.*

As the following section of the report suggests, election reform as envisioned by the Help America Vote Act is not a casual undertaking in Ohio. The demographics of the state reveal a broad mix of urban, rural and mid-size communities. Ohio, for example, has eight urban markets that include three large metropolitan cities – Cleveland, Columbus and Cincinnati. Smaller urban centers include Toledo, Youngstown, Dayton, Akron and Steubenville. Each enjoys its own community culture and election traditions.

In addition to these larger urban centers are mid-size communities like Mansfield and Lima, which represent the balance of Ohio's Metropolitan Statistical Areas (MSA's) according to the U.S. Census Bureau. But beyond those 10 communities and the counties they represent are 78 other Ohio counties that reflect a more rural population, including a large portion of Southeast Ohio that is designated as part of the Appalachian region.

The size and composition of Ohio's population is a challenge to implementation of wholesale election reform in the state, but Ohio also is challenged because of the prevalence of punch-card voting. Nationally, it is estimated that 34.4 percent of the nation's voters cast their ballot on punch-card voting devices. In Ohio, 72 percent of the state's voters use this ballot method.



Given that context, we offer the following demographic overview of the State of Ohio to provide the Election Assistance Commission with what we regard to be a valuable foundation perspective for the implementation of election reforms in Ohio.

## II. Ohio Demographics

While Ohio remains one of the nation's leading manufacturing centers, the state, during the past two decades, has made the transition to a more service-industry economy.

Nearly 28 percent of Ohio's 5.4 million employee workforce is now classified as service employees. From 1990 to 2000, the state's population grew from 10.8 million to 11.3 million.

The state is comprised of 88 counties that occupy nearly 41,000 square miles of land. Ohio is bounded on the south and east by the Ohio River and on the north by Lake Erie.

About 11.5 percent of that population is African-American and 1.9 percent is Hispanic/Latino, according to the most recent Census data. In total, Ohio's minority population is about 16 percent of the total population.

The median age in the state is 36.2 years of age and, like many other states, is trending older. About two-thirds of Ohio residents live in owner-occupied households and about 29 percent live in renter-occupied dwellings.

The state has a wealth of educational institutions with 15 public four-year universities and 62 private colleges and universities. There are 25 two-year colleges in the state. The largest counties, in rank order and based on 2000 Census data, are:

<u>Rank</u>	<u>County</u>	<u>Population</u>
1	Cuyahoga	1,393,978
2	Franklin	1,068,978
3	Hamilton	845,303
4	Montgomery	559,062
5	Summit	542,899
6	Lucas	455,054
7	Stark	378,098
8	Butler	332,807
9	Lorain	284,664
10	Mahoning	257,555

The state's major employers include such corporate notables as AK Steel, Daimler Chrysler, Delphi Automotive Systems, Ford Motor Co., General Electric Co., General Motors Corp., Goodyear Tire & Rubber Co., Honda Motor Co. Ltd., Kroger, Nationwide Insurance, Procter & Gamble, TRW Inc. and Wendy's International.

In total, there are about 240,000 active businesses in Ohio, including about 80,000 farms that represent 14.9 million acres.

The state boasts 115 state parks that provide nearly 115,000 acres of recreational space for Ohio residents. There are six airports in the state with scheduled airline service and another 164 commercial airports and 10 commercial heliports. Transportation arteries

in the state include 1,572 miles of interstate highways, 3,918 miles of U.S. highways, and more than 14,000 miles of state highways. The Ohio Turnpike that ribbons through northern Ohio covers 241 miles from the Indiana state line to the Pennsylvania state line.

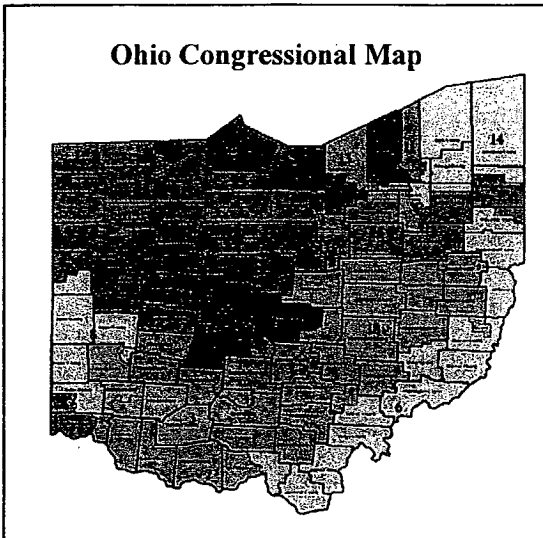
### III. State Political/Governmental Structure

Ohio is governed by five major statewide officeholders including Gov. Bob Taft, Attorney General Jim Petro, State Auditor Betty Montgomery, Secretary of State J. Kenneth Blackwell and Treasurer Joseph Deters. The Ohio General Assembly includes 99 members of the Ohio House of Representatives and 33 members of the Ohio Senate.

Since 1992, both statewide officeholders and elected legislators are subject to term limits. Statewide officeholders are limited to two four-year terms. In the Ohio General Assembly, House members are limited to four two-year terms and State Senators are limited by two four-year terms.

Some local government officials also are subject to term limits as a result of local ballot initiatives in some Ohio communities.

The Ohio Supreme Court includes seven justices who are elected statewide. The Supreme Court is not subject to term limits. The Chief Justice of the Ohio Supreme Court is Thomas Moyer.



The local government structure in Ohio includes a mix of city and county elected officials, with most cities and villages in Ohio administered by a mayor/council form of government. Some municipalities have an appointed city manager form of government in which an executive is appointed to administer local municipal affairs.

In Ohio local government, there are "statutory" cities that operate largely on the basis of state statutory law and "charter" cities that may adopt so-called "home rule" guidelines to conduct the affairs of local government.

On the county level, 87 of 88 Ohio counties are governed by a Board of

County Commissioners, which oversee county administration. Summit County is the only county in Ohio with a county executive/council form of government. The Summit County Council is comprised of eight district council members and three who are elected at large. Ohio counties also elect county auditors, prosecutors, treasurers, clerks of court, judges and county sheriffs.

The state is represented by 18 elected members of the U.S. House of Representatives and, of course, two U.S. Senators.



## IV. State of Ohio Elections Systems

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

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

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

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

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

MEDINA	145	101,054	PUNCHCARD
MEIGS	27	14,685	PUNCHCARD
MERCER	40	26,724	PUNCHCARD
MIAMI	82	66,743	SCAN
MONROE	29	9,866	PUNCHCARD
MONTGOMERY	593	334,787	PUNCHCARD
MORGAN	22	8,600	PUNCHCARD
MORROW	36	21,354	PUNCHCARD
MUSKINGUM	85	48,175	PUNCHCARD
NOBLE	27	8,173	PUNCHCARD
OTTAWA	78	26,905	SCAN
PAULDING	30	13,374	PUNCHCARD
PERRY	46	20,815	PUNCHCARD
PICKAWAY	53	27,505	ELECTRONIC
PIKE	24	17,849	PUNCHCARD
PORTAGE	129	94,711	PUNCHCARD
PREBLE	46	28,108	PUNCHCARD
PUTNAM	51	24,360	PUNCHCARD
RICHLAND	133	83,151	PUNCHCARD
ROSS	76	37,478	ELECTRONIC
SANDUSKY	73	39,768	SCAN
SCIOTO	107	43,062	PUNCHCARD
SENECA	73	35,707	PUNCHCARD
SHELBY	45	29,776	PUNCHCARD
STARK	364	246,562	PUNCHCARD
SUMMIT	507	334,515	PUNCHCARD
TRUMBULL	274	132,957	PUNCHCARD
TUSCARAWAS	81	53,930	PUNCHCARD
UNION	47	25,880	PUNCHCARD

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

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

**NOTE:** In 2004, the number of registered voters grew to over 7.9 million and the number of precincts was reduced to 11,360.

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

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

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

<sup>1</sup> *Ohio Elections Summit Report*, Office of the Secretary of State, published May 2001.

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

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

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

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

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

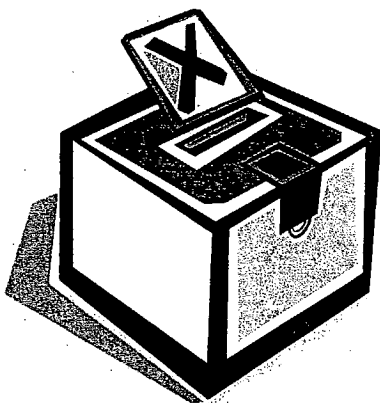
County	2000 Voting System	Total Votes Cast	Total Votes Counted	Difference	Percent Difference
Holmes	PUNCHCARD	9,937	9,145	792	7.97%
Pike	PUNCHCARD	11,084	10,560	524	4.73%
Vinton	PUNCHCARD	5,184	4,946	238	4.59%
Adams	PUNCHCARD	10,727	10,235	492	4.59%
Meigs	PUNCHCARD	10,228	9,795	433	4.23%
Noble	PUNCHCARD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

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

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

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

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



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

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

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

## V. Voter Trends: the Context for Change and Reform

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

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

In developing the State Plan, we must anticipate that voter participation will increase, voter turnout percentages will climb, and demand on the election system will be greater. We can only gauge those factors based on Ohio's experience in past elections and the historical trends that will serve as a predictor of future trends.

The following table tracks Ohio voter turnout in both gubernatorial elections and presidential elections during the past 24 years.

Gubernatorial Election Years			Presidential Election Years		
Year	No. of Electors Voting	Turnout Percentage	Year	No. of Electors Voting	Turnout Percentage
1978	3,017,326	58.23%	1980	4,378,937	73.87%
1982	3,551,995	62.36%	1984	4,664,223	73.65%
1986	3,261,870	54.38%	1988	4,505,264	71.79%
1990	3,620,469	61.23%	1992	5,043,094	77.15%
1994	3,570,391	57.29%	1996	4,638,108	67.83%
1998	3,534,782	49.81%	2000	4,800,009	63.73%
2002	3,356,285	47.24%	2004	5,574,476	69.86%

The chart shows that during the course of the past six gubernatorial elections, voter turnout has averaged about 55.79 percent. During the past six presidential elections, voter turnout in Ohio has averaged 71.33 percent. Based on this historical data, Ohio can generally anticipate about 1.25 million more voters in a presidential election year than in a gubernatorial election cycle.

Even a modest 5 percent gain in that average means 62,500 more voters. Subsequently, based on projected population growth and increased voter participation as a result of election reforms and modernization, our State Plan assumes 150,000 new voters during peak presidential elections growing at an annual rate, after initial implementation of new systems and election reforms, of 3 percent per annum.

As a result, our Plan assumes that growth rate and the recommended voting systems design model proposed in this report anticipates that growth and demand on the state's election system in future peak presidential voting years. We use the presidential



voting cycle as a base for our plan because that assumes the heaviest potential voter turnout and the busiest times for local boards of elections.

Since 1978, voter participation in the state's gubernatorial elections has grown from 3 million voters to about 3.3 million voters. Since 1980, voter participation in presidential elections has grown from about 4.3 million voters to about 4.8 million voters. Factoring population growth during those decades, those statistics would imply that voter participation has remained relatively flat and, in all likelihood, is trending lower.

We have a high confidence level that the election reforms of the Help America Vote Act will produce more voter activity and a greater number of voters. Ohio doesn't view the Act as a final effort to produce greater voter participation, but the beginning of an expanded effort to entice more voters to exercise their rights and responsibilities to participate in the election process.

We believe modernization and reform require us to actively engage in voter education and to continue to evaluate programs that will produce greater participation in the democratic process. We pledge our effort to continue to explore new and innovative programs that will achieve those objectives.

## VI. How Ohio Developed its State Plan

In development of the State Plan, we insisted on inclusion in both creation of the State Plan Committee and in public input into the process. This report represents a broad outreach to minorities, senior citizens, people with disabilities, elected officials, election officials, public interest groups and the public at large.

Our foundation principle in developing this plan was based on the view that such far-reaching reforms to a system so vital to the most fundamental democratic process in our state and nation required a fair, open and dynamic process where there is an opportunity for every voice to be heard. We were proactive in developing a structure to embrace that principle.

As a first step in our process, we widely publicized hearing dates and created a web site that invited public comment and input. We invited written testimony from groups and organizations who wanted to lend their perspective to election reform in Ohio. Additionally, we actively solicited input from critical stakeholders for our public hearings, including key representative voices from among groups such as the Urban League, the League of Women Voters, the Disability Policy Coalition, and the American Association of Retired Persons (AARP).

Our lead-off witness was Chet Kalis of the House Administration Committee, who worked closely with U.S. Rep. Bob Ney, R-Ohio, primary sponsor of the Help America Vote Act of 2002. We asked Mr. Kalis to lay the groundwork for our committee by providing them with a foundation perspective of the Act, its mission, aims and objectives.

The State Plan Committee also heard from Doug Lewis, executive director of The Election Center, a national nonprofit organization serving the elections and voter registration profession. Mr. Lewis developed and authored the Professional Education Program for elections/registration officials – named the best continuing education program in the nation by the National University Continuing Education Association.

Mr. Lewis was able to provide the committee with a national view of election reform and voter registration from the valuable perspective of someone with intricate knowledge of election systems across the nation.

To provide the perspective on Ohio, Dr. Herb Asher, professor emeritus of political science at The Ohio State University, brought election reform home for our State Plan Committee. Few voices are more respected than the voice of Dr. Asher as a knowledgeable expert and commentator about the political and election process in Ohio.

While the State Plan Committee itself included representation from boards of elections, we reached out to three other boards to provide the committee with a strong representative sample of the diverse local election operations in the state. Among those invited to testify were Janet F. Clair, director of the Lake County Board of Elections, Rita Yarman, deputy director of the Knox County Board of Elections, and Terry Burton, deputy director of the Wood County Board of Elections.

The testimony of the three elections officials was particularly valuable to the Committee because Lake and Knox counties are two jurisdictions that recently modernized their election systems. In addition, four other counties – Ross, Pickaway, Mahoning and Franklin counties – currently have electronic-based voting systems. Wood County represents one of the Ohio counties facing an extensive overhaul of its system under the Help America Vote Act.

Dolores Blankenship, advocacy volunteer from AARP, offered the State Plan Committee an incisive look at the election process through the eyes of a senior citizen, and eight witnesses representing the Disability Policy Coalition offered riveting testimony about the Election Day challenges facing voters with disabilities.

The strong presence of people with disabilities in these hearings underscores the importance Ohio attaches to this issue and our resolve to provide physically challenged voters with every opportunity to cast their ballot in a setting that assures their access to the polls and their right to cast a ballot unrestrained by barriers and obstacles that preclude their full participation in the voting process.

Peg Rosenfield, a former state elections official and now a representative of the League of Women Voters of Ohio, provided testimony on behalf of that voter advocacy group, and Ernest Perry of the Columbus Urban League was the voice for that group.

The final witness was Eric Seabrook, chief counsel to the Ohio Secretary of State, who described the administrative complaint procedure envisioned by Secretary of State Blackwell and the potential contracting procedures under review to establish an election system that meets the uniform voting standards of the Help America Vote Act.

The State Plan Committee met in public session on April 3-4 to hear testimony from these witnesses and then reconvened on April 17 for a focused facilitated work session to refine and finalize the State Plan.

We believe the process used to develop the State Plan in Ohio is one of the most aggressive public outreach efforts in the nation. While the aim of the process was to be as inclusive as possible, we think it had the added benefit of educating and informing the committee and citizens of our state about the Help America Vote Act and its far-reaching implications for an improved voting and election system in Ohio.

The open and proactive design of our process signaled to every Ohioan the importance of enacting voter and election reforms in the state, and how that reform was likely to affect their participation in the electoral process.

In addition to the public hearings, the Secretary of State solicited all Ohioans to provide input to the plan by providing written communications with his office or to communicate ideas via the Secretary of State's website. This communication was provided to members of the State Plan Committee and is attached as part of the State Plan.

## VII. Federal Funding Assumptions of the Act

The Help America Vote Act of 2002 makes available certain federal funding to help achieve requirements and mandates of the Act. The funding components of the Act are reflected in Title I, Title II, Title IV and Title V. In summary, the federal government has agreed to the following federal funding thresholds for each of the Title sections of the Act:

### **Title I – Antiquated Machine Buy-Out**

- \$325 million for buying out punch-card and lever voting machines.
- \$325 million in payments to states to improve election administration.

### **Title II – Election Assistance**

#### Requirement Payments

- \$3 billion for meeting requirements, poll-worker training, voter education, and improving administration of elections.

#### Access Grants

- \$100 million for increasing polling place access for voters with disabilities

#### Research Grants

- \$20 million for research and development to improve voting technology

#### Pilot Program Grants

- \$10 million for pilot programs to test new voting systems and equipment.

#### Protecting and Advocacy Systems Payments

- \$40 million for state protection and advocacy systems.

### **Title V – Help America Vote College Program**

- \$5 million to encourage college students to participate in the political process by volunteering as poll workers.

### **Title VI – Help America Vote Foundation**

- \$5 million to encourage high school students to participate in the political process by volunteering as poll workers.

Of obvious, primary and immediate importance to the State of Ohio is the Title I funding and the state's share of Title II monies for Requirement Payments for poll-worker training, voter education, and improving administration of elections, as well as federal funds available for Access Grants to make election sites more accessible to people with disabilities. These three specific funding sources enable Ohio to address what we regard to be the core modernization and reform of its election system.

The buy-out program under Title I has special implications for Ohio because of the prevalent use of punch-card voting in the state. Likewise the \$325 million being allocated to states to improve election administration is important because these funds represent resources that will be allocated for development of a centralized voter registration system in the state.

***The state will apply for research and pilot program grants. But for now, our focus is to first establish a reliable, accurate and fair election system, conduct the training and education necessary to make that system work, and to ensure accessibility of the disabled and physically challenged citizens of our state. The Secretary of State believes Ohio should be particularly aggressive in seeking available federal funds under Title II for access grants to make Ohio's polling places more accessible to the disabled.***

Title I largely represents base funding for Ohio to address the mechanical implementation of the Help America Vote Act. Title II payments represent a source of funding to train, educate and administer the state's election program once the transition is made from punch-card voting to a more modern mode of voting, and to make poll sites more accessible to people with disabilities. Later in the plan, we discuss allocating a portion of Title II funds to voting system upgrades.

The state will apply for research and pilot program grants. But for now, our focus is to first establish a reliable, accurate and fair election system, conduct the training and education necessary to make that system work, and to ensure accessibility of Ohio's citizens with disabilities. The Secretary of State believes Ohio should be particularly aggressive in seeking available federal funds

under Title II for access grants to make Ohio's polling places more accessible.

Of note and as it relates to Title V and Title VI of the Act, the Ohio Secretary of State's office is currently conducting research related to poll worker issues. A component of that research anticipates a greater role for high school and college students in the electoral process, as well as other initiatives that will enhance the identification, selection, education and training of poll workers.

As this State Plan is being submitted, we anticipate that research will be completed and recommendations forthcoming in the next few months about how Ohio will maximize poll-worker recruitment and training, and ensure the presence of quality, qualified poll workers in every precinct.

Such initiatives underscore our determination to not only meet the minimum requirements of the Help America Vote Act of 2002, but to make Ohio a model state for implementation of these reforms and to lead the nation in development and

implementation of a modern, fair, reliable and accurate election system. As U.S. Rep. Bob Ney led the federal initiative to enact the Help America Vote Act, it was the mandate of our State Plan Committee to formulate a plan that makes Ohio a showcase for election reform.

## VIII. Distribution of Resources to Local Governments

We first explore our proposed distribution of aid to local government under Title I. Under guidelines of the Act, these funds must be used assuming the following criteria:

- These funds may be used as a reimbursement for costs associated with punch-card or lever machine replacement incurred after Jan. 1, 2001.
- There is a presumption states must ensure compliance in time for the November, 2004 Federal Election.
- Within six months after the date of enactment, Ohio must certify that the state will use the money for punch-card/lever machine replacement, the state will comply with federal laws, and the voting system will meet new voting system standards.

We anticipate that no change in state law or new legislation will be required to carry out the activities required for certification.

At the initial writing, the Congressional Research Service (CRS) estimated that full-funding under the Act, for both Title I and Title II receipts, would total \$155,251,155. CRS estimates \$116,423,155 of that amount represents Title II funding under the Requirements Payments component of the Act. However, as of this revision date, the Congress has not appropriated the full funding as prescribed in Public Law 107-252.

In addition, the state has appropriated \$5.8 million in matching funds for Title II payments, as required by the Act, which means total available funds for implementation of the State Plan in Ohio will be approximately \$132 million.

All money in Title II is based on the state's portion of the nation's voting age population. The most recent estimate is that Ohio's 8.5million voting-age population represents 3.97 percent of the nation's voting age population of 215.1 million.

Because of the prevalence of punch-card voters in Ohio, we are keenly focused on the distribution of funds under Title I and, more precisely, the buy-out program. The Act stipulates the funds will be distributed to states by multiplying the number of qualifying precincts by \$4,000. However, based on available federal funds for this purpose and the number of punch-card and lever-machine jurisdictions in the U.S., it now appears that number likely will be about \$3,354 per precinct. As previously mentioned, Ohio has 69 counties designated as punch-card counties.

In addition, two Ohio jurisdictions – Hardin and Lucas counties – feature lever voting machines and would be eligible for funding under the guidelines.

In total, under the formula, the 69 punch-card counties and two lever-machine counties in Ohio means the state would be eligible for about \$31 million in federal funds under the buyout program.

However, we know \$31 million is insufficient for the counties to purchase modern, reliable voting systems capable of meeting requirements of the Act. Subsequently, our budget for voter and election reforms in Ohio presumes the state will require about \$24.2 million to establish a centralized voter registration database and related support for voter education and poll worker training. Our plan calls for the remainder of the Title funds to be allocated to Ohio's 88 counties to help subsidize installation of new systems and implement other required activities under the Act.

Following is the budget we envision for distribution of the \$161 million in funds in Ohio to meet requirements of the Help America Vote Act:

Activity	Fund Distribution	Jurisdiction	Purpose
Voter Registration Database	\$5 million	State and Counties	Develop statewide voter registration database
Voter Education	\$5 million	State and Counties	Administered by the State in coordination with the counties
Poll Worker Training	\$5 million	State	To be distributed as grants to counties
Administrative Expenses	\$2 million	State	For state personnel to administer and monitor HAVA implementation
Provisional Voter Hotline	\$250,000	State	To establish a state hotline for provisional voters
Miscellaneous	\$2 million	State	For associated costs of implementing HAVA
Voting Equipment and other Activities	\$116 million	State on behalf of Counties	For new voting equipment and to meet other HAVA requirements

In simplest terms, this allocates Help America Vote funds where the money is needed most: in Ohio counties. While it is the responsibility of the Ohio Secretary of State to monitor performance and ensure implementation of the Act, the execution of the Ohio plan, ultimately, will take place at the county level. On that basis, we believe it

prudent to maximize resources for election reform in the counties where election reform will occur.

While much of the focus is on the counties with punch card and lever-machine voting systems, in reality, all 88 Ohio counties will be expected to conduct some form of system modification and upgrade to make the system in Ohio uniform and compliant with the Act. Subsequently, the premise of the Ohio Plan is to look at the voter and election system statewide, based on the distribution of registered voters in each of the 88 counties.

Viewed in that context, the \$116 million to be allocated to the counties will be distributed in the following priority order, as federal funds become available:

- Replacement of punch-card and lever-machine voting equipment to the extent that new voting systems would be installed immediately in the 71 affected counties;
- Installation of voting devices compliant with the disability requirements of the Act in all 88 counties;
- Bringing remaining counties into compliance with Section 301 of the Act by funding necessary upgrades and refinements of all other existing systems and equipment.

The Secretary of State reserves the right to distribute the funds to counties based on need and special circumstances.

The Secretary of State defines "need and special circumstances" to mean that it is possible some counties will need less funding and others more funding to meet the compliance standards of the Help America Vote Act. On that basis, the Secretary of State will shift funds as he deems necessary to bring all counties into compliance.

The Secretary of State acknowledges that one county, Mahoning County, took the initiative to convert their voting system to electronic voting after Jan. 1, 2001. Funding consideration will be given to all six Ohio counties using electronic voting equipment to bring those counties into compliance with HAVA.

We think this model provides us with great flexibility to allocate Title I and Title II funds in a way that assures full compliance with the requirements of the Act. Invariably some funds would be shifted away from counties that demonstrate a lesser need and reallocated to counties that demonstrate a greater need. But the allocation method is a fair method that will further assure all counties that adequate funds will be available to fully fund the requirements of the Act at the local level.

The Ohio Secretary of State will establish guidelines as part of the performance measurement for county compliance. When compliant systems are purchased for the counties, the Secretary of State will require transition to new voting systems by all punch-card and lever-machine counties by ~~May 2, 2006~~. The Secretary of State will provide counties with a list of acceptable vendors to supply the new voting equipment and counties must choose from that approved list by no later than Sept. 1, 2003.

Since the Secretary of State will centralize and oversee this process, the Secretary will ensure compliance with all requirements of the Help America Vote Act. The performance timeline requires the Secretary to establish the list of approved vendors by

Aug. 1, 2003, providing county boards of elections with ample time to review the list, choose the vendor and establish transition to the new voting systems.

To ensure uniformity and compliance, the Secretary of State will stipulate design specifications for voting equipment. If a county fails to select a vendor by Sept. 1, 2003, the Secretary of State will designate a vendor for that county and order installation of new voting equipment in that jurisdiction.

Although the Act required the replacement of punch-cards and lever machines by the General Election in 2004, the Secretary of State wanted these new systems in place in Ohio for the Primary Election to ensure a smooth, seamless transition and full operational capability in time for the presidential election. Due to extenuating circumstances, a waiver was granted in December 2003 giving the Secretary of State until the Primary Election in 2006 to replace punch-card and lever machines.

On May 7, 2004, Governor Taft signed into law Substitute House Bill 262. The Act requires all direct recording electronic voting machines used in Ohio to include a voter verified paper audit trail and changes the process for counties to acquire voting systems using funds made available pursuant to the Help America Vote Act (HAVA) of 2002. As the result of this additional legislative requirement, the Secretary of State was forced to revisit the original decision to allow counties to select between Direct Recording Electronic (DRE) and Precinct Count Optical Scan (PCOS) voting systems. A logical analysis of the requirements of both HAVA and SHB262 showed that in order for the state of Ohio to be in compliance with both federal and state law, meeting both time, costs and certification constraints, the Secretary of State must purchase Precinct Count Optical Scan voting systems through existing contracts already approved by the Controlling Board to satisfy HAVA requirements. While this change limits the flexibility previously offered to the counties when selecting between voting systems, the use of Precinct Count Optical Scan voting systems introduces a new opportunity for counties in the form of improved operational processes. Furthermore, the Secretary of State will allow counties to re-select their vendor based upon the additional mandated requirements of Substitute House Bill 262. All counties must submit in writing to the Secretary of State their vendor selection by February 9, 2005.

The Secretary of State has already established a fund account for all federal monies designated for Ohio under the Act and those funds, as applicable, will be disbursed from that account as our plan is implemented. This account is segregated to reflect federal funds designated for county buy-outs, election administration and Requirements payments.

Reports will be generated to show the allocation and distribution of these funds and that report will be forwarded to the Election Assistance Commission along with a performance report to show the state's progress and performance in implementing provisions of the Act.



## IX. §301. Meeting the Voting System Standards of the Act

The Help America Vote Act requires “uniform and nondiscriminatory election technology” that meets specific voting system standards. Ohio has opted for a program that specifically addresses the requirements of the Act, but provides counties with some degree of flexibility in choice of vendor and how they implement and develop voting systems to meet the particular needs of their region.

Assurance that the state will meet voting system standards specified in the Act is the responsibility of the Secretary of State, so system specifications will be drafted by the

***Providing counties with the ability to choose among a list of qualified vendors preserves the involvement of the counties in the vendor process while maximizing the buying power of the state under a state term contract procedure. The Secretary of State will serve as the primary contractor for voting devices in the State of Ohio, embracing the concept that the ultimate beneficiaries of the contract are the counties.***

Secretary and the list of available vendors will reflect only those companies that submit bids demonstrating their ability to meet the rigorous and unambiguous system specifications and timelines established by the Secretary.

To ensure compliance with the Act, the Secretary of State will appoint a committee comprised of knowledgeable persons in the Secretary’s office who have the technical capability to review vendor proposals for electronic voting equipment and tabulating devices and the committee will recommend final adoption of a list of approved vendors that meet system specifications. The committee will review standards set by the Standards Board and make recommendations to the Secretary

based on tabulating systems meeting the standards set by the Federal Election Commission.

Additionally, the Secretary of State will ask the state’s Board of Voting Machine Examiners to review the recommendations of the committee to ensure the vendors and systems meet not only the requirements of the Act, but are reasonable based on their knowledge of Ohio counties and their voting needs. The Board of Voting Machine Examiners currently provide a valuable service to the Secretary of State in the certification of voting equipment to ensure the equipment meets established certification criteria set by the National Association of State Election Directors.

It is logical this group assist the Secretary in this important endeavor to modernize and reform Ohio’s voting systems.

Providing counties with the ability to choose among a list of qualified vendors preserves the involvement of the counties in the vendor process while maximizing the buying power of the state under a state term contract procedure. The Secretary of State will serve as the primary contractor for voting devices in the State of Ohio, embracing the concept that the ultimate beneficiaries of the contract are the counties.

Ultimately, the responsibility for ensuring compliance with the Help America Vote Act of 2002 falls to the chief elections official in the state. But the Secretary of State recognizes the execution of the Act will take place at the county level.

Each vendor chosen to participate in the selection process must demonstrate a capability to serve the whole of the state and, potentially, all 88 counties. Successful vendors must also certify their ability to provide the volume of equipment required to service the state, and demonstrate the organizational capacity to provide statewide support, training and service to county clients.

Eligible vendors must assure their equipment meets a high threshold of security, accuracy and ease of use. They must also ensure timely delivery of equipment to meet the deadlines established by the Secretary of State for full implementation and operation by Feb. 1, 2004. Finally, the financial viability of the vendor will be a consideration for the awarding of contracts.

The Secretary of State believes training and education are essential to the successful deployment of new voting machine equipment. The best technology available is rendered useless unless vendors can provide adequate training and education to ensure both election officials and voters know how to use the equipment efficiently and effortlessly.

To achieve the education and training objective, some states have earmarked a portion of available money specifically for that purpose. We will request vendors designate how much of their proposal specifically applies to training and education.

Absent a recitation of detailed technical requirements listed in the request for proposal that will be issued by the Secretary of State, the Secretary insists successful bidders must provide a system that, at minimum, accomplishes the following:

### **General Requirements**

- Guarantees voters will be able to verify their ballot before it is cast and counted. This means the system must include features that allow voters to vote, review their ballot choices and decisions, and correct errors or omissions before submitting their vote for final tabulation.
- As part of the review and correction process, if a voter selects more than the permissible number of candidates for a single office, the system will alert the voter of the selection and its impact, or prevent over-voting. Additionally, the system must give the voter an opportunity to correct the ballot before it is processed and counted.
- In addition to providing equipment, hardware and applicable software to accomplish these features, vendors will be required to include, as a supplement to the system, information materials clearly explaining the operations and functions of the voting equipment, the effect of casting multiple votes for one office, and corrective procedures and processes available to voters. The system also must alert voters when they have failed to vote for a candidate or issue. We envision a simple pamphlet or brochure that

will be available to every voter written in clear language with amplifying graphics.

- The system must ensure the privacy of the voter and confidentiality of the ballot.

### **Audit Capacity**

- While the system allows the vote to be counted and tabulated electronically, the system also must be capable of producing a permanent paper record that can be audited manually. The paper record must be produced in such a way as to function as an official record for any potential recount or any question that might arise subsequent to the election.

This issue was addressed by several witnesses and State Plan Committee members during our public hearings. Almost everyone agrees that to ensure public confidence in any voting system, there must be a paper trail that will provide election officials, the public and media with a permanent, retrievable and readily accessible record and history of the election and provide a traceable mechanism to accommodate questions, election-related issues and recounts.

Ms. Rosenfield of the League of Women Voters told the State Plan Committee that an audit capacity in the form of a paper record was critical to reassure the public and the media that an open and fair election was conducted. We agree and this component is essential to any system configuration advanced by all prospective vendors.

### **Disability Access**

- The system must be accessible for individuals with disabilities, including non-visual accessibility for people who are blind or who have visual impairments, ensuring the same standards for privacy and confidentiality afforded to people without disabilities. This means the voting system for people with disabilities must allow them to vote unassisted. At least one voting device must be available at each polling location that includes, at minimum, audio features. Additional features could include keypad functions and enlarged font size. The system must also include features that accommodate people who have limited mobility. That means the device must be of a sufficient weight and size to be transported within the environs of the voting location in those facilities that may not be readily accessible and sufficiently adjustable to match voters' eye levels.

During the hearings, we heard from several witnesses with first-hand knowledge of disabilities who underscored for us the importance of not only focusing on voting devices, but the accessibility of polling places. Technology, we were told, does not remedy polling locations that are difficult for people with disabilities to navigate or facilities that lack adequate amenities, such as accessible restrooms.

Karla M. Lortz of Delaware, Ohio, reminded us that voting is a basic American right that should not be restricted or diminished because of a disability. She also emphasized the need to train and educate poll workers about persons with disabilities.

But all of those with disabilities who testified stressed the need to be vigilant about the selection of poll and voter sites to ensure they are barrier free and accessible.

Ohio law requires that a polling place is considered accessible if it is free of barriers that would impede ingress and egress of people with disabilities. The law requires the entrance to be level or feature a nonskid ramp of not more than 8 percent gradient. Doors must be a minimum of 32-inches wide (R.C. 3501.29.)

The Secretary of State will require that all election sites and facilities be reviewed for access to ensure these voting locations meet and, if possible, exceed these minimum standards. At the recommendation of committee member Eric Duffy, the Secretary also will convene a committee to study this issue and to make recommendations about how the state can best address the needs of voters with disabilities.

#### **Alternative Language Accessibility**

- Where applicable and in those precincts where substantial non-English speaking populations exist, voting systems must provide alternative language accessibility pursuant to the requirements of the Voting Rights Act of 1965. This alternative-language accommodation shall be available in any precinct where it is determined that 5 percent or more of the registered voters in any precinct might be non-English speaking voters. Each county board of elections is required, 30 days prior to any election, to assure that alternative language mechanisms are available, as mandated by law.

Based on the current composition of the state's population, there is no concentration of non-English speaking populations that warrant specific activities in this regard. However, as the composition of the state's population changes, counties will be required to address this issue as the need arises.

#### **Error Rates**

- All voting systems in the state must achieve an error rate threshold that complies with error-rate standards established by the Federal Elections Commission (FEC) which are in effect 30 days prior to any election. The Secretary of State will take steps and facilitate measures to require performance of logic and accuracy tests by counties before elections and will require counties to have all system tabulating equipment and programs tested to ensure the correctness of the vote count cast within the error parameters established by the FEC.

#### **Additional Considerations**

Although we explore this later in our discussion of voter education, we offer two additional vendor considerations for our system specifications. The Secretary of State invites vendors to consider, as part of their proposal, a model or "practice" voting device that simulates the actual voting machine at the polling place. We believe this feature would provide voters with an opportunity to become more familiar with the voting equipment before actually casting their vote.

*In addition, the Secretary of State will ask vendors to make available software that would enable voters to access such simulators on the Secretary's website via the internet. This feature would enable voters, at their leisure, prior to Election Day, to learn more about the equipment they will use at the voting place and practice using the equipment and devices on the internet.*

These so-called simulators, we believe, would provide some voters with a greater comfort level at the polling place if they are provided an opportunity to "practice" on a simulated voting device.

In addition, the Secretary of State will ask vendors to make available software that will enable voters to access such simulators on the Secretary's website via the internet. This feature would enable voters, at their leisure, prior to Election Day, to learn more about the equipment they will use at the voting place and practice using the equipment and devices on the internet.

While we regard this to be part of our proposed voter education program, we think these innovations would help voters better understand the new technology, ease their apprehension about the use of new voting technology, and speed the voting process at the polling place.

We think these elements would minimize much of the confusion that invariably will accompany the conversion of voting systems in the majority of Ohio counties. As more and more Ohioans enjoy expanded access to the internet and world wide web, cyberspace would seem to be a logical environment to offer these features as an enhancement to Ohio's voter education program.

### Uniform Definition of Vote

Ohio law grants broad authority to the Ohio Secretary of State with regard to election rules and regulations. H.B. 5 passed by the Ohio Legislature in the 124<sup>th</sup> General Assembly gives the Secretary authority to issue directives and these directives have the same weight as law when applied to election-related matters and issues.

We note this authority in the Secretary's ability to establish a uniform definition of a vote. Currently, Ohio law addresses the definition of a vote for punch-card ballots. Similar legislation was considered for "optical scan" voting devices, but with passage of H.B. 5, the Secretary of State embraced a definition of vote for optical scanning equipment as part of his directives authority.

As is evident, the Secretary of State has the power and authority, via directive, to adjust, modify, revise and refine a uniform definition to meet the state's needs based on the voting systems adopted in the state. However, the Secretary will consult guidelines

established by the Federal Election Commission, the Voting Rights Act and all other federal authority in establishing a uniform definition of a vote in Ohio.

We include with the plan, as an attachment, the language that gives the Secretary of State this authority.

## X. Voter Education, Election Official and Poll Worker Training

Achieving the mechanical and technological change of the Help America Vote Act of 2002 is only part of the challenge of enacting true modernization and reform of Ohio's voting system. While devices will enhance the efficiency of Ohio's voting and

*We are mindful of an exciting objective of the Help America Vote Act: to engage high school and college students in the process. Several State Plan Committee members noted the desire to better engage young Ohioans in the election process as both a means to recruit bright, knowledgeable students as poll workers and as an opportunity to make more young people stakeholders in the process.*

election process, voter education and training of election officials and poll workers is critical to full implementation of the reforms to the benefit of Ohio voters.

Earlier in this report, we alluded to research currently being conducted by the Secretary of State's office to improve poll worker recruitment, training, education and retention. That effort addresses the reality that many of our current poll workers are from a generation that places a premium on voting, elections and the democratic process. Many of our poll workers are senior citizens who very much value freedom and free election processes as a result of their experiences in growing up in the World War II and Korea era.

To these marvelous citizens, voting isn't just a right it's an obligation and a precious American birthright that has been paid

for with the blood, sweat and tears of those who sacrificed their lives on foreign soil. As these citizen patriots retire from the poll worker ranks in Ohio's election system, we are looking to the future to determine how best we can recruit the next generation of poll workers who will embrace this important Election Day service with the same degree of commitment, enthusiasm and competence of our older poll workers.

We are mindful of an exciting objective of the Help America Vote Act: to engage high school and college students in the process. Several State Plan Committee members noted the desire to better engage young Ohioans in the election process as both a means to recruit bright, knowledgeable students as poll workers and as an opportunity to make more young people stakeholders in the process. Our research is exploring that challenge and opportunity to pass the torch to the next generation. But the research is also looking at other creative options to ensure Ohio has a ready, able and competent corps of poll workers.

Obviously, these poll workers must be adequately trained to render assistance to voters in a competent and knowledgeable way, not only in terms of helping them

understand and use the new technology that accompanies election reform, but also by applying the laws and addressing the myriad of Election Day issues that invariably arise.

Provisional voting, for example, was a challenge for many of our poll workers during past election cycles as Ohio aggressively implemented new procedures to accommodate provisional voters. Our poll workers have successfully navigated provisional voting and have successfully met the needs of provisional voters.

But to adequately train poll workers, we must first train election officials. The Secretary of State will meet that challenge with a number of programs and initiatives. New training seminars will precede each election in Ohio where election directors and their staff will be given an opportunity to learn about new procedures and changes.

The Secretary of State also will enhance its electronic communication with election officials by providing updates and advisories about changes in state and federal election law. Our goal is to provide this information as soon as we have the information in hand.

Additionally, the Secretary of State will conduct an inventory of current training materials and produce new information and guidelines in both written and video formats. The Secretary also has asked his staff to provide election directors with new materials that can supplement the training of poll workers.

To ensure seamless transition to new voting systems, we are asking system vendors to partner with us in the production of clear, graphically-driven pamphlets and brochures that tell voters how the voting devices work. Earlier we mentioned the use of simulators and internet-based simulation of new voting devices to provide voters with an opportunity to try out the new technology even before they enter the voting booth to cast their official ballot.

We think these enhancements and initiatives will advance our implementation of the Help America Vote Act in Ohio and pave the way for a smooth transition to new voting devices and election processes. Some of our preparation for new election processes in Ohio includes some structural changes. We are asking each county board of elections, for example, to designate a training coordinator who will communicate directly with an election training coordinator in the Secretary of State's office.

It is our aim for these coordinators to meet frequently throughout the year, exchange information and help us think about ways to improve the election system in Ohio.

After the election, we will gather from all 88 counties a report from these coordinators detailing issues, questions and problems they encountered and how they addressed the situation. From these reports, the Secretary of State will use that data and information to respond to election issues and disseminate that information to election directors so they can make refinements at the local level in subsequent elections.

But to glean a voters-eye view of the process and how we can improve the election system, we will distribute to a selected sample of voters in every county a short survey device that will track their voting experience and give them an opportunity to provide us with feedback on how we can improve the process. The survey will be distributed to a pre-determined number sample of voters throughout the state as they exit the voting booth.

We think this innovation is important to better understand voter needs and to view our election process through the eyes of the "consumer." Information we collect from both coordinators and the sample voters will guide us in developing relevant and meaningful training materials for both election officials and poll workers in future elections.

The Secretary of State also will develop a new "get-out-the-vote" program in Ohio that will encourage more voters to participate in the election process. While such programs currently exist in the Secretary of State's office, personnel will be dedicated to conducting research and learning more about voter behavior in Ohio.

In early 2004, the Secretary of State launched "Your Vote Counts," a comprehensive voter education program aimed at better preparing voters for the November 2, 2004 election. The goal was to provide all Ohio voters with the information they need to vote so that we can reduce the opportunity for difficulties on Election Day. This effort entails ensuring every voter gets the same consideration.

The program's Web site, [www>YourVoteCountsOhio.org](http://www>YourVoteCountsOhio.org), features educational materials and instructional videos showing how to vote using punch card, optical scan and DRE (electronic) voting machines. Also included in the program printed material and public service messages for television and radio.

In addition, the Secretary of State has made a special effort to reach out to students with his "Xpect More" campaign. The "Xpect More" advertising campaign is aimed at inviting young voters between the age of 18 and 24 into the democratic process. To date, more than 623,000 "Xpect More" brochures have been distributed to students through schools and across Ohio.

In many states, the appeal is often directed at those who are registered to vote, were registered to vote or who have voted in the past. The Secretary of State would like to target potential new first-time voters by coordinating voter recruitment with civics and government teachers in high schools throughout Ohio where there is a captive audience of potential new voters. Additionally, the Secretary would like to initiate research that targets Ohioans who have never voted to learn more about their decision not to

***Understanding more about voter behavior and non-voter behavior, we believe, is a proactive step we must take to fully embrace the spirit, intent, principles and objectives of the Help America Vote Act.***

participate in the election process and to determine if there are programs and initiatives that can be implemented to address their concerns and entice them to the polls.

Understanding more about voter behavior and non-voter behavior, we believe, is a proactive step we must take to fully embrace the spirit, intent, principles and objectives of the Help America Vote Act.

The proposed budget for these activities is \$2.5 million earmarked for voter education, and \$5 million set aside for election official and poll-worker training. We propose making election official and poll-worker training funds available as state grants to the counties to supplement local activities and initiatives of the county boards of elections.

As counties deliberate equipment and voting systems, we will encourage them to consider appropriation of available residual funds to voter education and poll worker



training. In crafting local budgets to achieve the objectives of the Help America Vote Act, we believe counties must give consideration to these initiatives to supplement state efforts for education and training.

In order to qualify for these funds, counties must submit to the Secretary of State a detailed plan that identifies proposed programs and initiatives and how the funds would be used. After each General Election, counties would be required to report on the deployment of these programs and their assessment of the value of the education and training.

## XI. §302. Provisional Voting and Voting Information

The critical role of provisional voting in election reform was underscored by a college newspaper in Ohio several years ago that reported only 5.4 percent of registered students at Ohio University actually voted during one election cycle in the late 1990s.<sup>3</sup>

Provisional voting makes it possible for many more of those students to engage and participate in the elections process. Provisional voting is a way to ensure every eligible voter who shows up at the polls on Election Day can cast a ballot.

***For purposes of our State Plan, suffice that Ohio and the Secretary of State, as a matter of public policy, embraces the concept that every effort should be made at every board of elections in the state to accommodate every voter who, for whatever reason, does not appear on the certified list of registered voters in any jurisdiction of the state.***

The National Voter Registration Act, or so-called "motor voter" law, protects those who changed their residence, but what about those who, for example, were incorrectly purged from the voter registration list?

Ohio is sensitive to this issue and the Secretary of State is committed to making sure every voter and every vote counts. The Secretary understands that no matter what reforms are enacted, human error will always be a factor in voter registration. No voter should be disenfranchised just because someone made a mistake, or the paperwork on a change of address was overlooked, misplaced,

incorrectly recorded or just didn't get entered into the database in time to be reflected on the voter rolls.

Ohio's system of provisional voting has been successful and voters who otherwise might have been denied a ballot were given an opportunity in recent elections to cast a provisional ballot, and for local boards of elections to determine if those ballots were valid. We have guidelines and procedures in place to address provisional voting in Ohio and we will continue to refine and expand the scope of provisional voting in the state to comply with the spirit, intent and letter of the law in the Help America Vote Act.

The Act requires provisional voting as a condition for receiving federal funding for election reform and Ohio is poised to meet all such requirements. We anticipate the

<sup>3</sup> The (Ohio University) Post, *Voters still have time*, Oct. 11, 2001.

Federal Election Commission will continue to explore this issue and we will make adjustments to provisional voting regulations in the state as those guidelines and adjustments are released.

The Secretary of State also will review, prior to each election, procedures for the handling and processing of provisional votes to ensure full compliance with state and federal guidelines. To provide fullest utilization of the provisional voting mechanism, every local board of elections will be required to adopt provisional voting policies that are weighted more toward inclusion in the voting process than challenges and exclusion in the ballot process.

For purposes of our State Plan, suffice that Ohio and the Secretary of State, as a matter of public policy, embraces the concept that every effort should be made at every board of elections in the state to accommodate every voter who, for whatever reason, does not appear on the certified list of registered voters in any jurisdiction of the state. Provisional voting is a valuable fail-safe mechanism that is an essential component of election reform in Ohio.

Further, we believe those who cast a provisional ballot should have access to mechanisms and procedures that tell them whether their ballot was counted. Toward that end, our budget presumes establishment of a toll-free hotline that will enable provisional voters, after the election, to learn whether their ballot was counted and to receive an explanation about why it wasn't counted if, indeed, a determination was made that it was not a valid vote. We have allocated \$250,000 in our State Plan budget to create and maintain such a hotline and encourage local boards to prominently display information by whatever means to advise provisional voters of this follow-up option.

Additionally, information will be available at every precinct and voting location to explain provisional voting procedures and who may cast a provisional vote. Such information should also be readily available on the Secretary of State's website and all county election board websites, where such sites exist.

As part of the National Voter Registration Act, Ohio has endeavored to forge a partnership with other state public agencies in voter registration and it is logical to extend an invitation to these agencies to also educate, advise and alert prospective voters about their provisional voting options in these venues.

Ohio also would expect to partner with the state's media in making voters aware of the provisional option. We contemplate deployment of a series of public service commercials on local television stations in the days preceding elections advising voters of their options for casting a provisional vote. We think a compelling argument can be made to broadcast outlets around the state that full citizen participation in the election process is public service of the highest order.

## **XII. §303. Statewide Voter Registration and Registration by Mail**

Maintaining a viable voter registration list is an essential ingredient in conducting fair and participatory voting processes. Centralizing registration in a single statewide database is a sensible change that ensures uniformity, consistency and reliability. To

accomplish this task, the Secretary of State will seek one vendor to develop a registration system that must meet the needs of voters and elections officials alike.

The system must be sufficiently functional that all eligible voters can register to vote with ease and simplicity. The system must accommodate both written (mail-in registration and in-person registration) and electronic means for voters to initiate the registration process. Registration sites, locations and opportunities must be varied and plentiful.

It is not sufficient that voters would be required to register only at boards of elections or obtain registration materials only at governmental venues. The successful vendor must anticipate a variety of locations and opportunities for citizens to register in both public and private settings. The system must contemplate a solution for converting current voter registration data now housed in local boards of elections and transferring that data to the centralized database in the Secretary of State's office.

The statewide voter registration system must meet technical demands that will readily allow local boards of elections to seamlessly and effortlessly interface with the state database in a way that assures instant access to all qualified registered voters in their jurisdiction and the state. The system must include sufficient data that provides local election officials with the means to segregate voters by political and geographic

***The statewide voter registration system must meet technical demands that will readily allow local boards of elections to seamlessly and effortlessly interface with the state database in a way that assures instant access to all qualified registered voters in their jurisdiction and the state.***

boundaries to the extent these officials can create and develop voter lists by precinct and voting location.

The system must include features that permit local elections officials to track the voting history of registered voters, identify those no longer legally registered, and readily accommodate change of address or voting status.

And, finally, the system must anticipate that these records are public records and must be maintained in a way that conforms to state public records law and all

other applicable state and federal laws that pertain to voter registration currently in effect.

Our budget presumes a \$5 million to \$10 million allocation for creation and development of a statewide voter registration system.

Closely akin to the registration issue are voter identification requirements. It was the consensus of both witnesses who testified before the State Plan Committee and the committee itself that the Secretary of State should establish policies that expand rather than restrict the types of instruments used by voters as a means of identification. We believe this is in keeping with the spirit and intent of the Help America Vote Act.

As no voter should be denied an opportunity to cast a provisional ballot in those circumstances where their name might not appear on the voter rolls, neither should a voter be denied an opportunity to vote because of arbitrary and restrictive identification requirements. While it is logical the Secretary of State should work in coordination with agencies such as the Ohio Bureau of Motor Vehicles to validate the identity of new

voters, such identification requirements must, by definition, extend beyond identification devices such as a valid state drivers' license.

As several Ohioans with disabilities testified, many people with disabilities do not have a drivers' license. It is the intention of the Secretary of State to extend identification requirements to include any reasonable means of identification such as utility bills, rent receipts or any legal or quasi-legal instrument that bears the name and address of the prospective voter.

The policy of the Secretary of State is that voter challenges on the basis of identification should be judged on a liberal construction of voter ID rather than a restrictive construction that would deny the voter an opportunity to cast a ballot.

Based on testimony provided by Mr. Perry of the Columbus Urban League, the Secretary of State also would like to more closely examine the issue of restoring voter rights to persons released from incarceration in the state's Department of Rehabilitation and Corrections. There is a widespread perception that these persons, as a result of felony convictions, have forever forfeited their right to participate in the election process. Such is not the case.

Persons who have had their voting rights taken away because of a felony conviction are subject to re-enfranchisement as legal voters to restore their right to vote. As these persons have presumably paid their debt to society as a result of their incarceration, full integration back into society as fully functioning citizens should also presume their eventual re-engagement and participation in the election process.

For these persons, identification also is an issue because drivers' licenses might have expired during their period of incarceration. At minimum, the Secretary of State pledges to educate election officials and poll workers about the rights and processes available to these individuals.

*The complaint and grievance procedures developed by the Secretary of State are constructed toward development of a non-adversarial complaint process where the desired outcome is a solution or remedy of the problem, rather than a highly evidentiary process.*

### **XIII. §402. Administrative Complaint Procedures and Grievances**

To fully facilitate implementation of the Help America Vote Act of 2002, Ohio will establish an administrative complaint procedure to address allegations by any citizen who believes their voting rights have been violated under Title III of the Act.

The complaint and grievance procedures developed by the Secretary of State are constructed toward development of a non-adversarial complaint process where the desired outcome is a solution or remedy of the problem, rather than a highly evidentiary process.

The process adopted by the Secretary of State includes an alternative dispute resolution component that invites parties to seek equitable resolution in that venue as well as through a formal hearing process. When a valid complaint or grievance is filed as part

of this process, it is ultimately the state, and more specifically the Secretary of State, that must provide the appropriate remedy.

We attach, as an addendum to this report, the full text of the proposed procedure. Following, in summary, are the relevant elements of the complaint procedure:

- Any Ohio citizen who believes there is a violation of any provision of Title III of the Help America Vote Act may file a complaint.
- All complaints must be in writing, signed, notarized and be sworn under oath.
- The complainant must be identified by name and mailing address, and the complaint must include a description of the violation alleged to have occurred.
- The complaint must be filed with the Secretary of State along with proof of delivery of a copy of the complaint to each respondent.
- In addition to failure to include any of the foregoing, the Secretary of State may reject the complaint if more than 90 days have lapsed since the final certification of the federal election at issue.
- The Secretary of State must establish procedures and schedules addressing when the complaint will be heard and considered.
- The Secretary of State or designated hearing officer must compile and maintain an official record of any proceeding and include submissions and evidence provided.
- Complaints must be heard and determined by the Secretary of State or designated hearing officer, who is required to prepare a report expressing an opinion about whether a violation did occur within 20 days of the filing of such a complaint.
- Any hearings conducted pursuant to the filing of a complaint must be tape recorded.
- Dates, times and locations of hearings must be established and all parties must be given at least five days notice of such hearings.
- All relevant parties, including the complainant and all respondents may appear at the hearing, testify and present evidence. There is no requirement that any complainant, respondent or any other party to the proceeding be represented by an attorney.

- The Secretary of State or a designated hearing officer is required to prepare a transcript of the tape recorded hearing and that transcript is a public record under Ohio's public records law.
- A final decision must be rendered within 60 days after the complaint is filed.
- If a violation is determined to have occurred, a determination must be issued specifying the appropriate remedy. If a violation is deemed not to have occurred, the complaint must be dismissed.
- The remedy may not include any award of monetary damages, costs or attorney fees, and may not include the invalidation of any election or a determination of the validity of any ballot or vote.
- The decision under this process is final and is not subject to judicial review.
- The complaint and grievance procedure does not preclude any other legal action provided by law.

#### XIV. Ongoing Performance Measurement

*Each year, boards of election throughout Ohio prepare annual budgets anticipating costs and expenses for conducting elections. We recommend that while each board is preparing their budgets that they also take time to review the improvements they have made in their elections operations during the past year and report their progress in meeting election reform objectives under the Help America Vote Act.*

As Ohio anticipates successful implementation of reforms and modernization of its election systems and processes to accomplish its objectives under the Help America Vote Act of 2002, we believe performance measurement is an essential and ongoing requirement to ensure a fair and inclusive election system.

Each year, boards of elections throughout Ohio prepare annual budgets anticipating costs and expenses for conducting elections. We recommend that while each board is preparing their budgets that they also take time to review the improvements they have made in their election operations during the past year and report their progress in meeting election reform objectives under the Help America Vote Act.

The Secretary of State will compile these annual reports and submit a summary of initiatives, improvements and progress to the Election Assistance Commission. We think this is a way for

all election officials in Ohio to remain vigilant of our obligation to continue measuring our performance in making the election process fair and accessible to all Ohioans.

As stated earlier in this report, we view this opportunity to reform Ohio's election system not as an end process, but as the beginning of a renewed effort to fully engage our citizens in their most vital civic responsibility in a democratic process. Election reform, after all, is a futile exercise unless citizens view themselves as stakeholders in their local community, their state and the nation.

Our guiding principle in developing this state plan is that voters should willingly and enthusiastically participate in the electoral process, free of obstacles that might inhibit them from participating. To accomplish that, we, as election officials, are obligated to provide them with the best and most modern tools available so they can exercise their right to vote with assurance that every vote and every voter counts and will be counted on Election Day.

No legal voter should be taken for granted and no legal vote should be discounted or, worse, not counted. Every vote cast, every ballot submitted must be treated as if our very system of government and our way of life depends on it, simply because it does. No greater is the obligation of every eligible voter to be an active, knowledgeable and willing participant in the election process, and no greater responsibility as election officials do we have than to ensure those voices are heard and those votes are counted.

## **XV. Requirements Payments: Maintenance of Effort**

As a condition for receiving Requirements payments under the Help America Vote Act, states must maintain expenditures for funded activities "at a level that is not less than the level of such expenditures maintained by the state for the fiscal year ending prior to November, 2000."

Attached to the State Plan are budget materials that document state spending on election and election administration through the Secretary of State's office for Fiscal Year 2000 (July 1, 1999 – June 30, 2000.)

The total amount of \$2,739,159.04 million does not include reimbursements to county boards of elections for advertising costs related to state issue ballot advertising. The total budget request of the Secretary of State's office for FY 2004 and FY 2005 are sufficient to fund continued investment in elections at this annual level.

Additionally, the Secretary of State shall include a HAVA-compliance and funding report as part of future biennial budget requests of the Ohio Legislature to certify HAVA-compliant funding and continue Ohio's maintenance of effort.

## **XVI. Estimated Timelines for Implementation of the State Plan**

Following are key dates and the proposed timetable for implementation of our State Plan:

- **March 18, 2003:** State Plan Advisory Committee named, public input process defined.
- **April 3-4, 2003:** State Plan Advisory Committee conducts public hearings.

- **April 9, 2003:** RFP released for statewide voter registration system.
- **April 17, 2003:** State Plan Advisory Committee reconvenes to review draft State Plan.
- **May 7, 2003:** Competitive bids due for voter registration system.
- **May 13, 2003:** State Plan finalized and published for 30-day review.
- **May 16, 2003:** RFP released for voting system vendors.
- **June 2, 2003:** Secretary of State awards bids for voter registration system.
- **June 16, 2003:** State Plan submitted to federal Elections Assistance Commission for publication in the Federal Register. Competitive bids due for election system.
- **Aug. 1, 2003:** Secretary of State awards bids for election systems. County boards of elections notified of eligible system vendors.
- **Sept. 2, 2003:** County boards of elections must notify Secretary of State which vendor they have chosen for election system improvements.
- **November 21, 2003:** Direct Recording Electronic (DRE) Technical Security Assessment Report prepared by Compuware submitted to Secretary of State.
- **Dec. 1, 2003:** Statewide voter registration system installed and fully operational.
- **Dec. 19, 2003:** Requested a waiver from the Federal Government on deployment of the computerized voter registration system.
- **March 2, 2004:** Primary Election. (Ohio General Assembly considering change of Primary to May, 2004.)
- **April 29, 2004:** Clinton County first to establish Centralized Voter Registration File processes between the county and the Secretary of State.
- **May 7, 2004:** Substitute House Bill 262 enacted.
- **August 18, 2004:** Diebold Direct Recording Electronic (DRE) Technical Security Re-Assessment Report prepared by Compuware submitted to Secretary of State.
- **Nov. 2, 2004:** General Election
- **November 17, 2004:** VVPAT requirements distributed for comments.
- **January 3, 2005:** Diebold Direct Recording Electronic (DRE) Technical Security Re-Assessment Report Addendum prepared by Compuware submitted to Secretary of State.
- **January 3, 2005:** VVPAT rules filed with ICARR.
- **January 1, 2006:** Centralized Statewide Voter Registration File fully implemented.
- **May 2, 2006:** Replacement of punch-card and lever machine complete.

## **XVII. Plan Submission Presumes Full Federal Funding**

Submission of this plan presumes full and timely federal funding. In order for Ohio to meet the ambitious schedule outlined in this State Plan, it is imperative that federal monies be made available to the state on a schedule that is consistent with implementation of the base components of the plan.

Ohio reserves the right to seek waivers stipulated in the Help America Vote Act that allow us to delay implementation of this plan if federal funding is not forthcoming in a timely manner that will enable us to accomplish the objectives outlined in this report to the Election Assistance Commission.



Proceeding without a guarantee of federal funds would create a financial burden for the State of Ohio and its 88 county jurisdictions. While Ohio is anxious to meet and exceed the standards of the Help America Vote Act, implementation is not possible without the federal guarantees that accompany the Act.

The preponderance of unacceptable voting devices in the state underscore the necessity for reform, but it shows the very real and special challenges Ohio faces in fully complying with the Act and the funding that will be required to reconstruct and reconfigure the voting and election systems in the state.

Our pledge is to implement reforms, as outlined in this State Plan, as federal funds become available.

### **XVIII. The State Plan Committee: HAVA and Beyond**

We reserve this section of the report to capture the comments and thoughts of our State Plan Committee. While many of the committee's recommendations and much of their input is reflected in preceding sections of the report, it was clear this panel of distinguished Ohioans went beyond merely thinking about minimum requirements of the Help America Vote Act and insisted on expanding their mission to address issues that will produce broad and meaningful election reform in our state.

That kind of visionary thinking is precisely what the Secretary of State had in mind when he impaneled the State Plan Committee.

If there was a universal theme that resonated from the committee's deliberations, it was consensus that Ohio must aggressively engage the next generation of voters and make young people in our state understand their role as stakeholders in the democratic process. It is insufficient, the panel said, to merely invite high school and college students into the election process. Ohio, the State Plan Committee said, must be proactive in educating young people about the election process and instill a deeper commitment to

engendering student participation in the election process.

Linda Carr, Daisy Duncan Foster and Pastor Aaron Wheeler were particularly passionate in their remarks about this issue and said Ohio should be creative in developing new programs and initiatives to bring young voters into the process. The Committee urged the Secretary of State to aggressively seek available funds under Title V and Title VI funding of the Help America Vote Act to accomplish this critical task.

Additionally, some committee members recommended working with the Ohio Department of Education and the Ohio Board of Regents to explore ways to better educate and encourage political participation by high school and college students. Pastor Wheeler suggested

***State Rep. Nancy Hollister noted that this report should underscore for Ohioans that implementation of the Help America Vote Act in Ohio signals a "change in the governance of the election system" in the state. HAVA, she said, places more responsibility on the Secretary of State to assure a fair, equitable and inclusive election process in Ohio.***

Ohio public schools should ponder curriculum requirements that focus exclusively on voting and election processes.

State Rep. Nancy Hollister noted that this report should underscore for Ohioans that implementation of the Help America Vote Act in Ohio signals a “change in the governance of the election system” in the state. HAVA, she said, places more responsibility on the Secretary of State to assure a fair, equitable and inclusive election process in Ohio. “We need to acknowledge that,” she said.

But Rep. Hollister and other committee members said that shift in governance does not minimize the necessary independence, ongoing role or responsibility of counties to execute election policies within the new governing framework created by the Help America Vote Act.

Committee member Jeff Matthews said county boards of elections must be independent to effectively achieve the objectives of the Help America Vote Act, and Ms. Duncan Foster said boards of elections must feel “some ownership of the process.” In that context, it was the consensus of the State Plan Committee that full compliance with the Help America Vote Act requires critical coordination and a strong working relationship between the Secretary of State’s office and local boards of elections.

Election officials Guy Reece and Tom Coyne, along with Mr. Matthews, agreed that innovation doesn’t end with the Help America Vote Act. They said Ohio must constantly be looking for new methods, new procedures and new ideas to keep the election process viable and invite more Ohioans to exercise their right to vote.

***Ms. Alvarado noted the projected growth of Hispanic populations both nationally and in the State of Ohio. Several committee members agreed that rather than addressing this issue later and incurring cost for conforming equipment, the RFP should anticipate the language requirement and it should be purchased now while federal funds are available to help Ohio make the transition to new voting equipment.***

Mr. Reece invited future exploration of election innovations being tested in other states such as open voting, early voting, ballot on demand and expanded availability and use of absentee ballots. Catherine Turcer asked that the Secretary of State consider the flexibility of voting devices that would allow for concepts such as instant runoff voting and proportional representation.

Ms. Turcer also recommended the Secretary of State ensure that the RFP for new voting equipment carefully consider the necessity for strong auditing capability that would provide a spot-check feature for pre-testing. Ms. Turcer and Donna Alvarado said alternative language capability also should be included in the RFP in anticipation of changing future demographics in the state.

Ms. Alvarado noted the projected growth of Hispanic populations both nationally and in the State of Ohio. Several committee members agreed that rather than addressing this issue later and incurring cost for conforming equipment, the RFP should anticipate the language requirement and it should

be purchased now while federal funds are available to help Ohio make the transition to new voting equipment.

She said language requirements also need to be considered in education products produced by vendors and election officials in how to use the new voting equipment, as well as in training of poll workers and election officials. She said alternative language issues need to be considered in creation and execution of the grievance process and procedures.

She suggested the Secretary of State consider alternative language policies that exceed the 5 percent threshold.

While preceding sections of the report address monitoring procedures for implementation of the Help America Vote Act in Ohio, Ms. Alvarado said compliance monitoring should be "futuristic" and focus on outcomes. While measuring accomplishments, she said the state and local jurisdictions also should be forward looking and report, for example, where the state expects to be in the next five years and beyond.

She said monitoring and compliance should address issues such as where Ohio wants to be as a state, how we achieve those objectives, who is responsible for implementing these plans, what the funding sources will be for implementation and what will be different when changes, modifications or new procedures are implemented in the election process.

Rep. Hollister agreed there needs to be periodic evaluation of Ohio's progress in

***Mr. Long acknowledged that there might be offsetting costs and efficiencies that could be realized from conversion to electronic voting systems, but he stressed the necessity for full funding of the plan and timely allocation of federal payments to the state to avoid financial burdens on counties already adversely affected by the economy and cuts imposed by the State Legislature.***

meeting voting and election reforms. She suggested a need to pause from time to time to reflect on what has been accomplished, what future reforms need to be considered, and what revenues are available to achieve those objectives.

A primary focus in the deliberation of the State Plan Committee was how Ohio could best address disability issues related to implementation of the Help America Vote Act. Eric Duffy said the issue of physical barriers is a real and pressing issue that calls for creative solutions in Ohio. He emphasized that Ohio must consider not only what takes place inside the voting place, but what physical barriers exist that hinder access outside the building.

Pastor Wheeler, chairman of the Ohio Civil Rights Commission, offered the assistance of that agency in working with the Secretary of State in exploring solutions to that issue.

As expected, much of the panel's deliberation was focused on funding and whether the federal allocation to Ohio was adequate to effect the wholesale change in voting systems in the state. A key voice in that discussion was Larry Long, executive director of the County Commissioners Association of Ohio.

Mr. Long noted that there is concern among county commissioners about whether the federal funding anticipated for implementation of the Help America Vote Act is sufficient to purchase the voting equipment needed to make Ohio HAVA compliant. But a comparable concern, he said, is consideration of future maintenance and replacement costs, as well as related cost issues such as storage requirements for the new equipment.

He acknowledged that there might be offsetting costs and efficiencies that could be realized from conversion to electronic voting systems, but he stressed the necessity for full funding of the plan and timely allocation of federal payments to the state to avoid financial burdens on counties already adversely affected by the economy and cuts imposed by the State Legislature.

Rep. Hollister also discussed the funding issue, suggesting the state, at some future date, might consider bonding options to assist in paying for ongoing costs associated with implementation of the Act, as well as making funds available for voter education, system upgrades and youth participation in the election process.

Further, she said that although there appears to be no immediate need for sweeping changes in state election laws, the state should constantly evaluate that need and enact legislative change as required.

Mr. Coyne emphasized the need for the Secretary of State and local boards of elections to fashion voter system reforms in a way that keeps the process from becoming "vendor-driven." He said county boards need time to assess and evaluate the unique demands in each jurisdiction and recommended the Secretary of State consider meeting the disability requirements of HAVA in time for the 2004 election, but proceed more deliberately on installment of new voting equipment.

In May 2004, Substitute House Bill 262 was enacted into law by Governor Taft which requires all direct recording electronic voting machines used in the State of Ohio to include a voter verified paper audit trail (VVPAT). Substitute House Bill 262 mandates the Secretary of State shall establish by rule standards for the certification of the VVPAT. In addition, the bill created a county electronic voting machine maintenance fund.

## **XIX. Summary of the State Plan**

Section 254 of the Help America Vote Act of 2002 lists the required components of the State Plan and this document fulfills those requirements.

This report demonstrates that Ohio, because of its widespread use of punch-card voting, is perhaps challenged more than other states to reform its election methods and modernize its voting systems. The size of the state, ranking seventh among the 50 states in total population, and the mix of rural and urban population makes the transition even more challenging.

*Ohio, the Secretary of State believes, must be a full participant in the election process and every eligible voter must be afforded the opportunity to be counted as we ponder the critical decisions affecting our local communities, state and nation.*

Recognizing the enormity of the task confronting Ohio, some members of the State Plan Committee and witnesses who testified before the committee counseled the Secretary of State to invoke waivers that would allow the state to delay its full implementation of the plan until the 2006 election cycle.

The Secretary of State, however, believes Ohio cannot afford to delay its implementation of the plan because every election cycle that passes is another election where voters are potentially disenfranchised and Ohio votes are lost or miscounted. Ohio, the Secretary of State believes, must be a full participant in the election process and every eligible voter must be afforded the opportunity to be counted as we ponder the critical decisions affecting our local communities, state and nation.

As election officials, if we know voters are disenfranchised and that legitimately cast ballots are being discounted, we have not only a moral obligation to immediately embrace a solution, but a legal obligation to find a remedy and enact measures to prevent that from happening. If even one voter is denied the right to vote, we are obligated, by law, to determine the cause and forge a solution. The evidence is overwhelming that thousands of Ohio voters have been disenfranchised by antiquated voting equipment and that many thousands more have lost confidence in the reliability and accuracy of voting devices currently in use in most of Ohio's 88 counties.

The Secretary of State has confidence in the election professionals who conduct and administer elections in the State of Ohio, and believes Ohio has the capability to enact reforms that have already taken place in other states.

We are emboldened in our decision to press forward with implementation of this plan based on the experience of Knox and Lake counties in executing successful elections after implementing new systems only weeks before the General Election. The Knox County Board of Elections, which has only four employees, received delivery of new electronic voting devices in October, 1996, a presidential election year, and deployed them in the November General Election.

Lake County issued a request for proposal in April 1999, awarded bids in July of that year, took delivery of a new voting system the following September, and conducted a successful election weeks later in the November General Election.

Under the timetable established in this plan, new voting systems would be installed and operational in time for the Primary Election in 2004, providing local boards of elections with an opportunity to test the new systems before fully engaging them in the 2004 presidential election cycle.

However, we refer to the preceding section of this plan. Full implementation of this plan presumes full funding by the federal government. If the Secretary of State determines that federal funding for implementation of this plan is not forthcoming from the federal government in a timely manner, we will notify the Elections Assistance Commission of our intent to revise this plan and adjust the timetable for implementation.

Since the Federal Government has not appropriated the remaining funding for HAVA, it was necessary for the Secretary of State to modify our state plan and adjust the timetable for implementation. Initially, we had set an aggressive and ambitious full implementation for November 2004. Unfortunately, due to the delays in receiving funding and the establishment of the Elections Assistance Commission, we project full implementation of all HAVA requirements by May 2006.

Boards of Elections should be assured that the Secretary of State will focus all of its available personnel and resources to assist counties in enacting these reforms and meeting the requirements of the Help America Vote Act.

Boards should also be assured the Secretary of State will work with county officials and elections administrators to ensure available resources are distributed as quickly as possible and that cost containment efforts will be undertaken to minimize implementation costs to counties. Based on our analysis, which was reinforced in the testimony of Doug Lewis of The Election Center, we believe conversion of the state's punch-card voting system to direct recording electronic (DRE) voting devices will generate certain cost efficiencies we believe will minimize cost and expenses to counties, or at least offset some of the implementation costs.

We include in this definition of electronic voting devices the option for some counties to choose optical scanning devices that are HAVA compliant. In counties which have invested in this equipment and prefer these optional voting devices, the Secretary of State will consider deployment of this equipment as acceptable if certain modifications are made to ensure compliance with statewide voting standards. These counties, however, would be required to feature at voting locations electronic voting equipment that accommodates the needs of people with disabilities.

*Based on our analysis, which was reinforced in the testimony of Doug Lewis of The Election Center, we believe conversion of the state's punch-card voting system to direct recording electronic (DRE) voting devices will generate certain cost efficiencies we believe will minimize cost and expenses to counties, or at least offset some of the implementation costs.*

We presume the transition to electronic voting equipment will, at minimum, reduce printing costs in most counties. We believe there are further savings and efficiencies that will be derived from electronic voting that will reduce personnel and labor costs.

The DRE option also will introduce added efficiencies in the election process that will eliminate issues related to "over-votes," recounts and ensuring full voter participation by persons with disabilities. We also believe an electronic-based voting system will enhance training and education

across the spectrum for election officials, voters and poll workers if the system is sufficiently user-friendly.

Based on the foregoing, following is a summary of the State Plan for Ohio based on the requirements delineated in Section 254 of Public Law 107-252:

- (1) How the State will use the requirement payment to meet the requirements of Title III, and, if applicable under section 251(a)(2), to carry out other activities to improve the administration of elections.**

Ohio will implement new voting systems and procedures that meet the general requirements of Title III ensuring the systems have audit capacity, disability access, and alternative language accessibility, where applicable, and that the systems meet error rate thresholds established by the Federal Elections Commission.

- (2) How the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in paragraph (1).**

Ohio anticipated federal funding and state matching funds would be about \$161 million. Unfortunately full federal funding was not appropriated and the total federal funding and state matching funding is approximately \$137 million. The Secretary of State will allocate about \$106 million of that amount for installation of new voting equipment and upgrades of existing voting equipment in Ohio counties, and use the remaining portion to implement statewide voter registration and establish a provisional voting hotline. Disbursements in the amount of \$5 million will be available to Ohio's 88 counties for election official and poll worker training. Additionally, the Secretary of State will make \$5 million available for administration of a statewide voter education program. The Secretary of State will draft guidelines and reporting requirements to monitor distribution of these funds and to ensure county compliance with the Help America Vote Act of 2002.

- (3) How the State will provide for programs for voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of title III.**

See response to No. 2. Additionally, the Secretary of State, in establishing an authorized vendor list for deployment of new voting equipment, will require vendors to include, as part of their bid proposal, fund allocation that includes voter education, election official education and training, and poll worker training. The Secretary of State also will implement new programs and procedures to supplement these vendor requirements and efforts at the county level to address these issues.

- (4) How the State will adopt voting system guidelines and processes which are consistent with the requirements of section 301.**

See preceding responses. Ohio will replace punch-card voting in the State and require deployment and installation of electronic-based voting devices that meet the requirements of the Act. The request for proposal for new voting equipment will be crafted to presume required features and safeguards that ensure a uniform voting standard and compliance in all Ohio counties with specific requirements of the Act.

- (5) How the State will establish a fund described in subsection (b) for the purposes of administering the State's activities under this part, including information on fund management.**

Such a fund has already been established by the Secretary of State and will be monitored by both the Secretary of State and the Auditor of State, as Ohio law applies to state auditing requirements and reporting procedures. Fund management procedures include quarterly reports to the Election Assistance Commission to detail

receipt and expenditure of funds, and how those funds were used to meet the objectives of the Act.

- (6) The State's proposed budget for activities under this part, based on the State's best estimates of the costs of such activities and the amount of funds to be made available.**

See response to No. 2 and the fund distribution table on page 23 of the State Plan. The Secretary of State believes full implementation of the plan will require all available federal funding and state matching funds to meet the requirements of the Act.

- (7) How the State, in using the requirements payment, will maintain the expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000.**

*(See Section XV. Requirements Payments: Maintenance of Effort.)* Attached to this State Plan are budget materials that show the level of spending for election services by the Secretary of State in FY 2000 and projected levels of spending for FY 2004-05. The Secretary certifies that no federal funds for Requirements payments earmarked for voter reforms and system modernization will be used to supplement the state budget for operation and administration of the office.

- (8) How the State will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of criteria the State will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met.**

The Secretary of State assumes full responsibility for ensuring compliance with the Act. Specific timetables are included in this plan which requires all punch-card and lever machine counties to install and deploy new voting equipment that meets the uniform standards of the Act by May 2, 2006. The plan also calls for a statewide voter registration system to be in place and fully operational by January 1, 2006. See Section XIV for ongoing performance measurement.

- (9) A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under section 402.**

See attached procedure and refer to Section XIII of the State Plan, Administrative Complaint Procedures and Grievances.



**(10) If the State received any payment under Title I, a description of how such payment will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities.**

See response to No. 2. Ohio will use funds from Title I for antiquated systems buyout and to improve election administration activities and procedures. See the fund distribution table on page 23 of the State Plan and allocation and distribution formula described on page 24.

**(11) How the State will conduct ongoing management of the plan.**

See Section XIV, Ongoing Performance Measurement. Throughout this State Plan is a description of the management practices and procedures outlined by the Secretary of State to ensure compliance with the Act. Any material change in this plan will result in a resubmission of the Plan in accordance with Sections 255 and 256 of the Act.

**(12) In the case of a State with a State Plan in effect under this subtitle during the previous fiscal year, a description of how the plan reflects changes from the State Plan for the previous fiscal year and how the State succeeded in carrying out the State Plan for such previous fiscal year.**

This State Plan represents Ohio's initial submission of a State Plan to the Elections Assistance Commission.

**(13) A description of the committee which participated in the development of the State Plan in accordance with section 255 and the procedures followed by the committee under such section and section 256.**

See page 3, The State Plan Committee, and Section VI, How Ohio Developed its State Plan.

**This State Plan respectfully submitted to the Elections Assistance Commission, in accordance with U.S. Public Law 107-252, this 16<sup>th</sup> day of June, 2003.**



J. KENNETH BLACKWELL  
Secretary of State

J. Kenneth Blackwell

*Ohio Secretary of State*

# Changing the Election Landscape in the State of Ohio

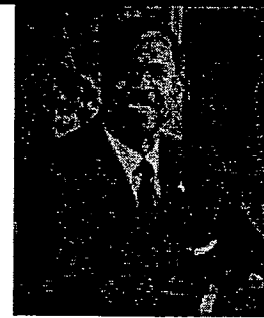


A State Plan to implement the Help America Vote Act of  
2002 in accordance with Public Law 107-252, §253(b)

*"The Act appropriately respects the primacy of  
state and local governments in the administration  
of elections, while helping to ensure the integrity  
and efficiency of voting processes in federal  
elections by providing federal governmental  
support for that vital endeavor."*

PRESIDENT GEORGE W. BUS  
THE WHITE HOUSE  
October 29, 2002

021843



June 16, 2003

Dear Election Assistance Commission and Ohio Voters:

I can think of no greater gift we can give future generations than an electoral process that ensures the integrity of their vote and provides them with an election system that is efficient and fair.

At the very least, we need an election system that assures every vote counts and every voice is heard in electing those who will serve in government and decide the many critical issues we face as citizens. No voter should be excluded from the process because of a disability, as no voter should be excluded because of inadequate, outdated and imprecise voting mechanisms.

That's what this report is all about. That's what the Help America Vote Act of 2002 is all about – fair elections and empowering every voter to exercise their obligation, responsibility and privilege to fully engage in the election process.

Democracy, after all, is a fragile system that relies on the voices and participation of all its citizens, not just a chosen few. Every voter and every vote cast strengthens our democracy and enhances the opportunity to choose the best people for the job of leading our government, at all levels, and deciding those issues that affect our local community, state and nation.

My thanks to the State Plan Committee who worked so diligently to help me create this document that will open a new era for the way we vote in Ohio. Truly, we are dramatically changing the election landscape in our state and in our nation. That is a good thing and probably one of the most important contributions we can make to future generations of Ohioans.

In the final analysis, the Help America Vote Act of 2002 is about inclusion more than it is about all the technical change and new administrative processes and procedures called for in this plan. Inclusion is, after all, the thread that binds the fabric of democracy.

Very truly yours,

A handwritten signature in black ink that reads "J. Kenneth Blackwell". The signature is written in a cursive, flowing style.

J. KENNETH BLACKWELL  
Ohio Secretary of State

*The Ohio Secretary of State gratefully acknowledges the State Plan Committee for their participation and assistance in the preparation and development of this plan for the strategic implementation of election reforms in the State of Ohio, pursuant to the Help America Vote Act of 2002.*

## HELP AMERICA VOTE ACT

### The State Plan Committee

*Chairman Dana Walch, Director of Election Reform, Office of the Secretary of State*

*Ms. Donna Alvarado, Commissioner, Ohio Commission on Hispanic/Latino Affairs*

*Ms. Linda Carr, Director of Institutional Initiatives, University of Toledo*

*Mr. Tom Coyne, Chairman, Cuyahoga County Board of Elections*

*Mr. Eric Duffy, Director of Field Services, National Federation of the Blind*

*Ms. Daisy Duncan Foster, Coordinator of Academic Services, University of Dayton*

*State Rep. Nancy Hollister, R-Marietta*

*Mr. Larry Long, Executive Director, County Commissioners Association of Ohio*

*State Sen. Mark Mallory, D-Cincinnati*

*Mr. Jeff Matthews, Director, Stark County Board of Elections and President, Ohio Association of Election Officials*

*Mr. Guy Reece, Director, Franklin County Board of Elections*

*Ms. Catherine Turcer, Legislative Director, Ohio Citizen Action*

*Pastor Aaron Wheeler, Chairman, Ohio Civil Rights Commission*



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Help America Vote Act of 2002

## I. Introduction and Overview

On Oct. 29, 2002, President George Bush signed into law the Help America Vote Act of 2002. The legislation was passed in the U.S. House in late 2001 and was approved by the U.S. Senate the following year.

Much of the law embraces recommendations advanced by the National Commission on Federal Election Reform, a group that included both former Presidents Jimmy Carter and Gerald Ford as its honorary co-chairs. The commission observed that democracy is a precious birthright. But they also noted that each generation must nourish and improve the processes of democracy for its successors.

The Help America Vote Act logically embraces the goals of election reform by expecting all levels of government to provide a democratic process that:

- maintains an accurate list of citizens who are qualified to vote;
- encourages every eligible voter to participate effectively;
- uses equipment that reliably clarifies and registers the voter's choice;
- handles close elections in a foreseeable and fair way;
- operates with equal effectiveness for every citizen and every community;
- and
- reflects limited but responsible federal participation.

In Ohio, the Secretary of State and the State Plan Committee used those broad parameters, principles and guidelines as the foundation objective for developing this plan. From that platform, the Secretary and State Plan Committee formulated the Ohio Plan to address the following specific issues to meet and exceed the minimum standards of the Help America Vote Act. In greater detail, this report addresses:

1. How Ohio will use requirement payments, distribute and monitor the allocation of these funds to county governments, and what criteria will be used to determine eligibility for these funds.
2. How Ohio will measure the performance of county governments to ensure they are in compliance with the Act.
3. How Ohio will develop programs to provide voter education, election official and poll worker education and training to meet the standards of the Act.
4. How Ohio will establish voting system guidelines and processes.
5. How Ohio will administer these activities and budget for administrative costs, as well as establishing a budget for overall implementation of the plan based on our best estimate of costs.
6. How Ohio will use the requirement payments without reducing state support for voter and election activities below what the state was spending in November, 2000.
7. How Ohio will establish performance goals and measures for county government.

8. How Ohio will create and develop a uniform administrative complaint procedure.

9. How payments under Title I will be used for punch-card replacement in Ohio and how that will affect and enhance the overall implementation of the plan.

10. How Ohio intends to conduct ongoing oversight and management of election reforms and improvements.

*The size and composition of Ohio's population is a challenge to implementation of wholesale election reform in the state, but Ohio also is challenged because of the prevalence of punch-card voting. Nationally, it is estimated that 34.4 percent of the nation's voters cast their ballot on punch-card voting devices. In Ohio, 72 percent of the state's voters use this ballot method.*

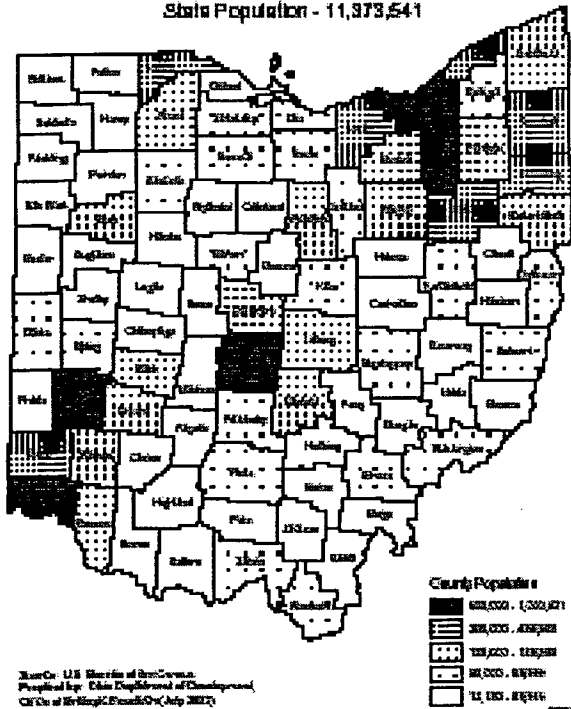
As the following section of the report suggests, election reform as envisioned by the Help America Vote Act is not a casual undertaking in Ohio. The demographics of the state reveal a broad mix of urban, rural and mid-size communities. Ohio, for example, has eight urban markets that include three large metropolitan cities – Cleveland, Columbus and Cincinnati. Smaller urban centers include Toledo, Youngstown, Dayton, Akron and Steubenville. Each enjoys its own community culture and election traditions.

In addition to these larger urban centers are mid-size communities like Mansfield and Lima, which represent the balance of Ohio's Metropolitan Statistical Areas (MSA's) according to the U.S. Census Bureau. But beyond those 10 communities and the counties they represent are 78 other Ohio counties that reflect a more rural population, including a large portion of Southeast Ohio that is designated as part of the Appalachian region.

The size and composition of Ohio's population is a challenge to implementation of wholesale election reform in the state, but Ohio also is challenged because of the prevalence of punch-card voting. Nationally, it is estimated that 34.4 percent of the nation's voters cast their ballot on punch-card voting devices. In Ohio, 72 percent of the state's voters use this ballot method.

Given that context, we offer the following demographic overview of the

Population Distribution  
2001  
State Population - 11,373,541





State of Ohio to provide the Election Assistance Commission with what we regard to be a valuable foundation perspective for the implementation of election reforms in Ohio.

## II. Ohio Demographics

While Ohio remains one of the nation's leading manufacturing centers, the state, during the past two decades, has made the transition to a more service-industry economy.

Nearly 28 percent of Ohio's 5.4 million employee workforce is now classified as service employees. From 1990 to 2000, the state's population grew from 10.8 million to 11.3 million.

The state is comprised of 88 counties that occupy nearly 41,000 square miles of land. Ohio is bounded on the south and east by the Ohio River and on the north by Lake Erie.

About 11.5 percent of that population is African-American and 1.9 percent is Hispanic/Latino, according to the most recent Census data. In total, Ohio's minority population is about 16 percent of the total population.

The median age in the state is 36.2 years of age and, like many other states, is trending older. About two-thirds of Ohio residents live in owner-occupied households and about 29 percent live in renter-occupied dwellings.

The state has a wealth of educational institutions with 15 public four-year universities and 62 private colleges and universities. There are 25 two-year colleges in the state. The largest counties, in rank order and based on 2000 Census data, are:

Rank	County	Population
1	Cuyahoga	1,393,978
2	Franklin	1,068,978
3	Hamilton	845,303
4	Montgomery	559,062
5	Summit	542,899
6	Lucas	455,054
7	Stark	378,098
8	Butler	332,807
9	Lorain	284,664
10	Mahoning	257,555

The state's major employers include such corporate notables as AK Steel, Daimler Chrysler, Delphi Automotive Systems, Ford Motor Co., General Electric Co., General Motors Corp., Goodyear Tire & Rubber Co., Honda Motor Co. Ltd., Kroger, Nationwide Insurance, Procter & Gamble, TRW Inc. and Wendy's International.

In total, there are about 240,000 active businesses in Ohio, including about 80,000 farms that represent 14.9 million acres.

The state boasts 115 state parks that provide nearly 115,000 acres of recreational space for Ohio residents. There are six airports in the state with scheduled airline service and another 164 commercial airports and 10 commercial heliports. Transportation arteries in the state include 1,572 miles of interstate highways, 3,918 miles of U.S. highways, and

more than 14,000 miles of state highways. The Ohio Turnpike that ribbons through northern Ohio covers 241 miles from the Indiana state line to the Pennsylvania state line.

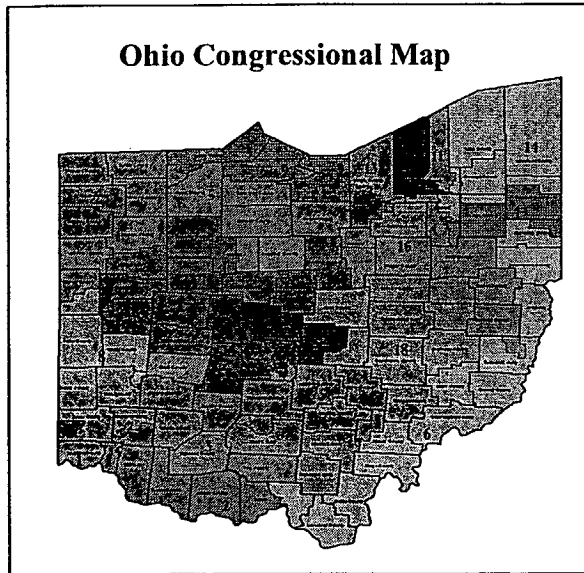
### III. State Political/Governmental Structure

Ohio is governed by five major statewide officeholders including Gov. Bob Taft, Attorney General Jim Petro, State Auditor Betty Montgomery, Secretary of State J. Kenneth Blackwell and Treasurer Joseph Deters. The Ohio General Assembly includes 99 members of the Ohio House of Representatives and 33 members of the Ohio Senate.

Since 1992, both statewide officeholders and elected legislators are subject to term limits. Statewide officeholders are limited to two four-year terms. In the Ohio General Assembly, House members are limited to four two-year terms and State Senators are limited by two four-year terms.

Some local government officials also are subject to term limits as a result of local ballot initiatives in some Ohio communities.

The Ohio Supreme Court includes seven justices who are elected statewide. The Supreme Court is not subject to term limits. The Chief Justice of the Ohio Supreme Court is Thomas Moyer.



The local government structure in Ohio includes a mix of city and county elected officials, with most cities and villages in Ohio administered by a mayor/council form of government. Some municipalities have an appointed city manager form of government in which an executive is appointed to administer local municipal affairs.

In Ohio local government, there are "statutory" cities that operate largely on the basis of state statutory law and "charter" cities that may adopt so-called "home rule" guidelines to conduct the affairs of local government.

On the county level, 87 of 88 Ohio counties are governed by a Board of County Commissioners, which oversee county administration. Summit County is the only county in Ohio with a county executive/council form of government. The Summit County Council is comprised of eight district council members and three who are elected at large. Ohio counties also elect county auditors, prosecutors, treasurers, clerks of court, judges and county sheriffs.

The state is represented by 18 elected members of the U.S. House of Representatives and, of course, two U.S. Senators.

## IV. State of Ohio Elections Systems

Ohio is, pervasively, a punch-card voting state. In total, 69 of Ohio's 88 counties use punch-card voting. Those 69 counties represent 72.5 percent of all the registered voters in Ohio and 74 percent of the 11,756 voting precincts in the state.

Among the 19 counties that use voting devices other than punch-card ballots, two use automatic voting machines, six have electronic voting devices, and 11 use optical scanning equipment.

The table below (that continues on the following pages) shows a county-by-county listing of the types of voting devices in each of Ohio's 88 counties. The table also reflects the number of precincts and registered voters in each of those counties as reflected in the November, 2002 General Election, which we use as base data throughout this report (unless otherwise indicated.)

COUNTY	PRECINCTS	REGISTERED VOTERS	TYPE DEVICE
ADAMS	35	15,446	PUNCHCARD
ALLEN	139	65,382	SCAN
ASHLAND	65	31,735	SCAN
ASHTABULA	127	58,022	PUNCHCARD
ATHENS	69	39,813	PUNCHCARD
AUGLAIZE	43	29,656	PUNCHCARD
BELMONT	84	42,800	PUNCHCARD
BROWN	55	25,415	PUNCHCARD
BUTLER	289	210,920	PUNCHCARD
CARROLL	26	18,799	PUNCHCARD
CHAMPAIGN	53	26,900	PUNCHCARD
CLARK	112	82,889	PUNCHCARD
CLERMONT	191	117,207	SCAN
CLINTON	32	23,529	PUNCHCARD
COLUMBIANA	103	73,355	PUNCHCARD
COSHOCTON	43	20,623	SCAN
CRAWFORD	67	28,992	PUNCHCARD
CUYAHOGA	1464	861,113	PUNCHCARD
DARKE	53	36,176	PUNCHCARD
DEFIANCE	46	24,536	PUNCHCARD

DELAWARE	122	82,215	PUNHCARD
ERIE	101	51,523	SCAN
FAIRFIELD	118	76,212	PUNHCARD
FAYETTE	38	13,676	PUNHCARD
FRANKLIN	780	706,668	ELECTRONIC
FULTON	36	26,740	PUNHCARD
GALLIA	36	21,646	PUNHCARD
GEAUGA	96	57,087	SCAN
GREENE	142	93,742	PUNHCARD
GUERNSEY	71	22,149	PUNHCARD
HAMILTON	1025	522,307	PUNHCARD
HANCOCK	62	44,603	SCAN
HARDIN	38	17,764	AVM
HARRISON	24	10,861	PUNHCARD
HENRY	33	18,529	PUNHCARD
HIGHLAND	46	25,360	PUNHCARD
HOCKING	32	16,889	PUNHCARD
HOLMES	27	16,638	PUNHCARD
HURON	69	35,103	PUNHCARD
JACKSON	40	23,431	PUNHCARD
JEFFERSON	93	52,971	PUNHCARD
KNOX	53	31,630	ELECTRONIC
LAKE	217	150,137	ELECTRONIC
LAWRENCE	84	38,636	PUNHCARD
LICKING	125	99,182	PUNHCARD
LOGAN	52	28,698	PUNHCARD
LORAIN	246	166,092	PUNHCARD
LUCAS	518	281,500	AVM
MADISON	44	23,288	PUNHCARD
MAHONING	312	177,445	ELECTRONIC
MARION	84	39,580	PUNHCARD

MEDINA	145	101,054	PUNCHCARD
MEIGS	27	14,685	PUNCHCARD
MERCER	40	26,724	PUNCHCARD
MIAMI	82	66,743	SCAN
MONROE	29	9,866	PUNCHCARD
MONTGOMERY	593	334,787	PUNCHCARD
MORGAN	22	8,600	PUNCHCARD
MORROW	36	21,354	PUNCHCARD
MUSKINGUM	85	48,175	PUNCHCARD
NOBLE	27	8,173	PUNCHCARD
OTTAWA	78	26,905	SCAN
PAULDING	30	13,374	PUNCHCARD
PERRY	46	20,815	PUNCHCARD
PICKAWAY	53	27,505	ELECTRONIC
PIKE	24	17,849	PUNCHCARD
PORTAGE	129	94,711	PUNCHCARD
PREBLE	46	28,108	PUNCHCARD
PUTNAM	51	24,360	PUNCHCARD
RICHLAND	133	83,151	PUNCHCARD
ROSS	76	37,478	ELECTRONIC
SANDUSKY	73	39,768	SCAN
SCIOTO	107	43,062	PUNCHCARD
SENECA	73	35,707	PUNCHCARD
SHELBY	45	29,776	PUNCHCARD
STARK	364	246,562	PUNCHCARD
SUMMIT	507	334,515	PUNCHCARD
TRUMBULL	274	132,957	PUNCHCARD
TUSCARAWAS	81	53,930	PUNCHCARD
UNION	47	25,880	PUNCHCARD

VAN WERT	39	19,525	PUNCHCARD
VINTON	20	7,770	PUNCHCARD
WARREN	148	101,207	PUNCHCARD
WASHINGTON	81	37,705	SCAN
WAYNE	97	60,048	PUNCHCARD
WILLIAMS	44	24,670	PUNCHCARD
WOOD	104	75,660	PUNCHCARD
WYANDOT	40	14,780	PUNCHCARD
<b>TOTAL</b>	<b>11,756</b>	<b>7,104,549</b>	

Of note, two of Ohio's largest counties – Cuyahoga and Hamilton counties – currently use punch-card ballot devices, as do two other large urban centers in Ohio, Montgomery and Summit counties. Those four counties, alone, account for nearly 3,600 of Ohio's 11,756 precincts, and more than 2 million of the state's 7.1 million registered voters. Another large urban center in Ohio, Lucas County, is a lever-machine county.

In February 2001, the Secretary of State conducted an "Elections Summit."<sup>1</sup> Participants included academics, members of the media, local election officials, legislators, and community groups. The group reported the following:

1. Public confidence in the accuracy of punch card voting systems has been seriously undermined.
2. Boards of elections should upgrade their voting systems to new, more trustworthy technology.
3. Comprehensive voter education is critical to successful election operations.
4. A combination of federal, state, and local dollars may be appropriate to fund these technological improvements.
5. Ohio's current elections standards, based on a combination of secretary of state directives, advisory opinions and rulings, should be codified by the General Assembly.
6. These goals demand immediate attention, or our state runs the risk of repeating the problems of our nation's most recent presidential election – and suffering irreparable damage to the most important and basic concepts of democracy.

Subsequent to the Summit, a separate committee met to study Ohio's election systems. They concluded (by a 6-5 committee vote) that because of the safeguards and procedures in Ohio election law, the punch-card voting method was adequate and there was no overwhelming need for a statewide overhaul, particularly without available funding.

<sup>1</sup> *Ohio Elections Summit Report*, Office of the Secretary of State, published May 2001.

While the Secretary of State notes that punch-card voting is not explicitly prohibited under the Help America Vote Act, other requirements of the Act make it impractical to use punch-card voting as a primary voting device in the state.

In a study of “over” and “under” voting in Ohio, it was clearly demonstrated that punch-card voting was unreliable to the extent votes cast by thousands of Ohioans were not being counted in the final election tabulation.

Over-voting occurs when a voter casts a vote for more than one candidate in an election and thus disqualifies their vote in that election. Under-voting occurs when a voter fails to mark a ballot in a particular race or votes for fewer than the number of candidates to be elected.

The following table tracks the combined under/over vote phenomenon in the 2000 presidential election in Ohio’s 88 counties:

County	2000 Voting System	Total Votes Cast	Total Votes Counted	Difference	Percent Difference
Holmes	PUNCHCARD	9,937	9,145	792	7.97%
Pike	PUNCHCARD	11,084	10,560	524	4.73%
Vinton	PUNCHCARD	5,184	4,946	238	4.59%
Adams	PUNCHCARD	10,727	10,235	492	4.59%
Meigs	PUNCHCARD	10,228	9,795	433	4.23%
Noble	PUNCHCARD	6,210	5,988	222	3.57%
Monroe	PUNCHCARD	7,377	7,115	262	3.55%
Jackson	PUNCHCARD	12,918	12,490	428	3.31%
Gallia	PUNCHCARD	13,203	12,776	427	3.23%
Summit	PUNCHCARD	232,252	224,839	7,413	3.19%
Harrison	PUNCHCARD	7,380	7,161	219	2.97%
Tuscarawas	PUNCHCARD	38,246	37,118	1,128	2.95%
Mercer	PUNCHCARD	18,848	18,294	554	2.94%
Paulding	PUNCHCARD	9,214	8,946	268	2.91%
Belmont	PUNCHCARD	31,039	30,141	898	2.89%
Lawrence	PUNCHCARD	25,180	24,452	728	2.89%
Montgomery	PUNCHCARD	237,580	230,987	6,593	2.78%
Scioto	PUNCHCARD	30,786	29,945	841	2.73%
Guernsey	PUNCHCARD	15,855	15,430	425	2.68%
Morgan	PUNCHCARD	6,158	5,993	165	2.68%
Muskingum	PUNCHCARD	33,520	32,624	896	2.67%
Cuyahoga	PUNCHCARD	590,473	574,782	15,691	2.66%
Sandusky	PUNCHCARD	26,441	25,744	697	2.64%
Brown	PUNCHCARD	16,862	16,429	433	2.57%
Highland	PUNCHCARD	15,854	15,447	407	2.57%
Hocking	PUNCHCARD	11,034	10,756	278	2.52%
Carroll	PUNCHCARD	12,576	12,261	315	2.50%
Perry	PUNCHCARD	13,147	12,828	319	2.43%
Richland	PUNCHCARD	54,088	52,779	1,309	2.42%

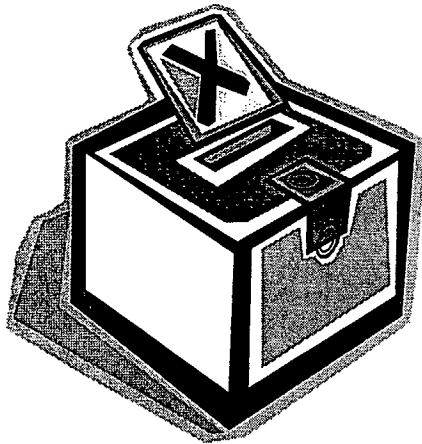
Mahoning	SCAN	116,889	114,119	2,770	2.37%
Morrow	PUNHCARD	13,145	12,839	306	2.33%
Seneca	PUNHCARD	24,931	24,351	580	2.33%
Wyandot	PUNHCARD	10,059	9,827	232	2.31%
Jefferson	PUNHCARD	35,449	34,636	813	2.29%
Erie	SCAN	35,836	35,015	821	2.29%
Crawford	PUNHCARD	19,622	19,176	446	2.27%
Putnam	PUNHCARD	17,743	17,344	399	2.25%
Ashtabula	PUNHCARD	40,378	39,472	906	2.24%
Clark	PUNHCARD	58,876	57,559	1,317	2.24%
Trumbull	PUNHCARD	98,440	96,239	2,201	2.24%
Defiance	PUNHCARD	16,610	16,242	368	2.22%
Champaign	PUNHCARD	16,035	15,680	355	2.21%
Marion	PUNHCARD	25,371	24,815	556	2.19%
Darke	PUNHCARD	23,784	23,267	517	2.17%
Fayette	PUNHCARD	9,484	9,278	206	2.17%
Washington	SCAN	27,080	26,515	565	2.09%
Lorain	PUNHCARD	114,480	112,180	2,300	2.01%
Greene	PUNHCARD	66,524	65,204	1,320	1.98%
Stark	PUNHCARD	163,061	159,844	3,217	1.97%
Huron	PUNHCARD	21,788	21,360	428	1.96%
Madison	PUNHCARD	14,960	14,667	293	1.96%
Logan	PUNHCARD	18,823	18,455	368	1.96%
Clinton	PUNHCARD	15,366	15,070	296	1.93%
Clermont	SCAN	71,242	69,877	1,365	1.92%
Columbiana	PUNHCARD	45,294	44,427	867	1.91%
Van Wert	PUNHCARD	13,471	13,219	252	1.87%
Preble	PUNHCARD	18,506	18,166	340	1.84%
Portage	PUNHCARD	64,026	62,899	1,127	1.76%
Henry	PUNHCARD	13,484	13,252	232	1.72%
Athens	PUNHCARD	25,888	25,447	441	1.70%
Hamilton	PUNHCARD	384,336	377,899	6,437	1.67%
Wayne	PUNHCARD	43,151	42,436	715	1.66%
Miami	SCAN	43,555	42,841	714	1.64%
Butler	PUNHCARD	138,992	136,737	2,255	1.62%
Licking	PUNHCARD	63,490	62,466	1,024	1.61%
Auglaize	PUNHCARD	20,212	19,892	320	1.58%
Coshocton	SCAN	14,493	14,268	225	1.55%
Williams	PUNHCARD	16,170	15,919	251	1.55%
Union	PUNHCARD	17,288	17,024	264	1.53%
Fairfield	PUNHCARD	54,913	54,094	819	1.49%
Warren	PUNHCARD	70,109	69,078	1,031	1.47%
Medina	PUNHCARD	67,850	66,883	967	1.43%
Fulton	PUNHCARD	19,161	18,896	265	1.38%
Ashland	SCAN	21,535	21,258	277	1.29%
Ross	ELECTRONIC AVB: scan	26,348	26,016	332	1.26%



Wood	PUNCHCARD	52,832	52,194	638	1.21%
Hancock	SCAN	30,958	30,617	341	1.10%
Ottawa	SCAN	20,185	19,968	217	1.08%
Knox	ELECTRONIC AVB: scan	21,488	21,260	228	1.06%
Delaware	PUNCHCARD	55,959	55,403	556	0.99%
Pickaway	ELECTRONIC AVB: scan	17,912	17,740	172	0.96%
Allen	SCAN	44,207	43,795	412	0.93%
Franklin	ELECTRONIC AVB: Punchcard	417,800	414,074	3,726	0.89%
Geauga	SCAN	42,963	42,600	363	0.84%
Lake	ELECTRONIC AVB: Punchcard	103,347	102,564	783	0.76%
Hardin	Precinct: AVM AVB: Punchcard	12,159	12,068	91	0.75%
Lucas	Precinct: AVM AVB: Punchcard	188,419	187,350	1,069	0.57%
Shelby <sup>2</sup>	PUNCHCARD	19,670	19,670	0	0.00%
<b>TOTALS</b>		<b>4,795,989</b>	<b>4,705,457</b>	<b>90,532</b>	<b>1.89%</b>

The data shows 29 counties with the highest over/under vote percentage in the 2000 election were all counties that use the punch-card method of voting. The seven counties with the lowest over/under vote percentage in the 2000 election were all counties that did not use punch cards as their primary voting system.

The Ohio challenge in meeting the voter and election reforms envisioned by the Help America Vote Act is obvious. In simplest terms, Ohio is a large and populous state with a diverse mix of urban and rural voters that predominantly relies on punch-card voting as its prevailing voting mode. Modernizing the state's election systems will require widespread change throughout the state and in its most populous counties.



The transition will require a solution that must consider large and small counties, rural and urban areas, and adjustments that will affect an overwhelming majority of Ohio voters. The obvious corollary challenge is selecting a system configuration that meets the needs of all those counties, training election officials and poll workers to use new voting systems, and familiarizing Ohio voters with new voting devices.

While on its face, this appears to be a daunting challenge, we are confident Ohio's State Plan logically anticipates those factors and will meet the guidelines, demands, timetables and expectations of the Help America Vote Act.

<sup>2</sup> Shelby County, a punch-card county, reported no over/under vote in the county's vote tabulation in the 2000 presidential election cycle. This would appear to be a reporting error.

## V. Voter Trends: the Context for Change and Reform

We pause only for a moment in this report to reflect on voter turnout in Ohio. We do so for several reasons, not the least of which Ohio contemplates election reform and system modernization to take place in a presidential election year when voter turnout is higher and demand on the election system is greatest.

We also explore voter turnout and trends as context for meeting the most desirable benefit and objective of the Act: to restore public confidence in the election system and, subsequently, increase voter participation. While new, more technologically proficient systems, increased voter registration, accessibility and accuracy are hallmarks of Help America Vote, the more encompassing aim of the Act is to invite more voters into the process to exercise their rights and responsibilities as qualified electors.

In developing the State Plan, we must anticipate that voter participation will increase, voter turnout percentages will climb, and demand on the election system will be greater. We can only gauge those factors based on Ohio's experience in past elections and the historical trends that will serve as a predictor of future trends.

The following table tracks Ohio voter turnout in both gubernatorial elections and presidential elections during the past 24 years.

Gubernatorial Election Years			Presidential Election Years		
Year	No. of Electors Voting	Turnout Percentage	Year	No. of Electors Voting	Turnout Percentage
1978	3,017,326	58.23%	1980	4,378,937	73.87%
1982	3,551,995	62.36%	1984	4,664,223	73.65%
1986	3,261,870	54.38%	1988	4,505,264	71.79%
1990	3,620,469	61.23%	1992	5,043,094	77.15%
1994	3,570,391	57.29%	1996	4,638,108	67.83%
1998	3,534,782	49.81%	2000	4,800,009	63.73%
2002	3,356,285	47.24%			

The chart shows that during the course of the past six gubernatorial elections, voter turnout has averaged about 55.79 percent. During the past six presidential elections, voter turnout in Ohio has averaged 71.33 percent. Based on this historical data, Ohio can generally anticipate about 1.25 million more voters in a presidential election year than in a gubernatorial election cycle.

Even a modest 5 percent gain in that average means 62,500 more voters. Subsequently, based on projected population growth and increased voter participation as a result of election reforms and modernization, our State Plan assumes 150,000 new voters during peak presidential elections growing at an annual rate, after initial implementation of new systems and election reforms, of 3 percent per annum.

As a result, our Plan assumes that growth rate and the recommended voting systems design model proposed in this report anticipates that growth and demand on the state's election system in future peak presidential voting years. We use the presidential voting cycle as a base for our plan because that assumes the heaviest potential voter turnout and the busiest times for local boards of elections.

Since 1978, voter participation in the state's gubernatorial elections has grown from 3 million voters to about 3.3 million voters. Since 1980, voter participation in presidential elections has grown from about 4.3 million voters to about 4.8 million voters. Factoring population growth during those decades, those statistics would imply that voter participation has remained relatively flat and, in all likelihood, is trending lower.

We have a high confidence level that the election reforms of the Help America Vote Act will produce more voter activity and a greater number of voters. Ohio doesn't view the Act as a final effort to produce greater voter participation, but the beginning of an expanded effort to entice more voters to exercise their rights and responsibilities to participate in the election process.

We believe modernization and reform require us to actively engage in voter education and to continue to evaluate programs that will produce greater participation in the democratic process. We pledge our effort to continue to explore new and innovative programs that will achieve those objectives.

## **VI. How Ohio Developed its State Plan**

In development of the State Plan, we insisted on inclusion in both creation of the State Plan Committee and in public input into the process. This report represents a broad outreach to minorities, senior citizens, people with disabilities, elected officials, election officials, public interest groups and the public at large.

Our foundation principle in developing this plan was based on the view that such far-reaching reforms to a system so vital to the most fundamental democratic process in our state and nation required a fair, open and dynamic process where there is an opportunity for every voice to be heard. We were proactive in developing a structure to embrace that principle.

As a first step in our process, we widely publicized hearing dates and created a web site that invited public comment and input. We invited written testimony from groups and organizations who wanted to lend their perspective to election reform in Ohio. Additionally, we actively solicited input from critical stakeholders for our public hearings, including key representative voices from among groups such as the Urban League, the League of Women Voters, the Disability Policy Coalition, and the American Association of Retired Persons (AARP).

Our lead-off witness was Chet Kalis of the House Administration Committee, who worked closely with U.S. Rep. Bob Ney, R-Ohio, primary sponsor of the Help America Vote Act of 2002. We asked Mr. Kalis to lay the groundwork for our committee by providing them with a foundation perspective of the Act, its mission, aims and objectives.

The State Plan Committee also heard from Doug Lewis, executive director of The Election Center, a national nonprofit organization serving the elections and voter registration profession. Mr. Lewis developed and authored the Professional Education Program for elections/registration officials – named the best continuing education program in the nation by the National University Continuing Education Association.

Mr. Lewis was able to provide the committee with a national view of election reform and voter registration from the valuable perspective of someone with intricate knowledge of election systems across the nation.

To provide the perspective on Ohio, Dr. Herb Asher, professor emeritus of political science at The Ohio State University, brought election reform home for our State Plan Committee. Few voices are more respected than the voice of Dr. Asher as a knowledgeable expert and commentator about the political and election process in Ohio.

While the State Plan Committee itself included representation from boards of elections, we reached out to three other boards to provide the committee with a strong representative sample of the diverse local election operations in the state. Among those invited to testify were Janet F. Clair, director of the Lake County Board of Elections, Rita Yarman, deputy director of the Knox County Board of Elections, and Terry Burton, deputy director of the Wood County Board of Elections.

The testimony of the three elections officials was particularly valuable to the Committee because Lake and Knox counties are two jurisdictions that recently modernized their election systems. In addition, four other counties – Ross, Pickaway, Mahoning and Franklin counties – currently have electronic-based voting systems. Wood County represents one of the Ohio counties facing an extensive overhaul of its system under the Help America Vote Act.

Dolores Blankenship, advocacy volunteer from AARP, offered the State Plan Committee an incisive look at the election process through the eyes of a senior citizen, and eight witnesses representing the Disability Policy Coalition offered riveting testimony about the Election Day challenges facing voters with disabilities.

The strong presence of people with disabilities in these hearings underscores the importance Ohio attaches to this issue and our resolve to provide physically challenged voters with every opportunity to cast their ballot in a setting that assures their access to the polls and their right to cast a ballot unrestrained by barriers and obstacles that preclude their full participation in the voting process.

Peg Rosenfield, a former state elections official and now a representative of the League of Women Voters of Ohio, provided testimony on behalf of that voter advocacy group, and Ernest Perry of the Columbus Urban League was the voice for that group.

The final witness was Eric Seabrook, chief counsel to the Ohio Secretary of State, who described the administrative complaint procedure envisioned by Secretary of State Blackwell and the potential contracting procedures under review to establish an election system that meets the uniform voting standards of the Help America Vote Act.

The State Plan Committee met in public session on April 3-4 to hear testimony from these witnesses and then reconvened on April 17 for a focused facilitated work session to refine and finalize the State Plan.

We believe the process used to develop the State Plan in Ohio is one of the most aggressive public outreach efforts in the nation. While the aim of the process was to be as inclusive as possible, we think it had the added benefit of educating and informing the committee and citizens of our state about the Help America Vote Act and its far-reaching implications for an improved voting and election system in Ohio.

The open and proactive design of our process signaled to every Ohioan the importance of enacting voter and election reforms in the state, and how that reform was likely to affect their participation in the electoral process.

In addition to the public hearings, the Secretary of State solicited all Ohioans to provide input to the plan by providing written communications with his office or to communicate ideas via the Secretary of State's website. This communication was provided to members of the State Plan Committee and is attached as part of the State Plan.

## VII. Federal Funding Assumptions of the Act

The Help America Vote Act of 2002 makes available certain federal funding to help achieve requirements and mandates of the Act. The funding components of the Act are reflected in Title I, Title II, Title IV and Title V. In summary, the federal government has agreed to the following federal funding thresholds for each of the Title sections of the Act:

### Title I – Antiquated Machine Buy-Out

- \$325 million for buying out punch-card and lever voting machines.
- \$325 million in payments to states to improve election administration.

### Title II – Election Assistance

#### Requirement Payments

- \$3 billion for meeting requirements, poll-worker training, voter education, and improving administration of elections.

#### Access Grants

- \$100 million for increasing polling place access for voters with disabilities

#### Research Grants

- \$20 million for research and development to improve voting technology

#### Pilot Program Grants

- \$10 million for pilot programs to test new voting systems and equipment.

#### Protecting and Advocacy Systems Payments

- \$40 million for state protection and advocacy systems.

### Title V – Help America Vote College Program

- \$5 million to encourage college students to participate in the political process by volunteering as poll workers.

### Title VI – Help America Vote Foundation

- \$5 million to encourage high school students to participate in the political process by volunteering as poll workers.

Of obvious, primary and immediate importance to the State of Ohio is the Title I funding and the state's share of Title II monies for Requirement Payments for poll-worker training, voter education, and improving administration of elections, as well as federal funds available for Access Grants to make election sites more accessible to people with disabilities. These three specific funding sources enable Ohio to address what we regard to be the core modernization and reform of its election system.

The buy-out program under Title I has special implications for Ohio because of the prevalent use of punch-card voting in the state. Likewise the \$325 million being allocated to states to improve election administration is important because these funds represent resources that will be allocated for development of a centralized voter registration system in the state.

*The state will apply for research and pilot program grants. But for now, our focus is to first establish a reliable, accurate and fair election system, conduct the training and education necessary to make that system work, and to ensure accessibility of the disabled and physically challenged citizens of our state. The Secretary of State believes Ohio should be particularly aggressive in seeking available federal funds under Title II for access grants to make Ohio's polling places more accessible to the disabled.*

Title I largely represents base funding for Ohio to address the mechanical implementation of the Help America Vote Act. Title II payments represent a source of funding to train, educate and administer the state's election program once the transition is made from punch-card voting to a more modern mode of voting, and to make poll sites more accessible to people with disabilities. Later in the plan, we discuss allocating a portion of Title II funds to voting system upgrades.

The state will apply for research and pilot program grants. But for now, our focus is to first establish a reliable, accurate and fair election system, conduct the training and education necessary to make that system work, and to ensure accessibility of Ohio's citizens with disabilities. The Secretary of State believes Ohio should be particularly aggressive in seeking available federal funds

under Title II for access grants to make Ohio's polling places more accessible.

Of note and as it relates to Title V and Title VI of the Act, the Ohio Secretary of State's office is currently conducting research related to poll worker issues. A component of that research anticipates a greater role for high school and college students in the electoral process, as well as other initiatives that will enhance the identification, selection, education and training of poll workers.

As this State Plan is being submitted, we anticipate that research will be completed and recommendations forthcoming in the next few months about how Ohio will maximize poll-worker recruitment and training, and ensure the presence of quality, qualified poll workers in every precinct.

Such initiatives underscore our determination to not only meet the minimum requirements of the Help America Vote Act of 2002, but to make Ohio a model state for implementation of these reforms and to lead the nation in development and

implementation of a modern, fair, reliable and accurate election system. As U.S. Rep. Bob Ney led the federal initiative to enact the Help America Vote Act, it was the mandate of our State Plan Committee to formulate a plan that makes Ohio a showcase for election reform.

## VIII. Distribution of Resources to Local Governments

We first explore our proposed distribution of aid to local government under Title I. Under guidelines of the Act, these funds must be used assuming the following criteria:

- These funds may be used as a reimbursement for costs associated with punch-card or lever machine replacement incurred after Jan. 1, 2001.
- There is a presumption states must ensure compliance in time for the November, 2004 Federal Election.
- Within six months after the date of enactment, Ohio must certify that the state will use the money for punch-card/lever machine replacement, the state will comply with federal laws, and the voting system will meet new voting system standards.

We anticipate that no change in state law or new legislation will be required to carry out the activities required for certification.

At this writing, the Congressional Research Service (CRS) estimates that full-funding under the Act, for both Title I and Title II receipts, will total \$155,251,155. CRS estimates \$116,423,155 of that amount represents Title II funding under the Requirements Payments component of the Act.

In addition, the state has appropriated \$5.8 million in matching funds for Title II payments, as required by the Act, which means total available funds for implementation of the State Plan in Ohio will be approximately \$161 million.

All money in Title II is based on the state's portion of the nation's voting age population. The most recent estimate is that Ohio's 8.5 million voting-age population represents 3.97 percent of the nation's voting age population of 215.1 million.

Because of the prevalence of punch-card voters in Ohio, we are keenly focused on the distribution of funds under Title I and, more precisely, the buy-out program. The Act stipulates the funds will be distributed to states by multiplying the number of qualifying precincts by \$4,000. However, based on available federal funds for this purpose and the number of punch-card and lever-machine jurisdictions in the U.S., it now appears that number likely will be about \$3,354 per precinct. As previously mentioned, Ohio has 69 counties designated as punch-card counties.

In addition, two Ohio jurisdictions – Hardin and Lucas counties – feature lever voting machines and would be eligible for funding under the guidelines.

In total, under the formula, the 69 punch-card counties and two lever-machine counties in Ohio means the state would be eligible for about \$31 million in federal funds under the buyout program.

However, we know \$31 million is insufficient for the counties to purchase modern, reliable voting systems capable of meeting requirements of the Act. Subsequently, our budget for voter and election reforms in Ohio presumes the state will require about \$24.2 million to establish a centralized voter registration database and related support for voter education and poll worker training. Our plan calls for the remainder of the Title funds to be allocated to Ohio's 88 counties to help subsidize installation of new systems and implement other required activities under the Act.

Following is the budget we envision for distribution of the \$161 million in funds in Ohio to meet requirements of the Help America Vote Act:

<b>Activity</b>	<b>Fund Distribution</b>	<b>Jurisdiction</b>	<b>Purpose</b>
Voter Registration Database	\$5 million to \$10 million	State	Develop statewide voter registration database
Voter Education	\$5 million to \$10 million	State	Administered by the State in coordination with the counties
Poll Worker Training	\$5 million	State	To be distributed as grants to counties
Administrative Expenses	\$2 million	State	For state personnel to administer and monitor HAVA implementation
Provisional Voter Hotline	\$250,000	State	To establish a state hotline for provisional voters
Miscellaneous	\$2 million	State	For associated costs of implementing HAVA
Voting Equipment and other Activities	\$136 million	State on behalf of Counties	For new voting equipment and to meet other HAVA requirements

In simplest terms, this allocates Help America Vote funds where the money is needed most: in Ohio counties. While it is the responsibility of the Ohio Secretary of State to monitor performance and ensure implementation of the Act, the execution of the Ohio plan, ultimately, will take place at the county level. On that basis, we believe it prudent to maximize resources for election reform in the counties where election reform will occur.



While much of the focus is on the counties with punch card and lever-machine voting systems, in reality, all 88 Ohio counties will be expected to conduct some form of system modification and upgrade to make the system in Ohio uniform and compliant with the Act. Subsequently, the premise of the Ohio Plan is to look at the voter and election system statewide, based on the distribution of registered voters in each of the 88 counties.

Viewed in that context, the \$136 million to be allocated to the counties will be distributed in the following priority order, as federal funds become available:

- Replacement of punch-card and lever-machine voting equipment to the extent that new voting systems would be installed immediately in the 71 affected counties;
- Installation of voting devices compliant with the disability requirements of the Act in all 88 counties;
- Bringing remaining counties into compliance with Section 301 of the Act by funding necessary upgrades and refinements of all other existing systems and equipment.

The Secretary of State reserves the right to distribute the funds to counties based on need and special circumstances.

The Secretary of State defines "need and special circumstances" to mean that it is possible some counties will need less funding and others more funding to meet the compliance standards of the Help America Vote Act. On that basis, the Secretary of State will shift funds as he deems necessary to bring all counties into compliance.

The Secretary of State acknowledges that one county, Mahoning County, took the initiative to convert their voting system to electronic voting after Jan. 1, 2001. Funding consideration will be given to all six Ohio counties using electronic voting equipment to bring those counties into compliance with HAVA.

We think this model provides us with great flexibility to allocate Title I and Title II funds in a way that assures full compliance with the requirements of the Act. Invariably some funds would be shifted away from counties that demonstrate a lesser need and reallocated to counties that demonstrate a greater need. But the allocation method is a fair method that will further assure all counties that adequate funds will be available to fully fund the requirements of the Act at the local level.

The Ohio Secretary of State will establish guidelines as part of the performance measurement for county compliance. When compliant systems are purchased for the counties, the Secretary of State will require transition to new voting systems by all punch-card and lever-machine counties by Feb. 1, 2004. The Secretary of State will provide counties with a list of acceptable vendors to supply the new voting equipment and counties must choose from that approved list by no later than Sept. 1, 2003.

Since the Secretary of State will centralize and oversee this process, the Secretary will ensure compliance with all requirements of the Help America Vote Act. The performance timeline requires the Secretary to establish the list of approved vendors by Aug. 1, 2003, providing county boards of elections with ample time to review the list, choose the vendor and establish transition to the new voting systems between Sept. 1, 2003 and Feb. 1, 2004.

To ensure uniformity and compliance, the Secretary of State will stipulate design specifications for voting equipment. If a county fails to select a vendor by Sept. 1, 2003, the Secretary of State will designate a vendor for that county and order installation of new voting equipment in that jurisdiction by the Feb. 1, 2004 deadline.

Although the Act requires the replacement of punch-cards and lever machines by the General Election in 2004, the Secretary of State wants these new systems in place in Ohio for the Primary Election to ensure a smooth, seamless transition and full operational capability in time for the presidential election.

The Secretary of State has already established a fund account for all federal monies designated for Ohio under the Act and those funds, as applicable, will be disbursed from that account as our plan is implemented. This account is segregated to reflect federal funds designated for county buy-outs, election administration and Requirements payments.

Reports will be generated to show the allocation and distribution of these funds and that report will be forwarded to the Election Assistance Commission along with a performance report to show the state's progress and performance in implementing provisions of the Act.

## IX. §301. Meeting the Voting System Standards of the Act

The Help America Vote Act requires "uniform and nondiscriminatory election technology" that meets specific voting system standards. Ohio has opted for a program that specifically addresses the requirements of the Act, but provides counties with some degree of flexibility in choice of vendor and how they implement and develop voting systems to meet the particular needs of their region.

Assurance that the state will meet voting system standards specified in the Act is the responsibility of the Secretary of State, so system specifications will be drafted by the

*Providing counties with the ability to choose among a list of qualified vendors preserves the involvement of the counties in the vendor process while maximizing the buying power of the state under a state term contract procedure. The Secretary of State will serve as the primary contractor for voting devices in the State of Ohio, embracing the concept that the ultimate beneficiaries of the contract are the counties*

Secretary and the list of available vendors will reflect only those companies that submit bids demonstrating their ability to meet the rigorous and unambiguous system specifications and timelines established by the Secretary.

To ensure compliance with the Act, the Secretary of State will appoint a committee comprised of knowledgeable persons in the Secretary's office who have the technical capability to review vendor proposals for electronic voting equipment and tabulating devices and the committee will recommend final adoption of a list of approved vendors that meet system specifications. The committee will review standards set by the Standards Board and

make recommendations to the Secretary based on tabulating systems meeting the standards set by the Federal Election Commission.

Additionally, the Secretary of State will ask the state's Board of Voting Machine Examiners to review the recommendations of the committee to ensure the vendors and systems meet not only the requirements of the Act, but are reasonable based on their knowledge of Ohio counties and their voting needs. The Board of Voting Machine Examiners currently provide a valuable service to the Secretary of State in the certification of voting equipment to ensure the equipment meets established certification criteria set by the National Association of State Election Directors.

It is logical this group assist the Secretary in this important endeavor to modernize and reform Ohio's voting systems.

Providing counties with the ability to choose among a list of qualified vendors preserves the involvement of the counties in the vendor process while maximizing the buying power of the state under a state term contract procedure. The Secretary of State will serve as the primary contractor for voting devices in the State of Ohio, embracing the concept that the ultimate beneficiaries of the contract are the counties.

Ultimately, the responsibility for ensuring compliance with the Help America Vote Act of 2002 falls to the chief elections official in the state. But the Secretary of State recognizes the execution of the Act will take place at the county level.

Each vendor chosen to participate in the selection process must demonstrate a capability to serve the whole of the state and, potentially, all 88 counties. Successful vendors must also certify their ability to provide the volume of equipment required to service the state, and demonstrate the organizational capacity to provide statewide support, training and service to county clients.

Eligible vendors must assure their equipment meets a high threshold of security, accuracy and ease of use. They must also ensure timely delivery of equipment to meet the deadlines established by the Secretary of State for full implementation and operation by Feb. 1, 2004. Finally, the financial viability of the vendor will be a consideration for the awarding of contracts.

The Secretary of State believes training and education are essential to the successful deployment of new voting machine equipment. The best technology available is rendered useless unless vendors can provide adequate training and education to ensure both election officials and voters know how to use the equipment efficiently and effortlessly.

To achieve the education and training objective, some states have earmarked a portion of available money specifically for that purpose. We will request vendors designate how much of their proposal specifically applies to training and education.

Absent a recitation of detailed technical requirements listed in the request for proposal that will be issued by the Secretary of State, the Secretary insists successful bidders must provide a system that, at minimum, accomplishes the following:

#### General Requirements

- Guarantees voters will be able to verify their ballot before it is cast and counted. This means the system must include features that allow voters to

vote, review their ballot choices and decisions, and correct errors or omissions before submitting their vote for final tabulation.

- As part of the review and correction process, if a voter selects more than the permissible number of candidates for a single office, the system will alert the voter of the selection and its impact, or prevent over-voting. Additionally, the system must give the voter an opportunity to correct the ballot before it is processed and counted.
- In addition to providing equipment, hardware and applicable software to accomplish these features, vendors will be required to include, as a supplement to the system, information materials clearly explaining the operations and functions of the voting equipment, the effect of casting multiple votes for one office, and corrective procedures and processes available to voters. The system also must alert voters when they have failed to vote for a candidate or issue. We envision a simple pamphlet or brochure that will be available to every voter written in clear language with amplifying graphics.
- The system must ensure the privacy of the voter and confidentiality of the ballot.

#### **Audit Capacity**

- While the system allows the vote to be counted and tabulated electronically, the system also must be capable of producing a permanent paper record that can be audited manually. The paper record must be produced in such a way as to function as an official record for any potential recount or any question that might arise subsequent to the election.

This issue was addressed by several witnesses and State Plan Committee members during our public hearings. Almost everyone agrees that to ensure public confidence in any voting system, there must be a paper trail that will provide election officials, the public and media with a permanent, retrievable and readily accessible record and history of the election and provide a traceable mechanism to accommodate questions, election-related issues and recounts.

Ms. Rosenfield of the League of Women Voters told the State Plan Committee that an audit capacity in the form of a paper record was critical to reassure the public and the media that an open and fair election was conducted. We agree and this component is essential to any system configuration advanced by all prospective vendors.

#### **Disability Access**

- The system must be accessible for individuals with disabilities, including non-visual accessibility for people who are blind or who have visual impairments,

ensuring the same standards for privacy and confidentiality afforded to people without disabilities. This means the voting system for people with disabilities must allow them to vote unassisted. At least one voting device must be available at each polling location that includes, at minimum, audio features. Additional features could include keypad functions and enlarged font size. The system must also include features that accommodate people who have limited mobility. That means the device must be of a sufficient weight and size to be transported within the environs of the voting location in those facilities that may not be readily accessible and sufficiently adjustable to match voters' eye levels.

During the hearings, we heard from several witnesses with first-hand knowledge of disabilities who underscored for us the importance of not only focusing on voting devices, but the accessibility of polling places. Technology, we were told, does not remedy polling locations that are difficult for people with disabilities to navigate or facilities that lack adequate amenities, such as accessible restrooms.

Karla M. Lortz of Delaware, Ohio, reminded us that voting is a basic American right that should not be restricted or diminished because of a disability. She also emphasized the need to train and educate poll workers about persons with disabilities.

But all of those with disabilities who testified stressed the need to be vigilant about the selection of poll and voter sites to ensure they are barrier free and accessible.

Ohio law requires that a polling place is considered accessible if it is free of barriers that would impede ingress and egress of people with disabilities. The law requires the entrance to be level or feature a nonskid ramp of not more than 8 percent gradient. Doors must be a minimum of 32-inches wide (R.C. 3501.29.)

The Secretary of State will require that all election sites and facilities be reviewed for access to ensure these voting locations meet and, if possible, exceed these minimum standards. At the recommendation of committee member Eric Duffy, the Secretary also will convene a committee to study this issue and to make recommendations about how the state can best address the needs of voters with disabilities.

#### Alternative Language Accessibility

- Where applicable and in those precincts where substantial non-English speaking populations exist, voting systems must provide alternative language accessibility pursuant to the requirements of the Voting Rights Act of 1965. This alternative-language accommodation shall be available in any precinct where it is determined that 5 percent or more of the registered voters in any precinct might be non-English speaking voters. Each county board of elections is required, 30 days prior to any election, to assure that alternative language mechanisms are available, as mandated by law.

Based on the current composition of the state's population, there is no concentration of non-English speaking populations that warrant specific activities in this

regard. However, as the composition of the state's population changes, counties will be required to address this issue as the need arises.

### Error Rates

- All voting systems in the state must achieve an error rate threshold that complies with error-rate standards established by the Federal Elections Commission (FEC) which are in effect 30 days prior to any election. The Secretary of State will take steps and facilitate measures to require performance of logic and accuracy tests by counties before elections and will require counties to have all system tabulating equipment and programs tested to ensure the correctness of the vote count cast within the error parameters established by the FEC.

### Additional Considerations

Although we explore this later in our discussion of voter education, we offer two additional vendor considerations for our system specifications. The Secretary of State invites vendors to consider, as part of their proposal, a model or "practice" voting device that simulates the actual voting machine at the polling place. We believe this feature would provide voters with an opportunity to become more familiar with the voting equipment before actually casting their vote.

*In addition, the Secretary of State will ask vendors to make available software that would enable voters to access such simulators on the Secretary's website via the internet. This feature would enable voters, at their leisure, prior to Election Day, to learn more about the equipment they will use at the voting place and practice using the equipment and devices on the internet.*

These so-called simulators, we believe, would provide some voters with a greater comfort level at the polling place if they are provided an opportunity to "practice" on a simulated voting device.

In addition, the Secretary of State will ask vendors to make available software that will enable voters to access such simulators on the Secretary's website via the internet. This feature would enable voters, at their leisure, prior to Election Day, to learn more about the equipment they will use at the voting place and practice using the equipment and devices on the internet.

While we regard this to be part of our proposed voter education program, we think these innovations would help voters better understand the new technology, ease their apprehension about the use of new voting technology, and speed the voting process at the polling place.

We think these elements would minimize much of the confusion that invariably will accompany the conversion of voting systems in the majority of Ohio counties. As more and more Ohioans enjoy expanded access to the internet and world wide web,

cyberspace would seem to be a logical environment to offer these features as an enhancement to Ohio's voter education program.

### Uniform Definition of Vote

Ohio law grants broad authority to the Ohio Secretary of State with regard to election rules and regulations. H.B. 5 passed by the Ohio Legislature in the 124<sup>th</sup> General Assembly gives the Secretary authority to issue directives and these directives have the same weight as law when applied to election-related matters and issues.

We note this authority in the Secretary's ability to establish a uniform definition of a vote. Currently, Ohio law addresses the definition of a vote for punch-card ballots. Similar legislation was considered for "optical scan" voting devices, but with passage of H.B. 5, the Secretary of State embraced a definition of vote for optical scanning equipment as part of his directives authority.

As is evident, the Secretary of State has the power and authority, via directive, to adjust, modify, revise and refine a uniform definition to meet the state's needs based on the voting systems adopted in the state. However, the Secretary will consult guidelines established by the Federal Election Commission, the Voting Rights Act and all other federal authority in establishing a uniform definition of a vote in Ohio.

We include with the plan, as an attachment, the language that gives the Secretary of State this authority.

## X. Voter Education, Election Official and Poll Worker Training

Achieving the mechanical and technological change of the Help America Vote Act of 2002 is only part of the challenge of enacting true modernization and reform of Ohio's voting system. While devices will enhance the efficiency of Ohio's voting and election process, voter education and training of election officials and poll workers is critical to full implementation of the reforms to the benefit of Ohio voters.

*We are mindful of an exciting objective of the Help America Vote Act: to engage high school and college students in the process. Several State Plan Committee members noted the desire to better engage young Ohioans in the election process as both a means to recruit bright, knowledgeable students as poll workers and as an opportunity to make more young people stakeholders in the process.*

Earlier in this report, we alluded to research currently being conducted by the Secretary of State's office to improve poll worker recruitment, training, education and retention. That effort addresses the reality that many of our current poll workers are from a generation that places a premium on voting, elections and the democratic process. Many of our poll workers are senior citizens who very much value freedom and free election processes as a result of their experiences in growing up in the World War II and Korea era.

To these marvelous citizens, voting isn't just a right it's an obligation and a

precious American birthright that has been paid for with the blood, sweat and tears of those who sacrificed their lives on foreign soil. As these citizen patriots retire from the poll worker ranks in Ohio's election system, we are looking to the future to determine how best we can recruit the next generation of poll workers who will embrace this important Election Day service with the same degree of commitment, enthusiasm and competence of our older poll workers.

We are mindful of an exciting objective of the Help America Vote Act: to engage high school and college students in the process. Several State Plan Committee members noted the desire to better engage young Ohioans in the election process as both a means to recruit bright, knowledgeable students as poll workers and as an opportunity to make more young people stakeholders in the process. Our research is exploring that challenge and opportunity to pass the torch to the next generation. But the research is also looking at other creative options to ensure Ohio has a ready, able and competent corps of poll workers.

Obviously, these poll workers must be adequately trained to render assistance to voters in a competent and knowledgeable way, not only in terms of helping them understand and use the new technology that accompanies election reform, but also by applying the laws and addressing the myriad of Election Day issues that invariably arise.

Provisional voting, for example, was a challenge for many of our poll workers during past election cycles as Ohio aggressively implemented new procedures to accommodate provisional voters. Our poll workers have successfully navigated provisional voting and have successfully met the needs of provisional voters.

But to adequately train poll workers, we must first train election officials. The Secretary of State will meet that challenge with a number of programs and initiatives. New training seminars will precede each election in Ohio where election directors and their staff will be given an opportunity to learn about new procedures and changes.

The Secretary of State also will enhance its electronic communication with election officials by providing updates and advisories about changes in state and federal election law. Our goal is to provide this information as soon as we have the information in hand.

Additionally, the Secretary of State will conduct an inventory of current training materials and produce new information and guidelines in both written and video formats. The Secretary also has asked his staff to provide election directors with new materials that can supplement the training of poll workers.

To ensure seamless transition to new voting systems, we are asking system vendors to partner with us in the production of clear, graphically-driven pamphlets and brochures that tell voters how the voting devices work. Earlier we mentioned the use of simulators and internet-based simulation of new voting devices to provide voters with an opportunity to try out the new technology even before they enter the voting booth to cast their official ballot.

We think these enhancements and initiatives will advance our implementation of the Help America Vote Act in Ohio and pave the way for a smooth transition to new voting devices and election processes. Some of our preparation for new election processes in Ohio includes some structural changes. We are asking each county board of



elections, for example, to designate a training coordinator who will communicate directly with an election training coordinator in the Secretary of State's office.

It is our aim for these coordinators to meet frequently throughout the year, exchange information and help us think about ways to improve the election system in Ohio.

After the election, we will gather from all 88 counties a report from these coordinators detailing issues, questions and problems they encountered and how they addressed the situation. From these reports, the Secretary of State will use that data and information to respond to election issues and disseminate that information to election directors so they can make refinements at the local level in subsequent elections.

But to glean a voters-eye view of the process and how we can improve the election system, we will distribute to a selected sample of voters in every county a short survey device that will track their voting experience and give them an opportunity to provide us with feedback on how we can improve the process. The survey will be distributed to a pre-determined number sample of voters throughout the state as they exit the voting booth.

We think this innovation is important to better understand voter needs and to view our election process through the eyes of the "consumer." Information we collect from both coordinators and the sample voters will guide us in developing relevant and meaningful training materials for both election officials and poll workers in future elections.

The Secretary of State also will develop a new "get-out-the-vote" program in Ohio that will encourage more voters to participate in the election process. While such programs currently exist in the Secretary of State's office, personnel will be dedicated to conducting research and learning more about voter behavior in Ohio.

In many states, the appeal is often directed at those who are registered to vote, were registered to vote or who have voted in the past. The Secretary of State would like to target potential new first-time voters by coordinating voter recruitment with civics and government teachers in high schools throughout Ohio where there is a captive audience of potential new voters. Additionally, the Secretary would like to initiate research that targets Ohioans who have never voted to learn more about their decision not to

*Understanding more about voter behavior and non-voter behavior, we believe, is a proactive step we must take to fully embrace the spirit, intent, principles and objectives of the Help America Vote Act.*

participate in the election process and to determine if there are programs and initiatives that can be implemented to address their concerns and entice them to the polls.

Understanding more about voter behavior and non-voter behavior, we believe, is a proactive step we must take to fully embrace the spirit, intent, principles and objectives of the Help America Vote Act.

The proposed budget for these activities is \$10 million to \$15 million, with \$5 million to \$10 million earmarked for voter education, and \$5 million set aside for election official and poll-worker training. We propose making election official and poll-worker training funds available as state

grants to the counties to supplement local activities and initiatives of the county boards of elections.

As counties deliberate equipment and voting systems, we will encourage them to consider appropriation of available residual funds to voter education and poll worker training. In crafting local budgets to achieve the objectives of the Help America Vote Act, we believe counties must give consideration to these initiatives to supplement state efforts for education and training.

In order to qualify for these funds, counties must submit to the Secretary of State a detailed plan that identifies proposed programs and initiatives and how the funds would be used. After each General Election, counties would be required to report on the deployment of these programs and their assessment of the value of the education and training.

## XI. §302. Provisional Voting and Voting Information

The critical role of provisional voting in election reform was underscored by a college newspaper in Ohio several years ago that reported only 5.4 percent of registered students at Ohio University actually voted during one election cycle in the late 1990s.<sup>3</sup>

Provisional voting makes it possible for many more of those students to engage and participate in the elections process. Provisional voting is a way to ensure every eligible voter who shows up at the polls on Election Day can cast a ballot.

*For purposes of our State Plan, suffice that Ohio and the Secretary of State, as a matter of public policy, embraces the concept that every effort should be made at every board of elections in the state to accommodate every voter who, for whatever reason, does not appear on the certified list of registered voters in any jurisdiction of the state.*

The National Voter Registration Act, or so-called "motor voter" law, protects those who changed their residence, but what about those who, for example, were incorrectly purged from the voter registration list?

Ohio is sensitive to this issue and the Secretary of State is committed to making sure every voter and every vote counts. The Secretary understands that no matter what reforms are enacted, human error will always be a factor in voter registration. No voter should be disenfranchised just because someone made a mistake, or the paperwork on a change of address was overlooked, misplaced,

incorrectly recorded or just didn't get entered into the database in time to be reflected on the voter rolls.

Ohio's system of provisional voting has been successful and voters who otherwise might have been denied a ballot were given an opportunity in recent elections to cast a provisional ballot, and for local boards of elections to determine if those ballots were valid. We have guidelines and procedures in place to address provisional voting in Ohio

<sup>3</sup> The (Ohio University) Post, *Voters still have time*, Oct. 11, 2001.

and we will continue to refine and expand the scope of provisional voting in the state to comply with the spirit, intent and letter of the law in the Help America Vote Act.

The Act requires provisional voting as a condition for receiving federal funding for election reform and Ohio is poised to meet all such requirements. We anticipate the Federal Election Commission will continue to explore this issue and we will make adjustments to provisional voting regulations in the state as those guidelines and adjustments are released.

The Secretary of State also will review, prior to each election, procedures for the handling and processing of provisional votes to ensure full compliance with state and federal guidelines. To provide fullest utilization of the provisional voting mechanism, every local board of elections will be required to adopt provisional voting policies that are weighted more toward inclusion in the voting process than challenges and exclusion in the ballot process.

For purposes of our State Plan, suffice that Ohio and the Secretary of State, as a matter of public policy, embraces the concept that every effort should be made at every board of elections in the state to accommodate every voter who, for whatever reason, does not appear on the certified list of registered voters in any jurisdiction of the state. Provisional voting is a valuable fail-safe mechanism that is an essential component of election reform in Ohio.

Further, we believe those who cast a provisional ballot should have access to mechanisms and procedures that tell them whether their ballot was counted. Toward that end, our budget presumes establishment of a toll-free hotline that will enable provisional voters, after the election, to learn whether their ballot was counted and to receive an explanation about why it wasn't counted if, indeed, a determination was made that it was not a valid vote. We have allocated \$250,000 in our State Plan budget to create and maintain such a hotline and encourage local boards to prominently display information by whatever means to advise provisional voters of this follow-up option.

Additionally, information will be available at every precinct and voting location to explain provisional voting procedures and who may cast a provisional vote. Such information should also be readily available on the Secretary of State's website and all county election board websites, where such sites exist.

As part of the National Voter Registration Act, Ohio has endeavored to forge a partnership with other state public agencies in voter registration and it is logical to extend an invitation to these agencies to also educate, advise and alert prospective voters about their provisional voting options in these venues.

Ohio also would expect to partner with the state's media in making voters aware of the provisional option. We contemplate deployment of a series of public service commercials on local television stations in the days preceding elections advising voters of their options for casting a provisional vote. We think a compelling argument can be made to broadcast outlets around the state that full citizen participation in the election process is public service of the highest order.

## XII. §303. Statewide Voter Registration and Registration by Mail

Maintaining a viable voter registration list is an essential ingredient in conducting fair and participatory voting processes. Centralizing registration in a single statewide database is a sensible change that ensures uniformity, consistency and reliability. To accomplish this task, the Secretary of State will seek one vendor to develop a registration system that must meet the needs of voters and elections officials alike.

The system must be sufficiently functional that all eligible voters can register to vote with ease and simplicity. The system must accommodate both written (mail-in registration and in-person registration) and electronic means for voters to initiate the registration process. Registration sites, locations and opportunities must be varied and plentiful.

It is not sufficient that voters would be required to register only at boards of elections or obtain registration materials only at governmental venues. The successful vendor must anticipate a variety of locations and opportunities for citizens to register in both public and private settings. The system must contemplate a solution for converting current voter registration data now housed in local boards of elections and transferring that data to the centralized database in the Secretary of State's office.

The statewide voter registration system must meet technical demands that will readily allow local boards of elections to seamlessly and effortlessly interface with the state database in a way that assures instant access to all qualified registered voters in their jurisdiction and the state. The system must include sufficient data that provides local election officials with the means to segregate voters by political and geographic

*The statewide voter registration system must meet technical demands that will readily allow local boards of elections to seamlessly and effortlessly interface with the state database in a way that assures instant access to all qualified registered voters in their jurisdiction and the state.*

boundaries to the extent these officials can create and develop voter lists by precinct and voting location.

The system must include features that permit local elections officials to track the voting history of registered voters, identify those no longer legally registered, and readily accommodate change of address or voting status.

And, finally, the system must anticipate that these records are public records and must be maintained in a way that conforms to state public records law and all

other applicable state and federal laws that pertain to voter registration currently in effect.

Our budget presumes a \$5 million to \$10 million allocation for creation and development of a statewide voter registration system.

Closely akin to the registration issue are voter identification requirements. It was the consensus of both witnesses who testified before the State Plan Committee and the committee itself that the Secretary of State should establish policies that expand rather than restrict the types of instruments used by voters as a means of identification. We believe this is in keeping with the spirit and intent of the Help America Vote Act.

As no voter should be denied an opportunity to cast a provisional ballot in those circumstances where their name might not appear on the voter rolls, neither should a voter be denied an opportunity to vote because of arbitrary and restrictive identification requirements. While it is logical the Secretary of State should work in coordination with agencies such as the Ohio Bureau of Motor Vehicles to validate the identity of new voters, such identification requirements must, by definition, extend beyond identification devices such as a valid state drivers' license.

As several Ohioans with disabilities testified, many people with disabilities do not have a drivers' license. It is the intention of the Secretary of State to extend identification requirements to include any reasonable means of identification such as utility bills, rent receipts or any legal or quasi-legal instrument that bears the name and address of the prospective voter.

The policy of the Secretary of State is that voter challenges on the basis of identification should be judged on a liberal construction of voter ID rather than a restrictive construction that would deny the voter an opportunity to cast a ballot.

Based on testimony provided by Mr. Perry of the Columbus Urban League, the Secretary of State also would like to more closely examine the issue of restoring voter rights to persons released from incarceration in the state's Department of Rehabilitation and Corrections. There is a widespread perception that these persons, as a result of felony convictions, have forever forfeited their right to participate in the election process. Such is not the case.

Persons who have had their voting rights taken away because of a felony conviction are subject to re-enfranchisement as legal voters to restore their right to vote. As these persons have presumably paid their debt to society as a result of their incarceration, full integration back into society as fully functioning citizens should also presume their eventual re-engagement and participation in the election process.

For these persons, identification also is an issue because drivers' licenses might have expired during their period of incarceration. At minimum, the Secretary of State pledges to educate election officials and poll workers about the rights and processes available to these individuals.

*The complaint and grievance procedures developed by the Secretary of State are constructed toward development of a non-adversarial complaint process where the desired outcome is a solution or remedy of the problem, rather than a highly evidentiary process.*

### XIII. §402. Administrative Complaint Procedures and Grievances

To fully facilitate implementation of the Help America Vote Act of 2002, Ohio will establish an administrative complaint procedure to address allegations by any citizen who believes their voting rights have been violated under Title III of the Act.

The complaint and grievance procedures developed by the Secretary of State are constructed toward development of a non-adversarial complaint process where the desired outcome is a

solution or remedy of the problem, rather than a highly evidentiary process.

The process adopted by the Secretary of State includes an alternative dispute resolution component that invites parties to seek equitable resolution in that venue as well as through a formal hearing process. When a valid complaint or grievance is filed as part of this process, it is ultimately the state, and more specifically the Secretary of State, that must provide the appropriate remedy.

We attach, as an addendum to this report, the full text of the proposed procedure. Following, in summary, are the relevant elements of the complaint procedure:

- Any Ohio citizen who believes there is a violation of any provision of Title III of the Help America Vote Act may file a complaint.
- All complaints must be in writing, signed, notarized and be sworn under oath.
- The complainant must be identified by name and mailing address, and the complaint must include a description of the violation alleged to have occurred.
- The complaint must be filed with the Secretary of State along with proof of delivery of a copy of the complaint to each respondent.
- In addition to failure to include any of the foregoing, the Secretary of State may reject the complaint if more than 90 days have lapsed since the final certification of the federal election at issue.
- The Secretary of State must establish procedures and schedules addressing when the complaint will be heard and considered.
- The Secretary of State or designated hearing officer must compile and maintain an official record of any proceeding and include submissions and evidence provided.
- Complaints must be heard and determined by the Secretary of State or designated hearing officer, who is required to prepare a report expressing an opinion about whether a violation did occur within 20 days of the filing of such a complaint.
- Any hearings conducted pursuant to the filing of a complaint must be tape recorded.
- Dates, times and locations of hearings must be established and all parties must be given at least five days notice of such hearings.
- All relevant parties, including the complainant and all respondents may appear at the hearing, testify and present evidence. There is no requirement that any

complainant, respondent or any other party to the proceeding be represented by an attorney.

- The Secretary of State or a designated hearing officer is required to prepare a transcript of the tape recorded hearing and that transcript is a public record under Ohio's public records law.
- A final decision must be rendered within 60 days after the complaint is filed.
- If a violation is determined to have occurred, a determination must be issued specifying the appropriate remedy. If a violation is deemed not to have occurred, the complaint must be dismissed.
- The remedy may not include any award of monetary damages, costs or attorney fees, and may not include the invalidation of any election or a determination of the validity of any ballot or vote.
- The decision under this process is final and is not subject to judicial review.
- The complaint and grievance procedure does not preclude any other legal action provided by law.

#### XIV. Ongoing Performance Measurement

*Each year, boards of election throughout Ohio prepare annual budgets anticipating costs and expenses for conducting elections. We recommend that while each board is preparing their budgets that they also take time to review the improvements they have made in their elections operations during the past year and report their progress in meeting election reform objectives under the Help America Vote Act.*

As Ohio anticipates successful implementation of reforms and modernization of its election systems and processes to accomplish its objectives under the Help America Vote Act of 2002, we believe performance measurement is an essential and ongoing requirement to ensure a fair and inclusive election system.

Each year, boards of elections throughout Ohio prepare annual budgets anticipating costs and expenses for conducting elections. We recommend that while each board is preparing their budgets that they also take time to review the improvements they have made in their election operations during the past year and report their progress in meeting election reform objectives under the Help America Vote Act.

The Secretary of State will compile these annual reports and submit a summary of initiatives, improvements and progress to the Election Assistance Commission. We think this is a way for

all election officials in Ohio to remain vigilant of our obligation to continue measuring our performance in making the election process fair and accessible to all Ohioans.

As stated earlier in this report, we view this opportunity to reform Ohio's election system not as an end process, but as the beginning of a renewed effort to fully engage our citizens in their most vital civic responsibility in a democratic process. Election reform, after all, is a futile exercise unless citizens view themselves as stakeholders in their local community, their state and the nation.

Our guiding principle in developing this state plan is that voters should willingly and enthusiastically participate in the electoral process, free of obstacles that might inhibit them from participating. To accomplish that, we, as election officials, are obligated to provide them with the best and most modern tools available so they can exercise their right to vote with assurance that every vote and every voter counts and will be counted on Election Day.

No legal voter should be taken for granted and no legal vote should be discounted or, worse, not counted. Every vote cast, every ballot submitted must be treated as if our very system of government and our way of life depends on it, simply because it does. No greater is the obligation of every eligible voter to be an active, knowledgeable and willing participant in the election process, and no greater responsibility as election officials do we have than to ensure those voices are heard and those votes are counted.

## **XV. Requirements Payments: Maintenance of Effort**

As a condition for receiving Requirements payments under the Help America Vote Act, states must maintain expenditures for funded activities "at a level that is not less than the level of such expenditures maintained by the state for the fiscal year ending prior to November, 2000."

Attached to the State Plan are budget materials that document state spending on election and election administration through the Secretary of State's office for Fiscal Year 2000 (July 1, 1999 – June 30, 2000.)

The total amount of \$2,739,159.04 million does not include reimbursements to county boards of elections for advertising costs related to state issue ballot advertising. The total budget request of the Secretary of State's office for FY 2004 and FY 2005 are sufficient to fund continued investment in elections at this annual level.

Additionally, the Secretary of State shall include a HAVA-compliance and funding report as part of future biennial budget requests of the Ohio Legislature to certify HAVA-compliant funding and continue Ohio's maintenance of effort.



## XVI. Estimated Timelines for Implementation of the State Plan

Following are key dates and the proposed timetable for implementation of our State Plan:

- March 18, 2003: State Plan Advisory Committee named, public input process defined.
- April 3-4, 2003: State Plan Advisory Committee conducts public hearings.
- April 9, 2003: RFP released for statewide voter registration system.
- April 17, 2003: State Plan Advisory Committee reconvenes to review draft State Plan.
- May 7, 2003: Competitive bids due for voter registration system.
- May 13, 2003: State Plan finalized and published for 30-day review.
- May 16, 2003: RFP released for voting system vendors.
- June 2, 2003: Secretary of State awards bids for voter registration system.
- June 16, 2003: State Plan submitted to federal Elections Assistance Commission for publication in the Federal Register. Competitive bids due for election system.
- Aug. 1, 2003: Secretary of State awards bids for election systems. County boards of elections notified of eligible system vendors.
- Sept. 2, 2003: County boards of elections must notify Secretary of State which vendor they have chosen for election system improvements.
- Dec. 1, 2003: Statewide voter registration system installed and fully operational.
- Feb. 1, 2004: Replacement of punch-card and lever-machine complete.
- March 2, 2004: Primary Election. (Ohio General Assembly considering change of Primary to May, 2004.)
- Nov. 2, 2004: General Election

## XVII. Plan Submission Presumes Full Federal Funding

Submission of this plan presumes full and timely federal funding. In order for Ohio to meet the ambitious schedule outlined in this State Plan, it is imperative that federal monies be made available to the state on a schedule that is consistent with implementation of the base components of the plan.

Ohio reserves the right to seek waivers stipulated in the Help America Vote Act that allow us to delay implementation of this plan if federal funding is not forthcoming in a timely manner that will enable us to accomplish the objectives outlined in this report to the Election Assistance Commission.

Proceeding without a guarantee of federal funds would create a financial burden for the State of Ohio and its 88 county jurisdictions. While Ohio is anxious to meet and exceed the standards of the Help America Vote Act, implementation is not possible without the federal guarantees that accompany the Act.

The preponderance of unacceptable voting devices in the state underscore the necessity for reform, but it shows the very real and special challenges Ohio faces in fully

complying with the Act and the funding that will be required to reconstruct and reconfigure the voting and election systems in the state.

Our pledge is to implement reforms, as outlined in this State Plan, as federal funds become available.

## XVIII. The State Plan Committee: HAVA and Beyond

We reserve this section of the report to capture the comments and thoughts of our State Plan Committee. While many of the committee's recommendations and much of their input is reflected in preceding sections of the report, it was clear this panel of distinguished Ohioans went beyond merely thinking about minimum requirements of the Help America Vote Act and insisted on expanding their mission to address issues that will produce broad and meaningful election reform in our state.

That kind of visionary thinking is precisely what the Secretary of State had in mind when he impaneled the State Plan Committee.

If there was a universal theme that resonated from the committee's deliberations, it was consensus that Ohio must aggressively engage the next generation of voters and make young people in our state understand their role as stakeholders in the democratic process. It is insufficient, the panel said, to merely invite high school and college students into the election process. Ohio, the State Plan Committee said, must be proactive in educating young people about the election process and instill a deeper commitment to

engendering student participation in the election process.

*State Rep. Nancy Hollister noted that this report should underscore for Ohioans that implementation of the Help America Vote Act in Ohio signals a "change in the governance of the election system" in the state. HAVA, she said, places more responsibility on the Secretary of State to assure a fair, equitable and inclusive election process in Ohio.*

Linda Carr, Daisy Duncan Foster and Pastor Aaron Wheeler were particularly passionate in their remarks about this issue and said Ohio should be creative in developing new programs and initiatives to bring young voters into the process. The Committee urged the Secretary of State to aggressively seek available funds under Title V and Title VI funding of the Help America Vote Act to accomplish this critical task.

Additionally, some committee members recommended working with the Ohio Department of Education and the Ohio Board of Regents to explore ways to better educate and encourage political participation by high school and college students. Pastor Wheeler suggested

Ohio public schools should ponder curriculum requirements that focus exclusively on voting and election processes.

State Rep. Nancy Hollister noted that this report should underscore for Ohioans that implementation of the Help America Vote Act in Ohio signals a "change in the governance of the election system" in the state. HAVA, she said, places more

responsibility on the Secretary of State to assure a fair, equitable and inclusive election process in Ohio. "We need to acknowledge that," she said.

But Rep. Hollister and other committee members said that shift in governance does not minimize the necessary independence, ongoing role or responsibility of counties to execute election policies within the new governing framework created by the Help America Vote Act.

Committee member Jeff Matthews said county boards of elections must be independent to effectively achieve the objectives of the Help America Vote Act, and Ms. Duncan Foster said boards of elections must feel "some ownership of the process." In that context, it was the consensus of the State Plan Committee that full compliance with the Help America Vote Act requires critical coordination and a strong working relationship between the Secretary of State's office and local boards of elections.

Election officials Guy Reece and Tom Coyne, along with Mr. Matthews, agreed that innovation doesn't end with the Help America Vote Act. They said Ohio must constantly be looking for new methods, new procedures and new ideas to keep the election process viable and invite more Ohioans to exercise their right to vote.

*Ms. Alvarado noted the projected growth of Hispanic populations both nationally and in the State of Ohio. Several committee members agreed that rather than addressing this issue later and incurring cost for conforming equipment, the RFP should anticipate the language requirement and it should be purchased now while federal funds are available to help Ohio make the transition to new voting equipment.*

Mr. Reece invited future exploration of election innovations being tested in other states such as open voting, early voting, ballot on demand and expanded availability and use of absentee ballots. Catherine Turcer asked that the Secretary of State consider the flexibility of voting devices that would allow for concepts such as instant runoff voting and proportional representation.

Ms. Turcer also recommended the Secretary of State ensure that the RFP for new voting equipment carefully consider the necessity for strong auditing capability that would provide a spot-check feature for pre-testing. Ms. Turcer and Donna Alvarado said alternative language capability also should be included in the RFP in anticipation of changing future demographics in the state.

Ms. Alvarado noted the projected growth of Hispanic populations both nationally and in the State of Ohio. Several committee members agreed that rather than addressing this issue later and incurring cost for conforming equipment, the RFP should anticipate the language requirement and it should be purchased now while federal funds are available to help Ohio make the transition to new voting equipment.

She said language requirements also need to be considered in education products produced by vendors and election officials in how to use the new voting equipment, as well as in training of poll workers and election officials. She said alternative language issues need to be considered in creation and execution of the grievance process and procedures.

She suggested the Secretary of State consider alternative language policies that exceed the 5 percent threshold.

While preceding sections of the report address monitoring procedures for implementation of the Help America Vote Act in Ohio, Ms. Alvarado said compliance monitoring should be "futuristic" and focus on outcomes. While measuring accomplishments, she said the state and local jurisdictions also should be forward looking and report, for example, where the state expects to be in the next five years and beyond.

She said monitoring and compliance should address issues such as where Ohio wants to be as a state, how we achieve those objectives, who is responsible for implementing these plans, what the funding sources will be for implementation and what will be different when changes, modifications or new procedures are implemented in the election process.

Rep. Hollister agreed there needs to be periodic evaluation of Ohio's progress in meeting voting and election reforms. She suggested a need to pause from time to time to reflect on what has been accomplished, what future reforms need to be considered, and what revenues are available to achieve those objectives.

*Mr. Long acknowledged that there might be offsetting costs and efficiencies that could be realized from conversion to electronic voting systems, but he stressed the necessity for full funding of the plan and timely allocation of federal payments to the state to avoid financial burdens on counties already adversely affected by the economy and cuts imposed by the State Legislature.*

A primary focus in the deliberation of the State Plan Committee was how Ohio could best address disability issues related to implementation of the Help America Vote Act. Eric Duffy said the issue of physical barriers is a real and pressing issue that calls for creative solutions in Ohio. He emphasized that Ohio must consider not only what takes place inside the voting place, but what physical barriers exist that hinder access outside the building.

Pastor Wheeler, chairman of the Ohio Civil Rights Commission, offered the assistance of that agency in working with the Secretary of State in exploring solutions to that issue.

As expected, much of the panel's deliberation was focused on funding and whether the federal allocation to Ohio was adequate to effect the wholesale change in voting systems in the state. A key voice in that discussion was Larry Long, executive director of the County Commissioners Association of Ohio.

Mr. Long noted that there is concern among county commissioners about whether the federal funding anticipated for implementation of the Help America Vote Act is sufficient to purchase the voting equipment needed to make Ohio HAVA compliant. But

a comparable concern, he said, is consideration of future maintenance and replacement costs, as well as related cost issues such as storage requirements for the new equipment.

He acknowledged that there might be offsetting costs and efficiencies that could be realized from conversion to electronic voting systems, but he stressed the necessity for full funding of the plan and timely allocation of federal payments to the state to avoid financial burdens on counties already adversely affected by the economy and cuts imposed by the State Legislature.

Rep. Hollister also discussed the funding issue, suggesting the state, at some future date, might consider bonding options to assist in paying for ongoing costs associated with implementation of the Act, as well as making funds available for voter education, system upgrades and youth participation in the election process.

Further, she said that although there appears to be no immediate need for sweeping changes in state election laws, the state should constantly evaluate that need and enact legislative change as required.

Mr. Coyne emphasized the need for the Secretary of State and local boards of elections to fashion voter system reforms in a way that keeps the process from becoming "vendor-driven." He said county boards need time to assess and evaluate the unique demands in each jurisdiction and recommended the Secretary of State consider meeting the disability requirements of HAVA in time for the 2004 election, but proceed more deliberately on installment of new voting equipment.

## XIX. Summary of the State Plan

Section 254 of the Help America Vote Act of 2002 lists the required components of the State Plan and this document fulfills those requirements.

This report demonstrates that Ohio, because of its widespread use of punch-card voting, is perhaps challenged more than other states to reform its election methods and modernize its voting systems. The size of the state, ranking seventh among the 50 states in total population, and the mix of rural and urban population makes the transition even more challenging.

*Ohio, the Secretary of State believes, must be a full participant in the election process and every eligible voter must be afforded the opportunity to be counted as we ponder the critical decisions affecting our local communities, state and nation.*

Recognizing the enormity of the task confronting Ohio, some members of the State Plan Committee and witnesses who testified before the committee counseled the Secretary of State to invoke waivers that would allow the state to delay its full implementation of the plan until the 2006 election cycle.

The Secretary of State, however, believes Ohio cannot afford to delay its implementation of the plan because every election cycle that passes is another election where voters are potentially disenfranchised and Ohio votes are lost or miscounted. Ohio, the Secretary of State believes, must be a full participant in the election process and every eligible voter must be afforded the

opportunity to be counted as we ponder the critical decisions affecting our local communities, state and nation.

As election officials, if we know voters are disenfranchised and that legitimately cast ballots are being discounted, we have not only a moral obligation to immediately embrace a solution, but a legal obligation to find a remedy and enact measures to prevent that from happening. If even one voter is denied the right to vote, we are obligated, by law, to determine the cause and forge a solution. The evidence is overwhelming that thousands of Ohio voters have been disenfranchised by antiquated voting equipment and that many thousands more have lost confidence in the reliability and accuracy of voting devices currently in use in most of Ohio's 88 counties.

The Secretary of State has confidence in the election professionals who conduct and administer elections in the State of Ohio, and believes Ohio has the capability to enact reforms that have already taken place in other states.

We are emboldened in our decision to press forward with implementation of this plan based on the experience of Knox and Lake counties in executing successful elections after implementing new systems only weeks before the General Election. The Knox County Board of Elections, which has only four employees, received delivery of new electronic voting devices in October, 1996, a presidential election year, and deployed them in the November General Election.

Lake County issued a request for proposal in April 1999, awarded bids in July of that year, took delivery of a new voting system the following September, and conducted a successful election weeks later in the November General Election.

Under the timetable established in this plan, new voting systems would be installed and operational in time for the Primary Election in 2004, providing local boards of elections with an opportunity to test the new systems before fully engaging them in the 2004 presidential election cycle.

However, we refer to the preceding section of this plan. Full implementation of this plan presumes full funding by the federal government. If the Secretary of State determines that federal funding for implementation of this plan is not forthcoming from the federal government in a timely manner, we will notify the Elections Assistance Commission of our intent to revise this plan and adjust the timetable for implementation.

Boards of Elections should be assured that the Secretary of State will focus all of its available personnel and resources to assist counties in enacting these reforms and meeting the requirements of the Help America Vote Act.

Boards should also be assured the Secretary of State will work with county officials and elections administrators to ensure available resources are distributed as quickly as possible and that cost containment efforts will be undertaken to minimize implementation costs to counties. Based on our analysis, which was reinforced in the testimony of Doug Lewis of The Election Center, we believe conversion of the state's punch-card voting system to direct recording electronic (DRE) voting devices will generate certain cost efficiencies we believe will minimize cost and expenses to counties, or at least offset some of the implementation costs.

We include in this definition of electronic voting devices the option for some counties to choose optical scanning devices that are HAVA compliant. In counties which have invested in this equipment and prefer these optional voting devices, the Secretary of State will consider deployment of this equipment as acceptable if certain modifications are made to ensure compliance with statewide voting standards. These counties, however, would be required to feature at voting locations electronic voting equipment that accommodates the needs of people with disabilities.

*Based on our analysis, which was reinforced in the testimony of Doug Lewis of The Election Center, we believe conversion of the state's punch-card voting system to direct recording electronic (DRE) voting devices will generate certain cost efficiencies we believe will minimize cost and expenses to counties, or at least offset some of the implementation costs.*

We presume the transition to electronic voting equipment will, at minimum, reduce printing costs in most counties. We believe there are further savings and efficiencies that will be derived from electronic voting that will reduce personnel and labor costs.

The DRE option also will introduce added efficiencies in the election process that will eliminate issues related to "over-votes," recounts and ensuring full voter participation by persons with disabilities. We also believe an electronic-based voting system will enhance training and education

across the spectrum for election officials, voters and poll workers if the system is sufficiently user-friendly.

Based on the foregoing, following is a summary of the State Plan for Ohio based on the requirements delineated in Section 254 of Public Law 107-252:

- (1) How the State will use the requirement payment to meet the requirements of Title III, and, if applicable under section 251(a)(2), to carry out other activities to improve the administration of elections.

Ohio will implement new voting systems and procedures that meet the general requirements of Title III ensuring the systems have audit capacity, disability access, and alternative language accessibility, where applicable, and that the systems meet error rate thresholds established by the Federal Elections Commission.

- (2) How the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in paragraph (1).

Ohio anticipates federal funding and state matching funds will be about \$161 million. The Secretary of State will allocate about \$136 million of that amount for installation of new voting equipment and upgrades of existing voting equipment in Ohio counties, and use the remaining portion to implement statewide voter registration and establish a provisional voting hotline. Disbursements in the amount of \$5 million will be

available to Ohio's 88 counties for election official and poll worker training. Additionally, the Secretary of State will make \$5 million to \$10 million available for administration of a statewide voter education program. The Secretary of State will draft guidelines and reporting requirements to monitor distribution of these funds and to ensure county compliance with the Help America Vote Act of 2002.

- (3) How the State will provide for programs for voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of title III.**

See response to No. 2. Additionally, the Secretary of State, in establishing an authorized vendor list for deployment of new voting equipment, will require vendors to include, as part of their bid proposal, fund allocation that includes voter education, election official education and training, and poll worker training. The Secretary of State also will implement new programs and procedures to supplement these vendor requirements and efforts at the county level to address these issues.

- (4) How the State will adopt voting system guidelines and processes which are consistent with the requirements of section 301.**

See preceding responses. Ohio will replace punch-card voting in the State and require deployment and installation of electronic-based voting devices that meet the requirements of the Act. The request for proposal for new voting equipment will be crafted to presume required features and safeguards that ensure a uniform voting standard and compliance in all Ohio counties with specific requirements of the Act.

- (5) How the State will establish a fund described in subsection (b) for the purposes of administering the State's activities under this part, including information on fund management.**

Such a fund has already been established by the Secretary of State and will be monitored by both the Secretary of State and the Auditor of State, as Ohio law applies to state auditing requirements and reporting procedures. Fund management procedures include quarterly reports to the Election Assistance Commission to detail receipt and expenditure of funds, and how those funds were used to meet the objectives of the Act.

- (6) The State's proposed budget for activities under this part, based on the State's best estimates of the costs of such activities and the amount of funds to be made available.**

See response to No. 2 and the fund distribution table on page 23 of the State Plan. The Secretary of State believes full implementation of the plan will require all available federal funding and state matching funds to meet the requirements of the Act.



- (7) How the State, in using the requirements payment, will maintain the expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000.

(See Section XV. Requirements Payments: Maintenance of Effort.) Attached to this State Plan are budget materials that show the level of spending for election services by the Secretary of State in FY 2000 and projected levels of spending for FY 2004-05. The Secretary certifies that no federal funds for Requirements payments earmarked for voter reforms and system modernization will be used to supplement the state budget for operation and administration of the office.

- (8) How the State will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of criteria the State will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met.

The Secretary of State assumes full responsibility for ensuring compliance with the Act. Specific timetables are included in this plan which requires all punch-card and lever machine counties to install and deploy new voting equipment that meets the uniform standards of the Act by Feb. 1, 2004. All other counties will be compliant with the Act by Jan. 1, 2006. The plan calls for a statewide voter registration system to be in place and fully operational by Dec. 1, 2003. See Section XIV for ongoing performance measurement. Additionally, the Secretary of State will ensure compliance of all county boards by Sept. 1, 2003 by assigning a vendor to any county which has failed to select a vendor for election system improvements.

- (9) A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under section 402.

See attached procedure and refer to Section XIII of the State Plan, Administrative Complaint Procedures and Grievances.

- (10) If the State received any payment under Title I, a description of how such payment will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities.

See response to No. 2. Ohio will use funds from Title I for antiquated systems buyout and to improve election administration activities and procedures. See the fund distribution table on page 23 of the State Plan and allocation and distribution formula described on page 24.

**(11) How the State will conduct ongoing management of the plan.**

See Section XIV, Ongoing Performance Measurement. Throughout this State Plan is a description of the management practices and procedures outlined by the Secretary of State to ensure compliance with the Act. Any material change in this plan will result in a resubmission of the Plan in accordance with Sections 255 and 256 of the Act.

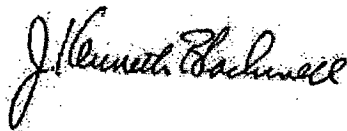
**(12) In the case of a State with a State Plan in effect under this subtitle during the previous fiscal year, a description of how the plan reflects changes from the State Plan for the previous fiscal year and how the State succeeded in carrying out the State Plan for such previous fiscal year.**

This State Plan represents Ohio's initial submission of a State Plan to the Elections Assistance Commission.

**(13) A description of the committee which participated in the development of the State Plan in accordance with section 255 and the procedures followed by the committee under such section and section 256.**

See page 3, The State Plan Committee, and Section VI, How Ohio Developed its State Plan.

**This State Plan respectfully submitted to the Elections Assistance Commission, in accordance with U.S. Public Law 107-252, this 16<sup>th</sup> day of June, 2003.**



**J. KENNETH BLACKWELL**  
Secretary of State  
The State of Ohio

## Office of the Ohio Secretary of State

### Election Complaint Procedure Adopted Pursuant to Section 402 of the *Help America Vote Act of 2002*

#### Section 1. Authority.

These complaint procedures are established as required by the *Help America Vote Act of 2002* [hereafter referred to as HAVA], P.L. 107-252, Section 402, and in accordance with the Ohio State Plan created pursuant to HAVA.

#### Section 2. Purpose.

These rules are promulgated to establish State-based uniform, nondiscriminatory administrative complaint procedures under which all complaints alleging violations of Title III of HAVA, sections 301 through 312, may be promptly and efficiently resolved and all complaints of merit will be appropriately remedied by the State of Ohio.

#### Section 3. Definitions.

As used in this complaint procedure, the following terms shall have the following meanings:

- (A) "Complainant" means the person who files a complaint under this chapter.
- (B) "Federal election" means a primary, special primary or general election at which a federal office appears on the ballot.
- (C) "Respondent" means any state or local election official whose actions are asserted, in a complaint under this chapter, to be in violation of Title III.
- (D) "State or local election official" means the Secretary of State, any member of a county board of elections, or any person employed by either the secretary or a county board of elections whose responsibilities include or directly relate to the administration of any federal election.
- (E) "Title III" means Title III of the Help America Vote Act of 2002, Public Law 107-252, 116 Stat. 1666 (2002), codified at 42 United States Code §§15481-15485.

#### Section 4. Applicability.

- (A) Any person who believes there is a violation of any provision of Title III of HAVA (including a violation which has occurred, is occurring, or is about to occur) may file a complaint.
- (B) These procedures shall apply only to complaints raised under Title III of HAVA.
- (C) Other complaints related to the conduct of elections shall be raised with the responsible public official(s), United States or Ohio prosecutors, or the Ohio Secretary of State as appropriate under 42 U.S.C. § 1973 et seq.; 42 U.S.C. § 12101 et seq.; 42 U.S.C. § 701; and other applicable laws.

#### Section 5. Form of Complaint.

- (A) The complaint must be in writing and notarized, and signed and sworn to by the person filing the complaint. The complaint must set forth the complainant's name, mailing address and telephone

number, and each alleged violation of Title III of HAVA, and must include a clear and concise description of each alleged violation that is sufficiently detailed to apprise both the respondent and the decision maker of the nature of each alleged violation.

- (B) The complaint may name witnesses to the alleged violation and include their written statements; may include documentary evidence supporting the allegations; and may also identify the sections, subsections, and paragraphs of HAVA alleged to have been violated.
- (C) The Secretary of State shall establish a complaint form to be used, although complaints received in substantially the same form and meeting all the legal requirements of subsection (A), above, shall be accepted.

#### **Section 6. Place and Method of Filing Complaints.**

The complaint shall be filed, along with adequate proof of mailing or delivery of a copy of the complaint to each Respondent, with the Office of the Ohio Secretary of State, Elections Division, 180 E. Broad Street, 15<sup>th</sup> Floor, Columbus, Ohio 43215. Telephonic, electronic, and facsimile complaints will not be accepted. There is no fee for filing a complaint.

#### **Section 7. Service of Papers on all Parties.**

- (A) When a complaint alleges violations by a county board of elections, the Secretary of State or the Secretary's designee shall promptly transmit a copy of the complaint to the county board of elections and permit the board to respond on its own behalf.
- (B) A copy of each piece of correspondence between the complainant or the county board of elections and the Secretary of State, the Secretary's designee, or the hearing officer, shall be filed with the Office of the Secretary of State. Copies of the correspondence and filings shall simultaneously be mailed to the hearing officer, if his or her identity and address are known, and to the opposing party, if any.

#### **Section 8. Maintenance and Confidentiality of Official Agency Record.**

- (A) The Secretary of State shall be the official custodian of the record of each complaint.
- (B) The record shall contain:
  - (1) A copy of the complaint, including any amendments made with the permission of the Secretary of State or the Secretary's designee;
  - (2) A copy of any written submissions by the complainant, respondents, or other interested persons, including any responses or replies thereto permitted under the schedule or by the Secretary of State or the Secretary's designee;
  - (3) Copies of all notices and correspondence with regard to the complaint;
  - (4) Originals or copies of any tangible evidence produced;
  - (5) The results of any investigation conducted;
  - (6) Other documents received or generated by the Secretary of State, his or her designee, or the hearing officer, concerning the substance and/or procedure applied to resolution of the complaint; and
  - (7) A copy of any final determination made regarding the complaint.
- (C) All records are confidential until there is a final resolution of each complaint. If the complainant makes a timely request for a hearing, the record shall be confidential until the hearing is finally resolved.

### **Section 9. Initial Screening.**

- (A) The complaint shall be screened by the Secretary of State or a person designated by the Secretary to determine if it meets the criteria in HAVA and these rules.
- (B) The Secretary of State or the Secretary's designee shall examine each complaint and may reject it for filing if:
  - (1) The complaint is not signed and notarized under oath;
  - (2) The complaint does not identify the complainant or include an adequate mailing address;
  - (3) The complaint does not allege on its face a violation of Title III with regard to a federal election; or
  - (4) More than 90 days have elapsed since the final certification of the federal election at issue.
- (C) If the complaint does not meet the criteria in HAVA and these rules as stated herein, it shall be dismissed, although it may also be referred to other appropriate authorities.
- (D) If the complaint is dismissed, a designee of the Secretary of State shall send notice of the dismissal and a copy of these rules to the complainant. The notice shall advise the complainant that he or she is not precluded from refileing a complaint which conforms to the legal requirements.
- (E) The Secretary of State or the Secretary's designee shall do all the following:
  - (1) Take all necessary steps to prepare the complaint for determination;
  - (2) In coordination with the parties, shall establish a schedule under which the complainant and respondent or respondents, as well as any other interested persons, may file any written submissions concerning the complaint, and under which the complaint shall be finally determined;
  - (3) Provide copies of the official record to the decision maker in a timely manner.
- (F) When the Secretary of State, or any employee of the Secretary, is a Respondent, the functions assigned to the Secretary under this administration procedure shall, to the greatest extent possible, be performed by individuals not directly involved in the facts giving rise to the complaint.

### **Section 10. Consolidation of Complaints.**

The Secretary of State or the Secretary's designee may consolidate complaints and resolve them together if they relate to the same actions or events, or if they raise common questions of law or fact, or if the Secretary or the Secretary's designee otherwise deem such consolidation appropriate.

### **Section 11. Administrative Resolution.**

- (A) Complaints filed pursuant to this procedure shall be heard and determined by the Secretary of State or the Secretary's designee, and that determination shall be final.
- (B) Following the initial screening, complaints shall be resolved informally if possible. Complaints shall be evaluated, and a decision rendered, based upon the written submissions, unless the complainant requests a hearing on the record. A request must be made in writing to the secretary of state no later than 10 days after the filing of the complaint, or in the original complaint itself, but not in any amendment filed more than 10 days after the original complaint.
- (C) The Secretary of State or the Secretary's designee shall take all necessary steps to prepare the complaint for determination and, in coordination with the parties, shall establish a schedule under which the complainant and respondent or respondents, as well as any other interested persons, may file any written submissions concerning the complaint, and under which the complaint shall be finally determined.

- (D) The Secretary of State or the Secretary's designee shall consider all information filed and shall conduct an informal investigation of the complaint as appropriate, including contacting the persons alleged to have violated HAVA or alleged to be about to violate HAVA.
- (E) Based on the agency record, the Secretary of State or the Secretary's designee may enter a decision and order, which may include an appropriate remedy. When the decision is that no violation of HAVA, Title III, has or is about to occur, the complaint shall be dismissed and the results of the procedures published on the website of the Office of the Secretary of State.
- (F) The Secretary of State or the Secretary's designee shall send the decision and order to the complainant by appropriate means including proof of delivery to the address provided by the complainant.
- (G) The Secretary of State or the Secretary's designee simultaneously shall send a copy of the decision and order to the election official, if any, who was alleged, directly or indirectly, to have violated or be about to violate Title III of HAVA.
- (H) Along with the decision and order, the Secretary of State or the Secretary's designee shall notify the complainant of his or her right to request a hearing on the record if not satisfied. The request shall be in writing and received within 10 calendar days after the complainant's receipt of the decision and order. Such requests may be submitted by facsimile or e-mail as well.

#### **Section 12. Administrative Hearing.**

- (A) An informal administrative hearing shall be conducted following timely receipt of a written request for a hearing on the record in accordance with Section 11(B) of this procedure.
- (B) The Secretary of State or the Secretary's designee shall promptly establish a date, time, and location for the hearing. The hearing shall occur within a reasonable period of time. The hearing shall be open to the public.
- (C) The Secretary of State or the Secretary's designee shall provide not less than five days notice of the hearing to the complainant, each respondent, and any other person who has requested notice in writing. Notice shall be provided by mail and by posting on the Secretary of State's Web site, and by such other means as the Secretary deems appropriate.
- (D) The Secretary of State may preside over the hearing or may designate a hearing officer to conduct the matter and to prepare a recommended decision and order.
- (E) Any complainant, respondent, or other person may file a written brief or memorandum within five business days of the conclusion of the hearing, but no responsive brief or memoranda will be accepted without authorization of the Secretary of State or the hearing officer.
- (F) The Ohio Administrative Procedure Act, the Ohio Rules of Civil Procedure, the Ohio Rules of Evidence, and the Ohio Rules of Appellate Procedure shall not apply to these proceedings.

#### **Section 13. Objectives and Procedure of Administrative Hearing.**

- (A) The Secretary of State or the hearing officer has considerable discretion in how the hearing is conducted, although the overriding consideration is to provide a speedy, fair and efficient method by which the parties may be heard and the matter decided in order to support and effectuate the letter and spirit of HAVA.
- (B) The Secretary of State or the hearing officer shall have a copy of the record of the complaint(s) to be heard.

- (C) The Secretary of State or the hearing officer shall introduce the matter on the record and explain the procedures to be followed.
- (D) The complainant, any respondent, or any other interested member of the public may appear at the hearing and testify or present tangible evidence in connection with the complaint. Each witness shall be sworn. A complainant, respondent, or other person may, but need not, be represented by an attorney.
- (E) The hearing officer may limit the testimony, if necessary, to ensure that all interested participants are able to present their views or to assure completion of the hearing within a reasonable time.
- (F) The hearing officer may recess the hearing and reconvene at a later date, time, and place announced publicly at the hearing.
- (G) The Secretary of State or the hearing officer may participate during the presentations of the parties at any time.
- (H) At the conclusion of the hearing, the Secretary of State or the hearing officer shall take the matter under advisement and promptly prepare or recommend a decision and order for the Secretary of State.

#### **Section 14. Recording of Administrative Hearing.**

An audio recording shall be made of the proceedings. The Secretary of State is obligated to prepare a transcript of the audio recording, but such a transcript shall be prepared at the expense of the person requesting the transcript.

If any party prefers to have a court reporter record the proceedings, he or she may do so at his or her own expense.

#### **Section 15. Special Accommodations at the Administrative Hearing.**

Individuals with disabilities shall inform the Secretary of State or his or her designee at least 5 business days before the informal hearing of any special accommodations they require. They may have people assist them and speak for them as desired.

#### **Section 16. Final Decision.**

- (A) The Secretary of State retains authority on behalf of the State of Ohio to make the final decision in each instance from the initial screening through a hearing on the record. The Secretary of State's determination shall be final and shall not be subject to judicial review.
- (B) The Secretary of State shall determine whether, under a preponderance of the evidence, a violation of Title III has been established. If the Secretary determines that a violation has occurred, then a written determination shall be issued specifying the appropriate remedy. If the Secretary determines that no violation has been established, the complaint shall be dismissed.
- (C) Upon deciding a meritorious complaint, the Secretary of State shall order an appropriate remedy.
- (D) Upon the Secretary of State's entry of the final decision and order into the record, the Secretary shall also deliver the decision and order to the complainant by appropriate means, including proof of delivery, to the address provided by the complainant and to the other parties, if any.
- (E) If the final decision and order result in the dismissal of the complaint, the result of the procedures shall be published on the website of the Secretary of State.

### **Section 17. Appropriate Remedies.**

- (A) The Secretary of State has discretion to determine the nature of an appropriate remedy when a complaint has led to the establishment of a violation of Title III of HAVA.
- (B) An appropriate remedy may detail actions to be taken or procedures to be followed by election officials, and it may include a corrective action plan.
- (C) The officials required to take the corrective action shall report to the Secretary of State or his designee the steps taken in accordance with the requirements and schedule provided in the decision and order.
- (D) Appropriate remedies are limited to those which are designed to assure compliance with Title III of HAVA. The remedy may not include any award of monetary damages, costs, or attorney fees, and may not include the invalidation of any primary or election or a determination of the validity of any ballot or vote. Remedies addressing the validity of any primary or election or of any ballot or vote may be obtained only as otherwise provided by law.
- (E) A complaint filed pursuant to this chapter does not constitute an election contest pursuant to sections 3515.08 through 3515.16, inclusive, of the Revised Code of Ohio.

### **Section 18. Time Allowed for Entire Process.**

- (A) The State has 90 days within which to make a final determination with respect to a complaint. The period begins with the date of the filing of the complaint.
- (B) The time limit may be extended only with consent of the complainant and all opposing parties, if there are any.
- (C) When multiple complaints that have been consolidated, all deadlines in these rules shall be determined by the date the last complaint was filed.
- (D) When multiple complaints have been consolidated, an extension of time shall apply only to those complainants who have consented to the extension of time.
- (E) Consent for an extension of time shall be in writing and filed with the Secretary of State before the 90-day period expires.
- (F) The Secretary of State or the hearing officer is authorized to grant reasonable extensions of time at the request of the parties as qualified above.

### **Section 19. Results of Failure to Conclude the Hearing Process within the Time Allowed.**

- (A) When a complaint has not been finally resolved within the 90-day period, the Secretary of State must refer the complaint to the local bar association, state bar association, or a third party certified Alternative Dispute Resolution (ADR) professional to be resolved within 60 days under alternative dispute resolution procedures. The decision as to which of these to employ will be decided on a case-by-case basis which will take into account the convenience of all interested parties as well as the efficiency of the process.
- (B) When complaints have been consolidated and some complainants have not consented to an extension of the 90-day deadline, their complaints shall be subject to separation from the others and treatment under this section.
- (C) The person designated to provide the ADR, hereafter referred to as the ADR hearing officer, shall have a copy of the agency record of the proceedings.



- (D) With one exception, the ADR hearing officer shall adhere to this Election Complaint Procedure in resolving the complaint. The exception is that the ADR hearing officer may conduct an administrative hearing in accordance with the hearing procedures set forth in sections 119.07 through 119.13 of the Revised Code of Ohio, with time lines adjusted to fit the time allowed. Conduct of the hearing in accordance with these procedures does not alter the authority of the Secretary of State as the final decision maker.
- (E) The ADR hearing officer shall conclude the matter as expeditiously as possible and shall forward his or her recommended decision and order to the Secretary of State within the time allowed by the Secretary of State.
- (F) The Secretary of State shall enter the final decision and order no later than 60 calendar days after the expiration of the 90-day period.

###

# ADMINISTRATIVE COMPLAINT FORM

This form may be used by any person alleging a violation of Title III of the *Help America Vote Act of 2002* (42 U.S.C. §15481-15485)

Mail or hand-deliver the signed and notarized complaint to:

Office of the Ohio Secretary of State  
Election Reform Division  
180 E. Broad Street, 15<sup>th</sup> Floor  
Columbus, OH 43215

For Ohio Secretary of State Use Only

*Complaint cannot be filed by fax or e-mail.*

Please type or print all information.

## PERSON BRINGING COMPLAINT

Name \_\_\_\_\_  
Street Address \_\_\_\_\_  
City \_\_\_\_\_ County \_\_\_\_\_ State \_\_\_\_ Zip Code \_\_\_\_\_  
Daytime Tel. \_\_\_\_\_ E-mail address: \_\_\_\_\_

## PERSON OR ENTITY AGAINST WHOM COMPLAINT IS BROUGHT (One person/entity per form)

Name \_\_\_\_\_  
Street Address \_\_\_\_\_  
City \_\_\_\_\_ County \_\_\_\_\_ State \_\_\_\_ Zip Code \_\_\_\_\_  
Daytime Tel. \_\_\_\_\_ E-mail address: \_\_\_\_\_

## VIOLATION ALLEGED

Section of Title III of the *Help America Vote Act of 2002* allegedly violated: \_\_\_\_\_

Date alleged violation occurred: \_\_\_\_\_

Please explain in detail the facts on which the complaint is based. If necessary, attach additional sheets, properly notarized.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Would you like the Secretary of State to conduct a hearing on the record?  Yes  No

**IMPORTANT: TO BE CONSIDERED, THIS COMPLAINT MUST BE PROPERLY SWORN, SIGNED AND NOTARIZED.**

State of Ohio, County of \_\_\_\_\_ ss:

\_\_\_\_\_  
Signature of Complainant

Sworn to and subscribed in my presence by \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
in the City of \_\_\_\_\_, County of \_\_\_\_\_, State of Ohio.

\_\_\_\_\_  
Signature of Notary Public of the State of Ohio  
My Commission expires \_\_\_\_\_

021899

**WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.**



J. Kenneth Blackwell  
Secretary of State of Ohio  
180 East Broad Street, 15<sup>th</sup> Floor  
Columbus, Ohio 43215

FAX COVER SHEET  
ELECTIONS DIVISION

To: PEGGY SIMS

To Fax Number: 202/566-3127

Date: 6/15/04

Time: 4:15 P.M.

Sender: DANA WALCH

From Fax Number: (614) 752-4360

Total number of pages faxed 9 (Not including this cover sheet)

COMMENTS:

PEGGY - HERE IS THE INFORMATION YOU REQUESTED. I WILL ALSO  
SEND THIS TO YOUR ATTENTION VIA U.S. MAIL. IF YOU HAVE  
ANY QUESTIONS, PLEASE DO NOT HESITATE TO CONTACT ME AT  
(614) 466-6998. THANK YOU FOR YOUR ASSISTANCE  
DANA WALCH

\* Second delivery (First one did not come through in its entirety)

If you have any problems with receiving this FAX message, please call the sender at  
 (614) 466-2585 or TOLL FREE at 877-767-6446.  
[www.state.oh.us/sos/](http://www.state.oh.us/sos/)

021900



*J. Kenneth Blackwell*  
J. KENNETH BLACKWELL  
Ohio Secretary of State

180 E. BROAD STREET / 18TH FLOOR / COLUMBUS, OH 43215  
614.466.2856 / TOLL FREE: 877.767.8446 / FAX: 614.844.0649  
e-mail: blackwell@sos.state.oh.us www.state.oh.us/sos/

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June 15, 2004

DeForest B. Soaries, Jr., Chairman  
U.S. Election Assistance Commission  
1225 New York Ave., NW  
Suite 1100  
Washington, D.C. 20005

Dear Mr. Soaries:

The certification statement for the State of Ohio dated June 1, 2004 was for the release of federal fiscal year 2003 and 2004 requirements payments. Please do not hesitate to contact my office if you have any questions or need any additional information.

Sincerely,

*J. Kenneth Blackwell*  
J. Kenneth Blackwell

021901

**Office of the Ohio Secretary of State**  
**Election Complaint Procedure Adopted Pursuant to**  
**Section 402 of the *Help America Vote Act of 2002***

**Section 1. Authority.**

These complaint procedures are established as required by the *Help America Vote Act of 2002* [hereafter referred to as HAVA], P.L. 107-252, Section 402, and in accordance with the Ohio State Plan created pursuant to HAVA.

**Section 2. Purpose.**

These rules are promulgated to establish State-based uniform, nondiscriminatory administrative complaint procedures under which all complaints alleging violations of Title III of HAVA, sections 301 through 312, may be promptly and efficiently resolved and all complaints of merit will be appropriately remedied by the State of Ohio.

**Section 3. Definitions.**

As used in this complaint procedure, the following terms shall have the following meanings:

- (A) "Complainant" means the person who files a complaint under this chapter.
- (B) "Federal election" means a primary, special primary or general election at which a federal office appears on the ballot.
- (C) "Respondent" means any state or local election official whose actions are asserted, in a complaint under this chapter, to be in violation of Title III.
- (D) "State or local election official" means the Secretary of State, any member of a county board of elections, or any person employed by either the secretary or a county board of elections whose responsibilities include or directly relate to the administration of any federal election.
- (E) "Title III" means Title III of the Help America Vote Act of 2002, Public Law 107-252, 116 Stat. 1666 (2002), codified at 42 United States Code §§15481-15485.

**Section 4. Applicability.**

- (A) Any person who believes there is a violation of any provision of Title III of HAVA (including a violation which has occurred, is occurring, or is about to occur) may file a complaint.
- (B) These procedures shall apply only to complaints raised under Title III of HAVA.
- (C) Other complaints related to the conduct of elections shall be raised with the responsible public official(s), United States or Ohio prosecutors, or the Ohio Secretary of State as appropriate under 42 U.S.C. § 1973 et seq.; 42 U.S.C. § 12101 et seq.; 42 U.S.C. § 701; and other applicable laws.

**Section 5. Form of Complaint.**

- (A) The complaint must be in writing and notarized, and signed and sworn to by the person filing the complaint. The complaint must set forth the complainant's name, mailing address and telephone

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number, and each alleged violation of Title III of HAVA, and must include a clear and concise description of each alleged violation that is sufficiently detailed to apprise both the respondent and the decision maker of the nature of each alleged violation.

- (B) The complaint may name witnesses to the alleged violation and include their written statements; may include documentary evidence supporting the allegations; and may also identify the sections, subsections, and paragraphs of HAVA alleged to have been violated.
- (C) The Secretary of State shall establish a complaint form to be used, although complaints received in substantially the same form and meeting all the legal requirements of subsection (A), above, shall be accepted.

### **Section 6. Place and Method of Filing Complaints.**

The complaint shall be filed, along with adequate proof of mailing or delivery of a copy of the complaint to each Respondent, with the Office of the Ohio Secretary of State, Elections Division, 180 E. Broad Street, 15<sup>th</sup> Floor, Columbus, Ohio 43215. Telephonic, electronic, and facsimile complaints will not be accepted. There is no fee for filing a complaint.

### **Section 7. Service of Papers on all Parties.**

- (A) When a complaint alleges violations by a county board of elections, the Secretary of State or the Secretary's designee shall promptly transmit a copy of the complaint to the county board of elections and permit the board to respond on its own behalf.
- (B) A copy of each piece of correspondence between the complainant or the county board of elections and the Secretary of State, the Secretary's designee, or the hearing officer, shall be filed with the Office of the Secretary of State. Copies of the correspondence and filings shall simultaneously be mailed to the hearing officer, if his or her identity and address are known, and to the opposing party, if any.

### **Section 8. Maintenance and Confidentiality of Official Agency Record.**

- (A) The Secretary of State shall be the official custodian of the record of each complaint.
- (B) The record shall contain:
  - (1) A copy of the complaint, including any amendments made with the permission of the Secretary of State or the Secretary's designee;
  - (2) A copy of any written submissions by the complainant, respondents, or other interested persons, including any responses or replies thereto permitted under the schedule or by the Secretary of State or the Secretary's designee;
  - (3) Copies of all notices and correspondence with regard to the complaint;
  - (4) Originals or copies of any tangible evidence produced;
  - (5) The results of any investigation conducted;
  - (6) Other documents received or generated by the Secretary of State, his or her designee, or the hearing officer, concerning the substance and/or procedure applied to resolution of the complaint; and
  - (7) A copy of any final determination made regarding the complaint.
- (C) All records are confidential until there is a final resolution of each complaint. If the complainant makes a timely request for a hearing, the record shall be confidential until the hearing is finally resolved.

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### Section 9. Initial Screening.

- (A) The complaint shall be screened by the Secretary of State or a person designated by the Secretary to determine if it meets the criteria in HAVA and these rules.
- (B) The Secretary of State or the Secretary's designee shall examine each complaint and may reject it for filing if:
- (1) The complaint is not signed and notarized under oath;
  - (2) The complaint does not identify the complainant or include an adequate mailing address;
  - (3) The complaint does not allege on its face a violation of Title III with regard to a federal election; or
  - (4) More than 90 days have elapsed since the final certification of the federal election at issue.
- (C) If the complaint does not meet the criteria in HAVA and these rules as stated herein, it shall be dismissed, although it may also be referred to other appropriate authorities.
- (D) If the complaint is dismissed, a designee of the Secretary of State shall send notice of the dismissal and a copy of these rules to the complainant. The notice shall advise the complainant that he or she is not precluded from refileing a complaint which conforms to the legal requirements.
- (E) The Secretary of State or the Secretary's designee shall do all the following:
- (1) Take all necessary steps to prepare the complaint for determination;
  - (2) In coordination with the parties, shall establish a schedule under which the complainant and respondent or respondents, as well as any other interested persons, may file any written submissions concerning the complaint, and under which the complaint shall be finally determined;
  - (3) Provide copies of the official record to the decision maker in a timely manner.
- (F) When the Secretary of State, or any employee of the Secretary, is a Respondent, the functions assigned to the Secretary under this administration procedure shall, to the greatest extent possible, be performed by individuals not directly involved in the facts giving rise to the complaint.

### Section 10. Consolidation of Complaints.

The Secretary of State or the Secretary's designee may consolidate complaints and resolve them together if they relate to the same actions or events, or if they raise common questions of law or fact, or if the Secretary or the Secretary's designee otherwise deem such consolidation appropriate.

### Section 11. Administrative Resolution.

- (A) Complaints filed pursuant to this procedure shall be heard and determined by the Secretary of State or the Secretary's designee, and that determination shall be final.
- (B) Following the initial screening, complaints shall be resolved informally if possible. Complaints shall be evaluated, and a decision rendered, based upon the written submissions, unless the complainant requests a hearing on the record. A request must be made in writing to the secretary of state no later than 10 days after the filing of the complaint, or in the original complaint itself, but not in any amendment filed more than 10 days after the original complaint.
- (C) The Secretary of State or the Secretary's designee shall take all necessary steps to prepare the complaint for determination and, in coordination with the parties, shall establish a schedule under which the complainant and respondent or respondents, as well as any other interested persons, may file any written submissions concerning the complaint, and under which the complaint shall be finally determined.

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- (D) The Secretary of State or the Secretary's designee shall consider all information filed and shall conduct an informal investigation of the complaint as appropriate, including contacting the persons alleged to have violated HAVA or alleged to be about to violate HAVA.
- (E) Based on the agency record, the Secretary of State or the Secretary's designee may enter a decision and order, which may include an appropriate remedy. When the decision is that no violation of HAVA, Title III, has or is about to occur, the complaint shall be dismissed and the results of the procedures published on the website of the Office of the Secretary of State.
- (F) The Secretary of State or the Secretary's designee shall send the decision and order to the complainant by appropriate means including proof of delivery to the address provided by the complainant.
- (G) The Secretary of State or the Secretary's designee simultaneously shall send a copy of the decision and order to the election official, if any, who was alleged, directly or indirectly, to have violated or be about to violate Title III of HAVA.
- (H) Along with the decision and order, the Secretary of State or the Secretary's designee shall notify the complainant of his or her right to request a hearing on the record if not satisfied. The request shall be in writing and received within 10 calendar days after the complainant's receipt of the decision and order. Such requests may be submitted by facsimile or e-mail as well.

### **Section 12. Administrative Hearing.**

- (A) An informal administrative hearing shall be conducted following timely receipt of a written request for a hearing on the record in accordance with Section 11(B) of this procedure.
- (B) The Secretary of State or the Secretary's designee shall promptly establish a date, time, and location for the hearing. The hearing shall occur within a reasonable period of time. The hearing shall be open to the public.
- (C) The Secretary of State or the Secretary's designee shall provide not less than five days notice of the hearing to the complainant, each respondent, and any other person who has requested notice in writing. Notice shall be provided by mail and by posting on the Secretary of State's Web site, and by such other means as the Secretary deems appropriate.
- (D) The Secretary of State may preside over the hearing or may designate a hearing officer to conduct the matter and to prepare a recommended decision and order.
- (E) Any complainant, respondent, or other person may file a written brief or memorandum within five business days of the conclusion of the hearing, but no responsive brief or memoranda will be accepted without authorization of the Secretary of State or the hearing officer.
- (F) The Ohio Administrative Procedure Act, the Ohio Rules of Civil Procedure, the Ohio Rules of Evidence, and the Ohio Rules of Appellate Procedure shall not apply to these proceedings.

### **Section 13. Objectives and Procedure of Administrative Hearing.**

- (A) The Secretary of State or the hearing officer has considerable discretion in how the hearing is conducted, although the overriding consideration is to provide a speedy, fair and efficient method by which the parties may be heard and the matter decided in order to support and effectuate the letter and spirit of HAVA.
- (B) The Secretary of State or the hearing officer shall have a copy of the record of the complaint(s) to be heard.

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- (C) The Secretary of State or the hearing officer shall introduce the matter on the record and explain the procedures to be followed.
- (D) The complainant, any respondent, or any other interested member of the public may appear at the hearing and testify or present tangible evidence in connection with the complaint. Each witness shall be sworn. A complainant, respondent, or other person may, but need not, be represented by an attorney.
- (E) The hearing officer may limit the testimony, if necessary, to ensure that all interested participants are able to present their views or to assure completion of the hearing within a reasonable time.
- (F) The hearing officer may recess the hearing and reconvene at a later date, time, and place announced publicly at the hearing.
- (G) The Secretary of State or the hearing officer may participate during the presentations of the parties at any time.
- (H) At the conclusion of the hearing, the Secretary of State or the hearing officer shall take the matter under advisement and promptly prepare or recommend a decision and order for the Secretary of State.

#### **Section 14. Recording of Administrative Hearing.**

An audio recording shall be made of the proceedings. The Secretary of State is obligated to prepare a transcript of the audio recording, but such a transcript shall be prepared at the expense of the person requesting the transcript.

If any party prefers to have a court reporter record the proceedings, he or she may do so at his or her own expense.

#### **Section 15. Special Accommodations at the Administrative Hearing.**

Individuals with disabilities shall inform the Secretary of State or his or her designee at least 5 business days before the informal hearing of any special accommodations they require. They may have people assist them and speak for them as desired.

#### **Section 16. Final Decision.**

- (A) The Secretary of State retains authority on behalf of the State of Ohio to make the final decision in each instance from the initial screening through a hearing on the record. The Secretary of State's determination shall be final and shall not be subject to judicial review.
- (B) The Secretary of State shall determine whether, under a preponderance of the evidence, a violation of Title III has been established. If the Secretary determines that a violation has occurred, then a written determination shall be issued specifying the appropriate remedy. If the Secretary determines that no violation has been established, the complaint shall be dismissed.
- (C) Upon deciding a meritorious complaint, the Secretary of State shall order an appropriate remedy.
- (D) Upon the Secretary of State's entry of the final decision and order into the record, the Secretary shall also deliver the decision and order to the complainant by appropriate means, including proof of delivery, to the address provided by the complainant and to the other parties, if any.
- (E) If the final decision and order result in the dismissal of the complaint, the result of the procedures shall be published on the website of the Secretary of State.

**Section 17. Appropriate Remedies.**

- (A) The Secretary of State has discretion to determine the nature of an appropriate remedy when a complaint has led to the establishment of a violation of Title III of HAVA.
- (B) An appropriate remedy may detail actions to be taken or procedures to be followed by election officials, and it may include a corrective action plan.
- (C) The officials required to take the corrective action shall report to the Secretary of State or his designee the steps taken in accordance with the requirements and schedule provided in the decision and order.
- (D) Appropriate remedies are limited to those which are designed to assure compliance with Title III of HAVA. The remedy may not include any award of monetary damages, costs, or attorney fees, and may not include the invalidation of any primary or election or a determination of the validity of any ballot or vote. Remedies addressing the validity of any primary or election or of any ballot or vote may be obtained only as otherwise provided by law.
- (E) A complaint filed pursuant to this chapter does not constitute an election contest pursuant to sections 3515.08 through 3515.16, inclusive, of the Revised Code of Ohio.

**Section 18. Time Allowed for Entire Process.**

- (A) The State has 90 days within which to make a final determination with respect to a complaint. The period begins with the date of the filing of the complaint.
- (B) The time limit may be extended only with consent of the complainant and all opposing parties, if there are any.
- (C) When multiple complaints that have been consolidated, all deadlines in these rules shall be determined by the date the last complaint was filed.
- (D) When multiple complaints have been consolidated, an extension of time shall apply only to those complainants who have consented to the extension of time.
- (E) Consent for an extension of time shall be in writing and filed with the Secretary of State before the 90-day period expires.
- (F) The Secretary of State or the hearing officer is authorized to grant reasonable extensions of time at the request of the parties as qualified above.

**Section 19. Results of Failure to Conclude the Hearing Process within the Time Allowed.**

- (A) When a complaint has not been finally resolved within the 90-day period, the Secretary of State must refer the complaint to the local bar association, state bar association, or a third party certified Alternative Dispute Resolution (ADR) professional to be resolved within 60 days under alternative dispute resolution procedures. The decision as to which of these to employ will be decided on a case-by-case basis which will take into account the convenience of all interested parties as well as the efficiency of the process.
- (B) When complaints have been consolidated and some complainants have not consented to an extension of the 90-day deadline, their complaints shall be subject to separation from the others and treatment under this section.
- (C) The person designated to provide the ADR, hereafter referred to as the ADR hearing officer, shall have a copy of the agency record of the proceedings.

- (D) With one exception, the ADR hearing officer shall adhere to this Election Complaint Procedure in resolving the complaint. The exception is that the ADR hearing officer may conduct an administrative hearing in accordance with the hearing procedures set forth in sections 119.07 through 119.13 of the Revised Code of Ohio, with time lines adjusted to fit the time allowed. Conduct of the hearing in accordance with these procedures does not alter the authority of the Secretary of State as the final decision maker.
- (E) The ADR hearing officer shall conclude the matter as expeditiously as possible and shall forward his or her recommended decision and order to the Secretary of State within the time allowed by the Secretary of State.
- (F) The Secretary of State shall enter the final decision and order no later than 60 calendar days after the expiration of the 90-day period.

###

# ADMINISTRATIVE COMPLAINT FORM

This form may be used by any person alleging a violation of Title III of the *Help America Vote Act of 2002* (42 U.S.C. §15481-15485)

For Ohio Secretary of State Use Only

Mail or hand-deliver the signed and notarized complaint to:

Office of the Ohio Secretary of State  
Election Reform Division  
180 E. Broad Street, 15<sup>th</sup> Floor  
Columbus, OH 43215

*Complaint cannot be filed by fax or e-mail.*

Please type or print all information.

### PERSON BRINGING COMPLAINT

Name \_\_\_\_\_  
Street Address \_\_\_\_\_  
City \_\_\_\_\_ County \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Daytime Tel. \_\_\_\_\_ E-mail address: \_\_\_\_\_

### PERSON OR ENTITY AGAINST WHOM COMPLAINT IS BROUGHT (One person/entity, not firm)

Name \_\_\_\_\_  
Street Address \_\_\_\_\_  
City \_\_\_\_\_ County \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Daytime Tel. \_\_\_\_\_ E-mail address: \_\_\_\_\_

### VIOLATION ALLEGED

Section of Title III of the *Help America Vote Act of 2002* allegedly violated: \_\_\_\_\_

Date alleged violation occurred: \_\_\_\_\_

Please explain in detail the facts on which the complaint is based. If necessary, attach additional sheets, properly notarized.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Would you like the Secretary of State to conduct a hearing on the record?  Yes  No

**IMPORTANT: TO BE CONSIDERED, THIS COMPLAINT MUST BE PROPERLY SWORN, SIGNED AND NOTARIZED.**

State of Ohio, County of \_\_\_\_\_ ss:

\_\_\_\_\_  
Signature of Complainant

Sworn to and subscribed in my presence by \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
in the City of \_\_\_\_\_, County of \_\_\_\_\_, State of Ohio.

\_\_\_\_\_  
Signature of Notary Public of the State of Ohio  
My Commission expires \_\_\_\_\_

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.

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As no voter should be denied an opportunity to cast a provisional ballot in those circumstances where their name might not appear on the voter rolls, neither should a voter be denied an opportunity to vote because of arbitrary and restrictive identification requirements. While it is logical the Secretary of State should work in coordination with agencies such as the Ohio Bureau of Motor Vehicles to validate the identity of new voters, such identification requirements must, by definition, extend beyond identification devices such as a valid state drivers' license.

As several Ohioans with disabilities testified, many people with disabilities do not have a drivers' license. It is the intention of the Secretary of State to extend identification requirements to include any reasonable means of identification such as utility bills, rent receipts or any legal or quasi-legal instrument that bears the name and address of the prospective voter.

The policy of the Secretary of State is that voter challenges on the basis of identification should be judged on a liberal construction of voter ID rather than a restrictive construction that would deny the voter an opportunity to cast a ballot.

Based on testimony provided by Mr. Perry of the Columbus Urban League, the Secretary of State also would like to more closely examine the issue of restoring voter rights to persons released from incarceration in the state's Department of Rehabilitation and Corrections. There is a widespread perception that these persons, as a result of felony convictions, have forever forfeited their right to participate in the election process. Such is not the case.

Persons who have had their voting rights taken away because of a felony conviction are subject to re-enfranchisement as legal voters to restore their right to vote. As these persons have presumably paid their debt to society as a result of their incarceration, full integration back into society as fully functioning citizens should also presume their eventual re-engagement and participation in the election process.

For these persons, identification also is an issue because drivers' licenses might have expired during their period of incarceration. At minimum, the Secretary of State pledges to educate election officials and poll workers about the rights and processes available to these individuals.

*The complaint and grievance procedures developed by the Secretary of State are constructed toward development of a non-adversarial complaint process where the desired outcome is a solution or remedy of the problem, rather than a highly evidentiary process.*

### **XIII. §402. Administrative Complaint Procedures and Grievances**

To fully facilitate implementation of the Help America Vote Act of 2002, Ohio will establish an administrative complaint procedure to address allegations by any citizen who believes their voting rights have been violated under Title III of the Act.

The complaint and grievance procedures developed by the Secretary of State are constructed toward development of a non-adversarial complaint process where the desired outcome is a

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solution or remedy of the problem, rather than a highly evidentiary process.

The process adopted by the Secretary of State includes an alternative dispute resolution component that invites parties to seek equitable resolution in that venue as well as through a formal hearing process. When a valid complaint or grievance is filed as part of this process, it is ultimately the state, and more specifically the Secretary of State, that must provide the appropriate remedy.

We attach, as an addendum to this report, the full text of the proposed procedure. Following, in summary, are the relevant elements of the complaint procedure:

- Any Ohio citizen who believes there is a violation of any provision of Title III of the Help America Vote Act may file a complaint.
- All complaints must be in writing, signed, notarized and be sworn under oath.
- The complainant must be identified by name and mailing address, and the complaint must include a description of the violation alleged to have occurred.
- The complaint must be filed with the Secretary of State along with proof of delivery of a copy of the complaint to each respondent.
- In addition to failure to include any of the foregoing, the Secretary of State may reject the complaint if more than 90 days have lapsed since the final certification of the federal election at issue.
- The Secretary of State must establish procedures and schedules addressing when the complaint will be heard and considered.
- The Secretary of State or designated hearing officer must compile and maintain an official record of any proceeding and include submissions and evidence provided.
- Complaints must be heard and determined by the Secretary of State or designated hearing officer, who is required to prepare a report expressing an opinion about whether a violation did occur within 20 days of the filing of such a complaint.
- Any hearings conducted pursuant to the filing of a complaint must be tape recorded.
- Dates, times and locations of hearings must be established and all parties must be given at least five days notice of such hearings.
- All relevant parties, including the complainant and all respondents may appear at the hearing, testify and present evidence. There is no requirement that any

complainant, respondent or any other party to the proceeding be represented by an attorney.

- The Secretary of State or a designated hearing officer is required to prepare a transcript of the tape recorded hearing and that transcript is a public record under Ohio's public records law.
- A final decision must be rendered within 60 days after the complaint is filed.
- If a violation is determined to have occurred, a determination must be issued specifying the appropriate remedy. If a violation is deemed not to have occurred, the complaint must be dismissed.
- The remedy may not include any award of monetary damages, costs or attorney fees, and may not include the invalidation of any election or a determination of the validity of any ballot or vote.
- The decision under this process is final and is not subject to judicial review.
- The complaint and grievance procedure does not preclude any other legal action provided by law.

#### XIV. Ongoing Performance Measurement

*Each year, boards of election throughout Ohio prepare annual budgets anticipating costs and expenses for conducting elections. We recommend that while each board is preparing their budgets that they also take time to review the improvements they have made in their elections operations during the past year and report their progress in meeting election reform objectives under the Help America Vote Act.*

As Ohio anticipates successful implementation of reforms and modernization of its election systems and processes to accomplish its objectives under the Help America Vote Act of 2002, we believe performance measurement is an essential and ongoing requirement to ensure a fair and inclusive election system.

Each year, boards of elections throughout Ohio prepare annual budgets anticipating costs and expenses for conducting elections. We recommend that while each board is preparing their budgets that they also take time to review the improvements they have made in their election operations during the past year and report their progress in meeting election reform objectives under the Help America Vote Act.

The Secretary of State will compile these annual reports and submit a summary of initiatives, improvements and progress to the Election Assistance Commission. We think this is a way for

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shall be deemed dismissed and shall constitute the determination of the panel.

7. The determination of the hearing panel will be final unless changed by the state board of elections pursuant to subdivision four of section 2-109 of this article within ninety days of the filing of the formal complaint. A final determination shall be filed and published by the state board of elections within ninety days after the filing of the formal complaint, unless the complainant agrees to a longer period of time. When a violation has been found, the final determination shall include an appropriate remedy for any violation of Title III of the Help America Vote Act of 2002 (HAVA) found by the state board of elections. A final determination dismissing a formal complaint may be filed by any one member of the hearing panel.

8. Whenever a final determination of a formal complaint is not made within ninety days or any other longer agreed upon time period, the state board of elections shall refer the formal complaint to an independent alternative dispute resolution agency. Such hearings and determinations shall be conducted by the alternative dispute resolution agency pursuant to regulations promulgated by the state board of elections pursuant to subdivision four of section 2-109 of this article. Such agency shall have sixty days from the expiration of the original ninety day time period or any other longer agreed upon time period to make a final determination. The state board of elections shall contract pursuant to subdivision four of section 2-109 of this article with one or more such alternative dispute resolution entities for this specific purpose.

9. No provision of this section shall be construed to impair or supersede the right of an aggrieved party to seek a judicial remedy including a judicial remedy concerning any final determination made pursuant to subdivision eight of this section. The state board of elections shall provide notice to all complainants of the provisions of this subdivision.

§ 3. This act shall take effect immediately.

The Legislature of the STATE OF NEW YORK do hereby certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

JOSEPH L. BRUNO  
Temporary President of the Senate

SHELDON SILVER  
Speaker of the Assembly

## Office of the Ohio Secretary of State

### Election Complaint Procedure Adopted Pursuant to Section 402 of the Help America Vote Act of 2002

#### Section 1. Authority.

These complaint procedures are established as required by the Help America Vote Act of 2002 [hereinafter referred to as HAVA], P.L. 107-252, Section 402, and in accordance with the Ohio State Plan created pursuant to HAVA.

#### Section 2. Purpose.

These rules are promulgated to establish State-based uniform, nondiscriminatory administrative complaint procedures under which all complaints alleging violations of Title III of HAVA, sections 301 through 312, may be promptly and efficiently resolved and all complaints of merit will be appropriately remedied by the State of Ohio.

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- (A) "Complainant" means the person who files a complaint under this chapter.
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#### Section 5. Form of Complaint.

- (A) The complaint must be in writing and notarized, and signed and sworn to by the person filing the complaint. The complaint must set forth the complainant's name, mailing address and telephone

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number, and each alleged violation of Title III of HAVA, and must include a clear and concise description of each alleged violation that is sufficiently detailed to apprise both the respondent and the decision maker of the nature of each alleged violation.

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- (C) The Secretary of State shall establish a complaint form to be used, although complaints received in substantially the same form and meeting all the legal requirements of subsection (A), above, shall be accepted.

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The complaint shall be filed, along with adequate proof of mailing or delivery of a copy of the complaint to each Respondent, with the Office of the Ohio Secretary of State, Elections Division, 180 E. Broad Street, 15<sup>th</sup> Floor, Columbus, Ohio 43215. Telephonic, electronic, and facsimile complaints will not be accepted. There is no fee for filing a complaint.

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- (A) When a complaint alleges violations by a county board of elections, the Secretary of State or the Secretary's designee shall promptly transmit a copy of the complaint to the county board of elections and permit the board to respond on its own behalf.
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- (B) The Secretary of State or the Secretary's designee shall examine each complaint and may reject it for filing if:
  - (1) The complaint is not signed and notarized under oath;
  - (2) The complaint does not identify the complainant or include an adequate mailing address;
  - (3) The complaint does not allege on its face a violation of Title III with regard to a federal election; or
  - (4) More than 90 days have elapsed since the final certification of the federal election at issue.
- (C) If the complaint does not meet the criteria in HAVA and these rules as stated herein, it shall be dismissed, although it may also be referred to other appropriate authorities.
- (D) If the complaint is dismissed, a designee of the Secretary of State shall send notice of the dismissal and a copy of these rules to the complainant. The notice shall advise the complainant that he or she is not precluded from refiling a complaint which conforms to the legal requirements.
- (E) The Secretary of State or the Secretary's designee shall do all the following:
  - (1) Take all necessary steps to prepare the complaint for determination;
  - (2) In coordination with the parties, shall establish a schedule under which the complainant and respondent or respondents, as well as any other interested persons, may file any written submissions concerning the complaint, and under which the complaint shall be finally determined;
  - (3) Provide copies of the official record to the decision maker in a timely manner.
- (F) When the Secretary of State, or any employee of the Secretary, is a Respondent, the functions assigned to the Secretary under this administration procedure shall, to the greatest extent possible, be performed by individuals not directly involved in the facts giving rise to the complaint.

#### Section 10. Consolidation of Complaints.

The Secretary of State or the Secretary's designee may consolidate complaints and resolve them together if they relate to the same actions or events, or if they raise common questions of law or fact, or if the Secretary or the Secretary's designee otherwise deem such consolidation appropriate.

#### Section 11. Administrative Resolution.

- (A) Complaints filed pursuant to this procedure shall be heard and determined by the Secretary of State or the Secretary's designee, and that determination shall be final.
- (B) Following the initial screening, complaints shall be resolved informally if possible. Complaints shall be evaluated, and a decision rendered, based upon the written submissions, unless the complainant requests a hearing on the record. A request must be made in writing to the secretary of state no later than 10 days after the filing of the complaint, or in the original complaint itself, but not in any amendment filed more than 10 days after the original complaint.
- (C) The Secretary of State or the Secretary's designee shall take all necessary steps to prepare the complaint for determination and, in coordination with the parties, shall establish a schedule under which the complainant and respondent or respondents, as well as any other interested persons, may file any written submissions concerning the complaint, and under which the complaint shall be finally determined.

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- (D) The Secretary of State or the Secretary's designee shall consider all information filed and shall conduct an informal investigation of the complaint as appropriate, including contacting the persons alleged to have violated HAVA or alleged to be about to violate HAVA.
- (E) Based on the agency record, the Secretary of State or the Secretary's designee may enter a decision and order, which may include an appropriate remedy. When the decision is that no violation of HAVA, Title III, has or is about to occur, the complaint shall be dismissed and the results of the procedure published on the website of the Office of the Secretary of State.
- (F) The Secretary of State or the Secretary's designee shall send the decision and order to the complainant by appropriate means including proof of delivery to the address provided by the complainant.
- (G) The Secretary of State or the Secretary's designee simultaneously shall send a copy of the decision and order to the election official, if any, who was alleged, directly or indirectly, to have violated or be about to violate Title III of HAVA.
- (H) Along with the decision and order, the Secretary of State or the Secretary's designee shall notify the complainant of his or her right to request a hearing on the record if not satisfied. The request shall be in writing and received within 10 calendar days after the complainant's receipt of the decision and order. Such requests may be submitted by facsimile or e-mail as well.

#### Section 12. Administrative Hearing.

- (A) An informal administrative hearing shall be conducted following timely receipt of a written request for a hearing on the record in accordance with Section 11(B) of this procedure.
- (B) The Secretary of State or the Secretary's designee shall promptly establish a date, time, and location for the hearing. The hearing shall occur within a reasonable period of time. The hearing shall be open to the public.
- (C) The Secretary of State or the Secretary's designee shall provide not less than five days notice of the hearing to the complainant, each respondent, and any other person who has requested notice in writing. Notice shall be provided by mail and by posting on the Secretary of State's Web site, and by such other means as the Secretary deems appropriate.
- (D) The Secretary of State may preside over the hearing or may designate a hearing officer to conduct the matter and to prepare a recommended decision and order.
- (E) Any complainant, respondent, or other person may file a written brief or memorandum within five business days of the conclusion of the hearing, but no responsive brief or memoranda will be accepted without authorization of the Secretary of State or the hearing officer.
- (F) The Ohio Administrative Procedure Act, the Ohio Rules of Civil Procedure, the Ohio Rules of Evidence, and the Ohio Rules of Appellate Procedure shall not apply to these proceedings.

#### Section 13. Objectives and Procedure of Administrative Hearing.

- (A) The Secretary of State or the hearing officer has considerable discretion in how the hearing is conducted, although the overriding consideration is to provide a speedy, fair and efficient method by which the parties may be heard and the matter decided in order to support and effectuate the letter and spirit of HAVA.
- (B) The Secretary of State or the hearing officer shall have a copy of the record of the complaint(s) to be heard.

- (C) The Secretary of State or the hearing officer shall introduce the matter on the record and explain the procedures to be followed.
- (D) The complainant, any respondent, or any other interested member of the public may appear at the hearing and testify or present tangible evidence in connection with the complaint. Each witness shall be sworn. A complainant, respondent, or other person may, but need not, be represented by an attorney.
- (E) The hearing officer may limit the testimony, if necessary, to ensure that all interested participants are able to present their views or to assure completion of the hearing within a reasonable time.
- (F) The hearing officer may recess the hearing and reconvene at a later date, time, and place announced publicly at the hearing.
- (G) The Secretary of State or the hearing officer may participate during the presentations of the parties at any time.
- (H) At the conclusion of the hearing, the Secretary of State or the hearing officer shall take the matter under advisement and promptly prepare or recommend a decision and order for the Secretary of State.

#### Section 14. Recording of Administrative Hearing.

An audio recording shall be made of the proceedings. The Secretary of State is obligated to prepare a transcript of the audio recording, but such a transcript shall be prepared at the expense of the person requesting the transcript.

If any party prefers to have a court reporter record the proceedings, he or she may do so at his or her own expense.

#### Section 15. Special Accommodations at the Administrative Hearing.

Individuals with disabilities shall inform the Secretary of State or his or her designee at least 5 business days before the informal hearing of any special accommodations they require. They may have people assist them and speak for them as desired.

#### Section 16. Final Decision.

- (A) The Secretary of State retains authority on behalf of the State of Ohio to make the final decision in each instance from the initial screening through a hearing on the record. The Secretary of State's determination shall be final and shall not be subject to judicial review.
- (B) The Secretary of State shall determine whether, under a preponderance of the evidence, a violation of Title III has been established. If the Secretary determines that a violation has occurred, then a written determination shall be issued specifying the appropriate remedy. If the Secretary determines that no violation has been established, the complaint shall be dismissed.
- (C) Upon deciding a meritorious complaint, the Secretary of State shall order an appropriate remedy.
- (D) Upon the Secretary of State's entry of the final decision and order into the record, the Secretary shall also deliver the decision and order to the complainant by appropriate means, including proof of delivery, to the address provided by the complainant and to the other parties, if any.
- (E) If the final decision and order result in the dismissal of the complaint, the result of the procedures shall be published on the website of the Secretary of State.

**Section 17. Appropriate Remedies.**

- (A) The Secretary of State has discretion to determine the nature of an appropriate remedy when a complaint has led to the establishment of a violation of Title III of HAVA.
- (B) An appropriate remedy may detail actions to be taken or procedures to be followed by election officials, and it may include a corrective action plan.
- (C) The officials required to take the corrective action shall report to the Secretary of State or his designee the steps taken in accordance with the requirements and schedule provided in the decision and order.
- (D) Appropriate remedies are limited to those which are designed to assure compliance with Title III of HAVA. The remedy may not include any award of monetary damages, costs, or attorney fees, and may not include the invalidation of any primary or election or a determination of the validity of any ballot or vote. Remedies addressing the validity of any primary or election or of any ballot or vote may be obtained only as otherwise provided by law.
- (E) A complaint filed pursuant to this chapter does not constitute an election contest pursuant to sections 3515.08 through 3515.16, inclusive, of the Revised Code of Ohio.

**Section 18. Time Allowed for Entire Process.**

- (A) The State has 90 days within which to make a final determination with respect to a complaint. The period begins with the date of the filing of the complaint.
- (B) The time limit may be extended only with consent of the complainant and all opposing parties, if there are any.
- (C) When multiple complaints that have been consolidated, all deadlines in these rules shall be determined by the date the last complaint was filed.
- (D) When multiple complaints have been consolidated, an extension of time shall apply only to those complainants who have consented to the extension of time.
- (E) Consent for an extension of time shall be in writing and filed with the Secretary of State before the 90-day period expires.
- (F) The Secretary of State or the hearing officer is authorized to grant reasonable extensions of time at the request of the parties as qualified above.

**Section 19. Results of Failure to Conclude the Hearing Process within the Time Allowed.**

- (A) When a complaint has not been finally resolved within the 90-day period, the Secretary of State must refer the complaint to the local bar association, state bar association, or a third party certified Alternative Dispute Resolution (ADR) professional to be resolved within 60 days under alternative dispute resolution procedures. The decision as to which of these to employ will be decided on a case-by-case basis which will take into account the convenience of all interested parties as well as the efficiency of the process.
- (B) When complaints have been consolidated and some complainants have not consented to an extension of the 90-day deadline, their complaints shall be subject to separation from the others and treatment under this section.
- (C) The person designated to provide the ADR, hereafter referred to as the ADR hearing officer, shall have a copy of the agency record of the proceedings.

- (D) With one exception, the ADR hearing officer shall adhere to this Election Complaint Procedure in resolving the complaint. The exception is that the ADR hearing officer may conduct an administrative hearing in accordance with the hearing procedures set forth in sections 119.07 through 119.13 of the Revised Code of Ohio, with time lines adjusted to fit the time allowed. Conduct of the hearing in accordance with these procedures does not alter the authority of the Secretary of State as the final decision maker.
- (E) The ADR hearing officer shall conclude the matter as expeditiously as possible and shall forward his or her recommended decision and order to the Secretary of State within the time allowed by the Secretary of State.
- (F) The Secretary of State shall enter the final decision and order no later than 60 calendar days after the expiration of the 90-day period.

###

SoS Form No. \_\_\_\_ (2004-05)

**ADMINISTRATIVE COMPLAINT FORM**

This form may be used by any person alleging a violation of Title III of the Help America Vote Act of 2002 (42 U.S.C. §15481-15485)

Mail or hand-deliver the signed and notarized complaint to:

Office of the Ohio Secretary of State  
Election Reform Division  
180 E. Broad Street, 15<sup>th</sup> Floor  
Columbus, OH 43215

For Ohio Secretary of State Use Only

Complaint cannot be filed by fax or e-mail.

Please type or print all information.

**PERSONAL INFORMATION**

Name \_\_\_\_\_  
Street Address \_\_\_\_\_  
City \_\_\_\_\_ County \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Daytime Tel. \_\_\_\_\_ E-mail address: \_\_\_\_\_

**PERSONAL INFORMATION**

Name \_\_\_\_\_  
Street Address \_\_\_\_\_  
City \_\_\_\_\_ County \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Daytime Tel. \_\_\_\_\_ E-mail address: \_\_\_\_\_

**VIOLATION ALLEGED**

Section of Title III of the Help America Vote Act of 2002 allegedly violated: \_\_\_\_\_

Date alleged violation occurred: \_\_\_\_\_

Please explain in detail the facts on which the complaint is based. If necessary, attach additional sheets, properly notarized.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Would you like the Secretary of State to conduct a hearing on the record?  Yes  No

**IMPORTANT: TO BE CONSIDERED, THIS COMPLAINT MUST BE PROPERLY SWORN, SIGNED AND NOTARIZED.**

State of Ohio, County of \_\_\_\_\_ at:  
Signature of Complainant \_\_\_\_\_  
Sworn to and subscribed in my presence by \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
in the City of \_\_\_\_\_, County of \_\_\_\_\_, State of Ohio.  
Signature of Notary Public of the State of Ohio \_\_\_\_\_  
My Commission expires \_\_\_\_\_

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.

OREGON

**HAVA Complaint Procedures  
OAR 165-001-0090**

(1) The purpose of this rule is to adopt procedures for the receipt and disposition of complaints filed with the Secretary of State, Elections Division alleging violations of Title III of the Help America Vote Act of 2002 (HAVA). The rule is intended to fully comply with all federal requirements for the complaint procedure, as described in Section 402 of HAVA (P.L. 107-252).

(2) The procedures described in this rule are to be used solely for complaints filed alleging a violation of Title III of HAVA. Title III includes voting system standards, accessibility of voting systems to persons with disabilities, instructions on correcting voting errors, identification requirements for voting in federal elections if registration was by mail, computerized voter registration, contents of registration forms and provisional voting.

(3) State and county elections officials are encouraged to resolve HAVA complaints informally if possible. If informal resolution is not possible, and a person wishes to file a formal HAVA complaint under this procedure, the person shall use the HAVA complaint form (SEL 820). The complaint will be accepted and processed only if made in writing, signed under oath by the person filing the complaint, and notarized. The complaint form must be filed directly with the Secretary of State, Elections Division. If the complaint is submitted to a county elections office, the county elections official shall promptly forward the original complaint to the Elections Division. The complaint shall be considered filed on the day it is received at the office of the Elections Division.

(4) Upon receipt of a complaint, the Elections Division staff will review the complaint to determine if it alleges a violation of Title III of HAVA. If the complaint does not allege a violation of Title III, the complaint will be dismissed, with a letter provided to the complainant explaining the reason for the dismissal. If the complaint alleges a violation of Title III, the complaint will be acknowledged in writing, and the complainant will be offered the opportunity to request a hearing on the record. A hearing on the record may be provided by telephone or in person. The Elections Division staff will then request information from other persons who may have information related to the substance of the complaint. When the responses are received, copies will be sent to the complainant to provide an opportunity for the complainant to respond or rebut the information provided. Unless the complainant requested a hearing on the record, or the Elections Division chooses to provide such a hearing because of the nature of the allegations and responses, the Division will prepare a determination letter based on the information provided. The determination letter will address whether any violation of Title III has occurred and address how to resolve the problem to avoid its occurrence in the future.

(5) If a hearing on the record is scheduled, the Division will decide whether the hearing is to be conducted by telephone or in-person. The complainant and other persons who have relevant information to provide will be invited to participate. The hearing will be conducted before an Elections Division employee. The purpose of the hearing is to determine whether any procedure required by Title III was not correctly followed, and to develop a plan to make sure the violation, if any, does not happen again. The hearing is to be conducted as a fact-finding, problem solving forum. A record must be kept, including copies of any documents submitted and minutes, a tape or other record of the hearing.

(6) Whether the complaint is resolved through the procedures of subsections (4) or (5) of this rule, the final determination will be prepared by the Elections Division. If the outcome of the proceeding requires the provision of a remedy, the remedy must conform to state elections law and will not include financial payments to complainants or civil penalties against other involved individuals. Remedies may include written findings that a violation of Title III has occurred, strategies for insuring that that violation does not occur again, and, if it appears that the complaint involves a systemic problem, possible actions by the Elections Division to provide better instructions, training or procedures to all election officials to avoid future violations.

(7) Final determination letters will be signed by the Secretary of State or Deputy Secretary of State. All determination letters will be posted on the Division's website. A copy of the final determination will be

021917



J. KENNETH BLACKWELL  
Secretary of State of Ohio  
180 East Broad Street, 15<sup>th</sup> Floor  
Columbus, Ohio 43215

# FAX COVER SHEET ELECTIONS DIVISION

To: PENELOPE BONSTALL

To Fax Number: 202/219-8500

Date: 12/24/03

Time: 10:40 A.M.

Sender: DANA WALCH

From Fax Number: (614) 752-4360

Total number of pages faxed 1 (NOT INCLUDING THIS COVER SHEET)

**COMMENTS:**

OHIO'S VOTER REGISTRATION LIST WAIVER LETTER.  
PLEASE DO NOT HESITATE TO CONTACT ME AT  
~~(614) 752-4360~~ (614) 728-8361. IF YOU HAVE ANY QUESTIONS  
ORIGINAL WILL FOLLOW VIA OVERNIGHT MAIL.

If you have any problems with receiving this FAX message, please call the sender at (614) 466-2585 or TOLL FREE at 877-767-6446.

[www.state.oh.us/sos/](http://www.state.oh.us/sos/)

021918



**J. KENNETH BLACKWELL**  
Ohio Secretary of State

180 E. Broad Street, 16th Floor, Columbus OH 43215  
614.466.2655 / Toll Free: 877.767.6446 / Fax: 614.644.0649  
e-mail: blackwell@sos.state.oh.us  
www.state.oh.us/sos/

December 24, 2003

Federal Election Commission  
Office of Election Administration  
ATTN: Penelope Bonsall  
999 E. Street, N.W.  
Washington, D.C. 20463

Dear Ms. Bonsall:

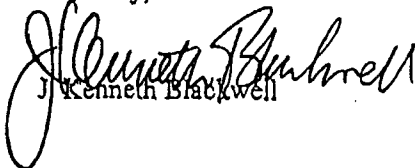
This correspondence is to certify that the State of Ohio is respectfully requesting a waiver of the January 1, 2004, deadline for the deployment of a computerized statewide voter registration list as required in Section 303(a) of the Help America Vote Act of 2002 (HAVA). We are requesting this waiver as outlined in Section 303(d)(1)(B) of HAVA. This correspondence is also to certify that Ohio will meet the requirements of Section 303(a) of HAVA by January 1, 2006.

The State of Ohio is committed to completing this project as quickly as possible. The building of a computerized statewide voter registration list is one of the most important provisions of HAVA and is one of the core responsibilities of our office and Ohio's 88 county boards of elections. The delay in the passage of HAVA and the subsequent appropriation of funds to the states forced us to delay planning of this major project, thereby not leaving us with enough time to complete the project by the January 1, 2004 deadline. Although we have made great strides toward fully developing and implementing our statewide voter file, and will complete it long before the deadline of January 1, 2006, approval of this waver request will allow the state of Ohio time to fully comply with the requirements of Section 303(a) of HAVA.

Although HAVA requires this waiver request to be sent to the new Election Assistance Commission, the National Association of Secretaries of State recommended that states send this request to the Federal Election Commission until such time as the Election Assistance Commission is in place. I will be forwarding a copy of this request to the Election Assistance Commission once it is operational.

Thank you for your assistance with this request. If you need any additional information concerning our development of the computerized statewide voter registration list, please do not hesitate to contact my Director of Election Reform, Dana Walch, at (614) 728-8361.

Sincerely,

  
J. Kenneth Blackwell

0219170

# FINANCIAL STATUS REPORT

(Short Form)

(Follow instructions on back)

# ORIGINAL

1. Federal Agency and Organization Element to Which Report is Submitted Election Assistance Commission by U.S. General Services Administrations	2. Federal Grant of Other Identifying Number Assigned By Federal Agency  CFDA 39.011	OMB Approval No.  0348-00358	Page of 1 of 1 pages
3. Recipient Organization (Name and complete address, including ZIP code) Ohio Secretary of State Office 180 E. Broad St. 16th Fl. Columbus, OH 43215			
4. Employer Identification Number  	5. Recipient Account Number  optional field per GSA	6. Final Report  no	7. Basis  accrual
8. Funding/Grant period ( see instructions) From: (Month, Day, Year)  10/1/2002	To: (Month, Day, Year)  12/31/2006	9. Period Covered by this Report From: (Month, Day Year) To: (Month, Day, Year)  10/1/2002 12/31/2003	
10. Transactions			
	I Previously Reported	II This Period	III Cumulative
a. Total Outlays			\$ 2,236,764.48
b. Recipient share of outlays			-
c. Federal share of outlays			2,236,764.48
d. Total unliquidated obligations			740,178.76
e. Recipient share of unliquidated obligations			-
f. Federal share of unliquidated obligations			740,178.76
g. Total Federal share( Sum of lines c and f)			2,976,943.24
h. Total Federal Funds authorized for this funding period			10,384,931.00
i. Unobligated balance of Federal funds( Line h minus line g)			\$ 7,407,987.76
11. Indirect Expense  not applicable for this grant	a. Type of Rate( Place "X" in appropriate line) Provisional      Predetermined      Final      Fixed b. Rate      c. Base      d. Total Amount      e. Federal Share		
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. Section 101 items, please see supporting schedules attached for details.			
13 Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.			
Typed or Printed Name and Title  Dilip C. Mehta / Chief Financial Officer		Telephone (Area code, number and extension)  614-466-0180	
Signature of Authorized Certifying Official 		Date Report Submitted  01-15-04	

NSN 7540-01-218-4387

Standard Form 269A (Rev. 7-97)  
 Prescribed by OBM Circulars A-102 and A-110

021920

Ohio Secretary of State  
 Election Reform Payments Received  
 As of December 31, 2003

ORIGINAL

Date of Deposit	Deposit Amount	Grant Received	Description	Secretary of State Fund	Section 101	Section 102	HHS Grant	Total HAVA \$ Received
4/28/2003	\$ 5,000,000.00	GSA	HAVA Title 1	3AA	\$ 5,000,000.00			\$ 5,000,000.00
6/16/2003	36,052,595.00	GSA	HAVA Title 1	3AA	5,384,931.00	30,667,664.00		36,052,595.00
	\$ 41,052,595.00				\$ 10,384,931.00	\$ 30,667,664.00	0	41,052,595.00

021921



Ohio Secretary of State  
Election Reform Section 101 Unliquidated Obligations(Encumbrances)  
As of December 31, 2003

ORIGINAL

Vendor name	Section	HAVA Encumbr	Controlling bd sched amt	HAVA Enc. Amount 1	Hava Enc Amount 2	Hava Enc Amount 3	Total HAVA Encumbered	Encumbrance Balance 1	Encumbrance Balance 2	Encumbrance Balance 3	Total Current Encumbrance	Total disbursed
DLT Solutions	101	H40001			\$ 107,604.00		\$ 107,604.00				-	107,604.00
DPAI Technology Se	101	H40002	\$ 112,000.00	\$ 112,000.00			112,000.00	\$ 32,281.20			32,281.20	79,718.80
Global Securities Te	101	H40003	118,000.00	118,000.00			118,000.00	83,000.00			83,000.00	35,000.00
Rumken	101	H40004	145,000.00	145,000.00			145,000.00	10.00			10.00	144,990.00
Jeffrey Wilkins	101	H40005	6,125.00	6,000.00			6,000.00	-			-	6,000.00
Accenture	101	H40006	42,875.00	42,875.00			42,875.00	-			-	42,875.00
Compuware	101	H40007	91,200.00	91,200.00			91,200.00	64,950.00			64,950.00	26,250.00
Richard G Lillie	101	H40008	21,875.00	21,875.00			21,875.00	2,835.91			2,835.91	19,039.09
Excel Management f	101	H40009	172,608.00	160,960.00			160,960.00	114,690.94			114,690.94	46,269.06
Excel Management f	101	H40010	261,888.00	229,560.00			229,560.00	153,120.00			153,120.00	76,440.00
Ray Headen	101	H40011	26,000.00	26,000.00			26,000.00	26,000.00			26,000.00	-
Government Techno	101	H40012	21,875.00	9,758.75			9,758.75	-			-	9,758.75
Govtech Solutions	101	H40013	14,875.00	11,314.50			11,314.50	6,075.75			6,075.75	5,238.75
Excel Management-	101	H40014	45,000.00	45,000.00			45,000.00	17,263.93			17,263.93	27,736.07
RJV Consulting	101	H40015		13,000.00			13,000.00	13,000.00			13,000.00	-
InfoSentry Services,	101	H40016		23,085.00			23,085.00	23,085.00			23,085.00	-
Excel Management-	101	H40017		34,000.00			34,000.00	15,943.70			15,943.70	18,056.30
Excel Management-	101	H40018			3,500.00		3,500.00		3,500.00		3,500.00	-
Compuware	101	H40019	125,000.00	125,000.00			125,000.00	405.00			405.00	124,595.00
Pomeroy IT Solution	101	H40020			24,525.00		24,525.00				-	24,525.00
Smart Solutions	101	H40021			14,969.79	179,355.35	194,325.14		3,825.00	\$ 24,634.40	28,459.40	165,865.74
Smart Solutions	101	H40022				18,009.00	18,009.00				-	18,009.00
Mid City Electric	101	H40023			1,621.97		1,621.97				-	1,621.97
Smart Solutions	101	H40024			3,228.90	10,470.00	13,698.90				-	13,698.90
Sarcom	101	H40025			1,591.25		1,591.25				-	1,591.25
Steen & Kennedy	101	H40026		3,450.00			3,450.00	3,034.50			3,034.50	415.50
Steen & Kennedy	101	H40026		8,050.00			8,050.00	7,080.50			7,080.50	969.50
Global Securities Te	101	H40027		6,000.00			6,000.00	6,000.00			6,000.00	-
Microman	101	H40028			7,305.85		7,305.85				-	7,305.85
Totals			\$ 1,204,321.00	\$ 1,232,128.25	\$ 164,348.76	\$ 207,834.35	\$ 1,604,309.36	\$ 568,776.43	\$ 7,325.00	\$ 24,634.40	\$ 600,735.83	\$ 1,003,573.53
												\$ 1,604,309.36

021922

Ohio Secretary of State  
Election Reform Section 101 Liquidated and Unliquidated Obligations Details  
As of December 31, 2003

ORIGINAL

SAC	Vendor Name	HAVA Encumbrance #	HAVA Fund 3AA Payments Voucher #	Amount outlay(paid)	Amount obligated(pend)	Section	Totals by SAC	
							101	
6130	HAVA Payroll 9/6/03	n/a	Payroll	8,565.97		101	101	8,565.97
6130	HAVA Payroll 9/20/03	n/a	Payroll	7,198.22		101	101	7,198.22
6130	HAVA Payroll 10/4/03	n/a	Payroll	13,912.70		101	101	13,912.70
6130	HAVA Payroll 10/18/03	n/a	Payroll	11,711.04		101	101	11,711.04
6130	HAVA Payroll 11/1/03	n/a	Payroll	11,959.47		101	101	11,959.47
6130	HAVA Payroll 11/15/03	n/a	Payroll	13,664.28		101	101	13,664.28
6130	HAVA Payroll 11/29/03	n/a	Payroll	7,369.40		101	101	7,369.40
6130	HAVA Payroll 12/13/03	n/a	Payroll	13,950.57		101	101	13,950.57
			<b>Payroll total 101</b>					<b>\$ 88,331.65</b>
6131	Bank of America	mci class	020790	730.00		101	101	730.00
6131	Bank of America	mci class	020791	730.00		101	101	730.00
6131	Accenture	H40006	045077	42,875.00		101	101	42,875.00
6131	DPAI	H40002	045083	30,622.50		101	101	30,622.50
6131	Rumken	H40004	045084	7,725.00		101	101	7,725.00
6131	Compuware	H40007	045085	2,800.00		101	101	2,800.00
6131	Jeffrey Wilkins	H40005	045086	6,000.00		101	101	6,000.00
6131	Excel Management	H40009	045088	6,385.25		101	101	6,385.25
6131	Excel Management	H40010	045089	12,288.00		101	101	12,288.00
6131	Excel Management	H40010	045090	20,328.00		101	101	20,328.00
6131	Excel Management	H40009	045091	15,181.00		101	101	15,181.00
6131	Richard G. Lillie	H40008	045095	19,039.09		101	101	19,039.09
6131	DPAI	H40002	045096	156.60		101	101	156.60
6131	DPAI	H40002	045118	14,145.00		101	101	14,145.00
6131	Excel Management	H40010	045119	12,276.00		101	101	12,276.00
6131	Excel Management	H40009	045120	6,916.50		101	101	6,916.50
6131	Rumken	H40004	045121	49,050.00		101	101	49,050.00
6131	Excel Management	H40017	045127	5,889.51		101	101	5,889.51
6131	DPAI	H40002	045128	10,700.00		101	101	10,700.00
6131	Excel Management	H40014	045129	7,260.91		101	101	7,260.91
6131	DPAI	H40002	045135	82.20		101	101	82.20
6131	Excel Management	H40010	045148	13,200.00		101	101	13,200.00
6131	Compuware	H40007	045149	9,675.00		101	101	9,675.00
6131	Excel Management	H40009	045152	5,959.50		101	101	5,959.50
6131	Excel Management	H40014	045153	10,839.21		101	101	10,839.21
6131	Excel Management	H40017	045154	7,139.63		101	101	7,139.63
6131	Compuware	H40007	045163	6,800.00		101	101	6,800.00
6131	Government Technology Adv	H40012	045164	5,691.25		101	101	5,691.25
6131	Rumken	H40004	045168	58,605.00		101	101	58,605.00
6131	Global Securities	H40003	045169	18,000.00		101	101	18,000.00
6131	DPAI	H40002	045170	4,940.00		101	101	4,940.00
6131	Compuware	H40019	045173	124,595.00		101	101	124,595.00
6131	DPAI	H40002	045174	2,140.00		101	101	2,140.00
6131	Govtech Solutions	H40013	045181	5,238.75		101	101	5,238.75
6131	Excel Management	H40009	045185	11,826.81		101	101	11,826.81
6131	Excel Management	H40010	045186	18,348.00		101	101	18,348.00
6131	Excel Management	H40017	045188	2,032.26		101	101	2,032.26
6131	Excel Management	H40014	045189	2,730.55		101	101	2,730.55
6131	DPAI	H40002	045190	14,752.50		101	101	14,752.50
6131	Rumken	H40004	045191	29,610.00		101	101	29,610.00
6131	Global Securities	H40003	045192	17,000.00		101	101	17,000.00
6131	DPAI	H40002	045193	1,140.00		101	101	1,140.00
6131	Excel Management	H40017	045194	2,994.90		101	101	2,994.90
6131	Excel Management	H40014	045195	6,905.40		101	101	6,905.40
6131	Government Technology Adv	H40012	045201		4,067.50	101	101	4,067.50
6131	Compuware	H40007	045202	6,975.00		101	101	6,975.00
6131	DPAI	H40002	045203	560.00		101	101	560.00
6131	DPAI	H40002	045207		480.00	101	101	480.00
6131	Steen & Kennedy	H40026	045208		1,385.00	101	101	1,385.00
6131	Dana Walch	n/a	T40118	200.00		101	101	200.00
			<b>Maintenance total 101</b>					<b>\$ 665,011.82</b>
6132	Bank of America	Expedia.com	020774	234.50		101	101	234.50
6132	Bank of America	Expedia.com	020775	5.00		101	101	5.00
6132	Bank of America	mci class air	020788	318.00		101	101	318.00
6132	Bank of America	mci class air	020789	318.00		101	101	318.00
6132	Yaeger Graphics	n/a	040396	78.00		101	101	78.00
6132	Nextel	n/a	040487	126.28		101	101	126.28
6132	DLT Solutions	H40001	045092	107,604.00		101	101	107,604.00
6132	Smart Solutions	H40021	045145	6,300.00		101	101	6,300.00
6132	Pomeroy IT	H40020	045146	9,261.89		101	101	9,261.89
6132	Mid City Electric	H40023	045147	1,621.97		101	101	1,621.97
6132	Pomeroy IT	n/a	045151	148.77		101	101	148.77
6132	Smart Solutions	H40021	04H049	4,844.79		101	101	4,844.79
6132	Smart Solutions	H40024	04H063		3,228.90	101	101	3,228.90
6132	Sarcom	H40025	04H064	301.50		101	101	301.50
6132	Sarcom	H40025	04H066	385.25		101	101	385.25

021923

Ohio Secretary of State  
Election Reform Section 101 Liquidated and Unliquidated Obligations Details  
As of December 31, 2003

ORIGINAL

SAC	Vendor Name	HAVA Encumbrance #	HAVA Fund 3AA Payments Voucher #	Amount outlay(paid)	Amount obligated(pend)	Section	Totals by SAC
							101
6132	Pomeroy IT	H40020	04H067	15,136.80			101 15,136.80
6132	R & L Carriers	n/a	04H069	15.00			101 15.00
6132	Sarcom	H40025	04H070	904.50			101 904.50
6132	Microman	H40028	04H071	2,399.04			101 2,399.04
6132	Microman	H40028	04H071	880.00			101 880.00
6132	Pomeroy IT	H40020	04H073		126.31		101 126.31
6132	Pomeroy IT	n/a	04H073		163.81		101 163.81
6132	SBC	n/a	04H074		49,866.66		101 49,866.66
6132	Faith M Lyon	n/a	T40065	131.88			101 131.88
6132	Dana Walch	n/a	T40118	155.21			101 155.21
6132	Lori L. Jordan	n/a	T40119	742.12			101 742.12
6132	Faith M Lyon	n/a	T40126	727.49			101 727.49
6132	Faith M Lyon	n/a	T40151	64.80			101 64.80
6132	Faith M Lyon	n/a	T40161	53.25			101 53.25
6132	Dana Walch	n/a	T40164	91.80			101 91.80
6132	Dana Walch	n/a	T40165	459.16			101 459.16
			<b>maintenance 101</b>				<b>206,694.68</b>
6133	Smart Solutions	H40021	045145	138,904.28			101 138,904.28
6133	Smart Solutions	H40022	045150	18,009.00			101 18,009.00
6133	Smart Solutions	H40021	04H049	15,816.67			101 15,816.67
6133	Smart Solutions	H40024	04H063		10,470.00		101 10,470.00
6133	Microman	H40028	04H071	4,026.81			101 4,026.81
			<b>equipment 101</b>				<b>187,226.76</b>
6135	Ashland		04H001	7,933.75			101 7,933.75
6135	Ashtabula		04H002	14,505.50			101 14,505.50
6135	Brown		04H003	6,353.75			101 6,353.75
6135	Butler		04H004	53,949.00			101 53,949.00
6135	Carroll		04H005	6,000.00			101 6,000.00
6135	Champaign		04H006	6,725.25			101 6,725.25
6135	Clinton		04H007	6,000.00			101 6,000.00
6135	Columbiana		04H008	18,338.75			101 18,338.75
6135	Coshocton		04H009	6,000.00			101 6,000.00
6135	Cuyahoga		04H010	150,000.00			101 150,000.00
6135	Delaware		04H011	21,301.00			101 21,301.00
6135	Fulton		04H012	6,685.00			101 6,685.00
6135	Geauga		04H013	14,264.00			101 14,264.00
6135	Guernsey		04H014	6,000.00			101 6,000.00
6135	Hardin		04H015	6,000.00			101 6,000.00
6135	Highland		04H016	6,340.00			101 6,340.00
6135	Harrison		04H017	6,000.00			101 6,000.00
6135	Hocking		04H018	6,000.00			101 6,000.00
6135	Holmes		04H019	6,000.00			101 6,000.00
6135	Huron		04H020	8,775.50			101 8,775.50
6135	Jackson		04H021	6,000.00			101 6,000.00
6135	Jefferson		04H022	13,242.75			101 13,242.75
6135	Knox		04H023	7,907.50			101 7,907.50
6135	Logan		04H024	7,174.50			101 7,174.50
6135	Lorain		04H025	41,523.00			101 41,523.00
6135	Madison		04H026	6,000.00			101 6,000.00
6135	Mahoning		04H027	45,075.75			101 45,075.75
6135	Marion		04H028	9,895.25			101 9,895.25
6135	Meigs		04H029	6,000.00			101 6,000.00
6135	Monroe		04H030	6,000.00			101 6,000.00
6135	Morgan		04H031	6,000.00			101 6,000.00
6135	Muskingum		04H032	12,043.75			101 12,043.75
6135	Noble		04H033	6,000.00			101 6,000.00
6135	Paulding		04H034	6,000.00			101 6,000.00
6135	Perry		04H035	6,000.00			101 6,000.00
6135	Pickaway		04H036	6,876.25			101 6,876.25
6135	Pike		04H037	6,000.00			101 6,000.00
6135	Portage		04H038	23,677.75			101 23,677.75
6135	Preble		04H039	7,027.00			101 7,027.00
6135	Putnam		04H040	6,090.00			101 6,090.00
6135	Ross		04H041	9,369.50			101 9,369.50
6135	Sandusky		04H042	9,942.25			101 9,942.25
6135	Seneca		04H043	8,928.25			101 8,928.25
6135	Trumbull		04H044	33,239.25			101 33,239.25
6135	Union		04H045	6,470.00			101 6,470.00
6135	VanWert		04H046	6,000.00			101 6,000.00
6135	Washington		04H047	9,426.25			101 9,426.25
6135	Wood		04H048	18,915.00			101 18,915.00
6135	Mercer		04H050	6,712.00			101 6,712.00
6135	Williams		04H051	47,335.00			101 47,335.00
6135	Greene		04H052	23,435.50			101 23,435.50
6135	Auglaize		04H053	7,414.00			101 7,414.00
6135	Defiance		04H054	6,134.00			101 6,134.00

Ohio Secretary of State  
 Election Reform Section 101 Liquidated and Unliquidated Obligations Details  
 As of December 31, 2003

ORIGINAL

SAC	Vendor Name	HAVA Encumbrance #	HAVA Fund 3AA Payments Voucher #	Amount outlay(paid)	Amount obligated(pend)	Section		Totals by SAC
							101	
6135	Henry		04H055	6,000.00			101	6,000.00
6135	Adams		04H056	6,000.00			101	6,000.00
6135	Darke		04H057	9,044.00			101	9,044.00
6135	Erie		04H058	60,761.50			101	60,761.50
6135	Hamilton		04H059	130,576.75			101	130,576.75
6135	Lawrence		04H060	9,655.50			101	9,655.50
6135	Miami		04H061	16,571.25			101	16,571.25
6135	Warren		04H062	25,301.75			101	25,301.75
6135	Clark		04H065	20,722.25			101	20,722.25
6135	Summit		04H068	83,628.75			101	83,628.75
6135	Lucas		04H072		69,654.75		101	69,654.75
			<b>subsidy 101</b>					<b>1,228,942.50</b>
			<b>Total 101 paid</b>	<b>\$ 2,236,764.48</b>				
			<b>total 101 obligated vouchers</b>		<b>\$ 139,442.93</b>			
			<b>total 101 paid and obligated</b>				<b>2,376,207.41</b>	

Ohio Secretary of State  
 Election Reform Section 101 Unliquidated Obligations Summary Total  
 As of December 31, 2003

<b>101 obligated balance not paid out 123103</b>				
				<b>Totals from spreadsheets</b>
<b>Total pending vouchers for 101</b>			<b>\$</b>	<b>139,442.93</b>
<b>Total current encumbrance for 101</b>			<b>\$</b>	<b>600,735.83</b>
		<b>Total Obligated 101</b>	<b>\$</b>	<b>740,178.76</b>

**ORIGINAL**

**ORIGINAL**

# **Limited Use of Section 101 Funds**

- Title III requirements
- Improving the administration of Federal elections
- Educating voters on voting rights, voting procedures and voting technology
- Training election officials, workers, and volunteers
- Developing state plan
- Improving, acquiring, leasing or replacing voting equipment
- Improving the accessibility and quantity of polling places
- 800 hotlines for voters to obtain election information and/or report complaints of fraud or voting rights violations

021927

J. Kenneth Blackwell  
Ohio Secretary of State  
180 E. Broad St. 16th Floor  
Columbus, OH 43215  
(614) 466-0180

# Memorandum

Ohio Secretary of State

**To:** U.S. Election Assistance Commission

**From:** DilipC. Mehta, Chief Financial Officer

**ORIGINAL**

**Date:** January 20, 2005

**RE:** HAVA Section 101 and 102 reporting

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Attached please find Ohio's SF-269 reports for Section 101 and Section 102 for the period ending December 31, 2004.

021928

# FINANCIAL STATUS REPORT

(Short Form)

(Follow instructions on back)

# ORIGINAL

1. Federal Agency and Organization Element to Which Report is Submitted <b>Election Assistance Commission by U.S. General Services Administration</b>	2. Federal Grant or Other Identifying Number Assigned By Federal Agency <b>CFDA 39.011</b>	OMB Approval No. <b>0348-00358</b>	Page of 1 of 1 pages	
3. Recipient Organization (Name and complete address, including ZIP code) <b>Ohio Secretary of State Office                  180 E. Broad St. 16th Fl.                  Columbus, OH 43215</b>				
4. Employer Identification Number [REDACTED]	5. Recipient Account Number optional field per GSA	6. Final Report no	7. Basis accrual	
8. Funding/Grant period (see instructions) From: (Month, Day, Year) 10/1/2002	To: (Month, Day, Year) 12/31/2006	9. Period Covered by this Report From: (Month, Day Year) To: (Month, Day, Year) 1/1/2004 12/31/2004		
10. Transactions		I Previously Reported	II This Period	III Cumulative
a. Total Outlays		2,236,764.48	4,633,894.99	6,870,659.47
b. Recipient share of outlays		0.00	0.00	0.00
c. Federal share of outlays		2,236,764.48	4,633,894.99	6,870,659.47
d. Total unliquidated obligations				659,884.32
e. Recipient share of unliquidated obligations				0.00
f. Federal share of unliquidated obligations				659,884.32
g. Total Federal share (Sum of lines c and f)				7,530,543.79
h. Total Federal Funds authorized for this funding period				10,384,931.00
i. Unobligated balance of Federal funds (Line h minus line g)				2,854,387.21
11. Indirect Expense not applicable for this grant	a. Type of Rate (Place "X" in appropriate line) Provisional      Predetermined      Final      Fixed b. Rate      c. Base      d. Total Amount      e. Federal Share			
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. Section 101 items, please see supporting schedules attached for details. The state match of \$5,800,000.00 has been appropriated to state fund 026.				
13 Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.				
Typed or Printed Name and Title <b>Dillip C. Mehta      Chief Financial Officer</b>		Telephone (Area code, number and extension) 614-466-0180		
Signature of Authorized Certifying Official 		Date Report Submitted 01-11-2005		

NSN 7540-01-218-4387

Standard Form 269A (Rev. 7-97)  
 Prescribed by OBM Circulars A-102 and A-110

021929



Secretary of State  
101

**ORIGINAL**

As of December 31, 2004

Action	Expended Amount	Amount	Type
Expended 6/30/04		5,060,361.18	101
3AA expended since 7/1/04		266,936.26	101
3AR expended since 7/1/04		1,117,082.48	101
3AR expended since 7/1/04 (FY04)		426,279.55	101
<b>Total 101 Expended</b>		<b><u>6,870,659.47</u></b>	<b>101</b>
<b>Obligated Encumbrance 12/31/04</b>		<b>659,884.32</b>	<b>101</b>
Federal dollars received 4/28/03		5,000,000.00	101
Federal dollars received 6/16/03		5,384,931.00	101
<b>Total Federal dollars 101</b>		<b><u>\$ 10,384,931.00</u></b>	
Total Federal dollars 101		10,384,931.00	101
less 12/31/03 expended	(2,236,764.48)		101
less 1/1/04 -12/31/04 expended	(4,633,894.99)		101
Total expended 101		<u>(6,870,659.47)</u>	101
Total before obligated encumbrances		3,514,271.53	101
less obligated encumbrance 12/31/04		(659,884.32)	101
<b>Total unobligated and unexpended 101</b>		<b><u>2,854,387.21</u></b>	<b>101</b>

021931

Secretary of State  
Funds and Cash  
As of 12/30/2004

ORIGINAL

		A	B	C	D	E	F	G
				HAVA \$	mode		HAVA \$ Current	
				Encumbered			Enc Amt	
10	Personnel*							
13	Contracts**			\$ 161,080.17		137,981.76		
20	Operating Expenses			35,371.00		35,371.00		
30	Equipment			37,918.30				
50	Subsidy			93,603.50		93,603.50		
	CASH	101	102	\$ 327,972.97		\$ 266,936.26	\$ -	
5/3/2004	ALL ENC IS	327,972.97						61,036.71 transferred to 3AS unappropriated cash per SOS request
	Total expend and oblig	(81,036.71)						
		266,936.26						E+F= 266,936.26

		A	B	C	D	E	F	G
				HAVA \$	mode		HAVA \$ Current	
				Encumbered			Enc Amt	
10	Personnel*			\$ -				
13	Contracts**			-	7,350.49	7,340.00	\$ -	
20	Operating Expenses			-	54,631.36	54,281.55	\$ -	
30	Equipment			-	364,718.00	364,858.00	\$ -	
50	Subsidy			\$ -				
	CASH	101	102	\$ -	\$ 426,699.85	\$ 426,279.55	\$ -	420.30
5/3/2004	ALL ENC IS	426,699.85						
								A=B+E+F
								E+F= 426,279.55

		A	B	C	D	E	F	G
				HAVA \$	mode		HAVA \$ Current	
				Encumbered			Enc Amt	
10	Personnel*			\$ 1,350,000.00	\$ 1,350,000.00	\$ 377,426.61		972,573.39
13	Contracts**			\$ 2,605,000.00	2,605,000.00	479,889.37	\$ 659,884.32	1,485,226.31
20	Operating Expenses			1,279,917.66	1,279,917.66	224,021.53		1,055,896.13
30	Equipment			22,515,000.00	22,515,000.00	35,744.97		22,479,255.03
50	Subsidy			\$ -				
	CASH	101	102	\$ 27,749,917.66	\$ 27,749,917.66	\$ 1,117,082.48	\$ 659,884.32	25,972,950.86
5/3/2004	Total from 3AR	4,569,897.00	\$ 23,180,020.66	\$ 27,749,917.66				
	Less 3AR expend/oblig	(1,776,966.80)		(1,776,966.80)				
	TOTAL APPR CASH	2,792,930.20	\$ 23,180,020.66	\$ 25,972,950.86				E+F= 1,776,966.80
								A=B+E+F

		A	B	C	D	E	F	G
				HAVA \$	mode		HAVA \$ Current	
				Encumbered			Enc Amt	
10	Personnel*			\$ -				0.00
13	Contracts**			-				0.00
20	Operating Expenses			-				79,250,000.00
30	Equipment		79,250,000.00	79,250,000.00				0.00
50	Subsidy			\$ -	\$ 79,250,000.00	\$ -		79,250,000.00
	CASH	253 (B)		\$ -	\$ -	\$ -		
8/22/2004	253(b)	\$ 79,250,000.00						
	Less 3AS expend/oblig	-						
	TOTAL APPR CASH	\$ 79,250,000.00						E+F= -
								A=B+E+F

021933

Secretary of State  
Funds and Cash  
As of 12/30/2004

	A	B	C	D	E	F	G
			HAVA'S Encumbered	mods		HAVA'S Current Enc Am't	
10 Personnel*							
13 Contracts**	\$ 500,000.00	500,000.00		399,911.00	(100,089.00)	394,162.01	\$ 5,748.99
20 Operating Expenses	2,000,000.00	2,000,000.00	2,100,089.00	100,089.00	1,890,865.88	219,223.12	(0.00)
30 Equipment							
50 Subsidy	2,500,000.00	2,500,000.00					2,500,000.00
	\$ -	\$ 5,000,000.00	\$ 5,000,000.00	\$ -	\$ 2,500,000.00	\$ -	\$ 2,275,027.89
							\$ 224,972.11
							2,500,000.00
6/22/2004	253(b)	\$ 5,000,000.00					
	Less 3AT expend/oblig	(2,500,000.00)			A=B+E+F		
	TOTAL APPR CASH	\$ 2,500,000.00					E+F= 2,500,000.00

	A	B	C	D	E	F	G
			HAVA'S Encumbered	mods		HAVA'S Current Enc Am't	
10 Personnel*							
13 Contracts**							0.00
20 Operating Expenses							0.00
30 Equipment	5,800,000.00	5,800,000.00					5,800,000.00
50 Subsidy							0.00
	\$ 5,800,000.00	\$ -	\$ 5,800,000.00	\$ -	\$ -	\$ -	5,800,000.00
6/22/2004	CAPITAL	\$ 5,800,000.00					
	Less 026 expend/oblig	-			A=B+E+F		
	TOTAL STATE MATCH	\$ 5,800,000.00					E+F= -

Fund Acct	Section 02 Cash	Section 02 Appropriated/Unappr	Section 02 Expend/Oblig	State Match Cash & Appr	State Match Expend/Oblig
4/28/2003	5,000,000.00				
6/18/2003	5,384,931.00				
6/22/2004					
3AA 04 EXP	(4,933,526.90)	4,933,526.90	4,933,526.90		
3AA 04 ENC	(327,972.97)	327,972.97	327,972.97		
3AA 04 lapse	61,036.71	(61,036.71)	(61,036.71)		
3AR 04 EXP	(126,834.28)	126,834.28	126,834.28		
3AR 04 ENC	(426,699.85)	426,699.85	426,699.85		
3AR 05 APP	(4,569,897.00)	4,569,897.00	4,569,897.00		
3AS 05 APP					
3AT 05 APP					
026					
Totals	\$ 61,036.71	\$ 10,323,894.29	\$ 10,323,894.29	\$ 7,487,643.34	\$ 23,180,020.66
				\$ 6,742,517.00	\$ 84,250,000.00
				\$ 2,500,000.00	\$ 5,800,000.00
					\$ -

UNAPPR cash is in fund

101	61,036.71	3AS
102	7,487,643.34	3AR
253 (B)	6,742,517.00	3AS
UNAPPR \$	\$ 14,291,197.05	

+ 420.30 lapsed  
# 14,291,617.35

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Secretary of State  
Funds and Cash  
As of 12/30/2004

ORIGINAL

	Fed Cash Received						Obligated FY04	Expended FY05				
101	10,384,931.00									10,384,931.00		
102	30,667,664.00									30,667,664.00		
253 (b)	90,992,517.00									90,992,517.00		
Expended 04		4,833,528.80	128,834.28			5,080,381.18	5,080,381.18			(5,080,381.18)		
Expended 05/04 enc		266,936.26	426,699.85			693,636.11	693,636.11			(693,636.11)		
Expended 05			1,117,082.48			2,275,027.89	3,392,110.37	3,392,110.37		(3,392,110.37)		
Obligated 04 bal		61,036.71										
Obligated 05 bal			659,884.32			224,972.11	884,856.43		884,856.43	(884,856.43)		
Lapse 04 balance 3AA		(61,036.71)					(420.30)		(420.30)	420.30		
Lapse 04 balance 3AR			(420.30)									
	\$ 132,045,112.00	\$ 5,200,463.16	\$ 2,330,080.63			\$ 2,500,000.00	\$ 10,030,543.79	\$ 5,753,997.29	\$ -	\$ 3,392,110.37	\$ 884,436.13	\$ 122,014,568.21
Type	Program Totals & Est	Fed Cash Received	State Appropriated	State Unappr Cash	State Match for 253	State Appropriated	Total O/E all yr	A+B+E+F	Total Fed bal	E+F=	diff last 2 columns	
Section 101	10,384,931.00	10,384,931.00	10,384,931.00			10,384,931.00						
Section 102	30,667,664.00	30,667,664.00	23,180,020.68	7,487,643.34		23,180,020.68						
Section 253 (b)	90,992,517.00	90,992,517.00	84,250,000.00	6,742,517.00		84,250,000.00	10,030,543.79		\$ 122,014,568.21			
HHS-1	471,800.00											
HHS-2	328,144.00											
State match	5,800,000.00				5,800,000.00							
Totals	\$ 138,844,856.00	\$ 132,045,112.00	\$ 117,814,951.66	\$ 14,230,160.34	\$ 5,800,000.00	\$ 117,814,951.66	\$ 10,030,543.79	\$ 107,784,407.87	\$ 122,014,568.21	\$ 14,230,160.34	unappr fed cash	

GRAND TOTALS	
8/30/04 expended	\$ 5,080,381.18 3AA and 3AR 04
As of curr date O/E	1,778,996.80 3AR 05
As of curr date O/E	3AS 05
As of curr date O/E	2,500,000.00 3AT 05
As of curr date O/E	266,936.26 3AA 04
As of curr date O/E	426,279.55 3AR 04
As of curr date O/E	Capital
Total O/E current date	\$ 10,030,543.79 All funds

GRAND TOTALS	
8/30/04 expended	\$ 4,080,381.18 3AA and 3AR 04
As of curr date exp	1,117,082.48 3AR 05
As of curr date exp	3AS 05
As of curr date exp	2,275,027.89 3AT 05
As of curr date exp	266,936.26 3AA 04
As of curr date exp	426,478.65 3AR 04
As of curr date exp	Capital
Total O/E current date	\$ 10,030,543.79 All funds

Encumbrance Total	
	\$ 884,856.43
	\$ 884,856.43

021935

SOS-033	1/22/2003	Create Fund 3AA						
SOS-041	8/16/2003	Est appr authority	4,492,228.18	\$ 347,707.36	\$ 1,034,321.00	\$ 468,665.60	\$ 519,621.45	\$ 2,121,892.75
SOS-042	10/8/2003	Increase appropriation	170,000.00		170,000.00			
SOS-043	11/3/2003	Create fund 3AH						
SOS-044	11/3/2003	Increase appropriation	1,277,816.50					1,277,816.50

Secretary of State  
Funds and Cash  
As of 12/30/2004

SOS-045	1/12/2004	Increase appropriation	290,500.00		290,500.00				
SOS-046	1/12/2004	Waiver of competitive select into Sentry							
SOS-048	5/3/2004	New Fund/est appr	27,334,407.00	1,350,000.00	2,605,000.00	780,000.00	22,599,407.00		-
SOS-049	5/3/2004	New Fund/est appr	5,000,000.00		500,000.00	2,000,000.00			2,500,000.00
SOS-050	5/3/2004	Capital Fund Matching	5,800,000.00				5,800,000.00		
SOS-051	5/3/2004	Waiver of competitive select for B-M							
SOS-052	5/3/2004	To transfer already appr 3AA to 3AR							
SOS-052	5/3/2004	To transfer cash balance to 3AR							
H.B. 262	5/7/2004	To appropriate 3AS	79,250,000.00					79,250,000.00	
		Total Controlling Boards	123,614,951.66	\$ 1,897,707.36	\$ 4,599,821.00	\$ 3,248,685.60	\$ 108,169,028.45	\$ 5,899,709.25	

021936

101 1/1/04 thru 12/31/04

ORIGINAL

TYPE	ObjID	DateID	FedI	FundI	InvoiceID	VoucherI	Amount	VendorID	SectionI	SacID
	13	1/1/2004	101	3AA	511	045201	\$1,488.75	GOVERNMENT TECHN	VS	6131
	13	1/1/2004	101	3AA	511	045201	\$4,067.50	GOVERNMENT TECHN	NOLA	6131
	13	1/1/2004	101	3AA	120305	045208	\$969.50	STEEN & KENNEDY(KE	WHOLE	6131
	13	1/1/2004	101	3AA	46497	045207	\$480.00	DPAI/SOLUTIENT	SAM	6131
	13	1/1/2004	101	3AA	120305	045208	\$415.50	STEEN & KENNEDY(KE	WHOLE	6131
	13	1/8/2004	101	3AA	24436	045217	\$11,484.00	EXCEL MANAGEMENT	VS	6131
	13	1/8/2004	101	3AA	46517	045216	\$2,400.00	DPAI/SOLUTIENT	VR	6131
	13	1/8/2004	101	3AA	24435	045218	\$7,569.00	EXCEL MANAGEMENT	VR	6131
	13	1/9/2004	101	3AA	20453	045219	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/9/2004	101	3AA	20448	045219	\$174.54	GLOBAL SECURITIES	VR	6131
	13	1/9/2004	101	3AA	20453	045219	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/9/2004	101	3AA	20453	045219	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/9/2004	101	3AA	20453	045219	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/9/2004	101	3AA	20453	045219	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/9/2004	101	3AA	20453	045219	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/9/2004	101	3AA	20453	045219	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/9/2004	101	3AA	20453	045219	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/9/2004	101	3AA	20448	045219	\$83.31	GLOBAL SECURITIES	VR	6131
	13	1/9/2004	101	3AA	20453	045219	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/9/2004	101	3AA	20453	045219	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/9/2004	101	3AA	20453	045219	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/9/2004	101	3AA	20448	045219	\$297.17	GLOBAL SECURITIES	VR	6131

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TYPE	ObjID	DateID	FedI	FundI	InvoiceID	VoucherI	Amount	VendorID	SectionI	SacID
	13	1/9/2004	101	3AA	20453	045219	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/9/2004	101	3AA	20453	045219	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/9/2004	101	3AA	20453	045219	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/9/2004	101	3AA	20453	045219	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/9/2004	101	3AA	20453	045219	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/9/2004	101	3AA	20453	045219	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/9/2004	101	3AA	20453	045219	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/9/2004	101	3AA	20453	045219	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/9/2004	101	3AA	20453	045219	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/9/2004	101	3AA	20448	045219	\$39.20	GLOBAL SECURITIES	VR	6131
	13	1/9/2004	101	3AA	20453	045219	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/9/2004	101	3AA	20450	045219	\$60.30	GLOBAL SECURITIES	VR	6131
	13	1/9/2004	101	3AA	20448	045219	\$242.25	GLOBAL SECURITIES	VR	6131
	13	1/9/2004	101	3AA	20448	045219	\$27.90	GLOBAL SECURITIES	VR	6131
	13	1/9/2004	101	3AA	20448	045219	\$82.64	GLOBAL SECURITIES	VR	6131
	13	1/9/2004	101	3AA	20448	045219	\$72.00	GLOBAL SECURITIES	VR	6131
	13	1/9/2004	101	3AA	20450	045219	\$101.23	GLOBAL SECURITIES	VR	6131
	13	1/9/2004	101	3AA	20450	045219	\$215.55	GLOBAL SECURITIES	VR	6131
	13	1/9/2004	101	3AA	20450	045219	\$219.99	GLOBAL SECURITIES	VR	6131
	13	1/9/2004	101	3AA	20450	045219	\$80.25	GLOBAL SECURITIES	VR	6131
	13	1/9/2004	101	3AA	20450	045219	\$169.97	GLOBAL SECURITIES	VR	6131
	13	1/9/2004	101	3AA	20450	045219	\$112.85	GLOBAL SECURITIES	VR	6131
	13	1/9/2004	101	3AA	20450	045219	\$143.63	GLOBAL SECURITIES	VR	6131
	13	1/9/2004	101	3AA	20448	045219	\$123.75	GLOBAL SECURITIES	VR	6131
	13	1/9/2004	101	3AA	20453	045219	\$1,200.00	GLOBAL SECURITIES	VR	6131

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ORIGINAL

TYPE	ObjID	DateID	FedI	FundI	InvoiceID	VoucherI	Amount	VendorID	SectionI	SacID
	13	1/9/2004	101	3AA	20450	045219	\$145.70	GLOBAL SECURITIES	VR	6131
	13	1/12/2004	101	3AA	0310020	045175	\$24,840.00	INFOENTRY	VS	6131
	13	1/14/2004	101	3AA	24490	045234	\$180.50	EXCEL MANAGEMENT	VR	6131
	13	1/14/2004	101	3AA	24490	045234	\$701.93	EXCEL MANAGEMENT	VR	6131
	13	1/14/2004	101	3AA	24490	045234	\$668.50	EXCEL MANAGEMENT	VR	6131
	13	1/14/2004	101	3AA	24490	045234	\$217.26	EXCEL MANAGEMENT	VR	6131
	13	1/14/2004	101	3AA	24478	045232	\$530.85	EXCEL MANAGEMENT	VR	6131
	13	1/14/2004	101	3AA	321	045231	\$660.00	GOVTECH SOLUTIONS	VR	6131
	13	1/14/2004	101	3AA	322	045231	\$165.00	GOVTECH SOLUTIONS	VR	6131
	13	1/14/2004	101	3AA	24478	045232	\$460.36	EXCEL MANAGEMENT	VR	6131
	13	1/14/2004	101	3AA	24478	045232	\$287.76	EXCEL MANAGEMENT	VR	6131
	13	1/14/2004	101	3AA	46530	045233	\$1,300.00	DPAI/SOLUTIENT	VR	6131
	13	1/14/2004	101	3AA	24490	045234	\$327.57	EXCEL MANAGEMENT	VR	6131
	13	1/20/2004	101	3AA	20462	045237	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/20/2004	101	3AA	20467	045237	\$1.80	GLOBAL SECURITIES	VR	6131
	13	1/20/2004	101	3AA	20462	045237	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/20/2004	101	3AA	20462	045237	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/20/2004	101	3AA	20462	045237	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/20/2004	101	3AA	20467	045237	\$37.72	GLOBAL SECURITIES	VR	6131
	13	1/20/2004	101	3AA	20467	045237	\$113.47	GLOBAL SECURITIES	VR	6131
	13	1/20/2004	101	3AA	20467	045237	\$104.77	GLOBAL SECURITIES	VR	6131
	13	1/20/2004	101	3AA	20467	045237	\$32.70	GLOBAL SECURITIES	VR	6131
	13	1/20/2004	101	3AA	20467	045237	\$171.29	GLOBAL SECURITIES	VR	6131
	13	1/20/2004	101	3AA	20467	045237	\$94.58	GLOBAL SECURITIES	VR	6131
	13	1/20/2004	101	3AA	20463	045237	\$63.78	GLOBAL SECURITIES	VR	6131

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TYPE	ObjID	DateID	FedI	FundI	InvoiceID	VoucherI	Amount	VendorID	SectionI	SacID
	13	1/20/2004	101	3AA	20467	045237	\$134.05	GLOBAL SECURITIES	VR	6131
	13	1/20/2004	101	3AA	20467	045237	\$30.89	GLOBAL SECURITIES	VR	6131
	13	1/20/2004	101	3AA	20467	045237	\$36.27	GLOBAL SECURITIES	VR	6131
	13	1/20/2004	101	3AA	20467	045237	\$40.60	GLOBAL SECURITIES	VR	6131
	13	1/20/2004	101	3AA	20467	045237	\$52.73	GLOBAL SECURITIES	VR	6131
	13	1/20/2004	101	3AA	20467	045237	\$30.57	GLOBAL SECURITIES	VR	6131
	13	1/20/2004	101	3AA	20467	045237	\$42.60	GLOBAL SECURITIES	VR	6131
	13	1/20/2004	101	3AA	20467	045237	\$50.40	GLOBAL SECURITIES	VR	6131
	13	1/20/2004	101	3AA	20467	045237	\$66.89	GLOBAL SECURITIES	VR	6131
	13	1/20/2004	101	3AA	20463	045237	\$12.60	GLOBAL SECURITIES	VR	6131
	13	1/20/2004	101	3AA	20463	045237	\$126.42	GLOBAL SECURITIES	VR	6131
	13	1/20/2004	101	3AA	20463	045237	\$118.68	GLOBAL SECURITIES	VR	6131
	13	1/20/2004	101	3AA	20463	045237	\$48.17	GLOBAL SECURITIES	VR	6131
	13	1/20/2004	101	3AA	20463	045237	\$53.13	GLOBAL SECURITIES	VR	6131
	13	1/20/2004	101	3AA	20463	045237	\$47.47	GLOBAL SECURITIES	VR	6131
	13	1/20/2004	101	3AA	20463	045237	\$44.69	GLOBAL SECURITIES	VR	6131
	13	1/20/2004	101	3AA	20467	045237	\$124.03	GLOBAL SECURITIES	VR	6131
	13	1/20/2004	101	3AA	20463	045237	\$54.27	GLOBAL SECURITIES	VR	6131
	13	1/20/2004	101	3AA	20462	045237	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/20/2004	101	3AA	20463	045237	\$64.20	GLOBAL SECURITIES	VR	6131
	13	1/20/2004	101	3AA	20463	045237	\$20.02	GLOBAL SECURITIES	VR	6131
	13	1/20/2004	101	3AA	20463	045237	\$38.40	GLOBAL SECURITIES	VR	6131
	13	1/20/2004	101	3AA	20463	045237	\$103.24	GLOBAL SECURITIES	VR	6131
	13	1/20/2004	101	3AA	20463	045237	\$38.91	GLOBAL SECURITIES	VR	6131
	13	1/20/2004	101	3AA	20463	045237	\$157.68	GLOBAL SECURITIES	VR	6131

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ORIGINAL

TYPE	ObjID	DateID	FedI	FundI	InvoiceID	VoucherI	Amount	VendorID	SectionI	SacID
	13	1/20/2004	101	3AA	20463	045237	\$21.60	GLOBAL SECURITIES	VR	6131
	13	1/20/2004	101	3AA	20462	045237	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/20/2004	101	3AA	24003/003-1	045241	\$319.11	EXCEL MANAGEMENT	VR	6131
	13	1/20/2004	101	3AA	20462	045237	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/20/2004	101	3AA	20462	045237	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/20/2004	101	3AA	20462	045237	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/20/2004	101	3AA	20462	045237	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/20/2004	101	3AA	20462	045237	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/20/2004	101	3AA	277	045238	\$4,000.00	GOVTECH SOLUTIONS	VR	6131
	13	1/20/2004	101	3AA	46538	045239	\$1,600.00	DPAI/SOLUTIENT	VR	6131
	13	1/20/2004	101	3AA	24502	045240	\$7,392.00	EXCEL MANAGEMENT	VR	6131
	13	1/20/2004	101	3AA	20462	045237	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/20/2004	101	3AA	24501	045241	\$3,936.75	EXCEL MANAGEMENT	VR	6131
	13	1/21/2004	101	3AA	24512	045243	\$421.46	EXCEL MANAGEMENT	VR	6131
	13	1/21/2004	101	3AA	24512	045243	\$365.55	EXCEL MANAGEMENT	VR	6131
	13	1/21/2004	101	3AA	24512	045243	\$307.21	EXCEL MANAGEMENT	VR	6131
	13	1/21/2004	101	3AA	24512	045243	\$365.55	EXCEL MANAGEMENT	VR	6131
	13	1/21/2004	101	3AA	24512	045243	\$545.44	EXCEL MANAGEMENT	VR	6131
	13	1/21/2004	101	3AA	24512	045243	\$545.44	EXCEL MANAGEMENT	VR	6131
	13	1/21/2004	101	3AA	24512	045243	\$375.28	EXCEL MANAGEMENT	VR	6131
	13	1/21/2004	101	3AA	24512	045243	\$467.65	EXCEL MANAGEMENT	VR	6131
	13	1/21/2004	101	3AA	24512	045243	\$419.03	EXCEL MANAGEMENT	VR	6131
	13	1/21/2004	101	3AA	24512	045243	\$426.33	EXCEL MANAGEMENT	VR	6131
	13	1/21/2004	101	3AA	1/13/04	045245	\$1,785.00	RICHARD LILLIE	VS	6131
	13	1/21/2004	101	3AA	24514	045244	\$260.72	EXCEL MANAGEMENT	VR	6131

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TYPE	ObjID	DateID	FedI	FundI	InvoiceID	VoucherI	Amount	VendorID	SectionI	SacID
	13	1/21/2004	101	3AA	24514	045244	\$260.72	EXCEL MANAGEMENT	VR	6131
	13	1/21/2004	101	3AA	24514	045244	\$200.55	EXCEL MANAGEMENT	VR	6131
	13	1/21/2004	101	3AA	24514	045244	\$334.25	EXCEL MANAGEMENT	VR	6131
	13	1/21/2004	101	3AA	24514	045244	\$441.21	EXCEL MANAGEMENT	VR	6131
	13	1/21/2004	101	3AA	24514	045244	\$401.10	EXCEL MANAGEMENT	VR	6131
	13	1/21/2004	101	3AA	24512	045243	\$438.48	EXCEL MANAGEMENT	VR	6131
	13	1/21/2004	101	3AA	24514	045244	\$334.25	EXCEL MANAGEMENT	VR	6131
	13	1/21/2004	101	3AA	533	045242	\$7,542.50	GOVERNMENT TECHN	VS	6131
	13	1/21/2004	101	3AA	24514	045244	\$160.44	EXCEL MANAGEMENT	VR	6131
	13	1/21/2004	101	3AA	24513	045243	\$455.50	EXCEL MANAGEMENT	VR	6131
	13	1/21/2004	101	3AA	24513	045243	\$482.24	EXCEL MANAGEMENT	VR	6131
	13	1/21/2004	101	3AA	24513	045243	\$263.45	EXCEL MANAGEMENT	VR	6131
	13	1/21/2004	101	3AA	24513	045243	\$324.23	EXCEL MANAGEMENT	VR	6131
	13	1/21/2004	101	3AA	24512	045243	\$506.55	EXCEL MANAGEMENT	VR	6131
	13	1/21/2004	101	3AA	24512	045243	\$557.59	EXCEL MANAGEMENT	VR	6131
	13	1/21/2004	101	3AA	24514	045244	\$267.40	EXCEL MANAGEMENT	VR	6131
	13	1/21/2004	101	3AA	24512	045243	\$470.08	EXCEL MANAGEMENT	VR	6131
	13	1/23/2004	101	3AA	20468	045248	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/23/2004	101	3AA	20468	045248	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/23/2004	101	3AA	20468	045248	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/23/2004	101	3AA	20468	045248	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/23/2004	101	3AA	20468	045248	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/23/2004	101	3AA	20468	045248	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/23/2004	101	3AA	20468	045248	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/23/2004	101	3AA	20468	045248	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/23/2004	101	3AA	20468	045248	\$1,000.00	GLOBAL SECURITIES	VR	6131

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TYPE	ObjID	DateID	FedI	FundI	InvoiceID	VoucherI	Amount	VendorID	SectionI	SacID
	13	1/23/2004	101	3AA	20468	045248	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/23/2004	101	3AA	20468	045248	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/23/2004	101	3AA	20468	045248	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/23/2004	101	3AA	20468	045248	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/23/2004	101	3AA	20468	045248	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/23/2004	101	3AA	20468	045248	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/23/2004	101	3AA	20468	045248	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/23/2004	101	3AA	20468	045248	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/23/2004	101	3AA	20468	045248	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/23/2004	101	3AA	20468	045248	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/23/2004	101	3AA	20468	045248	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	1/28/2004	101	3AA	557971	045255	\$6,800.00	COMPUWARE	VS	6131
	13	2/6/2004	101	3AA	20474	045265	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	2/6/2004	101	3AA	20474	045265	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	2/6/2004	101	3AA	20474	045265	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	2/6/2004	101	3AA	20474	045265	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	2/6/2004	101	3AA	20474	045265	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	2/6/2004	101	3AA	20474	045265	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	2/6/2004	101	3AA	20474	045265	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	2/6/2004	101	3AA	20474	045265	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	2/6/2004	101	3AA	20474	045265	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	2/6/2004	101	3AA	20474	045265	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	2/6/2004	101	3AA	20474	045265	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	2/6/2004	101	3AA	20474	045265	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	2/6/2004	101	3AA	20474	045265	\$1,000.00	GLOBAL SECURITIES	VR	6131

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TYPE	ObjID	DateID	FedI	FundI	InvoiceID	VoucherI	Amount	VendorID	SectionI	SacID
	13	2/6/2004	101	3AA	040005	045264	\$455.50	EXCEL MANAGEMENT	VR	6131
	13	2/6/2004	101	3AA	040005	045264	\$431.19	EXCEL MANAGEMENT	VR	6131
	13	2/6/2004	101	3AA	20474	045265	\$4,800.00	GLOBAL SECURITIES	VR	6131
	13	2/6/2004	101	3AA	20474	045265	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	2/6/2004	101	3AA	20474	045265	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	2/6/2004	101	3AA	20474	045265	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	2/6/2004	101	3AA	040005	045264	\$572.18	EXCEL MANAGEMENT	VR	6131
	13	2/6/2004	101	3AA	040005	045264	\$511.41	EXCEL MANAGEMENT	VR	6131
	13	2/6/2004	101	3AA	040005	045264	\$409.31	EXCEL MANAGEMENT	VR	6131
	13	2/6/2004	101	3AA	040005	045264	\$455.50	EXCEL MANAGEMENT	VR	6131
	13	2/6/2004	101	3AA	46611	045263	\$2,000.00	DPAI/SOLUTIENT	VR	6131
	13	2/6/2004	101	3AA	040005	045264	\$402.02	EXCEL MANAGEMENT	VR	6131
	13	2/6/2004	101	3AA	040005	045264	\$543.01	EXCEL MANAGEMENT	VR	6131
	13	2/6/2004	101	3AA	040005	045264	\$350.97	EXCEL MANAGEMENT	VR	6131
	13	2/6/2004	101	3AA	040005	045264	\$348.54	EXCEL MANAGEMENT	VR	6131
	13	2/6/2004	101	3AA	46597	045263	\$1,600.00	DPAI/SOLUTIENT	VR	6131
	13	2/6/2004	101	3AA	46630	045263	\$2,000.00	DPAI/SOLUTIENT	VR	6131
	13	2/6/2004	101	3AA	040005	045264	\$411.74	EXCEL MANAGEMENT	VR	6131
	13	2/6/2004	101	3AA	040005	045264	\$355.83	EXCEL MANAGEMENT	VR	6131
	13	2/17/2004	101	3AA	40202	045274	\$760.00	STEEN & KENNEDY(KE	WHOLE	6131
	13	2/20/2004	101	3AA	040044	045288	\$407.79	EXCEL MANAGEMENT	VR	6131
	13	2/24/2004	101	3AA	46657	045286	\$2,000.00	DPAI/SOLUTIENT	VR	6131
	13	2/24/2004	101	3AA	040044	045288	\$307.51	EXCEL MANAGEMENT	VR	6131
	13	2/24/2004	101	3AA	040044	045288	\$247.35	EXCEL MANAGEMENT	VR	6131
	13	2/24/2004	101	3AA	040044	045288	\$294.14	EXCEL MANAGEMENT	VR	6131

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TYPE	ObjID	DateID	FedI	FundI	InvoiceID	VoucherI	Amount	VendorID	SectionI	SacID
	13	2/24/2004	101	3AA	040044	045288	\$347.62	EXCEL MANAGEMENT	VR	6131
	13	2/24/2004	101	3AA	040028	045287	\$22,440.00	EXCEL MANAGEMENT	VR	6131
	13	2/24/2004	101	3AA	040045	045289	\$974.50	EXCEL MANAGEMENT	VR	6131
	13	2/24/2004	101	3AA	20481	045283	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	2/24/2004	101	3AA	20481	045283	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	2/24/2004	101	3AA	20481	045283	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	2/24/2004	101	3AA	562862	045284	\$7,850.00	COMPUWARE	VS	6131
	13	2/24/2004	101	3AA	040027	045285	\$13,441.50	EXCEL MANAGEMENT	VR	6131
	13	2/25/2004	101	3AA	040046	045290	\$347.62	EXCEL MANAGEMENT	VR	6131
	13	2/25/2004	101	3AA	040046	045290	\$360.99	EXCEL MANAGEMENT	VR	6131
	13	2/25/2004	101	3AA	040046	045290	\$220.61	EXCEL MANAGEMENT	VR	6131
	13	2/25/2004	101	3AA	040046	045290	\$454.58	EXCEL MANAGEMENT	VR	6131
	13	2/25/2004	101	3AA	040046	045290	\$314.20	EXCEL MANAGEMENT	VR	6131
	13	2/25/2004	101	3AA	040046	045290	\$314.20	EXCEL MANAGEMENT	VR	6131
	13	2/25/2004	101	3AA	040046	045290	\$354.31	EXCEL MANAGEMENT	VR	6131
	13	2/25/2004	101	3AA	040046	045290	\$367.68	EXCEL MANAGEMENT	VR	6131
	13	2/25/2004	101	3AA	040046	045290	\$327.57	EXCEL MANAGEMENT	VR	6131
	13	2/25/2004	101	3AA	040046	045290	\$320.88	EXCEL MANAGEMENT	VR	6131
	13	2/25/2004	101	3AA	040046	045290	\$247.35	EXCEL MANAGEMENT	VR	6131
	13	2/25/2004	101	3AA	040046	045290	\$467.95	EXCEL MANAGEMENT	VR	6131
	13	2/25/2004	101	3AA	040046	045290	\$467.95	EXCEL MANAGEMENT	VR	6131
	13	2/25/2004	101	3AA	040046	045290	\$401.10	EXCEL MANAGEMENT	VR	6131
	13	2/26/2004	101	3AA	46702	045294	\$4,800.00	DPAI/SOLUTIENT	VR	6131
	13	2/26/2004	101	3AA	040047	045293	\$454.32	EXCEL MANAGEMENT	VR	6131
	13	2/26/2004	101	3AA	040047	045293	\$1,738.10	EXCEL MANAGEMENT	VR	6131

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TYPE	ObjID	DateID	FedI	FundI	InvoiceID	VoucherI	Amount	VendorID	SectionI	SacID
	13	2/26/2004	101	3AA	040047	045293	\$1,754.82	EXCEL MANAGEMENT	VR	6131
	13	2/26/2004	101	3AA	040047	045293	\$651.79	EXCEL MANAGEMENT	VR	6131
	13	3/10/2004	101	3AA	02004-0030	045309	\$12,000.00	RJV CONSULTING	VS	6131
	13	3/10/2004	101	3AA	630	045310	\$5,968.75	GOVERNMENT TECHN	VS	6131
	13	3/10/2004	101	3AA	46727	045311	\$700.00	DPAI/SOLUTIENT	VR	6131
	13	3/10/2004	101	3AA	43726	045311	\$3,200.00	DPAI/SOLUTIENT	VR	6131
	13	3/15/2004	101	3AA	OH2854	045337	\$3,164.00	3SG CORPORATION	WHOLE	6131
	13	3/15/2004	101	3AA	040070	045318	\$6,659.22	EXCEL MANAGEMENT	VR	6131
	13	3/15/2004	101	3AA	46763	045319	\$2,240.00	DPAI/SOLUTIENT	VR	6131
	13	3/15/2004	101	3AA	46762	045319	\$1,600.00	DPAI/SOLUTIENT	VR	6131
	13	3/15/2004	101	3AA	040090	045316	\$21,780.00	EXCEL MANAGEMENT	VS	6131
	13	3/15/2004	101	3AA	040089	045317	\$13,702.50	EXCEL MANAGEMENT	VR	6131
	13	3/15/2004	101	3AA	46733	045319	\$574.32	DPAI/SOLUTIENT	VR	6131
	13	3/15/2004	101	3AA	46760	045319	\$3,200.00	DPAI/SOLUTIENT	VR	6131
	13	3/17/2004	101	3AA	567794	045324	\$7,200.00	COMPUWARE	VS	6131
	13	3/17/2004	101	3AA	46803	045323	\$2,000.00	DPAI/SOLUTIENT	VR	6131
	13	3/27/2004	101	3AA	0410004	045356	\$14,512.50	INFOSENTRY	VS	6131
	13	3/29/2004	101	3AA	OH2887	045337	\$5,695.20	3SG CORPORATION	WHOLE	6131
	13	3/30/2004	101	3AA	403	045332	\$247.50	GOVTECH SOLUTIONS	VR	6131
	13	3/30/2004	101	3AA	404	045332	\$536.25	GOVTECH SOLUTIONS	VR	6131
	13	4/2/2004	101	3AA	20493	045334	\$179.22	GLOBAL SECURITIES	VR	6131
	13	4/2/2004	101	3AA	20486	045334	\$74.50	GLOBAL SECURITIES	VR	6131
	13	4/2/2004	101	3AA	20486	045334	\$113.10	GLOBAL SECURITIES	VR	6131
	13	4/2/2004	101	3AA	20486	045334	\$31.84	GLOBAL SECURITIES	VR	6131
	13	4/2/2004	101	3AA	20486	045334	\$177.03	GLOBAL SECURITIES	VR	6131

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TYPE	ObjID	DateID	FedI	FundI	InvoiceID	VoucherI	Amount	VendorID	SectionI	SacID
	13	4/2/2004	101	3AA	20486	045334	\$47.67	GLOBAL SECURITIES	VR	6131
	13	4/2/2004	101	3AA	20486	045334	\$0.00	GLOBAL SECURITIES	VR	6131
	13	4/2/2004	101	3AA	20486	045334	\$77.22	GLOBAL SECURITIES	VR	6131
	13	4/2/2004	101	3AA	20493	045334	\$145.06	GLOBAL SECURITIES	VR	6131
	13	4/2/2004	101	3AA	20493	045334	\$52.20	GLOBAL SECURITIES	VR	6131
	13	4/2/2004	101	3AA	20486	045334	\$138.23	GLOBAL SECURITIES	VR	6131
	13	4/2/2004	101	3AA	20486	045334	\$53.98	GLOBAL SECURITIES	VR	6131
	13	4/2/2004	101	3AA	20493	045334	\$138.38	GLOBAL SECURITIES	VR	6131
	13	4/2/2004	101	3AA	20486	045334	\$43.92	GLOBAL SECURITIES	VR	6131
	13	4/2/2004	101	3AA	20486	045334	\$92.94	GLOBAL SECURITIES	VR	6131
	13	4/2/2004	101	3AA	20494	045334	\$41.43	GLOBAL SECURITIES	VR	6131
	13	4/2/2004	101	3AA	20493	045334	\$20.90	GLOBAL SECURITIES	VR	6131
	13	4/2/2004	101	3AA	20493	045334	\$154.97	GLOBAL SECURITIES	VR	6131
	13	4/2/2004	101	3AA	20493	045334	\$144.45	GLOBAL SECURITIES	VR	6131
	13	4/2/2004	101	3AA	20493	045334	\$149.73	GLOBAL SECURITIES	VR	6131
	13	4/2/2004	101	3AA	20493	045334	\$47.97	GLOBAL SECURITIES	VR	6131
	13	4/2/2004	101	3AA	20493	045334	\$56.06	GLOBAL SECURITIES	VR	6131
	13	4/2/2004	101	3AA	20493	045334	\$63.90	GLOBAL SECURITIES	VR	6131
	13	4/2/2004	101	3AA	20493	045334	\$62.81	GLOBAL SECURITIES	VR	6131
	13	4/2/2004	101	3AA	20494	045334	\$76.31	GLOBAL SECURITIES	VR	6131
	13	4/2/2004	101	3AA	20494	045334	\$116.07	GLOBAL SECURITIES	VR	6131
	13	4/2/2004	101	3AA	20494	045334	\$78.75	GLOBAL SECURITIES	VR	6131
	13	4/2/2004	101	3AA	20494	045334	\$80.50	GLOBAL SECURITIES	VR	6131
	13	4/2/2004	101	3AA	20503	045334	\$1,000.00	GLOBAL SECURITIES	VR	6131
	13	4/2/2004	101	3AA	20503	045334	\$120.10	GLOBAL SECURITIES	VR	6131

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TYPE	ObjID	DateID	FedI	FundI	InvoiceID	VoucherI	Amount	VendorID	SectionI	SacID
	13	4/2/2004	101	3AA	20493	045334	\$47.25	GLOBAL SECURITIES	VR	6131
	13	4/2/2004	101	3AA	20486	045334	\$111.25	GLOBAL SECURITIES	VR	6131
	13	4/2/2004	101	3AA	20486	045334	\$25.50	GLOBAL SECURITIES	VR	6131
	13	4/2/2004	101	3AA	20493	045334	\$151.62	GLOBAL SECURITIES	VR	6131
	13	4/2/2004	101	3AA	20486	045334	\$46.17	GLOBAL SECURITIES	VR	6131
	13	4/2/2004	101	3AA	20493	045334	\$91.24	GLOBAL SECURITIES	VR	6131
	13	4/2/2004	101	3AA	20493	045334	\$165.68	GLOBAL SECURITIES	VR	6131
	13	4/2/2004	101	3AA	20493	045334	\$66.23	GLOBAL SECURITIES	VR	6131
	13	4/2/2004	101	3AA	20486	045334	\$147.56	GLOBAL SECURITIES	VR	6131
	13	4/2/2004	101	3AA	20486	045334	\$110.22	GLOBAL SECURITIES	VR	6131
	13	4/2/2004	101	3AA	20493	045334	\$101.95	GLOBAL SECURITIES	VR	6131
	13	4/2/2004	101	3AA	20486	045334	\$45.90	GLOBAL SECURITIES	VR	6131
	13	4/2/2004	101	3AA	20493	045334	\$63.49	GLOBAL SECURITIES	VR	6131
	13	4/2/2004	101	3AA	20486	045334	\$133.24	GLOBAL SECURITIES	VR	6131
	13	4/2/2004	101	3AA	20486	045334	\$104.34	GLOBAL SECURITIES	VR	6131
	13	4/5/2004	101	3AA	46875	045333	\$100.00	DPAI/SOLUTIENT	VR	6131
	13	4/5/2004	101	3AA	46849	045333	\$2,750.00	DPAI/SOLUTIENT	VR	6131
	13	4/7/2004	101	3AA	040117	045341	\$42,497.19	EXCEL MANAGEMENT	VR	6131
	13	4/7/2004	101	3AA	429	045342	\$412.50	GOVTECH SOLUTIONS	VR	6131
	13	4/8/2004	101	3AA	0410005	045356	\$24,232.50	INFOENTRY	VS	6131
	13	4/12/2004	101	3AA	OH2905	045355	\$1,680.00	3SG CORPORATION	WHOLE	6131
	13	4/14/2004	101	3AA	571454	045346	\$8,800.00	COMPUWARE	VS	6131
	13	4/15/2004	101	3AA	040118	045348	\$16,160.25	EXCEL MANAGEMENT	VR	6131
	13	4/15/2004	101	3AA	040119	045347	\$19,140.00	EXCEL MANAGEMENT	VS	6131
	13	4/15/2004	101	3AA	040118	045348	\$114.90	EXCEL MANAGEMENT	VR	6131

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TYPE	ObjID	DateID	FedI	FundI	InvoiceID	VoucherI	Amount	VendorID	SectionI	SacID
	13	4/19/2004	101	3AA	46964	045392	\$1,200.00	DPAI/SOLUTIENT	VR	6131
	13	4/22/2004	101	3AA	46985	045392	\$1,600.00	DPAI/SOLUTIENT	VR	6131
	13	4/22/2004	101	3AA	46986	045392	\$2,000.00	DPAI/SOLUTIENT	VR	6131
	13	4/30/2004	101	3AA	47009	045392	\$400.00	DPAI/SOLUTIENT	VR	6131
	13	5/6/2004	101	3AA	47030	045392	\$1,800.00	DPAI/SOLUTIENT	VR	6131
	13	5/11/2004	101	3AA	040169	045368	\$9,746.10	EXCEL MANAGEMENT	VR	6131
	13	5/17/2004	101	3AA	040186	045374	\$21,912.00	EXCEL MANAGEMENT	VS	6131
	13	5/18/2004	101	3AA	OH2953	045375	\$5,600.00	3SG CORPORATION	WHOLE	6131
	13	5/18/2004	101	3AA	040187	045376	\$14,840.60	EXCEL MANAGEMENT	VR	6131
	13	5/24/2004	101	3AA	0410006	045382	\$19,433.25	INFOENTRY	VS	6131
	13	5/24/2004	101	3AA	0410003	045381	\$3,645.61	INFOENTRY	VS	6131
	13	5/24/2004	101	3AA	577027	045380	\$3,800.00	COMPUWARE	VS	6131
	13	5/28/2004	101	3AA	040208	045385	\$15,781.72	EXCEL MANAGEMENT	VR	6131
	13	5/28/2004	101	3AA	OH2967	045384	\$4,900.00	3SG CORPORATION	WHOLE	6131
	13	5/28/2004	101	3AA	40506	045383	\$641.25	STEEN & KENNEDY(KE	WHOLE	6131
	13	6/8/2004	101	3AA	0410007	045397	\$18,696.15	INFOENTRY	VS	6131
	13	6/14/2004	101	3AA	451	045403	\$577.50	GOVTECH SOLUTIONS	VR	6131
	13	6/14/2004	101	3AA	OH2916	045406	\$1,820.00	3SG CORPORATION	WHOLE	6131
	13	6/14/2004	101	3AA	040240	045404	\$13,834.09	EXCEL MANAGEMENT	VR	6131
	13	6/14/2004	101	3AA	040243	045402	\$16,008.56	EXCEL MANAGEMENT	VR	6131
	13	6/14/2004	101	3AA	47105	045409	\$1,700.00	DPAI/SOLUTIENT	VR	6131
	13	6/14/2004	101	3AA	450	045403	\$866.25	GOVTECH SOLUTIONS	VR	6131
	13	6/14/2004	101	3AA	040239	045405	\$18,348.00	EXCEL MANAGEMENT	VS	6131
	13	6/17/2004	101	3AR	228	045410	\$620.28	ELECTION CENTER	WHOLE	6151
	13	6/17/2004	101	3AR	229	045411	\$819.23	ELECTION CENTER	WHOLE	6151

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TYPE	ObjID	DateID	FedI	FundI	InvoiceID	VoucherI	Amount	VendorID	SectionI	SacID
	13	6/18/2004	101	3AA	OH2977	045413	\$5,180.00	3SG CORPORATION	WHOLE	6131
	13	7/2/2004	101	3AA	0410011	055014	\$38,272.50	INFOENTRY	VS	6131
	13	7/2/2004	101	3AA	20537	055002	\$3,438.27	GLOBAL SECURITIES	VR	6131
	13	7/2/2004	101	3AA	467	055003	\$73.80	GOVTECH SOLUTIONS	VR	6131
	13	7/2/2004	101	3AA	OH2995	055001	\$6,020.00	3SG CORPORATION	WHOLE	6131
	13	7/14/2004	101	3AA	060379	055018	\$2,068.00	SMART SOLUTIONS	VS	6131
	13	7/14/2004	101	3AA	060487	055018	\$2,904.00	SMART SOLUTIONS	VS	6131
	13	7/14/2004	101	3AA	060474	055018	\$2,486.00	SMART SOLUTIONS	VS	6131
	13	7/14/2004	101	3AA		055018	\$2,596.00	SMART SOLUTIONS	VS	6131
	13	7/20/2004	101	3AA	OH3013	055019	\$4,900.00	3SG CORPORATION	WHOLE	6131
	13	7/20/2004	101	3AR	OH3013	055019	\$1,400.00	3SG CORPORATION	WHOLE	6151
	13	7/23/2004	101	3AA	040276	055025	\$16,368.00	EXCEL MANAGEMENT	VS	6131
	13	7/23/2004	101	3AA	040275	055026	\$15,504.46	EXCEL MANAGEMENT	VR	6131
	13	7/30/2004	101	3AA	040292	055033	\$377.21	EXCEL MANAGEMENT	VR	6131
	13	7/30/2004	101	3AR	OH3026	055028	\$6,160.00	3SG CORPORATION	WHOLE	6151
	13	7/31/2004	101	3AR	#4054	055043	\$5,082.50	THE COMPUTER WOR	VR	6151
	13	7/31/2004	101	3AR	#4055	055043	\$7,932.50	THE COMPUTER WOR	VR	6151
	13	7/31/2004	101	3AR	#10078	055045	\$5,422.75	GOVERNMENT CONSU	WHOLE	6151
	13	8/2/2004	101	3AA	040291	055030	\$12,736.19	EXCEL MANAGEMENT	VR	6131
	13	8/2/2004	101	3AA	47220	055035	\$620.00	DPAI/SOLUTIENT	VR	6131
	13	8/2/2004	101	3AA	47221	055035	\$2,860.00	DPAI/SOLUTIENT	VR	6131
	13	8/2/2004	101	3AA	47223	055035	\$300.00	DPAI/SOLUTIENT	VR	6131
	13	8/2/2004	101	3AA	47222	055035	\$4,260.00	DPAI/SOLUTIENT	VR	6131
	13	8/2/2004	101	3AA	47224	055035	\$2,800.00	DPAI/SOLUTIENT	VR	6131
	13	8/6/2004	101	3AR	#694	055044	\$971.25	GOVERNMENT TECHN	VS	6151

021950

TYPE	ObjID	DateID	FedI	FundI	InvoiceID	VoucherI	Amount	VendorID	SectionI	SacID
	13	8/6/2004	101	3AR		055038	\$6,300.00	3SG CORPORATION	WHOLE	6151
	13	8/6/2004	101	3AR	#851	055044	\$3,736.25	GOVERNMENT TECHN	VS	6151
	13	8/13/2004	101	3AA	0410018	055048	\$15,153.33	INFOSENTRY	VS	6131
	13	8/17/2004	101	3AR		055055	\$396.00	GOVERNMENT CONSU	VR	6151
	13	8/26/2004	101	3AA	061020	055058	\$1,672.00	SMART SOLUTIONS	VS	6131
	13	8/31/2004	101	3AA	589370	055061	\$6,120.00	COMPUWARE	WHOLE	6151
	13	8/31/2004	101	3AR	590868	055061	\$8,160.00	COMPUWARE	WHOLE	6151
	13	8/31/2004	101	3AR	OH3055	055059	\$4,200.00	3SG CORPORATION	WHOLE	6151
	13	8/31/2004	101	3AR	4205	055060	\$7,885.00	THE COMPUTER WOR	VR	6151
	13	9/3/2004	101	3AR	107	055064	\$84.00	MICHAEL HERNON	WHOLE	6151
	13	9/8/2004	101	3AR	SOS081204A	055069	\$17,156.25	PIERCE COMMUNICATI	VR	6151
	13	9/8/2004	101	3AR	4304	055068	\$9,215.00	THE COMPUTER WOR	VR	6151
	13	9/9/2004	101	3AR	108	055070	\$168.00	MICHAEL HERNON	WHOLE	6151
	13	9/10/2004	101	3AR	OH3082	055073	\$4,340.00	3SG CORPORATION	WHOLE	6151
	13	9/17/2004	101	3AR	10080	055083	\$37,613.40	GOVERNMENT CONSU	VR	6151
	13	9/17/2004	101	3AR	10084	055085	\$1,934.75	GOVERNMENT CONSU	VS	6151
	13	9/17/2004	101	3AR	OH3101	055084	\$5,040.00	3SG CORPORATION	WHOLE	6151
	13	9/29/2004	101	3AR	OH3120	055094	\$6,300.00	3SG CORPORATION	WHOLE	6151
	13	9/30/2004	101	3AA	061427	055096	\$2,552.00	SMART SOLUTIONS	VS	6131
	13	10/1/2004	101	3AR	SOS092004	055099	\$13,750.00	PIERCE COMMUNICATI	VR	6151
	13	10/8/2004	101	3AR	SOS100304	055104	\$9,125.00	PIERCE COMMUNICATI	WHOLE	6151
	13	10/12/2004	101	3AR	41005	055106	\$4,970.00	KENNEDY COTTRELL	WHOLE	6151
	13	10/12/2004	101	3AR	10099	055109	\$463.25	GOVERNMENT CONSU	VS	6151
	13	10/12/2004	101	3AR	10106	055107	\$49,684.80	GOVERNMENT CONSU	VR	6151
	13	10/13/2004	101	3AR	4490 & 4491	055112	\$15,627.50	THE COMPUTER WOR	VR	6151

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TYPE	ObjID	DateID	FedI	FundI	InvoiceID	VoucherI	Amount	VendorID	SectionI	SacID
	13	10/27/2004	101	3AR	4552	055125	\$7,964.80	THE COMPUTER WOR	VR	6151
	13	11/4/2004	101	3AR	10130	055136	\$20,000.00	GOVERNMENT CONSU	WHOLE	6151
	13	11/4/2004	101	3AR	610-29	055131	\$4,815.00	NANCY J MANECKE	WHOLE	6151
	13	11/4/2004	101	3AR	10128	055132	\$35,798.40	GOVERNMENT CONSU	WHOLE	6151
	13	11/4/2004	101	3AR	10127	055133	\$13,090.75	GOVERNMENT CONSU	WHOLE	6151
	13	11/4/2004	101	3AR	OH3155	055134	\$5,600.00	3SG CORPORATION	WHOLE	6151
	13	11/9/2004	101	3AR	4640	055141	\$7,790.00	THE COMPUTER WOR	VR	6151
	13	11/10/2004	101	3AR	110904	055142	\$2,295.00	DAVID KENNEDY	WHOLE	6151
	13	11/10/2004	101	3AR	100116	055130	\$1,050.00	ERIC D PARKS	WHOLE	6151
	13	11/12/2004	101	3AR	611-00	055146	\$14,625.00	NANCY J MANECKE	WHOLE	6151
	13	11/18/2004	101	3AR	110	055151	\$2,046.15	MICHAEL HERNON	WHOLE	6151
	13	11/19/2004	101	3AR	OH3170	055153	\$12,600.00	3SG CORPORATION	WHOLE	6151
	13	11/23/2004	101	3AR	4745	055156	\$7,742.50	THE COMPUTER WOR	WHOLE	6151
	13	11/23/2004	101	3AR	111904	055155	\$875.00	ERIC D PARKS	WHOLE	6151
	13	11/30/2004	101	3AR	OH3202	055158	\$10,780.00	3SG CORPORATION	WHOLE	6151
	13	12/2/2004	101	3AR	111	055164	\$378.00	MICHAEL HERNON	WHOLE	6151
	13	12/9/2004	101	3AR	10146	055175	\$30,729.60	GOVERNMENT CONSU	WHOLE	6151
	13	12/9/2004	101	3AR	OH3223	055178	\$7,420.00	3SG CORPORATION	WHOLE	6151
	13	12/9/2004	101	3AR	10149	055176	\$12,535.00	GOVERNMENT CONSU	WHOLE	6151
	13	12/15/2004	101	3AR	121004	055182	\$737.50	ERIC D PARKS	WHOLE	6151
	13	12/27/2004	101	3AR	612-01	055190	\$5,557.50	NANCY J MANECKE	VE	6151
	13	12/27/2004	101	3AR	4870	055191	\$3,277.50	THE COMPUTER WOR	VR	6151
	13	12/27/2004	101	3AR	18	055184	\$7,383.79	AMERICAN STRATEGI	WHOLE	6151
	15	2/25/2004	101	3AA	MCI CLASS	020879	\$610.00	BANK OF AMERICA	WHOLE	6131
	15	2/25/2004	101	3AA	MCI CLASS	020880	\$610.00	BANK OF AMERICA	WHOLE	6131

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TYPE	ObjID	DateID	FedI	FundI	InvoiceID	VoucherI	Amount	VendorID	SectionI	SacID
	15	3/10/2004	101	3AA		041094	\$100.00	NASS	WHOLE	6131
	15	3/19/2004	101	3AA	MCI CLASS	020889	\$730.00	BANK OF AMERICA	WHOLE	6131
	15	3/19/2004	101	3AA	MCI CLASS	020891	\$610.00	BANK OF AMERICA	WHOLE	6131
	15	4/21/2004	101	3AA	MCI CLASS	020902	\$610.00	BANK OF AMERICA	WHOLE	6131
	15	4/21/2004	101	3AA	MCI CLASS	020901	\$610.00	BANK OF AMERICA	WHOLE	6131
	15	4/26/2004	101	3AA	MCI CLASS	020907	\$610.00	BANK OF AMERICA	WHOLE	6131
	15	4/26/2004	101	3AA	MCI CLASS	020908	\$610.00	BANK OF AMERICA	WHOLE	6131
	15	6/7/2004	101	3AR	WALCH	04H112	\$325.00	NASS	WHOLE	6151
	15	7/7/2004	101	3AR	WEST	020947	\$199.00	BANK OF AMERICA	WHOLE	6151
	15	7/8/2004	101	3AR	H40045	020951	\$610.00	BANK OF AMERICA	WHOLE	6151
	15	7/8/2004	101	3AR	H40044	020950	\$610.00	BANK OF AMERICA	WHOLE	6151
	15	7/12/2004	101	3AR	GRADY	05H002	\$425.00	NASS	WHOLE	6151
	15	7/20/2004	101	3AR	GRADY	05H003	\$339.00	ELECTION CENTER	WHOLE	6151
	15	7/26/2004	101	3AR		050138	\$270.00	NASS	WHOLE	6151
	15	7/30/2004	101	3AR	DUPE DWCE	DUPE	\$339.00	ELECTION CENTER	WHOLE	6151
	15	8/17/2004	101	3AR	3X1536	DUPE	(\$339.00)	ELECTION CENTER	WHOLE	6131
	15	9/20/2004	101	3AR	0923174-IN	05H010	\$160.00	DEAF SERVICES	WHOLE	6151
	15	9/22/2004	101	3AR	17739	05H011	\$734.90	PROFESSIONAL REPOR	WHOLE	6151
	15	11/23/2004	101	3AR	18301	05H019	\$2,660.00	PROFESSIONAL REPOR	WHOLE	6151
	15	12/1/2004	101	3AR	2004-01	055163	\$10,869.75	ROBERT A DESTRO	WHOLE	6151
	15	12/1/2004	101	3AR	18995 & 96	05H022	\$450.00	ELECTION CENTER	WHOLE	6151
	15	12/14/2004	101	3AR	203085	055181	\$9,573.03	BENESCH FRIEDLAND	WHOLE	6151
	15	12/15/2004	101	3AR	19410	05H026	\$259.00	ELECTION CENTER	WHOLE	6151

Summary for 'TYPE' = C (419 detail records)

Sum

\$1,294,346.70

021953

TYPE	ObjID	DateID	FedI	FundI	InvoiceID	VoucherI	Amount	VendorID	SectionI	SacID
E										
	34	12/27/2004	101	3AR		050702	\$359.97	VERIZON	WHOLE	6153
	37	1/1/2004	101	3AA	058400	04H063	\$698.00	SMART SOLUTIONS	VR	6133
	37	1/1/2004	101	3AA	058400	04H063	\$698.00	SMART SOLUTIONS	VR	6133
	37	1/1/2004	101	3AA	058400	04H063	\$698.00	SMART SOLUTIONS	VR	6133
	37	1/1/2004	101	3AA	058400	04H063	\$698.00	SMART SOLUTIONS	VR	6133
	37	1/1/2004	101	3AA	058400	04H063	\$698.00	SMART SOLUTIONS	VR	6133
	37	1/1/2004	101	3AA	058400	04H063	\$698.00	SMART SOLUTIONS	VR	6133
	37	1/1/2004	101	3AA	058400	04H063	\$698.00	SMART SOLUTIONS	VR	6133
	37	1/1/2004	101	3AA	058400	04H063	\$698.00	SMART SOLUTIONS	VR	6133
	37	1/1/2004	101	3AA	058400	04H063	\$698.00	SMART SOLUTIONS	VR	6133
	37	1/1/2004	101	3AA	058400	04H063	\$698.00	SMART SOLUTIONS	VR	6133
	37	1/1/2004	101	3AA	058400	04H063	\$698.00	SMART SOLUTIONS	VR	6133
	37	1/1/2004	101	3AA	058400	04H063	\$698.00	SMART SOLUTIONS	VR	6133
	37	1/1/2004	101	3AA	058400	04H063	\$698.00	SMART SOLUTIONS	VR	6133
	37	1/1/2004	101	3AA	058400	04H063	\$698.00	SMART SOLUTIONS	VR	6133
	37	1/1/2004	101	3AA	058400	04H063	\$698.00	SMART SOLUTIONS	VR	6133
	37	1/1/2004	101	3AA	058400	04H063	\$698.00	SMART SOLUTIONS	VR	6133
	37	1/8/2004	101	3AA	057938	04H075	\$1,417.71	SMART SOLUTIONS	VR	6133
	37	1/8/2004	101	3AA	057932	04H075	\$1,417.71	SMART SOLUTIONS	VR	6133
	37	1/8/2004	101	3AA	057941	04H075	\$1,417.71	SMART SOLUTIONS	VR	6133
	37	1/8/2004	101	3AA	058015	04H075	\$1,417.71	SMART SOLUTIONS	VR	6133
	37	1/8/2004	101	3AA	058011	04H075	\$1,417.71	SMART SOLUTIONS	VR	6133
	37	1/8/2004	101	3AA	057984	04H075	\$1,417.71	SMART SOLUTIONS	VR	6133
	37	1/8/2004	101	3AA	058005	04H075	\$1,417.71	SMART SOLUTIONS	VR	6133
	37	1/8/2004	101	3AA	057951	04H075	\$1,417.71	SMART SOLUTIONS	VR	6133

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TYPE	ObjID	DateID	FedI	FundI	InvoiceID	VoucherI	Amount	VendorID	SectionI	SacID
	37	1/8/2004	101	3AA	058004	04H075	\$1,417.71	SMART SOLUTIONS	VR	6133
	37	1/8/2004	101	3AA	057987	04H075	\$1,417.71	SMART SOLUTIONS	VR	6133
	37	1/8/2004	101	3AA	058270	04H075	\$19,202.11)	SMART SOLUTIONS	VR	6133
	37	1/8/2004	101	3AA	057940	04H075	\$1,417.71	SMART SOLUTIONS	VR	6133
	37	1/8/2004	101	3AA	057956	04H075	\$1,417.71	SMART SOLUTIONS	VR	6133
	37	1/8/2004	101	3AA	057961	04H075	\$1,417.71	SMART SOLUTIONS	VR	6133
	37	1/8/2004	101	3AA	057974	04H075	\$1,417.71	SMART SOLUTIONS	VR	6133
	37	1/14/2004	101	3AA	6458869-00	04H080	\$623.00	SARCOM	VR	6133
	37	1/21/2004	101	3AA	057978	04H083	\$1,417.71	SMART SOLUTIONS	VR	6133
	37	1/21/2004	101	3AA	057949	04H083	\$1,417.71	SMART SOLUTIONS	VR	6133
	37	1/21/2004	101	3AA	057930	04H083	\$1,417.71	SMART SOLUTIONS	VR	6133
	37	1/21/2004	101	3AA	057933	04H083	\$1,417.71	SMART SOLUTIONS	VR	6133
	37	1/21/2004	101	3AA	058014	04H083	\$1,417.71	SMART SOLUTIONS	VR	6133
	37	1/21/2004	101	3AA	057935	04H083	\$1,417.71	SMART SOLUTIONS	VR	6133
	37	1/21/2004	101	3AA	057953	04H083	\$1,417.71	SMART SOLUTIONS	VR	6133
	37	1/21/2004	101	3AA	058008	04H083	\$1,417.71	SMART SOLUTIONS	VR	6133
	37	1/21/2004	101	3AA	057950	04H083	\$1,417.71	SMART SOLUTIONS	VR	6133
	37	1/21/2004	101	3AA	057982	04H083	\$1,417.71	SMART SOLUTIONS	VR	6133
	37	1/21/2004	101	3AA	057968	04H083	\$1,417.71	SMART SOLUTIONS	VR	6133
	37	1/21/2004	101	3AA	057976	04H083	\$1,417.71	SMART SOLUTIONS	VR	6133
	37	1/21/2004	101	3AA	057944	04H083	\$1,417.71	SMART SOLUTIONS	VR	6133
	37	1/21/2004	101	3AA	058000	04H083	\$1,417.71	SMART SOLUTIONS	VR	6133
	37	1/21/2004	101	3AA	057966	04H083	\$1,417.71	SMART SOLUTIONS	VR	6133
	37	1/21/2004	101	3AA	057983	04H083	\$1,417.71	SMART SOLUTIONS	VR	6133
	37	1/21/2004	101	3AA	057958	04H083	\$1,417.71	SMART SOLUTIONS	VR	6133

021955



TYPE	ObjID	DateID	FedI	FundI	InvoiceID	VoucherI	Amount	VendorID	SectionI	SacID
	37	4/8/2004	101	3AA	6496958-00	04H102	\$814.00	SARCOM	VR	6133
	37	4/8/2004	101	3AA	6496958-00	04H102	\$814.00	SARCOM	VR	6133
	37	4/8/2004	101	3AA	6496958-00	04H102	\$814.00	SARCOM	VR	6133
	37	6/1/2004	101	3AR	6507851-00	04H111	\$307.75	SARCOM	VR	6153
	37	6/14/2004	101	3AR	060227	04H115	\$698.00	SMART SOLUTIONS	VR	6153
	37	8/17/2004	101	3AR	201140-43	05H005X	\$0.00	DLT SOLUTIONS	VR	6153
	37	8/30/2004	101	3AR	0035612	050290	\$35,385.00	SOPHISTICATED SYST	WHOLE	6153
	37	9/1/2004	101	3AR	201140-43	05H005	244,188.00	DLT SOLUTIONS	VR	6153
	37	9/29/2004	101	3AR	6531128-03	05H012	\$98,310.00	SARCOM	VR	6153

Summary for 'TYPE' = E (58 detail records)

Sum

\$417,530.62

G

	50	1/1/2004	101	3AA		04H072	\$69,654.75	LUCAS	VR	6135
	50	1/8/2004	101	3AA		04H077	\$6,000.00	WYANDOT	VR	6135
	50	1/8/2004	101	3AA		04H076	\$38,885.00	VINTON	VR	6135
	50	1/20/2004	101	3AA		04H081	\$83,696.75	MONTGOMERY	VR	6135
	50	2/6/2004	101	3AA		04H085	\$45,655.00	MORROW	VR	6135
	50	2/6/2004	101	3AA		04H086	\$11,015.25	SCIOTO	VR	6135
	50	3/10/2004	101	3AA		04H090	\$7,443.50	SHELBY	VR	6135
	50	3/15/2004	101	3AA		04H092	\$76,566.50	RICHLAND	VR	6135
	50	3/15/2004	101	3AA		04H091	\$49,496.00	CRAWFORD	VR	6135
	50	3/17/2004	101	3AA		04H093	\$10,684.50	BELMONT	VR	6135
	50	3/19/2004	101	3AA		04H089	\$54,906.50	ATHENS	VR	6135
	50	3/30/2004	101	3AA		04H094	\$73,106.00	FAIRFIELD	VR	6135
	50	4/6/2004	101	3AA		04H095	\$57,305.50	HANCOCK	VR	6135

021956

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TYPE	ObjID	DateID	FedI	FundI	InvoiceID	VoucherI	Amount	VendorID	SectionI	SacID
	50	4/9/2004	101	3AA		04H097	388,334.00	FRANKLIN	VR	6135
	50	4/9/2004	101	3AA		04H098	\$6,733.25	OTTAWA	VR	6135
	50	4/9/2004	101	3AA		04H096	\$16,349.75	ALLEN	VR	6135
	50	4/22/2004	101	3AA		04H101	158,281.00	STARK	VR	6135
	50	4/22/2004	101	3AA		04H103	\$85,185.50	MEDINA	VR	6135
	50	5/10/2004	101	3AA		04H104	110,068.50	LAKE	VR	6135
	50	5/12/2004	101	3AA		04H106	\$65,024.00	WAYNE	VR	6135
	50	5/14/2004	101	3AA		04H107	\$84,591.00	LICKING	VR	6135
	50	5/24/2004	101	3AA		04H110	\$61,953.50	TUSCARAWAS	VR	6135
	50	5/24/2004	101	3AA		04H109	\$41,838.00	FAYETTE	VR	6135
	50	6/18/2004	101	3AA		04H116	\$45,823.00	GALLIA	VR	6135
	50	7/2/2004	101	3AA		05H001	\$93,603.50	CLERMONT	VR	6135

Summary for 'TYPE' = G (25 detail records)

Sum

\$1,742,200.25

O

13	10/14/2004	101	3AR	OH3137	055115	\$5,740.00	3SG CORPORATION	WHOLE	6152
13	11/29/2004	101	3AR	784196648	050607	\$23.03	FEDERAL EXPRESS	WHOLE	6152
15	10/15/2004	101	3AR	12200630	05H015	\$2,000.00	NASS	WHOLE	6152
21	1/1/2004	101	3AA	D120301785	04H073	\$280.18	POMEROY IT SOLUTIO	VR	6132
21	1/1/2004	101	3AA	D100700635	04H073	\$4.97	POMEROY IT SOLUTIO	VR	6132
21	1/1/2004	101	3AA	D100700637	04H073	\$4.97	POMEROY IT SOLUTIO	VR	6132
21	1/8/2004	101	3AA	KW65832	04H078	\$81.49	CDW-G	VR	6132
21	1/14/2004	101	3AA	E010100216	04H079	\$12.43	POMEROY IT SOLUTIO	VR	6132
21	1/15/2004	101	3AA	SUPPLIES	E40047	\$101.27	WILLIAMS OFFICE	WHOLE	6132
21	2/4/2004	101	3AA	SUPPLIES	040969	\$36.40	STAPLES	WHOLE	6132

021957

TYPE	ObjID	DateID	FedI	FundI	InvoiceID	VoucherI	Amount	VendorID	SectionI	SacID
	21	2/20/2004	101	3AA	SUPPLIES	041031	\$97.93	STAPLES	WHOLE	6132
	21	2/24/2004	101	3AA	040044	045288	\$2,634.03	EXCEL MANAGEMENT	VR	6132
	21	2/24/2004	101	3AA	1112924-01	04H087	\$1,692.50	COLUMBUS PAPER & C	WHOLE	6132
	21	2/26/2004	101	3AA	043720	04H088	\$348.32	D.JOHNSON ENTERPRI	WHOLE	6132
	21	2/26/2004	101	3AA	040047	045293	\$865.97	EXCEL MANAGEMENT	VR	6132
	21	3/30/2004	101	3AA	SUPPLIES	E40064	\$12.69	WILLIAMS OFFICE	WHOLE	6132
	21	4/2/2004	101	3AA	SUPPLIES	041180	\$55.16	STAPLES	WHOLE	6132
	21	4/8/2004	101	3AA	6496958-00	04H102	\$203.00	SARCOM	VR	6132
	21	4/8/2004	101	3AA	6496958-00	04H102	\$203.00	SARCOM	VR	6132
	21	4/8/2004	101	3AA	6496958-00	04H102	\$203.00	SARCOM	VR	6132
	21	4/28/2004	101	3AA	SUPPLIES	E40067	\$1,553.25	WILLIAMS OFFICE	WHOLE	6132
	21	5/17/2004	101	3AR	3044804029	04H108	\$76.85	STAPLES	WHOLE	6152
	21	5/25/2004	101	3AR	SUPPLIES	E40069	\$142.56	WILLIAMS OFFICE	WHOLE	6152
	21	8/4/2004	101	3AR	9681667501	E50012	\$76.41	WILLIAMS OFFICE	WHOLE	6152
	21	8/27/2004	101	3AR	TER	050318	\$86.74	STAPLES	WHOLE	6152
	21	9/2/2004	101	3AR	6534286-00	05H007	\$4,930.00	SARCOM	VR	6152
	21	9/20/2004	101	3AR	1118314-01	05H009	\$105.50	COLUMBUS PAPER & C	WHOLE	6152
	21	9/21/2004	101	3AR	8002217071	050407	\$78.70	STAPLES	WHOLE	6152
	21	10/4/2004	101	3AR	7972310000076887	050441	\$217.08	STAPLES	WHOLE	6152
	21	10/19/2004	101	3AR	8002272554	050484	\$106.98	STAPLES	WHOLE	6152
	21	10/26/2004	101	3AR	8002300860	050511	\$68.48	STAPLES	WHOLE	6152
	21	10/29/2004	101	3AR	148255	05H016	\$239.70	BOEHM INC	WHOLE	6152
	21	10/29/2004	101	3AR	703544592	050518	\$64.71	FRANKLIN COVEY	WHOLE	6152
	21	11/2/2004	101	3AR	SUPPLIES	E50025	\$69.26	WILLIAMS OFFICE	WHOLE	6152
	21	11/12/2004	101	3AR	2537361	050558	\$294.63	ASAP SOFTWARE	WHOLE	6152

021958

TYPE	ObjID	DateID	FedI	FundI	InvoiceID	VoucherI	Amount	VendorID	SectionI	SacID
	21	11/16/2004	101	3AR	8002339732	050572	\$160.29	STAPLES	WHOLE	6152
	21	12/3/2004	101	3AR	USA WIRELESS	021025	\$25.99	BANK OF AMERICA	WHOLE	6152
	22	4/14/2004	101	3AA	WALCH/LEONTI	041210	\$540.00	STANDARD PARKING	WHOLE	6132
	22	5/21/2004	101	3AR		041333	\$270.00	STANDARD PARKING	WHOLE	6152
	22	5/25/2004	101	3AR		041349	\$270.00	STANDARD PARKING	WHOLE	6152
	22	7/19/2004	101	3AR		050120	\$155.00	CENTRAL PARKING	WHOLE	6152
	22	7/21/2004	101	3AR		050105	\$135.00	STANDARD PARKING	WHOLE	6152
	22	7/29/2004	101	3AR		050143	\$930.00	CENTRAL PARKING	WHOLE	6152
	22	8/4/2004	101	3AR		050193	\$270.00	STANDARD PARKING	WHOLE	6152
	22	8/31/2004	101	3AR	PARKING	050323	\$135.00	STANDARD PARKING	WHOLE	6152
	22	10/15/2004	101	3AR	10629696	050479	\$125.36	STANDARD PARKING	WHOLE	6152
	22	10/29/2004	101	3AR	10810640	050517	\$115.71	STANDARD PARKING	WHOLE	6152
	22	12/1/2004	101	3AR	10965232	050616	\$0.00	STANDARD PARKING	WHOLE	6152
	22	12/9/2004	101	3AR	10965232	050640	\$135.00	STANDARD PARKING	WHOLE	6152
	22	12/22/2004	101	3AR		050694	\$135.00	STANDARD PARKING	WHOLE	6152
	23	1/27/2004	101	3AA	DM MCI AIR	020855	\$6.00	BANK OF AMERICA	WHOLE	6132
	23	1/27/2004	101	3AA	DM MCI AIR	020854	\$331.38	BANK OF AMERICA	WHOLE	6132
	23	2/2/2004	101	3AA	TER	T40196	\$37.80	ANDY SHIFFLETTE	WHOLE	6132
	23	2/5/2004	101	3AA	LJ MCI AIR	020873	\$5.00	BANK OF AMERICA	WHOLE	6132
	23	2/5/2004	101	3AA	LJ MCI AIR	020872	\$214.90	BANK OF AMERICA	WHOLE	6132
	23	2/23/2004	101	3AA	TER	T40216	\$268.80	DANA WALCH	WHOLE	6132
	23	2/24/2004	101	3AA	TER	T40217	\$618.67	DANA WALCH	WHOLE	6132
	23	3/9/2004	101	3AA	TER	T40222	\$1,090.16	LORI JORDAN	WHOLE	6132
	23	3/10/2004	101	3AA	TER	T40223	\$119.10	DANA WALCH	WHOLE	6132
	23	3/31/2004	101	3AA	TER	T40239	\$1,045.53	DILIP C MEHTA	WHOLE	6132

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021959

TYPE	ObjID	DateID	FedI	FundI	InvoiceID	VoucherI	Amount	VendorID	SectionI	SacID
	23	4/12/2004	101	3AA	TER	T40241	\$67.80	ANDY SHIFFLETTE	WHOLE	6132
	23	4/15/2004	101	3AA	TER	T40245	\$58.20	FAITH LYON	WHOLE	6132
	23	4/20/2004	101	3AA	TER	T40247	\$76.80	FAITH LYON	WHOLE	6132
	23	4/21/2004	101	3AA	MCI AIR	020899	\$360.89	BANK OF AMERICA	WHOLE	6132
	23	4/21/2004	101	3AA	MCI AIR	020904	\$5.00	BANK OF AMERICA	WHOLE	6132
	23	4/21/2004	101	3AA	MCI AIR	020906	\$273.30	BANK OF AMERICA	WHOLE	6132
	23	4/21/2004	101	3AA	MCI AIR	020903	\$5.00	BANK OF AMERICA	WHOLE	6132
	23	4/21/2004	101	3AA	MCI AIR	020905	\$198.80	BANK OF AMERICA	WHOLE	6132
	23	4/21/2004	101	3AA	MCI AIR	020898	\$5.00	BANK OF AMERICA	WHOLE	6132
	23	4/28/2004	101	3AA	TER	T40250	\$405.14	LORI JORDAN	WHOLE	6132
	23	5/5/2004	101	3AR	TER	T40256	\$844.88	LORI JORDAN	WHOLE	6152
	23	5/6/2004	101	3AR	TER	T40257	\$444.50	LORI JORDAN	WHOLE	6152
	23	5/11/2004	101	3AR	AIR ATTY	020914	\$5.00	BANK OF AMERICA	WHOLE	6152
	23	5/11/2004	101	3AR	AIR ATTY	020915	\$345.39	BANK OF AMERICA	WHOLE	6152
	23	6/2/2004	101	3AR	TER	T40278	\$61.80	ANDY SHIFFLETTE	WHOLE	6152
	23	6/2/2004	101	3AR	TER	T40276	\$145.46	LORI JORDAN	WHOLE	6152
	23	6/7/2004	101	3AR	TER	T40284	\$107.49	FAITH LYON	WHOLE	6152
	23	6/7/2004	101	3AR	TER	T40292	\$99.07	DANA WALCH	WHOLE	6152
	23	6/7/2004	101	3AR	TICKET DCM	020940	\$295.90	BANK OF AMERICA	WHOLE	6152
	23	6/7/2004	101	3AR	TICK FEE DM	020937	\$6.00	BANK OF AMERICA	WHOLE	6152
	23	6/17/2004	101	3AR		020942	\$286.40	BANK OF AMERICA	WHOLE	6152
	23	7/7/2004	101	3AR	TER	T50016	\$52.80	JOE LEONTI	WHOLE	6152
	23	7/7/2004	101	3AR	TER	T50007	\$57.00	ANDY SHIFFLETTE	WHOLE	6152
	23	7/13/2004	101	3AR	TER H40043	T50024	\$561.15	DILIP C MEHTA	WHOLE	6152
	23	7/13/2004	101	3AR	TER	T50016	\$177.74	DILIP C MEHTA	WHOLE	6152

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021960

TYPE	ObjID	DateID	FedI	FundI	InvoiceID	VoucherI	Amount	VendorID	SectionI	SacID
	23	7/19/2004	101	3AR		020961	\$425.39	BANK OF AMERICA	WHOLE	6152
	23	7/19/2004	101	3AR		020960	\$5.00	BANK OF AMERICA	WHOLE	6152
	23	7/20/2004	101	3AT	TER	T50035	\$96.00	DANA WALCH	WHOLE	6152
	23	7/22/2004	101	3AR	SCOTT	020965	\$1.50	BANK OF AMERICA	WHOLE	6152
	23	7/22/2004	101	3AR	SCOTT	020962	\$525.40	BANK OF AMERICA	WHOLE	6152
	23	7/22/2004	101	3AR	GRADY	020964	\$138.20	BANK OF AMERICA	WHOLE	6152
	23	7/26/2004	101	3AR	TER	T50039	\$7.20	FAITH LYON	WHOLE	6152
	23	7/26/2004	101	3AR	TER	T50042	\$102.00	JOE LEONTI	WHOLE	6152
	23	7/27/2004	101	3AR	TER	T50044	\$47.70	MICHAEL TONEY	WHOLE	6152
	23	7/29/2004	101	3AR	TER	T50046	\$45.00	MYKE CLARETT	WHOLE	6152
	23	7/29/2004	101	3AR	TER	T50051	\$291.21	JUDY GRADY	WHOLE	6152
	23	8/3/2004	101	3AR	TER	T50054	\$1,068.05	DANA WALCH	WHOLE	6152
	23	8/5/2004	101	3AR	TER	T50059	\$59.10	SARAH B SPENCE	WHOLE	6152
	23	8/11/2004	101	3AR	TER	T50067	\$209.91	KEITH SCOTT	WHOLE	6152
	23	8/13/2004	101	3AR	TER	T50073	\$85.20	JOE LEONTI	WHOLE	6132
	23	8/17/2004	101	3AR	TER	T50078	\$54.00	MYKE CLARETT	WHOLE	6152
	23	8/24/2004	101	3AR	TER	T50082	\$161.20	JOE LEONTI	VR	6152
	23	8/30/2004	101	3AR	TER	T50084	\$191.74	JUDY GRADY	WHOLE	6152
	23	8/30/2004	101	3AR	TER	T50086	\$67.20	BRYAN FERGUSON	WHOLE	6152
	23	9/7/2004	101	3AR	TER	T50097	\$262.36	JOE LEONTI	WHOLE	6152
	23	9/7/2004	101	3AR	TER	T50095	\$89.70	MICHAEL TONEY	WHOLE	6152
	23	9/9/2004	101	3AR	TER	T50101	\$170.38	MYKE CLARETT	WHOLE	6152
	23	9/9/2004	101	3AR	TER	T50102	\$177.21	BETTY HULL	WHOLE	6152
	23	9/9/2004	101	3AR	TER	T50100	\$30.08	SARAH B SPENCE	WHOLE	6152
	23	9/10/2004	101	3AR	TER	T50106	\$476.41	JUDY GRADY	WHOLE	6152

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021961

TYPE	ObjID	DateID	FedI	FundI	InvoiceID	VoucherI	Amount	VendorID	SectionI	SacID
	23	9/13/2004	101	3AR	TER	T50107	\$222.11	JOE LEONTI	WHOLE	6152
	23	9/20/2004	101	3AR	TER	T50109	\$16.16	SARAH B SPENCE	WHOLE	6152
	23	9/20/2004	101	3AR	TER	T50113	\$57.73	LORI JORDAN	WHOLE	6152
	23	9/20/2004	101	3AR	TER	T50112	\$18.51	TONI K SLUSSER	WHOLE	6152
	23	9/20/2004	101	3AR	TER	T50111	\$122.40	CHRISTIAN LOBB	WHOLE	6152
	23	9/20/2004	101	3AR	TER	T50110	\$220.50	MICHAEL CLARETT	WHOLE	6152
	23	9/23/2004	101	3AR	TER	T50119	\$43.80	ANDY SHIFFLETTE	WHOLE	6152
	23	9/28/2004	101	3AR	TER	T50123	\$113.70	JUDY GRADY	WHOLE	6152
	23	9/29/2004	101	3AR	TER	T50126	\$57.13	ALISIA CLARK	WHOLE	6152
	23	9/29/2004	101	3AR	TER	T50127	\$663.39	MADHU K SINGH	WHOLE	6152
	23	10/1/2004	101	3AR	TER	T50131	\$138.00	MICHAEL CLARETT	WHOLE	6152
	23	10/1/2004	101	3AR	TER	T50133	\$94.50	SARAH B SPENCE	WHOLE	6152
	23	10/5/2004	101	3AR	TER	T50138	\$131.30	JOE LEONTI	WHOLE	6152
	23	10/7/2004	101	3AR	TER	T50139	\$249.00	MICHAEL CLARETT	WHOLE	6152
	23	10/13/2004	101	3AR	TER	T50145	\$23.70	CHRISTIAN LOBB	WHOLE	6152
	23	10/13/2004	101	3AR	TER	T50147	\$153.00	MICHAEL CLARETT	WHOLE	6152
	23	10/15/2004	101	3AR	TER	T50148	\$14.75	DILIP C MEHTA	WHOLE	6152
	23	10/25/2004	101	3AR	TER	T50151	\$45.00	MICHAEL CLARETT	WHOLE	6152
	23	11/4/2004	101	3AR	TER	T50162	\$404.75	ANDY SHIFFLETTE	WHOLE	6152
	23	11/4/2004	101	3AR	TER	T50160	\$115.65	JOE LEONTI	WHOLE	6152
	23	11/12/2004	101	3AR	TER	T50168	\$69.16	JUDY GRADY	WHOLE	6152
	23	11/19/2004	101	3AR	TER	T50170	\$439.72	SARAH B SPENCE	WHOLE	6152
	23	11/19/2004	101	3AR	TER	T50173	\$859.60	MICHAEL CLARETT	WHOLE	6152
	23	11/24/2004	101	3AR	TER	T50180	\$12.89	TONI K SLUSSER	WHOLE	6152
	23	11/24/2004	101	3AR	TER	T50179	\$45.00	MICHAEL CLARETT	WHOLE	6152

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021962

TYPE	ObjID	DateID	FedI	FundI	InvoiceID	VoucherI	Amount	VendorID	SectionI	SacID
	23	12/1/2004	101	3AR	ORBITZ	021026	\$133.20	BANK OF AMERICA	WHOLE	6152
	23	12/1/2004	101	3AR	ORBITZ	021024	\$6.00	BANK OF AMERICA	WHOLE	6152
	23	12/8/2004	101	3AR	TER	T50186	\$1,155.53	MADHU K SINGH	WHOLE	6152
	23	12/17/2004	101	3AR	AMERICAN AIR	021029	\$18.00	BANK OF AMERICA	WHOLE	6152
	24	1/1/2004	101	3AA	614R903042	04H074	\$49,866.66	SBC	SAM	6132
	24	1/14/2004	101	3AA		E40045	\$128.86	QWEST	WHOLE	6132
	24	1/29/2004	101	3AA	614R903042	04H084	\$37,190.00	SBC	VR	6132
	24	2/2/2004	101	3AA		040958	\$123.58	NEXTEL	WHOLE	6132
	24	2/19/2004	101	3AA		E40055	\$127.84	QWEST	WHOLE	6132
	24	2/20/2004	101	3AA	494059	041034	\$336.63	UNITED PARCEL SERVI	WHOLE	6132
	24	3/2/2004	101	3AA		041063	\$123.58	NEXTEL	WHOLE	6132
	24	3/9/2004	101	3AA	614R9030402	E40060	\$34,850.00	SBC	VR	6132
	24	3/22/2004	101	3AA		E40061	\$139.06	QWEST	WHOLE	6132
	24	3/26/2004	101	3AA	614R9030402	E40063	\$36,493.33	SBC	VR	6132
	24	3/30/2004	101	3AA		041168	\$123.58	NEXTEL	WHOLE	6132
	24	4/9/2004	101	3AA		04H099	\$170.00	CINCINNATI BELL	VR	6132
	24	4/12/2004	101	3AA		041207	\$100.68	FEDERAL EXPRESS	WHOLE	6132
	24	4/14/2004	101	3AA	64320825	04H100	\$41.28	QWEST	WHOLE	6132
	24	4/22/2004	101	3AA		E40065	\$201.45	QWEST	WHOLE	6132
	24	4/28/2004	101	3AA		041250	\$105.79	NEXTEL	WHOLE	6132
	24	5/11/2004	101	3AR	64320825	04H105	\$27.93	QWEST	WHOLE	6152
	24	5/11/2004	101	3AR	614R903042	E40070	\$35,600.00	SBC	VR	6152
	24	5/19/2004	101	3AR		E40072	\$200.26	QWEST	WHOLE	6152
	24	5/20/2004	101	3AR		041326	\$95.41	FEDERAL EXPRESS	WHOLE	6152
	24	5/20/2004	101	3AR		041331	\$88.69	FEDERAL EXPRESS	WHOLE	6152

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021963



TYPE	ObjID	DateID	FedI	FundI	InvoiceID	VoucherI	Amount	VendorID	SectionI	SacID
	24	6/1/2004	101	3AA	T-1 LINES	E40074	\$33,493.33	SBC	VR	6132
	24	6/8/2004	101	3AR	E052501463	04H113	\$150.00	SPRINT	VR	6152
	24	6/8/2004	101	3AR	64320825	04H114	\$1.36	QWEST	WHOLE	6152
	24	6/11/2004	101	3AR	5321935	E40075	\$281.69	QWEST	WHOLE	6152
	24	7/7/2004	101	3AR		050068	\$105.79	NEXTEL	WHOLE	6152
	24	7/9/2004	101	3AR		050049	\$68.69	VERIZON	WHOLE	6152
	24	7/9/2004	101	3AR		050045	\$108.00	NEXTEL	WHOLE	6152
	24	7/9/2004	101	3AR		050048	\$37.49	VERIZON	WHOLE	6152
	24	7/13/2004	101	3AR		050082	\$81.95	FEDERAL EXPRESS	WHOLE	6152
	24	7/14/2004	101	3AA		E50002	\$35,371.00	SBC	VR	6132
	24	7/27/2004	101	3AR		050154	\$105.82	NEXTEL	WHOLE	6152
	24	8/2/2004	101	3AR		050171	\$29.42	VERIZON	WHOLE	6152
	24	8/4/2004	101	3AR		E50008	\$123.59	QWEST	WHOLE	6152
	24	8/9/2004	101	3AR	614R90304207	E50011	\$35,200.00	SBC	VR	6152
	24	8/18/2004	101	3AR		E50014	\$411.06	QWEST	WHOLE	6152
	24	9/1/2004	101	3AR	714650010	050330	\$38.09	NEXTEL	WHOLE	6152
	24	9/3/2004	101	3AR	T-1	E50017	\$35,200.00	SBC	VR	6152
	24	9/20/2004	101	3AR	53251935	E50018	\$27.37	QWEST	WHOLE	6152
	24	9/27/2004	101	3AR	714650010042	050425	\$45.73	NEXTEL	WHOLE	6152
	24	9/29/2004	101	3AR	T-1	E50022	\$35,200.00	SBC	VR	6152
	24	10/1/2004	101	3AR	3560353651	050432	\$22.61	VERIZON	WHOLE	6152
	24	10/15/2004	101	3AR	64320825	05H014	\$1.44	QWEST	WHOLE	6152
	24	10/21/2004	101	3AR	767001334	050497	\$14.62	FEDERAL EXPRESS	WHOLE	6152
	24	10/21/2004	101	3AR	0000494059394	050499	\$4,146.53	UNITED PARCEL SERVI	WHOLE	6152
	24	10/28/2004	101	3AR	614R9030420426	E50027	\$35,200.00	SBC	VR	6152

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021964

ORIGINAL

TYPE	ObjID	DateID	FedI	FundI	InvoiceID	VoucherI	Amount	VendorID	SectionI	SacID
	24	10/28/2004	101	3AR	625876116	E50024	\$82.62	QWEST	WHOLE	6152
	24	10/29/2004	101	3AR	3566374947	050521	\$42.65	VERIZON	WHOLE	6152
	24	11/2/2004	101	3AR	714650010043	050531	\$39.08	NEXTEL	WHOLE	6152
	24	11/4/2004	101	3AR	494059424	050545	\$3,188.08	UNITED PARCEL SERVI	WHOLE	6152
	24	11/12/2004	101	3AR	781844093	050565	\$14.62	FEDERAL EXPRESS	WHOLE	6152
	24	11/12/2004	101	3AR	494059444	050560	\$1,237.11	UNITED PARCEL SERVI	WHOLE	6152
	24	11/18/2004	101	3AR	53251935	E50029	\$143.14	QWEST	WHOLE	6152
	24	11/24/2004	101	3AR	494059	05H020	\$556.34	UNITED PARCEL SERVI	WHOLE	6152
	24	11/29/2004	101	3AR	614R9030420426	E50031	\$33,426.67	SBC	WHOLE	6152
	24	11/29/2004	101	3AR	4940059464	05H021	\$876.36	UNITED PARCEL SERVI	WHOLE	6152
	24	11/30/2004	101	3AR	714650010044	050613	\$40.24	NEXTEL	WHOLE	6152
	24	12/2/2004	101	3AR	3572593333	050618	\$29.96	VERIZON	WHOLE	6152
	24	12/2/2004	101	3AR	131672241	05H023	\$19.22	FEDERAL EXPRESS	WHOLE	6152
	24	12/3/2004	101	3AR	494059474	05H024	\$506.41	UNITED PARCEL SERVI	WHOLE	6152
	24	12/9/2004	101	3AR	638365595	05H025	\$147.73	QWEST	WHOLE	6152
	24	12/14/2004	101	3AR	53251935	E50035	\$4,398.45	QWEST	WHOLE	6152
	24	12/27/2004	101	3AR		050702	\$233.96	VERIZON	WHOLE	6152
	26	1/1/2004	101	3AA	058374	04H063	\$215.26	SMART SOLUTIONS	VR	6132
	26	1/1/2004	101	3AA	058374	04H063	\$215.26	SMART SOLUTIONS	VR	6132
	26	1/1/2004	101	3AA	058374	04H063	\$215.26	SMART SOLUTIONS	VR	6132
	26	1/1/2004	101	3AA	058374	04H063	\$215.26	SMART SOLUTIONS	VR	6132
	26	1/1/2004	101	3AA	058374	04H063	\$215.26	SMART SOLUTIONS	VR	6132
	26	1/1/2004	101	3AA	058374	04H063	\$215.26	SMART SOLUTIONS	VR	6132
	26	1/1/2004	101	3AA	058374	04H063	\$215.26	SMART SOLUTIONS	VR	6132
	26	1/1/2004	101	3AA	058374	04H063	\$215.26	SMART SOLUTIONS	VR	6132
	26	1/1/2004	101	3AA	058374	04H063	\$215.26	SMART SOLUTIONS	VR	6132

021965

TYPE	ObjID	DateID	FedI	FundI	InvoiceID	VoucherI	Amount	VendorID	SectionI	SacID
	26	1/1/2004	101	3AA	058374	04H063	\$215.26	SMART SOLUTIONS	VR	6132
	26	1/1/2004	101	3AA	058374	04H063	\$215.26	SMART SOLUTIONS	VR	6132
	26	1/1/2004	101	3AA	058374	04H063	\$215.26	SMART SOLUTIONS	VR	6132
	26	1/1/2004	101	3AA	058374	04H063	\$215.26	SMART SOLUTIONS	VR	6132
	26	1/1/2004	101	3AA	058374	04H063	\$215.26	SMART SOLUTIONS	VR	6132
	26	1/1/2004	101	3AA	058374	04H063	\$215.26	SMART SOLUTIONS	VR	6132
	26	1/1/2004	101	3AA	058374	04H063	\$215.26	SMART SOLUTIONS	VR	6132
	26	1/1/2004	101	3AA	058374	04H063	\$215.26	SMART SOLUTIONS	VR	6132
	26	1/8/2004	101	3AA	057881	04H075	\$112.50	SMART SOLUTIONS	VR	6132
	26	1/8/2004	101	3AA	057838	04H075	\$112.50	SMART SOLUTIONS	VR	6132
	26	1/8/2004	101	3AA	057892	04H075	\$112.50	SMART SOLUTIONS	VR	6132
	26	1/8/2004	101	3AA	057676	04H075	\$112.50	SMART SOLUTIONS	VR	6132
	26	1/8/2004	101	3AA	057910	04H075	\$112.50	SMART SOLUTIONS	VR	6132
	26	1/8/2004	101	3AA	057925	04H075	\$112.50	SMART SOLUTIONS	VR	6132
	26	1/8/2004	101	3AA	057852	04H075	\$112.50	SMART SOLUTIONS	VR	6132
	26	1/8/2004	101	3AA	057898	04H075	\$112.50	SMART SOLUTIONS	VR	6132
	26	1/8/2004	101	3AA	057858	04H075	\$112.50	SMART SOLUTIONS	VR	6132
	26	1/8/2004	101	3AA	057862	04H075	\$112.50	SMART SOLUTIONS	VR	6132
	26	1/8/2004	101	3AA	057864	04H075	\$112.50	SMART SOLUTIONS	VR	6132
	26	1/8/2004	101	3AA	057880	04H075	\$112.50	SMART SOLUTIONS	VR	6132
	26	1/8/2004	101	3AA	057882	04H075	\$112.50	SMART SOLUTIONS	VR	6132
	26	1/8/2004	101	3AA	057891	04H075	\$112.50	SMART SOLUTIONS	VR	6132
	26	1/8/2004	101	3AA	057913	04H075	\$112.50	SMART SOLUTIONS	VR	6132
	26	1/21/2004	101	3AA	057860	04H083	\$112.50	SMART SOLUTIONS	VR	6132
	26	1/21/2004	101	3AA	057877	04H083	\$112.50	SMART SOLUTIONS	VR	6132
	26	1/21/2004	101	3AA	057865	04H083	\$112.50	SMART SOLUTIONS	VR	6132

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TYPE	ObjID	DateID	FedI	FundI	InvoiceID	VoucherI	Amount	VendorID	SectionI	SacID
	26	1/21/2004	101	3AA	057867	04H083	\$112.50	SMART SOLUTIONS	VR	6132
	26	1/21/2004	101	3AA	057872	04H083	\$112.50	SMART SOLUTIONS	VR	6132
	26	1/21/2004	101	3AA	057873	04H083	\$112.50	SMART SOLUTIONS	VR	6132
	26	1/21/2004	101	3AA	057846	04H083	\$112.50	SMART SOLUTIONS	VR	6132
	26	1/21/2004	101	3AA	057874	04H083	\$112.50	SMART SOLUTIONS	VR	6132
	26	1/21/2004	101	3AA	057887	04H083	\$112.50	SMART SOLUTIONS	VR	6132
	26	1/21/2004	101	3AA	057895	04H083	\$112.50	SMART SOLUTIONS	VR	6132
	26	1/21/2004	101	3AA	057849	04H083	\$112.50	SMART SOLUTIONS	VR	6132
	26	1/21/2004	101	3AA	057856	04H083	\$112.50	SMART SOLUTIONS	VR	6132
	26	1/21/2004	101	3AA	057857	04H083	\$112.50	SMART SOLUTIONS	VR	6132
	26	1/21/2004	101	3AA	057909	04H083	\$112.50	SMART SOLUTIONS	VR	6132
	26	1/21/2004	101	3AA	057901	04H083	\$112.50	SMART SOLUTIONS	VR	6132
	26	1/21/2004	101	3AA	057919	04H083	\$112.50	SMART SOLUTIONS	VR	6132
	26	1/21/2004	101	3AA	057840	04H083	\$112.50	SMART SOLUTIONS	VR	6132
	26	1/21/2004	101	3AA	057842	04H083	\$112.50	SMART SOLUTIONS	VR	6132
	26	1/28/2004	101	3AA	058972	NONE	\$0.00	SMART SOLUTIONS	VR	6132
	26	1/28/2004	101	3AA	058971	NONE	\$0.00	SMART SOLUTIONS	VR	6132
	26	1/28/2004	101	3AA	059024	NONE	\$0.00	SMART SOLUTIONS	VR	6132
	26	1/28/2004	101	3AA	058973	NONE	\$0.00	SMART SOLUTIONS	VR	6132
	26	7/23/2004	101	3AR	SB114764	05H004	\$150.00	SBC GLOBAL SERVICE	VR	6152
	26	7/23/2004	101	3AR	SB112122	05H004	\$150.00	SBC GLOBAL SERVICE	VR	6152
	26	7/23/2004	101	3AR	SB114559	05H004	\$450.00	SBC GLOBAL SERVICE	VR	6152
	26	7/23/2004	101	3AR	SB112794	05H004	\$150.00	SBC GLOBAL SERVICE	VR	6152
	26	7/23/2004	101	3AR	SB114765	05H004	\$150.00	SBC GLOBAL SERVICE	VR	6152
	26	7/23/2004	101	3AR	OH298445	05H004	\$183.00	SBC GLOBAL SERVICE	VR	6152

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TYPE	ObjID	DateID	FedI	FundI	InvoiceID	VoucherI	Amount	VendorID	SectionI	SacID
	26	7/23/2004	101	3AR	SB114558	05H004	\$225.00	SBC GLOBAL SERVICE	VR	6152
	26	7/23/2004	101	3AR	SB113685	05H004	\$150.00	SBC GLOBAL SERVICE	VR	6152
	26	7/23/2004	101	3AR	SB112538	05H004	\$956.00	SBC GLOBAL SERVICE	VR	6152
	26	7/23/2004	101	3AR	SB113684	05H004	\$150.00	SBC GLOBAL SERVICE	VR	6152
	26	7/23/2004	101	3AR	SB114768	05H004	\$304.72	SBC GLOBAL SERVICE	VR	6152
	26	7/23/2004	101	3AR	SB118203	05H004	\$213.90	SBC GLOBAL SERVICE	VR	6152
	26	7/23/2004	101	3AR	OH298471	05H004	\$150.00	SBC GLOBAL SERVICE	VR	6152
	26	7/23/2004	101	3AR	SB110805	05H004	\$150.00	SBC GLOBAL SERVICE	VR	6152
	26	7/23/2004	101	3AR	SB114761	05H004	\$332.67	SBC GLOBAL SERVICE	VR	6152
	26	7/23/2004	101	3AR	SB113028	05H004	\$150.00	SBC GLOBAL SERVICE	VR	6152
	26	7/23/2004	101	3AR	SB113304	05H004	\$300.00	SBC GLOBAL SERVICE	VR	6152
	26	7/23/2004	101	3AR	SB114767	05H004	\$282.14	SBC GLOBAL SERVICE	VR	6152
	26	7/23/2004	101	3AR	SB113686	05H004	\$150.00	SBC GLOBAL SERVICE	VR	6152
	26	7/23/2004	101	3AR	OH298613	05H004	\$150.00	SBC GLOBAL SERVICE	VR	6152
	26	7/23/2004	101	3AR	OH298353	05H004	\$262.50	SBC GLOBAL SERVICE	VR	6152
	26	7/23/2004	101	3AR	OH297500	05H004	\$450.00	SBC GLOBAL SERVICE	VR	6152
	26	7/23/2004	101	3AR	SB113303	05H004	\$337.50	SBC GLOBAL SERVICE	VR	6152
	26	7/23/2004	101	3AR	SB113683	05H004	\$150.00	SBC GLOBAL SERVICE	VR	6152
	26	8/17/2004	101	3AR	201140-43	05H005X	\$0.00	DLT SOLUTIONS	VR	6152
	26	8/26/2004	101	3AR	SB115912	050292	\$220.00	SBC	VR	6152
	26	9/1/2004	101	3AR	201140-43	05H005	\$53,720.40	DLT SOLUTIONS	VR	6152
	28	10/8/2004	101	3AR	044779	05H013	\$973.00	POST PRINTING	VR	6152
	28	10/25/2004	101	3AR	04-4839	050505	\$233.00	POST PRINTING	VR	6152
	28	11/23/2004	101	3AR	178	05H018	\$2,194.61	PERFECT OUTPUT OF C	WHOLE	6152
	29	1/20/2004	101	3AA	6083232	04H082	\$353.50	THOMPSON PUBLISHIN	WHOLE	6132

021968

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TYPE	ObjID	DateID	FedI	FundI	InvoiceID	VoucherI	Amount	VendorID	SectionI	SacID
	29	6/2/2004	101	3AR	DAS	4X8982	\$211.04	DAS	WHOLE	6152
	29	6/2/2004	101	3AR	DAS	4Y1053	\$210.88	DAS	WHOLE	6152
	29	7/7/2004	101	3AR		4Y2140	\$203.51	DAS	WHOLE	6152
	29	7/13/2004	101	3AR		4Y3232	\$247.27	DAS	WHOLE	6152
	29	9/20/2004	101	3AR	3003716	05H008	\$298.00	THOMPSON PUBLISHIN	WHOLE	6152
	29	11/5/2004	101	3AR	6026339910	05H017	\$55.50	WEST GROUP	WHOLE	6152
	29	11/12/2004	101	3AR	ISTV	CSR849	\$144.00	CAPITOL SQUARE REV	WHOLE	6152
	29	12/21/2004	101	3AR	THOMPSON PUB	021031	\$94.50	BANK OF AMERICA	WHOLE	6152
	37	9/2/2004	101	3AR	6531128-02 -00-01	05H006	\$22,160.00	SARCOM	VR	6152
	292	2/27/2004	101	3AA	4R1626	4P0001	\$7.13	STATE PRINTING	WHOLE	6132
	292	5/19/2004	101	3AR		4X7833	\$181.02	DAS	WHOLE	6152
	292	9/16/2004	101	3AR	PHONES	4Y4329	\$240.67	DAS	WHOLE	6152
	292	11/29/2004	101	3AR	VIP PHONES	5X1044	\$212.07	DAS	WHOLE	6152
	292	12/15/2004	101	3AR	VIP PHONES	5X2155	\$254.70	DAS	WHOLE	6152

Summary for 'TYPE' = O (299 detail records)

Sum

\$597,065.17

P

	10	1/1/2004	101	3AA	PAYROLL		\$11,674.04	HAVA PAYROLL	WHOLE	6130
	10	1/10/2004	101	3AA	PAYROLL		\$13,906.33	HAVA PAYROLL	WHOLE	6130
	10	1/24/2004	101	3AA	PAYROLL		\$11,838.49	HAVA PAYROLL	WHOLE	6130
	10	2/7/2004	101	3AA	PAYROLL		\$14,070.78	HAVA PAYROLL	WHOLE	6130
	10	2/21/2004	101	3AA	PAYROLL		\$11,837.32	HAVA PAYROLL	WHOLE	6130
	10	3/6/2004	101	3AA	PAYROLL		\$14,179.69	HAVA PAYROLL	WHOLE	6130
	10	3/20/2004	101	3AA	PAYROLL		\$11,837.32	HAVA PAYROLL	WHOLE	6130
	10	4/3/2004	101	3AA	PAYROLL		\$16,288.10	HAVA PAYROLL	WHOLE	6130

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TYPE	ObjID	DateID	FedI	FundI	InvoiceID	VoucherI	Amount	VendorID	SectionI	SacID
	10	4/17/2004	101	3AA	PAYROLL		\$16,079.13	HAVA PAYROLL	WHOLE	6130
	10	5/1/2004	101	3AR	PAYROLL		\$17,903.95	HAVA PAYROLL	WHOLE	6150
	10	5/24/2004	101	3AR	PAYROLL		\$23,213.17	HAVA PAYROLL	WHOLE	6150
	10	6/8/2004	101	3AR	PAYROLL		\$20,059.78	HAVA PAYROLL	WHOLE	6150
	10	6/22/2004	101	3AR	PAYROLL		\$22,437.54	HAVA PAYROLL	WHOLE	6150
	10	7/7/2004	101	3AR	PAYROLL		\$21,362.88	HAVA PAYROLL	WHOLE	6150
	10	7/21/2004	101	3AR	PAYROLL		\$31,137.43	HAVA PAYROLL	WHOLE	6150
	10	8/4/2004	101	3AR	PAYROLL		\$32,234.25	HAVA PAYROLL	WHOLE	6150
	10	8/18/2004	101	3AR	PAYROLL		\$36,554.63	HAVA PAYROLL	WHOLE	6150
	10	8/31/2004	101	3AR	PAYROLL		\$25,407.79	HAVA PAYROLL	WHOLE	6150
	10	9/14/2004	101	3AR	PAYROLL		\$30,165.22	HAVA PAYROLL	WHOLE	6150
	10	9/28/2004	101	3AR	PAYROLL		\$25,466.80	HAVA PAYROLL	WHOLE	6150
	10	10/13/2004	101	3AR	PAYROLL	PAYROLL	\$32,861.05	HAVA PAYROLL	WHOLE	6150
	10	10/27/2004	101	3AR	PAYROLL		\$23,932.29	HAVA PAYROLL	WHOLE	6150
	10	11/10/2004	101	3AR	PAYROLL	PAYROLL	\$24,619.37	HAVA PAYROLL	WHOLE	6150
	10	11/23/2004	101	3AR	PAYROLL	PAYROLL	\$31,885.21	HAVA PAYROLL	WHOLE	6150
	10	12/7/2004	101	3AR	PAYROLL	NA	\$30,647.55	HAVA PAYROLL	WHOLE	6150
	10	12/21/2004	101	3AR	PAYROLL	PAYROLL	\$31,152.14	HAVA PAYROLL	WHOLE	6150

Summary for 'TYPE' = P (26 detail records)

Sum

\$582,752.25

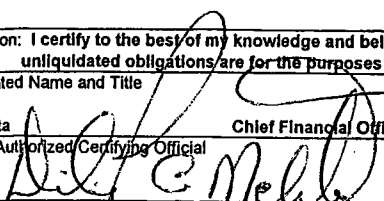
Grand Total

\$4,633,894.99

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FINANCIAL STATUS REPORT  
(Long Form)  
(Follow Instructions on the back)

**ORIGINAL** 101

1. Federal Agency and Organization Element to Which Report is Submitted U.S. Election Assistance Commission		2. Federal Grant or Other Identifying Number Assigned By Federal Agency CFDA 39.011		OMB Approval No. 0348-0039	Page of 1 of 1 pages
3. Recipient Organization (Name and complete address, including ZIP code) Ohio Secretary of State Office 180 E. Broad St. 16th Fl. Columbus, OH 43215					
4. Employer Identification Number		5. Recipient Account Number		6. Final Report no	7. Basis accrual
8. Funding/Grant period (see instructions) From: (Month, Day, Year) 10/29/2002		To: (Month, Day, Year) 1/1/2006		9. Period Covered by this Report From: (Month, Day Year) 1/1/2005 To: (Month, Day, Year) 12/31/2005	
10. Transactions					
		I Previously Reported	II This Period	III Cumulative	
a. Total Outlays		6,870,659.47	2,606,289.68	9,476,949.15	
b. Refunds, rebates, etc.		0.00	0.00	0.00	
c. Program income used in accordance with deduction alternative		0.00	0.00	0.00	
d. Net outlays (Line a, less the sum of lines b and c)		6,870,659.47	2,606,289.68	9,476,949.15	
Recipient's share of net outlays, consisting of:					
e. Third party (in-kind) contributions				0.00	
f. Other Federal awards authorized to be used to match this award				0.00	
g. Program income used in accordance with the matching or cost sharing alternative				0.00	
h. All other recipient outlays not shown on lines e, f, or g				0.00	
i. Total recipient share of net outlays (Sum of lines e, f, g, and h)		0.00	0.00	0.00	
j. Federal share of net outlays (line d less line i)		6,870,659.47	2,606,289.68	9,476,949.15	
k. Total unliquidated obligations				907,981.85	
l. Recipient's share of unliquidated obligations				0.00	
m. Federal share of unliquidated obligations				907,981.85	
n. Total Federal share (sum of lines j and m)				10,384,931.00	
o. Total Federal funds authorized for this funding period				10,384,931.00	
p. Unobligated balance of federal funds (Line o minus line n)				0.00	
Program Income, consisting of:					
q. Disbursed program income shown on lines c and/or g above				0.00	
r. Disbursed program income using the addition alternative				0.00	
s. Undisbursed program income				0.00	
t. Total program income realized (Sum of lines q, r, and s)				0.00	
11. Indirect Expense		a. Type of Rate (Place "X" in appropriate line) Provisional      Predetermined      Final      Fixed			
not applicable		b. Rate	c. Base	d. Total Amount	e. Federal Share
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation.					
13 Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.					
Typed or Printed Name and Title Dilip C. Mehta      Chief Financial Officer			Telephone (Area code, number and extension) 614-466-0180		
Signature of Authorized Certifying Official 			Date Report Submitted 2-24-2006		



**ORIGINAL**

**Ohio's Narrative Report  
Consolidated Report on HAVA Title I, Section 101 Fund  
January 1, 2005 through and including December 31, 2005  
Due February 28, 2006**

On behalf of Ohio Secretary of State, J. Kenneth Blackwell, I am submitting Ohio's Narrative Report as required by Public Law 107-252 (the Help America Vote Act (HAVA) of 2002). Below are some the highlights that Ohio has achieved through the implementation of HAVA:

**Section 101 Funds:**

- Ohio negotiated the lowest price in the Nation for voting systems to ensure that every Ohio County would have state-of-the-art equipment.
- From the beginning, Ohio sought input from election officials and voting experts for methods to ensure a smooth and seam less transition from punch cards to new voting systems.
- Before final State certifications for Direct Recording Electronic (DRE) models were issued, Secretary Blackwell engaged Compuware Corporation to conduct extensive security reassessments and revalidations. This included the Nation's most thorough review of all hardware and software, including source code and voter-verifiable printer accessories.
- Further, before the 2005 General Election, each of the 15,000 new machines was individually tested for accuracy by an independent verification and validation vendor.
- Ohio's first large-scale use of electronic voting systems (which included voter-verifiable paper trails) was a great success during the November 8, 2005 General Election.
- Nearly one million voters used more than 15,000 new voting machines and the Ohio Secretary of State's office was overwhelmed with positive reports.
- More than 20,000 poll workers and election officials attended over 671 training classes of at least three hours in length.
- We created a short internet how-to, step-by-step video for our YourVoteCountsOhio.org web site for the TSx AccuVote DRE machine in both high and low bandwidth file sizes for easy access in three different media player formats: QuickTime, Windows Media, and Flash. A step-by-step HTML guide to the AccuVote TSx, based on the video, was also available to people who were unable to download the video.

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- In addition, a Flash based interactive simulation of how to use the TSx machine was created to supplement our voter outreach efforts.
- We also produced a how-to, step-by-step, four color tri-fold brochure template for the TSx, which could be customized for each individual county. These brochure PDF files were available on our YourVoteCountsOhio.org website in high and low resolution formats for voters to download and print.
- We also produced the same brochure in a wallet-sized template for counties to use. Approximately 1.5 million tri-folds and 250,000 wallet sized were delivered prior to the November election. For the one county using the AccuVote-OS, an optical scan machine, we created a step-by-step four-color tri-fold brochure template, which could be customized for that County. A PDF file of the brochure was available on our YourVoteCountsOhio.org web site for voters to download and print. We also created a short internet how-to, step-by-step video for our YourVoteCountsOhio.org web site to demonstrate the AccuVote-OS.
- Our office created two comprehensive poll worker training videos demonstrating the proper way to set-up, open and close the polls on Election Day for the AccuVote TSx and AccuVote-OS machines which were distributed to all counties using Diebold machines in the November 2005 General Election. Counties had the option of a DVD or VHS format.
- Four hundred roving technicians traveled to polling locations where the new electronic voting machines were used. The technicians answered questions and addressed any problems when necessary. Also, each precinct was equipped with emergency paper ballots in case of technical difficulties not immediately correctable.
- Voters with disabilities were able to use the features of the new systems to vote without assistance, ensuring the privacy that all other voters expect and deserve.
- Ohio's Computerized Statewide Voter Registration List was fully operational as of December 9, 2005.
- Ohio submitted a revised State Plan, *Changing the Election Landscape in the State of Ohio*, which was published in the *Federal Register* May 7, 2005.
- Fifty-seven Ohio counties selected a direct recording electronic (DRE) voting device with a voter verified paper audit trail (VVPAT)
- Thirty-one Ohio counties will use a combination of a precinct count optical scan system as the primary voting system with either a DRE/VVPAT or an AutoMARK combination to meet the requirements of HAVA for individuals with disabilities.
- Over of Ohio's 88 counties have already successfully used Section 301 compliant voting systems in the November 2005 General Election. Efforts are currently

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**ORIGINAL**

underway to test the remaining counties' equipment prior to use in Ohio's first Federal election, which is the May 2<sup>nd</sup> primary.

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# of units

County	PO #	Voce 65	#	PO Amt	Opt scan	AVPM	ADA	MC	HABS	SABS	Enc	VC	SC	Gems
Adams														
	E05-0095-01	06H074	95	256,500.00		95	23	95		1	105	350	70	1
Ashland														
	E05-0187-03	06H031	187	504,900.00		187	45	187		2	195	650	130	1
Belmont														
	E05-0238-07	06H066	238	642,600.00		238	91	238		2	249	830	166	1
Butler														
	E05-1280-09	06H062	1,280	3,456,000.00		1,280	174	1,280	4		867	2,890	578	1
Carroll														
	E05-0108-10	06H049	108	291,600.00		108	26	108		1	78	260	52	1
Coshocton														
	E05-0122-16	06H057	122	329,400.00		122	34	122		1	129	430	86	1

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County	PO #	Voce 65	#	PO Amt	Opt scan	AVPM	ADA	MC	HABS	SABS	Enc	VC	SC	Gems
Crawford														
	E05-0159-17	06H073	159	429,300.00		159	36	159		2	138	460	92	1
Darke														
	E05-0206-19	06H060	206	556,200.00		206	38	206		2	129	430	86	1
Defiance														
	E05-0139-20	06H032	139	375,300.00		139	25	139		1	126	420	84	1
Fairfield														
	E05-0492-23	06H047	492	1,328,400.00		492	69	492		2	354	1,180	236	1
Fulton														
	E05-0154-26	06H033	154	415,800.00		154	23	154		2	105	350	70	1
Gallia														
	E05-0127-27	06H068	127	342,900.00		127	27	127		1	105	350	70	1
Greene														
	E05-0565-29	06H048	565	1,525,500.00		565	45	565		2	426	1,420	284	1

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County	PO #	Voce 65	#	PO Amt	Opt scan	AVPM	ADA	MC	HABS	SABS	Enc	VC	SC	Gems
Guernsey														
	E05-0145-30	06H034	145	391,500.00		145	28	145		1	111	370	74	1
Hancock														
	E05-0267-32	06H043	267	720,900.00		267	45	267		2	186	620	124	1
Hardin														
	E05-0102-33	06H050	102	275,400.00		102	27	102		1	114	380	76	1
Harrison														
	E05-0062-34	06H035	62	167,400.00		62	20	62		1	72	240	48	1
Henry														
	E05-0106-35	06H051	106	286,200.00		106	17	106		1	99	330	66	1
Highland														
	E05-0152-36	06H069	152	410,400.00		152	31	152		1	111	370	74	1
Hocking														

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**ORIGINAL**

County	PO #	Voce 65	#	PO Amt	Opt scan	AVPM	ADA	MC	HABS	SABS	Enc	VC	SC	Gems
	E05-0098-37	06H052	98	264,600.00		98	32	98		1	96	320	64	1
<b>Holmes</b>														
	E05-0096-38	06H053	96	259,200.00		96	17	96		1	57	190	38	1
<b>Huron</b>														
	E05-0212-39	06H036	212	572,400.00		212	37	212		2	165	550	110	1
<b>Jackson</b>														
	E05-0129-40	06H037	129	348,300.00		129	21	129		1	114	380	76	1
<b>Jefferson</b>														
	E05-0267-41	06H038	267	720,900.00		267	64	267		2	273	910	182	1
<b>Lorain</b>														
	E05-1057-47	06H059	1,057	2,853,900.00		1,057	132	1,057	3		717	2,390	478	1
<b>Lucas</b>														
	E05-1613-48	06H045	1,613	4,355,100.00		1,613	212	1,613	4		1,485	4,950	990	1

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ORIGINAL

County	PO #	Voce 65	#	PO Amt	Opt scan	AVPM	ADA	MC	HABS	SABS	Enc	VC	SC	Gems
Marion														
	E05-0233-51	06H075	233	629,100.00		233	27	233		2	252	840	168	1
Medina														
	E05-0636-52	06H046	636	1,717,200.00		636	68	636	3		447	1,490	298	1
Mercer														
	E05-0168-54	06H076	168	453,600.00		168	18	168		2	111	370	74	1
Miami														
	E05-0388-55	06H063	388	1,047,600.00		388	49	388		2	246	820	164	1
Montgomery														
	E05-2107-57	06H064	2,107	5,688,900.00		2,107	382	2,107	4		1,764	5,880	1,176	1
Morgan														
	E05-0050-58	06H054	50	135,000.00		50	19	50		1	66	220	44	1
Morrow														
	E05-0130-59	06H039	130	351,000.00		130	25	130		1	108	360	72	1

021979



ORIGINAL

County	PO #	Voce 65	#	PO Amt	Opt scan	AVPM	ADA	MC	HABS	SABS	Enc	VC	SC	Gems
Muskingum														
	E05-0277-60	06H040	277	750,460.00		277	67	277		2	255	850	170	1
Paulding														
	E05-0077-63	06H070	77	207,900.00		77	19	77		1	90	300	60	1
Perry														
	E05-0126-64	06H044	126	340,200.00		126	33	126		1	138	460	92	1
Pike														
	E05-0106-66	06H055	106	286,200.00		106	29	106		1	72	240	48	1
Portage														
	E05-0589-67	06H041	589	1,590,300.00		589	83	589		2	387	1,290	258	1
Richland														
	E05-0491-70	06H061	491	1,325,700.00		491	96	491		2	378	1,260	252	1
Scioto														

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**ORIGINAL**

County	PO #	Voce 65	#	PO Amt	Opt scan	AVPM	ADA	MC	HABS	SABS	Enc	VC	SC	Gems
	E05-0106-73	06H099	109	663,113.40	1,023.71	60	60			2	270	900	180	1
<b>Stark</b>														
	E05-1440-76	06H065	1,440	3,888,000.00		1,440	212	1,440	4		1,092	3,640	728	1
<b>Trumbull</b>														
	E05-0766-78	06H058	766	2,068,200.00		766	133	766	3		822	2,740	548	1
<b>Van Wert</b>														
	E05-0113-81	06H067	113	305,100.00		113	24	113		1	117	390	78	1
<b>Wayne</b>														
	E05-0375-85	06H056	375	1,012,500.00		375	83	375		2	291	970	194	1
<b>Wood</b>														
	E05-0491-87	06H042	488	1,317,600.00		488	76	488		2	315	1,050	210	1
<b>Grand Total</b>			16,847											

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ORIGINAL

HAVA OPEN ENCUMBRANCES AS OF CURRENT DATE

FED	FY	FUND	CONTRACT	NUMBER	AMOUNT	VENDOR	DESCRIPTION	SECTION	TYPE	SAC	OBJ
101											
06		3AS	217	H60007	\$906,981.85	DIEBOLD ELECTION S	VOTING EQUIPMEN	VOTIN	E	6163	39
05		3AR	NONE	05H154	\$1,000.00	ALLEN COUNTY	CERA GRANT	CERA	G	6155	50
Sum					\$907,981.85						
251											
06		3AS	06-342	H60021	\$28,406.25	COMPUWARE	VS SECURITY ASSE	VOTIN	C	6161	13
06		3AS	06-328	H60016	\$18,131.50	GOVERNMENT TECH	VS CONSULTING	VOTIN	C	6161	13
06		3AS	06-309	H60003	\$36,549.00	ERIC D PARKS	ADA CONSULTING	ADA	C	6161	13
06		3AS	06-332	H60008	\$7.88	GCR	BALLOT SIMULATI	VOTIN	C	6161	13
06		3AS	AGO37	H60011	\$30,000.00	PATMON LLC	2006 LEGAL SERVIC	VOTIN	C	6161	13
06		3AS	06-333	H60017	\$13,825.00	COMPUWARE	VS SECURITY ASSE	VOTIN	C	6161	13
06		3AS	06-336	H60018	\$388,137.22	3SG	IV&V ES&S	VOTIN	C	6161	13
06		3AS	06-329	H60015	\$3,700.00	COMPUWARE	VS SECURITY ASSE	VOTIN	C	6161	13
06		3AS	06-339	H60020	\$5,000.00	KENNEDY COTTRELL	VS CPA CONSULTIN	VOTIN	C	6161	13
06		3AS	06-325	H60001	\$118,683.03	COMPUWARE	IV&V	VOTIN	C	6161	13
06		3AS	06-310	H60002	\$87,575.25	GCR	MARLO WILCOX	VOTIN	C	6161	13
06		3AS	06-321	H60006	\$189,083.52	GCR	IV&V	VOTIN	C	6161	13
06		3AR	06-308	H60005	\$9,719.99	SPIRIT CONSULTING	SAM KINDRED	VOTER	C	6161	13

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ORIGINAL

FED	FY	FUND	CONTRACT	NUMBER	AMOUNT	VENDOR	DESCRIPTION	SECTION	TYPE	SAC	OBJ
06		3AS	06-320	H60004	\$14,854.99	DAVID KENNEDY	IV&V	VOTIN	C	6161	13
06		3AS	217	H60007	\$20,317,331.55	DIEBOLD ELECTION S	VOTING EQUIPMEN	VOTIN	E	6163	39
05		3AS	217	H50037	\$2,582,527.70	DIEBOLD ELECTION S	VOTING EQUIPMEN	VOTIN	E	6163	39
06		3AS	218	H60019	\$36,688,323.97	ES&S	VOTING EQUIPMEN	VOTIN	E	6163	39

Sum

\$60,531,856.85

Grand Total

\$61,439,838.70

021983

ORIGINAL

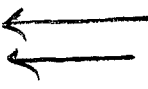
# 101 HAVA PAYMENTS 1/1/05 THROUGH 12/31/05

Date by Month	County	Date	FED Fund	Invoice	Voucher	Amount	Vendor	Section	Description	Type	Sac	Obj	FY
January 2005													
		UNKNOWN(NO S	1/4/2005	101 3AR	QC05301	05H028	\$472.00	CDW-G	ADMINISTRA	EQUIPMENT-OTHE	E	6153	37 FY05
		UNKNOWN(NO S	1/4/2005	101 3AR	020605	05H029	\$50.00	NASS	ADMINISTRA	MEETINGS	R	6151	15 FY05
		UNKNOWN(NO S	1/4/2005	101 3AR	122204	055196	\$510.00	ERIC PARKS	ADA	ADA CONSULTING	C	6151	13 FY05
		UNKNOWN(NO S	1/4/2005	101 3AR	PAYROLL	NA	\$22,590.29	HAVA PAYROL	ADMINISTRA	PAYROLL	P	6150	10 FY05
		UNKNOWN(NO S	1/4/2005	101 3AR	OH3243	055197	\$9,940.00	3SG CORPORA	ADMINISTRA	CONSULTING PROJ	C	6151	13 FY05
		UNKNOWN(NO S	1/5/2005	101 3AR	614R90304	E50037	\$36,960.00	SBC	VOTER REGIS	T-1 LINES	O	6152	24 FY05
		UNKNOWN(NO S	1/5/2005	101 3AR	TER	T50191	\$48.09	BRYAN FERGU	ADMINISTRA	TRAVEL-EMPLOYE	O	6152	23 FY05
		UNKNOWN(NO S	1/6/2005	101 3AR	EXPEDIA	021039	\$5.00	BANK OF AME	ADMINISTRA	TRAVEL GRANT TR	O	6152	23 FY05
		UNKNOWN(NO S	1/6/2005	101 3AR	2005-01	055201	\$25,000.00	ELIZABETH KI	VOTER ED M	VE CONSULTING	C	6151	13 FY05
		UNKNOWN(NO S	1/6/2005	101 3AR	EXPEDIA	021041	\$269.39	BANK OF AME	ADMINISTRA	TRAVEL GRANT TR	O	6152	23 FY05
		UNKNOWN(NO S	1/6/2005	101 3AR	EXPEDIA	021038	\$5.00	BANK OF AME	ADMINISTRA	TRAVEL GRANT TR	O	6152	23 FY05
		UNKNOWN(NO S	1/6/2005	101 3AR	EXPEDIA	021040	\$178.20	BANK OF AME	ADMINISTRA	TRAVEL GRANT TR	O	6152	23 FY05
		UNKNOWN(NO S	1/6/2005	101 3AR	VIP PHON	5X3261	\$190.03	DAS	ADMINISTRA	TELEPHONE	O	6152	29 FY05
		UNKNOWN(NO S	1/7/2005	101 3AR	10164	055204	\$15,123.75	GCR	VOTING SYST	VS PROJECT MGMT	C	6151	13 FY05
		UNKNOWN(NO S	1/7/2005	101 3AR	OH3254	055203	\$3,360.00	3SG CORPORA	ADMINISTRA	CONSULTING PROJ	C	6151	13 FY05
		UNKNOWN(NO S	1/7/2005	101 3AR	10162	055202	\$42,081.60	GCR	VOTER REGIS	VR SW CONSULTIN	C	6151	13 FY05
		UNKNOWN(NO S	1/10/2005	101 3AR	0105	050776	\$930.00	180 E BROAD S	ADMINISTRA	PARKING-DOWNTON	O	6152	22 FY05
		UNKNOWN(NO S	1/11/2005	101 3AR	5004 5005	055213	\$15,295.00	COMPUTER W	VOTER REGIS	VR PROJECT MGM	C	6151	13 FY05
		UNKNOWN(NO S	1/11/2005	101 3AR	VIP PHON	5X4364	\$326.54	DAS	ADMINISTRA	TELEPHONE	O	6152	29 FY05
		UNKNOWN(NO S	1/11/2005	101 3AR	644295105	E50038	\$5,797.76	QWEST	ADMINISTRA	TELEPHONE	O	6152	24 FY05
		UNKNOWN(NO S	1/12/2005	101 3AR	010805	055214	\$1,075.00	ERIC PARKS	ADA	ADA CONSULTING	C	6151	13 FY05

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Date by Month	County	Date	FED Fund	Invoice	Voucher	Amount	Vendor	Section	Description	Type	Sac	Obj	FY
	UNKNOWN(NO S	1/12/2005	101 3AR	791552053	050782	\$16.09	FEDERAL EXP	ADMINISTRA	SHIPPING	O	6152	24	FY05
	UNKNOWN(NO S	1/13/2005	101 3AR	TER	T50207	\$787.50	MADHU SINGH	ADMINISTRA	TRAVEL-EMPLOYE	O	6152	23	FY05
	UNKNOWN(NO S	1/13/2005	101 3AR	644296820	05H030	\$149.43	QWEST	PROVISIONA	PROV HOTLINE	O	6152	24	FY05
	UNKNOWN(NO S	1/14/2005	101 3AR	ORBITZ/U	021043	\$30.00	BANK OF AME	ADMINISTRA	TRAVEL GRANT TR	O	6152	23	FY05
	UNKNOWN(NO S	1/19/2005	101 3AR	PAYROLL	NA	\$24,297.04	HAVA PAYROL	ADMINISTRA	PAYROLL	P	6150	10	FY05
	UNKNOWN(NO S	1/20/2005	101 3AR	TER	T50213	\$57.80	JOE LEONTI	ADMINISTRA	TRAVEL-EMPLOYE	O	6152	23	FY05
	UNKNOWN(NO S	1/20/2005	101 3AR	ORBITZ/U	021068	\$215.20	BANK OF AME	ADMINISTRA	TRAVEL GRANT TR	O	6152	23	FY05
	UNKNOWN(NO S	1/21/2005	101 3AR	76613	055218	\$9,622.78	BURSON-MARS	VOTER ED M	VOTER ED MARKE	O	6152	24	FY05
	UNKNOWN(NO S	1/21/2005	101 3AR	76613	055218	\$8,010.10	BURSON-MARS	VOTER ED M	VOTER ED MARKE	O	6152	28	FY05
	UNKNOWN(NO S	1/21/2005	101 3AR	TER	T50214	\$882.70	JUDY GRADY	ADMINISTRA	TRAVEL-EMPLOYE	O	6152	23	FY05
	UNKNOWN(NO S	1/21/2005	101 3AR	TER	T50215	\$396.70	PAT WOLFE	VOTER REGIS	TRAVEL-EMPLOYE	O	6152	23	FY05
	UNKNOWN(NO S	1/24/2005	101 3AS	614R90304	E50039	\$35,200.00	SBC	VOTER REGIS	T-1 LINES	O	6162	24	FY05
	UNKNOWN(NO S	1/24/2005	101 3AR	TER	T50217	\$72.00	JOE LEONTI	ADMINISTRA	TRAVEL-EMPLOYE	O	6152	23	FY05
	UNKNOWN(NO S	1/25/2005	101 3AR	614258	055222	\$10,370.00	COMPUWARE	VOTING SYST	VS IT SECURITY AS	C	6151	13	FY05
	UNKNOWN(NO S	1/26/2005	101 3AR	012305	055223	\$1,587.50	ERIC PARKS	ADA	ADA CONSULTING	C	6151	13	FY05
	UNKNOWN(NO S	1/27/2005	101 3AR	358407556	050823	\$101.82	VERIZON	ADMINISTRA	TELEPHONE	O	6152	24	FY05
	UNKNOWN(NO S	1/31/2005	101 3AR	113	055229	\$304.50	MICHAEL HER	ADMINISTRA	CONSULTING SERV	C	6151	13	FY05
	UNKNOWN(NO S	1/31/2005	101 3AR	POSTAGE	05H031	\$5,000.00	PITNEY BOWES	ADMINISTRA	POSTAGE	O	6152	24	FY05
	UNKNOWN(NO S	1/31/2005	101 3AR	650481487	E50041	\$2,161.47	QWEST	PROVISIONA	PROV HOTLINE	O	6152	24	FY05
Sum						\$279,470.28							
February 2005													
	UNKNOWN(NO S	2/1/2005	101 3AR	TER	T50218	\$58.80	MICHAEL TON	ADMINISTRA	TRAVEL-EMPLOYE	O	6152	23	FY05
	UNKNOWN(NO S	2/1/2005	101 3AR	PAYROLL	NA	\$34,580.91	HAVA PAYROL	ADMINISTRA	PAYROLL	P	6150	10	FY05
	UNKNOWN(NO S	2/2/2005	101 3AR	795012583	050833	\$14.55	FEDERAL EXP	ADMINISTRA	SHIPPING	O	6152	24	FY05



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Date by Month	County	Date	FED	Fund	Invoice	Voucher	Amount	Vendor	Section	Description	Type	Sac	Obj	FY
	UNKNOWN(NO S	2/2/2005	101	3AR	5120	055235	\$7,790.00	COMPUTER W	VOTER REGIS	VR PROJECT MGM	C	6151	13	FY05
	UNKNOWN(NO S	2/2/2005	101	3AR	VIP PHON	5X5458	\$177.89	DAS	ADMINISTRA	TELEPHONE	O	6152	29	FY05
	UNKNOWN(NO S	2/4/2005	101	3AR	010905	055232	\$5,175.00	DAVID KENNE	ADMINISTRA	CONSULTING SERV	C	6151	13	FY05
	UNKNOWN(NO S	2/4/2005	101	3AR	11345205	050850	\$135.00	STANDARD PA	ADMINISTRA	PARKING-DOWNT	O	6152	22	FY05
	UNKNOWN(NO S	2/7/2005	101	3AR	10198	055240	\$16,350.00	GCR	VOTING SYST	VS PROJECT MGMT	C	6151	13	FY05
	UNKNOWN(NO S	2/7/2005	101	3AR	10197	055241	\$99,000.00	GCR	VOTER REGIS	VR SW CONSULTIN	C	6151	13	FY05
	UNKNOWN(NO S	2/7/2005	101	3AR	10195	055239	\$12,916.20	GCR	VOTER REGIS	VR SW CONSULTIN	C	6151	13	FY05
	UNKNOWN(NO S	2/8/2005	101	3AR	650482374	05H033	\$35.39	QWEST	ADMINISTRA	TELEPHONE	O	6152	24	FY05
	UNKNOWN(NO S	2/8/2005	101	3AR	TER	T50223	\$67.13	SARAH SPENC	ADMINISTRA	TRAVEL-EMPLOYE	O	6152	23	FY05
	UNKNOWN(NO S	2/8/2005	101	3AR	TER	T50225	\$55.50	MYKE CLARET	ADMINISTRA	TRAVEL-EMPLOYE	O	6152	23	FY05
	UNKNOWN(NO S	2/8/2005	101	3AR	TER	T50228	\$24.60	MICHAEL TON	ADMINISTRA	TRAVEL-EMPLOYE	O	6152	23	FY05
	UNKNOWN(NO S	2/8/2005	101	3AR	TER	T50230	\$265.13	LORI JORDAN	ADMINISTRA	TRAVEL GRANT TR	O	6152	23	FY05
	UNKNOWN(NO S	2/8/2005	101	3AR	797507959	05H032	\$16.84	FEDERAL EXP	ADMINISTRA	SHIPPING	O	6152	24	FY05
	UNKNOWN(NO S	2/9/2005	101	3AR	K8109835	05H034	\$45.60	DHL EXPRESS	ADMINISTRA	SHIPPING	O	6152	24	FY05
	UNKNOWN(NO S	2/10/2005	101	3AR	TER	T50236	\$478.00	JUDY GRADY	ADMINISTRA	TRAVEL-EMPLOYE	O	6152	23	FY05
	UNKNOWN(NO S	2/10/2005	101	3AR	TER	T50233	\$260.15	JAKE FASHNER	ADMINISTRA	TRAVEL-EMPLOYE	O	6152	23	FY05
	UNKNOWN(NO S	2/10/2005	101	3AR	TER	T50234	\$309.13	MYKE CLARET	ADMINISTRA	TRAVEL-EMPLOYE	O	6152	23	FY05
	UNKNOWN(NO S	2/11/2005	101	3AR	TER	T50238	\$197.70	CHRISTIAN LO	ADMINISTRA	TRAVEL-EMPLOYE	O	6152	23	FY05
	UNKNOWN(NO S	2/15/2005	101	3AR	PAYROLL	NONE	\$33,025.87	HAVA PAYROL	ADMINISTRA	PAYROLL	P	6150	10	FY05
	UNKNOWN(NO S	2/15/2005	101	3AR	13105	055251	\$9,468.75	PIERCE COMM	VOTER ED M	VE PROJECT MGM	C	6151	13	FY05
	UNKNOWN(NO S	2/18/2005	101	3AR	5220	055256	\$7,600.00	COMPUTER W	VOTER REGIS	VR PROJECT MGM	C	6151	13	FY05
	UNKNOWN(NO S	2/22/2005	101	3AR	TER	T50242	\$80.60	JOE LEONTI	ADMINISTRA	TRAVEL-EMPLOYE	O	6152	23	FY05
	UNKNOWN(NO S	2/25/2005	101	3AR	511-12	05H124	\$1,500.00	DISABILITY NE	ADA	MEETINGS	O	6152	28	FY05
	UNKNOWN(NO S	2/25/2005	101	3AR	021805	05H123	\$90.00	OHIO STATE U	ADMINISTRA	MEETINGS	R	6151	15	FY05
	UNKNOWN(NO S	2/28/2005	101	3AR	358945394	050920	\$112.01	VERIZON	ADMINISTRA	TELEPHONE	O	6152	24	FY05

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ORIGINAL

Date by Month	County	Date	FED	Fund	Invoice	Voucher	Amount	Vendor	Section	Description	Type	Sac	Obj	FY
	UNKNOWN(NO S	2/28/2005	101	3AR	656540277	E50044	\$1,194.23	QWEST	PROVISIONA	PROV HOTLINE	O	6152	24	FY05
Sum							\$231,024.98							
March 2005														
	UNKNOWN(NO S	3/1/2005	101	3AR	PAYROLL	NA	\$29,782.45	HAVA PAYROL	ADMINISTRA	PAYROLL	P	6150	10	FY05
	UNKNOWN(NO S	3/1/2005	101	3AR	800268258	05H125	\$35.99	STAPLES	ADMINISTRA	OFFICE SUPPLIES	O	6152	21	FY05
	UNKNOWN(NO S	3/1/2005	101	3AR	18999	05H126	\$161.00	PROFESSIONAL	ADMINISTRA	MEETING-COURT R	R	6151	15	FY05
	UNKNOWN(NO S	3/1/2005	101	3AR	5303	055261	\$7,932.50	COMPUTER W	VOTER REGIS	VR PROJECT MGM	C	6151	13	FY05
	UNKNOWN(NO S	3/2/2005	101	3AR	20000678	05H127	\$34,224.00	RESOURCE ON	VOTER REGIS	VR MAINTENANCE	O	6152	26	FY05
	UNKNOWN(NO S	3/2/2005	101	3AR	MGT CON	021118	\$630.00	BANK OF AME	ADMINISTRA	GRANT TRAINING	R	6151	15	FY05
	UNKNOWN(NO S	3/2/2005	101	3AR	054089	050936	\$574.00	POST PRINTING	ADMINISTRA	PRINTING	O	6152	28	FY05
	UNKNOWN(NO S	3/2/2005	101	3AR	TER	T50249	\$22.50	MYKE CLARET	ADMINISTRA	TRAVEL-EMPLOYE	O	6152	23	FY05
	UNKNOWN(NO S	3/2/2005	101	3AR	TER	T50250	\$605.09	SARAH SPENC	ADMINISTRA	TRAVEL-EMPLOYE	O	6152	23	FY05
	UNKNOWN(NO S	3/2/2005	101	3AR	TER	T50248	\$252.00	RICHARD FAIR	ADMINISTRA	TRAVEL-EMPLOYE	O	6152	23	FY05
	UNKNOWN(NO S	3/3/2005	101	3AR	TER	T50252	\$80.40	JOE LEONTI	ADMINISTRA	TRAVEL-EMPLOYE	O	6152	23	FY05
	UNKNOWN(NO S	3/4/2005	101	3AR	11500121	050933	\$67.50	STANDARD PA	ADMINISTRA	PARKING-DOWNTON	O	6152	22	FY05
	UNKNOWN(NO S	3/7/2005	101	3AR	5307	055265	\$108.00	COMPUTER W	ADMINISTRA	TRAINING	R	6151	15	FY05
	UNKNOWN(NO S	3/8/2005	101	3AR	47540	050953	\$3,720.00	OHIO PRINTIN	ADMINISTRA	PRINTING	O	6152	21	FY05
	UNKNOWN(NO S	3/9/2005	101	3AR	10214	055270	\$15,505.25	GCR	VOTING SYST	VS PROJECT MGMT	C	6151	13	FY05
	UNKNOWN(NO S	3/9/2005	101	3AR	614R90304	E50043	\$9,363.29	SBC	VOTER REGIS	T-1 LINES	O	6152	24	FY05
	UNKNOWN(NO S	3/9/2005	101	3AS	614R90304	E50043	\$25,836.71	SBC	VOTER REGIS	T-1 LINES	O	6162	24	FY05
	UNKNOWN(NO S	3/9/2005	101	3AR	10217	055271	\$11,000.00	GCR	VOTER REGIS	VR SW CONSULTIN	C	6151	13	FY05
	UNKNOWN(NO S	3/9/2005	101	3AR	5369	055269	\$6,353.90	COMPUTER W	VOTER REGIS	VR PROJECT MGM	C	6151	13	FY05
	UNKNOWN(NO S	3/10/2005	101	3AR	10216	055273	\$12,922.80	GCR	VOTER REGIS	VR SW CONSULTIN	C	6151	13	FY05
	UNKNOWN(NO S	3/11/2005	101	3AR	539761905	050965	\$60.96	FEDERAL EXP	ADMINISTRA	SHIPPING	O	6152	24	FY05

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Date by Month	County	Date	FED	Fund	Invoice	Voucher	Amount	Vendor	Section	Description	Type	Sac	Obj	FY
UNKNOWN(NO S		3/11/2005	101	3AR	EXPEDIA	021091	\$229.30	BANK OF AME	ADMINISTRA	TRAVEL GRANT TR	O	6152	23	FY05
UNKNOWN(NO S		3/14/2005	101	3AR	EXPEDIA	021094	\$5.00	BANK OF AME	ADMINISTRA	TRAVEL GRANT TR	O	6152	23	FY05
UNKNOWN(NO S		3/14/2005	101	3AR	EXPEDIA	021095	\$329.80	BANK OF AME	ADMINISTRA	TRAVEL GRANT TR	O	6152	23	FY05
UNKNOWN(NO S		3/15/2005	101	3AR	PAYROLL	NA	\$31,962.33	HAVA PAYROL	ADMINISTRA	PAYROLL	P	6150	10	FY05
UNKNOWN(NO S		3/16/2005	101	3AR	656541162	05H129	\$4.23	QWEST	PROVISIONA	PROV HOTLINE	O	6152	24	FY05
UNKNOWN(NO S		3/16/2005	101	3AR	216952	05H128	\$19,512.84	DLT SOLUTION	ADMINISTRA	VR MAINTENANCE	O	6152	26	FY05
UNKNOWN(NO S		3/17/2005	101	3AR	TER	T50263	\$83.17	STEVEN BUTC	ADMINISTRA	TRAVEL COMPUTE	O	6152	23	FY05
UNKNOWN(NO S		3/22/2005	101	3AR	TER	T50269	\$110.48	LORI JORDAN	ADMINISTRA	TRAVEL SITE VISIT	O	6152	23	FY05
UNKNOWN(NO S		3/22/2005	101	3AR	TER	T50268	\$911.94	MADHU SINGH	ADMINISTRA	TRAVEL-EMPLOYE	O	6152	23	FY05
UNKNOWN(NO S		3/22/2005	101	3AR	1/1/05-12/3	05H130	\$300.00	NA SED	ADMINISTRA	MEETINGS	R	6151	15	FY05
UNKNOWN(NO S		3/22/2005	101	3AR	614R90245	E50045	\$35,200.00	SBC	VOTER REGIS	T-1 LINES	O	6152	24	FY05
UNKNOWN(NO S		3/24/2005	101	3AR	000116793	050997	\$135.00	STANDARD PA	ADMINISTRA	PARKING-DOWNTON	O	6152	22	FY05
UNKNOWN(NO S		3/25/2005	101	3AR	TER	T50273	\$167.40	RICHARD FAIR	ADMINISTRA	TRAVEL-EMPLOYE	O	6152	23	FY05
UNKNOWN(NO S		3/25/2005	101	3AR	5530	055284	\$7,932.50	COMPUTER W	VOTER REGIS	VR PROJECT MGM	C	6151	13	FY05
UNKNOWN(NO S		3/25/2005	101	3AR	TER	T50272	\$54.42	STEVEN BUTC	ADMINISTRA	TRAVEL COMPUTE	O	6152	23	FY05
UNKNOWN(NO S		3/28/2005	101	3AR	TER	T50271	\$113.15	DILIP C MEHTA	ADMINISTRA	TRAVEL SITE VISIT	O	6152	23	FY05
UNKNOWN(NO S		3/29/2005	101	3AR		051010	\$108.58	VERIZON	ADMINISTRA	TELEPHONE	O	6152	24	FY05
UNKNOWN(NO S		3/29/2005	101	3AR	3/23/05	055285	\$1,112.50	ERIC PARKS	ADA	ADA CONSULTING	C	6151	13	FY05
UNKNOWN(NO S		3/30/2005	101	3AR	PAYROLL	NA	\$29,606.78	HAVA PAYROL	ADMINISTRA	PAYROLL	P	6151	10	FY05
UNKNOWN(NO S		3/30/2005	101	3AR	FRED PRY	021105	\$128.00	BANK OF AME	ADMINISTRA	GRANT TRAINING	R	6151	15	FY05
UNKNOWN(NO S		3/30/2005	101	3AR	EXPEDIA	021110	\$5.00	BANK OF AME	ADMINISTRA	TRAVEL GRANT TR	O	6152	23	FY05
UNKNOWN(NO S		3/30/2005	101	3AR	EXPEDIA	021109	\$279.78	BANK OF AME	ADMINISTRA	TRAVEL GRANT TR	O	6152	23	FY05
UNKNOWN(NO S		3/31/2005	101	3AR	SEMINAR	021106	\$99.00	BANK OF AME	ADMINISTRA	GRANT TRAINING	R	6151	15	FY05
Sum							\$287,629.54							

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Date by Month	County	Date	FED	Fund	Invoice	Voucher	Amount	Vendor	Section	Description	Type	Sac	Obj	FY	
April 2005															
		UNKNOWN(NO S	4/4/2005	101	3AR	TER	T50282	\$61.50	MYKE CLARET	ADMINISTRA	TRAVEL-EMPLOYE	O	6152	23	FY05
		UNKNOWN(NO S	4/4/2005	101	3AR	TER	T50280	\$193.33	SARAH SPENC	ADMINISTRA	TRAVEL-EMPLOYE	O	6152	23	FY05
		UNKNOWN(NO S	4/4/2005	101	3AR	TER	T50279	\$356.43	MADHU SINGH	ADMINISTRA	TRAVEL-EMPLOYE	O	6152	23	FY05
		UNKNOWN(NO S	4/4/2005	101	3AR	TER	T50278	\$55.20	JUDY GRADY	ADMINISTRA	TRAVEL-EMPLOYE	O	6152	23	FY05
		UNKNOWN(NO S	4/4/2005	101	3AR	TER	T50277	\$57.29	STEVEN BUTC	ADMINISTRA	TRAVEL COMPUTE	O	6152	23	FY05
		UNKNOWN(NO S	4/7/2005	101	3AR	040105	055293	\$1,137.50	ERIC PARKS	ADA	ADA CONSULTING	C	6151	13	FY05
		UNKNOWN(NO S	4/7/2005	101	3AR	12050	055292	\$19,265.75	GCR	VOTING SYST	VS PROJECT MGMT	C	6151	13	FY05
		UNKNOWN(NO S	4/11/2005	101	3AR	5722	055295	\$7,172.50	COMPUTER W	VOTER REGIS	VR PROJECT MGM	C	6151	13	FY05
		UNKNOWN(NO S	4/11/2005	101	3AR	TER	T50284	\$51.03	STEVEN BUTC	ADMINISTRA	TRAVEL COMPUTE	O	6152	23	FY05
		UNKNOWN(NO S	4/13/2005	101	3AR	TER	T50287	\$42.60	LORI JORDAN	ADMINISTRA	TRAVEL SITE VISIT	O	6152	23	FY05
		UNKNOWN(NO S	4/13/2005	101	3AR	PAYROLL	NA	\$29,378.53	HAVA PAYROL	ADMINISTRA	PAYROLL	P	6151	10	FY05
		UNKNOWN(NO S	4/13/2005	101	3AR	CLASS DC	021115	\$630.00	BANK OF AME	ADMINISTRA	GRANT TRAINING	R	6151	15	FY05
		UNKNOWN(NO S	4/13/2005	101	3AR	TER	T50286	\$130.23	DILIP C MEHTA	ADMINISTRA	TRAVEL SITE VISIT	O	6152	23	FY05
		UNKNOWN(NO S	4/13/2005	101	3AR	CLASS DC	021111	\$630.00	BANK OF AME	ADMINISTRA	GRANT TRAINING	R	6151	15	FY05
		UNKNOWN(NO S	4/13/2005	101	3AR		E50047	\$117.17	QWEST	ADMINISTRA	TELEPHONE	O	6152	24	FY05
		UNKNOWN(NO S	4/15/2005	101	3AR	TER	T50288	\$60.19	STEVEN BUTC	ADMINISTRA	TRAVEL COMPUTE	O	6152	23	FY05
		UNKNOWN(NO S	4/20/2005	101	3AR	2005-01	055302	\$3,450.00	ROBERT A DES	ADMINISTRA	LEGAL CONSULTIN	C	6151	13	FY05
		UNKNOWN(NO S	4/20/2005	101	3AR	5773	05H131	\$108.00	COMPUTER W	ADMINISTRA	TRAINING	R	6151	15	FY05
		UNKNOWN(NO S	4/21/2005	101	3AR	32205	055297	\$2,137.50	PAULA BAKER	VOTING SYST	VS CONSULTING S	C	6151	13	FY05
		UNKNOWN(NO S	4/22/2005	101	3AR	545852613	05H132	\$36.67	FEDERAL EXP	ADMINISTRA	SHIPPING	O	6152	24	FY05
		UNKNOWN(NO S	4/22/2005	101	3AR	DAS	5X6539	\$175.59	DAS	ADMINISTRA	TELEPHONE	O	6152	29	FY05
		UNKNOWN(NO S	4/22/2005	101	3AR	CLASS LLJ	021117	\$495.00	BANK OF AME	ADMINISTRA	GRANT TRAINING	R	6151	15	FY05
		UNKNOWN(NO S	4/22/2005	101	3AR	23215A	05H133	\$9,104.50	PROGRAM DEV	ADA	ADA SUPPLIES	O	6152	28	FY05
		UNKNOWN(NO S	4/25/2005	101	3AR	5851	055303	\$7,457.50	COMPUTER W	VOTER REGIS	VR PROJECT MGM	C	6151	13	FY05

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Date by Month	County	Date	FED	Fund	Invoice	Voucher	Amount	Vendor	Section	Description	Type	Sac	Obj	FY
	UNKNOWN(NO S	4/25/2005	101	3AR	614R90304	E50048	\$35,200.00	SBC	VOTER REGIS	T-1 LINES	O	6152	24	FY05
	UNKNOWN(NO S	4/25/2005	101	3AR	TER	T50294	\$48.70	STEVEN BUTC	ADMINISTRA	TRAVEL COMPUTE	O	6152	23	FY05
	UNKNOWN(NO S	4/26/2005	101	3AR	PAYROLL	NA	\$22,228.26	HAVA PAYROL	ADMINISTRA	PAYROLL	P	6151	10	FY05
	UNKNOWN(NO S	4/27/2005	101	3AR	360136616	051076	\$101.63	VERIZON	ADMINISTRA	TELEPHONE	O	6152	24	FY05
	UNKNOWN(NO S	4/27/2005	101	3AR	TER	T50297	\$96.60	LORI JORDAN	ADMINISTRA	TRAVEL SITE VISIT	O	6152	23	FY05
	UNKNOWN(NO S	4/27/2005	101	3AR	TER	T50301	\$1,229.93	DILIP C MEHTA	ADMINISTRA	TRAVEL-EMPLOYE	O	6152	23	FY05
	UNKNOWN(NO S	4/28/2005	101	3AR	TER	T50302	\$48.73	STEVEN BUTC	ADMINISTRA	TRAVEL-EMPLOYE	O	6152	23	FY05
Sum							\$141,257.86							
May 2005														
	UNKNOWN(NO S	5/2/2005	101	3AR	TER	T50307	\$218.82	SARAH SPENC	ADMINISTRA	TRAVEL-EMPLOYE	O	6152	23	FY05
	UNKNOWN(NO S	5/2/2005	101	3AR		021120	\$339.80	BANK OF AME	ADMINISTRA	TRAVEL-EMPLOYE	O	6152	23	FY05
	UNKNOWN(NO S	5/2/2005	101	3AR	TER	T50306	\$436.25	LORI JORDAN	ADMINISTRA	TRAVEL GRANT TR	O	6152	23	FY05
	UNKNOWN(NO S	5/4/2005	101	3AR	000118451	051095	\$135.00	STANDARD PA	ADMINISTRA	PARKING-DOWNTON	O	6152	22	FY05
	UNKNOWN(NO S	5/6/2005	101	3AR	10267	055312	\$15,178.25	GCR	VOTER REGIS	VR PROJECT MGM	C	6151	13	FY05
	UNKNOWN(NO S	5/6/2005	101	3AR	4.22 5.2	055310	\$3,425.00	ERIC PARKS	ADA	ADA CONSULTING	C	6151	13	FY05
	UNKNOWN(NO S	5/6/2005	101	3AR	10268	055313	\$12,870.00	GCR	VOTING SYST	VS PROJECT MGMT	C	6151	13	FY05
	UNKNOWN(NO S	5/9/2005	101	3AR	TER	T50308	\$5.68	STEVEN BUTC	ADMINISTRA	TRAVEL-EMPLOYE	O	6152	23	FY05
	UNKNOWN(NO S	5/10/2005	101	3AR	PAYROLL	NA	\$26,076.10	HAVA PAYROL	ADMINISTRA	PAYROLL	P	6151	10	FY05
	UNKNOWN(NO S	5/10/2005	101	3AR	TER	T50310	\$69.78	LORI JORDAN	ADMINISTRA	TRAVEL SITE VISIT	O	6152	23	FY05
	UNKNOWN(NO S	5/11/2005	101	3AR	669037044	05H136	\$1.44	QWEST	PROVISIONA	PROV HOTLINE	O	6152	24	FY05
	UNKNOWN(NO S	5/11/2005	101	3AR	380754440	051111	\$198.77	FEDERAL EXP	ADMINISTRA	SHIPPING	O	6152	24	FY05
	UNKNOWN(NO S	5/12/2005	101	3AR	103742 811	05H135	\$1,240.63	LEADERPROM	ADA	ADA SUPPLIES	O	6152	21	FY05
	UNKNOWN(NO S	5/12/2005	101	3AR	VIP PHON	5X7615	\$168.39	DAS	ADMINISTRA	TELEPHONE	O	6152	29	FY05
	UNKNOWN(NO S	5/13/2005	101	3AR	TER	T50319	\$81.82	LORI JORDAN	ADMINISTRA	TRAVEL SITE VISIT	O	6152	23	FY05

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Date by Month	County	Date	FED	Fund	Invoice	Voucher	Amount	Vendor	Section	Description	Type	Sac	Obj	FY
	UNKNOWN(NO S	5/13/2005	101	3AR	TER	T50320	\$724.60	DILIP C MEHTA	ADMINISTRA	TRAVEL-EMPLOYE	O	6152	23	FY05
	UNKNOWN(NO S	5/13/2005	101	3AR	5963	055316	\$7,552.50	COMPUTER W	VOTER REGIS	VR PROJECT MGM	C	6151	13	FY05
	UNKNOWN(NO S	5/13/2005	101	3AR	TER	T50318	\$56.40	STEVEN BUTC	ADMINISTRA	TRAVEL-EMPLOYE	O	6152	23	FY05
	UNKNOWN(NO S	5/16/2005	101	3AR		E50049	\$134.81	QWEST	ADMINISTRA	TELEPHONE	O	6152	24	FY05
	UNKNOWN(NO S	5/18/2005	101	3AR	800301438	05H139	\$57.42	STAPLES	ADMINISTRA	OFFICE SUPPLIES	O	6152	21	FY05
	UNKNOWN(NO S	5/20/2005	101	3AR	TER	T50329	\$50.74	STEVEN BUTC	ADMINISTRA	TRAVEL-EMPLOYE	O	6152	23	FY05
	UNKNOWN(NO S	5/23/2005	101	3AR	5997	055322	\$7,817.11	COMPUTER W	VOTER REGIS	VR PROJECT MGM	C	6151	13	FY05
	UNKNOWN(NO S	5/23/2005	101	3AR	5/17/05	055321	\$2,312.50	ERIC PARKS	ADA	ADA CONSULTING	C	6151	13	FY05
	UNKNOWN(NO S	5/23/2005	101	3AR	61742	05H140	\$934.00	CENTURY GRA	ADA	ADA SUPPLIES	O	6152	28	FY05
	UNKNOWN(NO S	5/24/2005	101	3AR	PAYROLL	NONE	\$29,433.10	HAVA PAYROL	ADMINISTRA	PAYROLL	P	6151	10	FY05
	UNKNOWN(NO S	5/24/2005	101	3AR	JEGE	J50947	(\$300.00)	NASED	ADMINISTRA	CORRECTION	R	6151	15	FY05
	UNKNOWN(NO S	5/24/2005	101	3AR	JEGE	J50947	\$300.00	NASED	ADMINISTRA	CORRECTION	R	6152	29	FY05
	UNKNOWN(NO S	5/25/2005	101	3AR	TER	T50335	\$152.96	LORI JORDAN	ADMINISTRA	TRAVEL SITE VISIT	O	6152	23	FY05
	UNKNOWN(NO S	5/27/2005	101	3AR	614r903042	E50051	\$35,200.00	SBC	VOTER REGIS	T-1 LINES	O	6152	24	FY05
	UNKNOWN(NO S	5/31/2005	101	3AR	TER	T50340	\$48.76	STEVEN BUTC	ADMINISTRA	TRAVEL-EMPLOYE	O	6152	23	FY05
	UNKNOWN(NO S	5/31/2005	101	3AR	PARKING	051166	\$135.00	STANDARD PA	ADMINISTRA	PARKING-DOWNTON	O	6152	22	FY05
	UNKNOWN(NO S	5/31/2005	101	3AR		051158	\$19.29	FEDERAL EXP	ADMINISTRA	SHIPPING	O	6152	24	FY05
	UNKNOWN(NO S	5/31/2005	101	3AR		051161	\$122.49	CORPORATE E	ADMINISTRA	SUPPLIES	O	6152	21	FY05
<b>Sum</b>							\$145,197.41							
<b>June 2005</b>														
	BELMONT	6/17/2005	101	3AR	CERA	05H141	\$1,000.00	BELMONT COU	CERTIFIED EL	CERA GRANT	G	6155	50	FY05
	CUYAHOGA	6/16/2005	101	3AR	PW TRAIN	05H150	\$4,000.00	CUYAHOGA C	VOTER ED M	POLL WORKER TR	G	6155	50	FY05
	CUYAHOGA	6/17/2005	101	3AR	CERA	05H152	\$1,000.00	CUYAHOGA C	CERTIFIED EL	CERA GRANT	G	6155	50	FY05
	DELAWARE	6/17/2005	101	3AR	CERA	05H142	\$1,000.00	DELAWARE CO	CERTIFIED EL	CERA GRANT	G	6155	50	FY05

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Date by Month	County	Date	FED	Fund	Invoice	Voucher	Amount	Vendor	Section	Description	Type	Sac	Obj	FY
	FRANKLIN	6/16/2005	101	3AR	PW TRAIN	05H151	\$3,929.54	FRANKLIN CO	VOTER ED M	POLL WORKER TR	G	6155	50	FY05
	FULTON	6/17/2005	101	3AR	CERA	05H143	\$1,000.00	FULTON COUN	CERTIFIED EL	CERA GRANT	G	6155	50	FY05
	GREENE	6/17/2005	101	3AR	CERA	05H144	\$1,000.00	GREENE COUN	CERTIFIED EL	CERA GRANT	G	6155	50	FY05
	GUERNSEY	6/17/2005	101	3AR	CERA	05H145	\$1,000.00	GUERNSEY CO	CERTIFIED EL	CERA GRANT	G	6155	50	FY05
	HAMILTON	6/16/2005	101	3AR	PW TRAIN	05H149	\$4,000.00	HAMILTON CO	VOTER ED M	POLL WORKER TR	G	6155	50	FY05
	PORTAGE	6/17/2005	101	3AR	CERA	05H146	\$1,000.00	PORTAGE COU	CERTIFIED EL	CERA GRANT	G	6155	50	FY05
	SANDUSKY	6/17/2005	101	3AR	CERA	05H147	\$1,000.00	SANDUSKY CO	CERTIFIED EL	CERA GRANT	G	6155	50	FY05
	TRUMBULL	6/20/2005	101	3AR	CERA	05H153	\$1,000.00	TRUMBULL CO	CERTIFIED EL	CERA GRANT	G	6155	50	FY05
	UNION	6/17/2005	101	3AR	CERA	05H148	\$1,000.00	UNION COUNT	CERTIFIED EL	CERA GRANT	G	6155	50	FY05
	UNKNOWN(NO S	6/2/2005	101	3AR	TER	T50342	\$203.49	JOE LEONTI	ADMINISTRA	TRAVEL-EMPLOYE	O	6152	23	FY05
	UNKNOWN(NO S	6/2/2005	101	3AR	5 31 05	055330	\$2,250.00	ERIC PARKS	ADA	ADA CONSULTING	C	6151	13	FY05
	UNKNOWN(NO S	6/3/2005	101	3AR	10287	055333	\$39,831.00	GCR	VOTER REGIS	VR CONSULTING S	C	6151	13	FY05
	UNKNOWN(NO S	6/3/2005	101	3AR	10286	055334	\$15,478.00	GCR	VOTING SYST	VS PROJECT MGMT	C	6151	13	FY05
	UNKNOWN(NO S	6/3/2005	101	3AR	TER	T50343	\$4.75	STEVEN BUTC	ADMINISTRA	TRAVEL-EMPLOYE	O	6152	23	FY05
	UNKNOWN(NO S	6/6/2005	101	3AR	603517	055337	\$24,246.25	COMPUWARE	VOTING SYST	VS PROJECT MGMT	C	6151	13	FY05
	UNKNOWN(NO S	6/7/2005	101	3AR	VIP PHON	5X8699	\$218.28	DAS	ADMINISTRA	TELEPHONE	O	6152	29	FY05
	UNKNOWN(NO S	6/7/2005	101	3AR	PAYROLL	NONE	\$25,373.84	HAVA PAYROL	ADMINISTRA	PAYROLL	P	6151	10	FY05
	UNKNOWN(NO S	6/8/2005	101	3AR	384425431	051183	\$14.89	FEDERAL EXP	ADMINISTRA	SHIPPING	O	6152	24	FY05
	UNKNOWN(NO S	6/10/2005	101	3AR	6106	055344	\$6,935.00	COMPUTER W	VOTER REGIS	VR PROJECT MGM	C	6151	13	FY05
	UNKNOWN(NO S	6/10/2005	101	3AR	060605	055345	\$8,797.50	DAVID KENNE	ADMINISTRA	CONSULTING SERV	C	6151	13	FY05
	UNKNOWN(NO S	6/10/2005	101	3AR		051196	\$92.16	VERIZON	ADMINISTRA	TELEPHONE	O	6152	24	FY05
	UNKNOWN(NO S	6/10/2005	101	3AR	TER	T50353	\$49.95	STEVEN BUTC	ADMINISTRA	TRAVEL-EMPLOYE	O	6152	23	FY05
	UNKNOWN(NO S	6/13/2005	101	3AR		051203	\$57.09	FEDERAL EXP	ADMINISTRA	SHIPPING	O	6152	24	FY05
	UNKNOWN(NO S	6/13/2005	101	3AR		055347	\$1,237.50	KENNEDY COT	ADMINISTRA	CPA CONSULTING	C	6151	13	FY05
	UNKNOWN(NO S	6/14/2005	101	3AR	TER	T50355	\$186.88	SARAH SPENC	ADMINISTRA	TRAVEL-EMPLOYE	O	6152	23	FY05

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Date by Month	County	Date	FED	Fund	Invoice	Voucher	Amount	Vendor	Section	Description	Type	Sac	Obj	FY
	UNKNOWN(NO S	6/14/2005	101	3AR		055352	\$1,925.00	ERIC PARKS	ADA	ADA CONSULTING	C	6151	13	FY05
	UNKNOWN(NO S	6/16/2005	101	3AR	675252548	E50052	\$992.22	QWEST	ADMINISTRA	TELEPHONE	O	6152	24	FY05
	UNKNOWN(NO S	6/17/2005	101	3AR	786	055357	\$75.00	GOVTECH SOL	VOTER REGIS	CONSULTING SERV	C	6151	13	FY05
	UNKNOWN(NO S	6/17/2005	101	3AR	785	055357	\$75.00	GOVTECH SOL	VOTER REGIS	CONSULTING SERV	C	6151	13	FY05
	UNKNOWN(NO S	6/17/2005	101	3AR	788	055357	\$75.00	GOVTECH SOL	VOTER REGIS	CONSULTING SERV	C	6151	13	FY05
	UNKNOWN(NO S	6/17/2005	101	3AR	780	055357	\$112.50	GOVTECH SOL	VOTER REGIS	CONSULTING SERV	C	6151	13	FY05
	UNKNOWN(NO S	6/17/2005	101	3AR	781	055357	\$225.00	GOVTECH SOL	VOTER REGIS	CONSULTING SERV	C	6151	13	FY05
	UNKNOWN(NO S	6/17/2005	101	3AR	783	055357	\$300.00	GOVTECH SOL	VOTER REGIS	CONSULTING SERV	C	6151	13	FY05
	UNKNOWN(NO S	6/17/2005	101	3AR	784	055357	\$150.00	GOVTECH SOL	VOTER REGIS	CONSULTING SERV	C	6151	13	FY05
	UNKNOWN(NO S	6/17/2005	101	3AR	787	055357	\$112.50	GOVTECH SOL	VOTER REGIS	CONSULTING SERV	C	6151	13	FY05
	UNKNOWN(NO S	6/20/2005	101	3AR	TER	T50369	\$79.53	CHRISTIAN LO	ADMINISTRA	TRAVEL-EMPLOYE	O	6152	23	FY05
	UNKNOWN(NO S	6/20/2005	101	3AR	TER	T50368	\$897.13	MADHU SINGH	ADMINISTRA	TRAVEL-EMPLOYE	O	6152	23	FY05
	UNKNOWN(NO S	6/20/2005	101	3AR	TER	T50374	\$108.06	SARAH SPENC	ADMINISTRA	TRAVEL-EMPLOYE	O	6152	23	FY05
	UNKNOWN(NO S	6/20/2005	101	3AR	061705	055359	\$3,465.00	DAVID KENNÉ	ADMINISTRA	CONSULTING SERV	C	6151	13	FY05
	UNKNOWN(NO S	6/20/2005	101	3AR	TER	T50371	\$769.80	RICHARD FAIR	ADMINISTRA	TRAVEL-EMPLOYE	O	6152	23	FY05
	UNKNOWN(NO S	6/22/2005	101	3AR	PAYROLL	NONE	\$30,212.22	HAVA PAYROL	ADMINISTRA	PAYROLL	P	6151	10	FY05
<b>Sum</b>							\$186,480.08							
<b>July 2005</b>														
	ALLEN	7/1/2005	101	3AR	CERA	06H006	\$0.00	ALLEN COUNT	CERTIFIED EL	CERA GRANT	G	6155	50	FY06
	ASHLAND	7/7/2005	101	3AR	10313	065019	\$108.44	GCR	VOTING SYST	IV&V	C	6151	13	FY06
	HANCOCK	7/6/2005	101	3AR	CERA	06H007	\$0.00	HANCOCK CO	CERTIFIED EL	CERA GRANT	G	6155	50	FY06
	HANCOCK	7/7/2005	101	3AR	10313	065019	\$108.44	GCR	VOTING SYST	IV&V	C	6151	13	FY06
	MONTGOMERY	7/7/2005	101	3AR	10313	065019	\$144.58	GCR	VOTING SYST	IV&V	C	6151	13	FY06
	STARK	7/6/2005	101	3AR	10311	065017	\$65,639.32	GCR	VOTING SYST	IV&V	C	6151	13	FY06

021993

ORIGINAL

Date by Month	County	Date	FED	Fund	Invoice	Voucher	Amount	Vendor	Section	Description	Type	Sac	Obj	FY
	STARK	7/7/2005	101	3AR	10313	065019	\$68,440.55	GCR	VOTING SYST	IV&V	C	6151	13	FY06
	SUMMIT	7/1/2005	101	3AR	VEPWTG	06H003	\$449.87	SUMMIT COUN	VOTER ED M	VOTER ED GRANT	G	6155	50	FY06
	UNKNOWN(NO S	7/1/2005	101	3AR	635197	065006	\$765.00	COMPUWARE	VOTING SYST	CONSULTING SERV	C	6151	13	FY06
	UNKNOWN(NO S	7/1/2005	101	3AR	10300	065005	\$100,000.00	GCR	VOTING SYST	IV&V	C	6151	13	FY06
	UNKNOWN(NO S	7/1/2005	101	3AR	TER	065008	\$259.36	ERIC PARKS	ADA	ADA CONSULTING	C	6151	13	FY06
	UNKNOWN(NO S	7/6/2005	101	3AR	6246	065013	\$7,932.50	COMPUTER W	VOTER REGIS	VR PROJECT MGM	C	6151	13	FY06
	UNKNOWN(NO S	7/6/2005	101	3AR	06/13-06/24	065018	\$2,675.00	ERIC PARKS	ADA	ADA CONSULTING	C	6151	13	FY06
	UNKNOWN(NO S	7/7/2005	101	3AR	6418	065007	\$311.56	COMPUTER W	VOTER REGIS	VR PROJECT MGM	C	6151	13	FY06
	UNKNOWN(NO S	7/7/2005	101	3AR	6418	065007	\$7,600.00	COMPUTER W	VOTER REGIS	VR PROJECT MGM	C	6151	13	FY06
	UNKNOWN(NO S	7/7/2005	101	3AR	10321	065020	\$46,807.20	GCR	VOTER REGIS	VR CONSULTING S	C	6151	13	FY06
	UNKNOWN(NO S	7/7/2005	101	3AR	10322	065023	\$22,500.00	GCR	VOTING SYST	VS PROJECT MGMT	C	6151	13	FY06
	UNKNOWN(NO S	7/7/2005	101	3AR	T-1	E60002	\$35,200.00	SBC	VOTER REGIS	T-1 LINES	O	6152	24	FY06
	UNKNOWN(NO S	7/8/2005	101	3AR		065025	\$375.00	PAULA BAKER	VOTING SYST	VS CONSULTING S	C	6151	13	FY06
	UNKNOWN(NO S	7/14/2005	101	3AR	1532	065033	\$8,609.50	GOVERNMENT	VOTING SYST	CONSULTING SERV	C	6151	13	FY06
	UNKNOWN(NO S	7/20/2005	101	3AR	063005	065031	\$4,999.99	DAVID KENNE	ADMINISTRA	CONSULTING SERV	C	6151	13	FY06
	UNKNOWN(NO S	7/25/2005	101	3AR		065039	\$800.00	ERIC PARKS	ADA	ADA CONSULTING	C	6151	13	FY06
Sum							\$373,726.31							
August 2005														
	HARRISON	8/8/2005	101	3AR	641888	065051	\$248.30	COMPUWARE	VOTING SYST	IV&V	C	6151	13	FY06
	MUSKINGUM	8/8/2005	101	3AR	641888	065051	\$372.42	COMPUWARE	VOTING SYST	IV&V	C	6151	13	FY06
	PORTAGE	8/8/2005	101	3AR	641888	065051	\$496.56	COMPUWARE	VOTING SYST	IV&V	C	6151	13	FY06
	STARK	8/8/2005	101	3AR	641888	065051	\$83,391.05	COMPUWARE	VOTING SYST	IV&V	C	6151	13	FY06
Sum							\$84,508.33							
September 2005														

021994

ORIGINAL

Date by Month	County	Date	FED	Fund	Invoice	Voucher	Amount	Vendor	Section	Description	Type	Sac	Obj	FY
	STARK	9/20/2005	101	3AR		06H028	\$2,172.59	RED ROOF INN	VOTING SYST	TRAVEL-EMPLOYE	O	6152	23	FY06
	UNKNOWN(NO S	9/7/2005	101	3AR		060232	\$2,175.00	BOSS DISPLAY	ADMINISTRA	EQUIPMENT	E	6153	31	FY06
Sum							\$4,347.59							
October 2005														
	STARK	0/20/2005	101	3AS	P6066	06H065	\$848,196.00	DIEBOLD	VOTING SYST	EQUIPMENT-COUN	E	6163	39	FY06
	UNKNOWN(NO S	0/31/2005	101	3AR	10410	065132	\$20,024.33	GCR	VOTING SYST	IV&V	C	6151	13	FY06
Sum							\$868,220.33							
November 2005														
	UNKNOWN(NO S	11/7/2005	101	3AR	208647	065145	\$4,426.97	BENESCH FRIE	VOTING SYST	LEGAL CONSULTIN	C	6151	13	FY06
Sum							\$4,426.97							
Grand Total							\$2,606,289.68							

021995

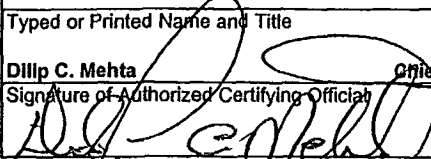


# FINANCIAL STATUS REPORT

(Short Form)

(Follow instructions on the back)

ORIGINAL

1. Federal Agency and Organization Element to Which Report is Submitted Election Assistance Commission by <b>U.S. General Services Administrations</b>	2. Federal Grant of Other Identifying Number Assigned By Federal Agency <b>CFDA 39.011</b>	OMB Approval No. <b>0348-00358</b>	Page of <b>1 of 1 pages</b>
3. Recipient Organization (Name and complete address, including ZIP code) <b>Ohio Secretary of State Office                  180 E. Broad St. 16th Fl.                  Columbus, OH 43215</b>			
4. Employer Identification Number [REDACTED]	5. Recipient Account Number optional field per GSA	6. Final Report no	7. Basis accrual
8. Funding/Grant period (see instructions) From: (Month, Day, Year) 10/1/2002	To: (Month, Day, Year) 1/1/2006	9. Period Covered by this Report From: (Month, Day Year) To: (Month, Day, Year) 10/1/2002 12/31/2006	
10. Transactions			
	I	II	III
	Previously Reported	This Period	Cumulative
a. Total Outlays			\$ -
b. Recipient share of outlays			0
c. Federal share of outlays			-
d. Total unliquidated obligations			-
e. Recipient share of unliquidated obligations			0
f. Federal share of unliquidated obligations			-
g. Total Federal share (Sum of lines c and f)			-
h. Total Federal Funds authorized for this funding period			30,667,664.00
i. Unobligated balance of Federal funds (Line h minus line g)			\$ 30,667,664.00
11. Indirect Expense not applicable			
a. Type of Rate (Place "X" in appropriate line) Provisional      Predetermined      Final      Fixed			
b. Rate      c. Base      d. Total Amount      e. Federal Share			
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. Section 102 has no liquidated or unliquidated obligations during this reporting period. The state match of \$5,800,000.00 has not been appropriated at this time.			
13 Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.			
Typed or Printed Name and Title <b>Dilip C. Mehta      Chief Financial Officer</b>		Telephone (Area code, number and extension) <b>614-466-0180</b>	
Signature of Authorized Certifying Official 		Date Report Submitted <b>01-15-04</b>	

Ohio Secretary of State  
 Election Reform Payments Received  
 As of December 31, 2003

**ORIGINAL**

Date of Deposit	Deposit Amount	Grant Received	Description	Secretary of State Fund	Section 101	Section 102	HHS Grant	Total HAVA \$ Received
4/28/2003	\$ 5,000,000.00	GSA	HAVA Title 1	3AA	\$ 5,000,000.00			\$ 5,000,000.00
6/16/2003	36,052,595.00	GSA	HAVA Title 1	3AA	5,384,931.00	30,667,664.00		36,052,595.00
	\$ 41,052,595.00				\$ 10,384,931.00	\$ 30,667,664.00	0	41,052,595.00

021997

# FINANCIAL STATUS REPORT

(Short Form)

(Follow instructions on the back)

ORIGINAL

1. Federal Agency and Organization Element to Which Report is Submitted <b>Election Assistance Commission by U.S. General Services Administrations</b>	2. Federal Grant of Other Identifying Number Assigned By Federal Agency <b>CFDA 39.011</b>	OMB Approval No. <b>0348-00358</b>	Page of <b>1 of 1 pages</b>
3. Recipient Organization (Name and complete address, including ZIP code) <b>Ohio Secretary of State Office                  180 E. Broad St. 16th Fl.                  Columbus, OH 43215</b>			
4. Employer Identification Number [REDACTED]	5. Recipient Account Number optional field per GSA	6. Final Report <b>no</b>	7. Basis <b>accrual</b>
8. Funding/Grant period (see instructions) From: (Month, Day, Year) <b>10/1/2002</b>	To: (Month, Day, Year) <b>1/1/2006</b>	9. Period Covered by this Report From: (Month, Day Year) To: (Month, Day, Year) <b>1/1/2004 12/31/2004</b>	
10. Transactions			
	I	II	III
	Previously Reported	This Period	Cumulative
a. Total Outlays	0.00	0.00	0.00
b. Recipient share of outlays	0.00	0.00	0.00
c. Federal share of outlays	0.00	0.00	0.00
d. Total unliquidated obligations			0.00
e. Recipient share of unliquidated obligations			0.00
f. Federal share of unliquidated obligations			0.00
g. Total Federal share (Sum of lines c and f)			0.00
h. Total Federal Funds authorized for this funding period			30,667,664.00
i. Unobligated balance of Federal funds (Line h minus line g)			\$ 30,667,664.00
11. Indirect Expense  <b>not applicable</b>	a. Type of Rate (Place "X" in appropriate line) Provisional      Predetermined      Final      Fixed b. Rate      c. Base      d. Total Amount      e. Federal Share		
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. <b>Section 102 has no liquidated or unliquidated obligations during this reporting period. The state match of \$5,800,000.00 has been appropriated at this time as state fund 026.</b>			
13 Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.			
Typed or Printed Name and Title <b>Dilip C. Mehta Chief Financial Officer</b>		Telephone (Area code, number and extension) <b>614-466-0180</b>	
Signature of Authorized Certifying Official 		Date Report Submitted <b>01-11-2005</b>	

Secretary of State  
102

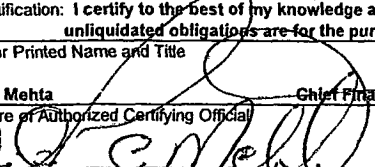
As of December 31, 2004  
Amount Type

ORIGINAL

Action	Amount	Type
Expended 6/30/04	0.00	102
3AA expended since 7/1/04	0.00	102
3AR expended since 7/1/04	0.00	102
3AR expended since 7/1/04 (FY04)	0.00	102
<b>Total 102 Expended</b>	<u>0.00</u>	102
<b>Obligated Encumbrance 12/31/04</b>	0.00	102
Federal dollars received 4/28/03	0.00	102
Federal dollars received 6/16/03	30,667,664.00	102
<b>Total Federal Dollars Received</b>	<u>\$ 30,667,664.00</u>	102

**FINANCIAL STATUS REPORT**  
(Long Form)  
(Follow Instructions on the back)

**REVISED**

1. Federal Agency and Organization Element to Which Report is Submitted U.S. Election Assistance Commission		2. Federal Grant of Other Identifying Number Assigned By Federal Agency CFDA 39.011		OMB Approval No. 0348-0039	Page of 1 of 1 pages	
3. Recipient Organization (Name and complete address, including ZIP code) Ohio Secretary of State Office 180 E. Broad St. 16th Fl. Columbus, OH 43215						
4. Employer Identification Number		5. Recipient Account Number		6. Final Report no	7. Basis accrual	
8. Funding/Grant period (see Instructions) From: (Month, Day, Year) 10/1/2002		To: (Month, Day, Year) 1/1/2006		9. Period Covered by this Report From: (Month, Day Year) 1/1/2004 To: (Month, Day, Year) 12/31/2004		
10. Transactions				I Previously Reported	II This Period	III Cumulative
a. Total Outlays				0.00	0.00	0.00
b. Refunds, rebates, etc.				0.00	0.00	0.00
c. Program income used in accordance with deduction alternative				0.00	0.00	0.00
d. Net outlays (Line a, less the sum of lines b and c)						0.00
<b>Recipient's share of net outlays, consisting of:</b>						
e. Third party (In-kind) contributions						0.00
f. Other Federal awards authorized to be used to match this award						0.00
g. Program income used in accordance with the matching or cost sharing alternative						0.00
h. All other recipient outlays not shown on lines e, f, or g						0.00
i. Total recipient share of net outlays (Sum of lines e, f, g, and h)						0.00
<b>j. Federal share of net outlays (line d less line i)</b>						
k. Total unliquidated obligations						0.00
l. Recipient's share of unliquidated obligations						0.00
m. Federal share of unliquidated obligations						
n. Total Federal share (sum of lines j and m)						0.00
o. Total Federal funds authorized for this funding period						30,667,664.00
p. Unobligated balance of federal funds (Line o minus line n)						30,667,664.00
<b>Program Income, consisting of:</b>						
q. Disbursed program income shown on lines c and/or g above						0.00
r. Disbursed program income using the addition alternative						0.00
s. Undisbursed program income						0.00
t. Total program income realized (Sum of lines q, r, and s)						0.00
11. Indirect Expense		a. Type of Rate (Place "X" in appropriate line)				
		Provisional		Final	Fixed	
not applicable		b. Rate	c. Base	d. Total Amount	e. Federal Share	
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. Section 102 has no liquidated or unliquidated obligations during this reporting period. The state match of \$5,800,000.00 has been appropriated at this time as state fund 026 for section 251 (b).						
13 Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.						
Typed or Printed Name and Title Dilip A. Mehta Chief Financial Officer				Telephone (Area code, number and extension) 614-466-0180		
Signature of Authorized Certifying Official 				Date Report Submitted February 24, 2005		

022000

Narrative Report  
Consolidated Report on HAVA Title I, Section 102 Funds  
Due February 28, 2005

**REVISED**

This report is for :

State of Ohio.  
Ms. Judy Grady, Election Reform Director  
180 E. Broad St., 15<sup>th</sup> Floor  
Columbus, Ohio 43215

The funding covered by this report is as follows in the table below:

<b>Reporting Period</b>	<b>Fiscal year</b>	<b>Document #</b>	<b>Amount</b>	<b>Award Letter Date</b>
1/1/2004 through 12/21/2004	2004	N/A	\$30,667,664.00	July 28, 2003

- The financial form SF269 is attached for the period ending December 31, 2004.
- The list of expenditures is attached.
- There are no expenditures for replacement of punch card and lever voting systems during calendar year 2004.
- As of the period ending date no voting equipment has been purchased using Section 102 funds.
- No expenses for 102 funds for calendar year 2004.

Secretary of State  
102

As of December 31, 2004

**REVISED**

Action	Amount	Type
Expended 6/30/04	0.00	102
3AA expended since 7/1/04	0.00	102
3AR expended since 7/1/04	0.00	102
3AR expended since 7/1/04 (FY04)	0.00	102
<b>Total 102 Expended</b>	<u>0.00</u>	102
<b>Obligated Encumbrance 12/31/04</b>	0.00	102
Federal dollars received 4/28/03	0.00	102
Federal dollars received 6/16/03	30,667,664.00	102
<b>Total Federal Dollars Received</b>	<u>\$ 30,667,664.00</u>	102

022002

**REVISED**

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# 102 payments

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Month	Date	Fed \$	State Fund	Invoice #	Voucher #	Amount	Vendor Name	Section	Sac	Object
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Sum

Grand Total

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022003



**REVISED**

Ohio Secretary of State  
Election Reform Payments Received  
As of December 31, 2003

Date of Deposit	Deposit Amount	Grant Received	Description	Secretary of State Fund	Section 101	Section 102	Section 253(b)	HHS Grant	Total HAVA \$ Received
4/28/2003	\$ 5,000,000.00	GSA	HAVA Title 1	3AA to 3AR	\$ 5,000,000.00				\$ 5,000,000.00
6/16/2003	36,052,595.00	GSA	HAVA Title 1	3AA to 3AR	5,384,931.00	30,667,664.00			36,052,595.00
6/22/2004	90,992,517.00	GSA	requirements	3AT and 3AS			90,992,517.00		
	<b>\$ 132,045,112.00</b>				<b>\$ 10,384,931.00</b>	<b>\$ 30,667,664.00</b>	<b>\$ 90,992,517.00</b>	<b>0</b>	<b>41,052,595.00</b>

State Match \$ 5,800,000.00 Fund 026

022004

**REVISED**

Secretary of State  
Funds and Cash  
As of 09/30/04

Fund/AT	CASH	A		B		C		D		E		F		G	
		Total appropriated	transfers	Total appropriation	Unallotted	HAVA \$	mods	Amount Expended	HAVA \$ Current	Total Remaining					
		HAVA \$	by OBM	HAVA \$	appropriation	Encumbered		Vouchered	Enc Amt	apportioned					
10 Personnel*				\$ -											
13 Contracts**		500,000.00	\$ 500,000.00	1,000,000.00	500,000.00	399,911.00	(100,089.00)	87,356.06	\$ 312,554.94						
20 Operating Expenses		2,000,000.00	2,000,000.00	4,000,000.00	2,000,000.00	2,100,089.00	100,089.00		2,100,089.00						
30 Equipment															
50 Subsidy		2,500,000.00	2,500,000.00	5,000,000.00	2,500,000.00								2,500,000.00		
	<b>CASH</b>	<b>253 (B)</b>		<b>\$ 10,000,000.00</b>	<b>\$ 5,000,000.00</b>	<b>\$ 2,500,000.00</b>	<b>\$ -</b>	<b>\$ 87,356.06</b>	<b>\$ 2,412,643.94</b>	<b>2,500,000.00</b>					
6/22/2004	253(b)	\$ - 5,000,000.00													
	Case 3A1 expend/oblig	(2,500,000.00)													
	<b>TOTAL APPR CASH</b>	<b>\$ 2,500,000.00</b>													
													<b>E+F=</b>	<b>2,500,000.00</b>	

Fund/AT	CASH	A		B		C		D		E		F		G	
		Total appropriated	transfers	Total appropriation	Unallotted	HAVA \$	mods	Amount Expended	HAVA \$ Current	Total Remaining					
		HAVA \$	by OBM	HAVA \$	appropriation	Encumbered		Vouchered	Enc Amt	apportioned					
10 Personnel*				\$ -											
13 Contracts**															
20 Operating Expenses													0.00		
30 Equipment		5,800,000.00		5,800,000.00									5,800,000.00		
50 Subsidy													0.00		
	<b>CASH STATE</b>	<b>STATE MATCH</b>		<b>\$ 5,800,000.00</b>	<b>\$ -</b>	<b>\$ 5,800,000.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>5,800,000.00</b>		
6/22/2004	CAPITAL	\$ 5,800,000.00													
	Less 026 expend/oblig	-													
	<b>TOTAL STATE MATCH</b>	<b>\$ 5,800,000.00</b>													
													<b>E+F=</b>	<b>-</b>	

022005

Fund/AT	Section 101	Section 102	Section 101	Section 102	Section 102	Section 102	Section 253 (b)	Section 253 (b)	Section 253 (b)	State Match	State Match
4/28/2003	5,000,000.00										
6/16/2003	5,384,931.00			30,667,664.00							
6/22/2004											
3AA 04 EXP	(4,933,526.90)	4,933,526.90	4,933,526.90								
3AA 04 ENC	(327,972.97)	327,972.97	327,972.97								
3AA 05 APP											
3AR 04 EXP	(126,834.28)	126,834.28	126,834.28								
3AR 04 ENC	(426,699.85)	426,699.85	426,699.85								
3AR 05 APP	(4,569,897.00)	4,569,897.00	4,569,897.00	(23,180,020.66)	23,180,020.66						
3AS 05 APP											
3AT 05 APP							(79,250,000.00)	79,250,000.00	0		
026							(5,000,000.00)	5,000,000.00	0		
Totals	\$ -	\$ 10,384,931.00	\$ 10,384,931.00	\$ 7,487,643.34	\$ 23,180,020.66		\$ 6,742,517.00	\$ 84,250,000.00	\$ -	\$ 5,800,000.00	\$ -

UNAPPR  
 101 -  
 102 7,487,643.34  
 253 (B) 6,742,517.00  
 UNAPPR \$ 14,230,160.34

**REVISED**

Secretary of State  
Funds and Cash  
As of 09/30/04

022006

Type	Program Totals & Est	Fed Cash Received	Federal State Appropriated	Federal recd but State Unappr Cash	State Match for 253
Section 101	10,384,931.00	10,384,931.00	10,384,931.00	-	
Section 102	30,667,664.00	30,667,664.00	23,180,020.66	7,487,643.34	
Section 253 (b)	90,992,517.00	90,992,517.00	84,250,000.00	6,742,517.00	
HHS-1	471,600.00			-	
HHS-2	328,144.00			-	
State match	5,800,000.00				5,800,000.00
<b>Totals</b>	<b>\$ 138,644,856.00</b>	<b>\$ 132,045,112.00</b>	<b>\$ 117,814,951.66</b>	<b>\$ 14,230,160.34</b>	<b>\$ 5,800,000.00</b>

3AA FY04 Vendor name	HAVA Encumbrance	Cont	PM	Total HAVA FY04 Encumbrance	Total Disbursed 09	Total Current Encumbrance	Amount to Lapse 11/30/04
Richard G Lillie	H40008	162	N	1,050.91		1,050.91	1,050.91
Excel Managem	H40009	142	S	15,778.91	15,504.46	274.45	274.45
Excel Managem	H40010	143	N	19,987.34	18,368.00	3,619.34	3,619.34
Govtech Solutio	H40013	157	S	2,311.25	73.80	2,237.45	2,237.45
Compuware	H40019	187	N	405.00		405.00	405.00
Global Securitie	H40027	193	S	3,438.27	3,438.27	-	-
InfoSentry Serv	H40031	207	N	60,660.60	53,425.83	7,234.77	7,234.77
Excel Managem	H40032	208	S	17,192.21	13,113.40	4,078.81	4,078.81
SSG	H40035	226	whole	11,460.80	10,920.00	540.80	540.80
Solution of Oh	H40037	165-3	S	14,516.88	10,840.00	3,676.88	3,676.88
Clermont	H4CO13	n/a	S	93,603.50	93,603.50	-	-
Smart Solutions	H40041	155	whole	14,278.00	14,278.00	-	-
SBC	H40042	n/a	S	35,371.00	35,371.00	-	-
Smart Solutions	H40046	n/a	S	37,918.30		37,918.30	37,918.30
<b>Total</b>				<b>\$ 327,972.97</b>	<b>\$ 266,936.26</b>	<b>61,036.71</b>	<b>61,036.71</b>

FY04 Vendor name	HAVA Encumbrance	Cont	PM	Total HAVA Encumbrance	Total Disbursed	Total Current Encumbrance	Amount to Lapse 11/30/04
Standard Parkin	H41333		Whole	270.00	270.00	-	-
Smart Solutions	H40038		VR	698.00	698.00	-	-
Election Center	H40039	228	whole	625.00	620.28	4.72	4.72
Election Center	H40040	229	whole	825.00	819.23	5.77	5.77
Dilip C Mehta	H40043	n/a	Whole	910.00	561.15	348.85	348.85
Bank of America	H40044	dcm trip	Whole	610.00	610.00	-	-
Bank of America	H40045	dcm trip	Whole	610.00	610.00	-	-
Sarcom	H40047	n/a	VR	120,530.00	120,470.00	60.00	60.00
DLT Solutions	H40048	n/a	VR	297,909.36	297,908.40	0.96	0.96
Compuware	H40049	262	VS	6,120.00	6,120.00	-	-
<b>Total Encumbrance</b>				<b>\$ 429,107.36</b>	<b>\$ 428,687.06</b>	<b>\$ 420.30</b>	<b>\$ 420.30</b>

FY04 3AA 61,036.71 3AA appears to be correct  
 FY04 3AR 420.30  
**TOTAL \$ 61,457.01** Approximate total of Section 101 that will lapse on 11/30/04

7/1/04-9/30/04	Expended Only
101	
3AA 04 exp	\$ 286,936.26
3AR 04 exp	\$ 426,279.55
3AR exp	\$ 508,841.89
<b>Total 101</b>	<b>\$ 1,200,157.70</b>
253	\$ 87,356.06

101	Expended Only
BEG-12/31/03	\$ 2,236,764.48
1/1/04-6/30/04	2,823,596.70
<b>Total 101 end 6/30/04</b>	<b>\$ 5,060,361.18</b>
7/1/04-9/30	1,200,157.70
<b>Total 101 end 9/30/04</b>	<b>\$ 6,260,518.88</b>
253 end 9/30/04 only	\$ 87,356.06

101	Expended Only
12/31 reported	\$ 2,236,764.48
1/1/04-6/30/04	\$ 2,823,596.70
7/1/04-9/30	1,200,157.70
<b>as of fed yr end</b>	<b>\$ 4,023,754.40</b>
253	\$ 87,356.06

**REVISED**

Secretary of State  
Funds and Cash  
As of 09/30/04

022007

S.B./H.B. No.	Effective Date	Purpose	Appropriation Requested	Object Class 10	Object Class 11	Object Class 20	Object Class 30	Object Class 60
SOS-033	1/22/2003	Create Fund 3AA						
SOS-041	8/18/2003	Est appr authority	4,492,228.16	\$ 347,707.36	\$ 1,034,321.00	\$ 468,685.60	\$ 519,621.45	\$ 2,121,892.75
SOS-042	10/6/2003	Increase appropriation	170,000.00		170,000.00			
SOS-043	11/3/2003	Create fund 3AH						
SOS-044	11/3/2003	Increase appropriation	1,277,816.50					1,277,816.50
SOS-045	1/12/2004	Increase appropriation	290,500.00		290,500.00			
SOS-046	1/12/2004	Waiver of competitive select InfoSentry						
SOS-048	5/3/2004	New Fund/est appr	27,334,407.00	1,350,000.00	2,605,000.00	780,000.00	22,599,407.00	-
SOS-049	5/3/2004	New Fund/est appr	5,000,000.00		500,000.00	2,000,000.00		2,500,000.00
SOS-050	5/3/2004	Capital Fund Matching	5,800,000.00				5,800,000.00	
SOS-051	5/3/2004	Waiver of competitive select for B-M						
SOS-052	5/3/2004	To transfer already appr 3AA to 3AR						
SOS-052	5/3/2004	To transfer cash balance to 3AR						
H.B. 262	5/7/2004	To appropriate 3AS	79,250,000.00				79,250,000.00	
		<b>Total Controlling Boards</b>	<b>123,614,951.66</b>	<b>\$ 1,697,707.36</b>	<b>\$ 4,599,821.00</b>	<b>\$ 3,248,685.60</b>	<b>\$ 108,169,028.45</b>	<b>\$ 5,899,709.25</b>

**FINANCIAL STATUS REPORT  
(Long Form)  
(Follow Instructions on the back)**

102

**ORIGINAL**

1. Federal Agency and Organization Element to Which Report is Submitted U.S. Election Assistance Commission		2. Federal Grant or Other Identifying Number Assigned By Federal Agency CFDA 39.011		OMB Approval No. 0348-0039		Page of 1 of 1 pages	
3. Recipient Organization (Name and complete address, including ZIP code) Ohio Secretary of State Office 180 E. Broad St. 16th Fl. Columbus, OH 43215							
4. Employer Identification Number		5. Recipient Account Number		6. Final Report yes		7. Basis accrual	
8. Funding/Grant period (see instructions) From: (Month, Day, Year) 10/29/2002		To: (Month, Day, Year) 1/1/2006		9. Period Covered by this Report From: (Month, Day Year) 1/1/2005		To: (Month, Day, Year) 12/31/2005	
10. Transactions				I Previously Reported	II This Period	III Cumulative	
a. Total Outlays				0.00	30,667,664.00	30,667,664.00	
b. Refunds, rebates, etc.				0.00	0.00	0.00	
c. Program income used in accordance with deduction alternative				0.00	0.00	0.00	
d. Net outlays (Line a, less the sum of lines b and c)				0.00	0.00	0.00	
e. Third party (in-kind) contributions						0.00	
f. Other Federal awards authorized to be used to match this award						0.00	
g. Program income used in accordance with the matching or cost sharing alternative						0.00	
h. All other recipient outlays not shown on lines e, f, or g						0.00	
i. Total recipient share of net outlays (Sum of lines e, f, g, and h)						0.00	
j. Federal share of net outlays (line d less line i)						30,667,664.00	
k. Total unliquidated obligations						0.00	
l. Recipient's share of unliquidated obligations						0.00	
m. Federal share of unliquidated obligations						0.00	
n. Total Federal share (sum of lines j and m)						30,667,664.00	
o. Total Federal funds authorized for this funding period						30,667,664.00	
p. Unobligated balance of federal funds (Line o minus line n)						0.00	
Program Income, consisting of:							
q. Disbursed program income shown on lines c and/or g above						0.00	
r. Disbursed program income using the addition alternative						0.00	
s. Undisbursed program income						0.00	
t. Total program income realized (Sum of lines q, r, and s)						0.00	
11. Indirect Expense		a. Type of Rate (Place "X" in appropriate line)					
not applicable		Provisional		Predetermined		Final Fixed	
		b. Rate		c. Base		d. Total Amount e. Federal Share	
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation.							
13 Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.							
Typed or Printed Name and Title Dilip C. Mehta Chief Financial Officer				Telephone (Area code, number and extension) 614-466-0180			
Signature of Authorized Certifying Official <i>Dilip C. Mehta</i>				Date Report Submitted 2-24-2005			

022008

ORIGINAL

**Ohio's Narrative Report  
Consolidated Report on HAVA Title I, Section 101 Fund  
January 1, 2005 through and including December 31, 2005  
Due February 28, 2006**

On behalf of Ohio Secretary of State, J. Kenneth Blackwell, I am submitting Ohio's Narrative Report as required by Public Law 107-252 (the Help America Vote Act (HAVA) of 2002). Below are some the highlights that Ohio has achieved through the implementation of HAVA:

**Section 101 Funds:**

- Ohio negotiated the lowest price in the Nation for voting systems to ensure that every Ohio County would have state-of-the-art equipment.
- From the beginning, Ohio sought input from election officials and voting experts for methods to ensure a smooth and seam less transition from punch cards to new voting systems.
- Before final State certifications for Direct Recording Electronic (DRE) models were issued, Secretary Blackwell engaged Compuware Corporation to conduct extensive security reassessments and revalidations. This included the Nation's most thorough review of all hardware and software, including source code and voter-verifiable printer accessories.
- Further, before the 2005 General Election, each of the 15,000 new machines was individually tested for accuracy by an independent verification and validation vendor.
- Ohio's first large-scale use of electronic voting systems (which included voter-verifiable paper trails) was a great success during the November 8, 2005 General Election.
- Nearly one million voters used more than 15,000 new voting machines and the Ohio Secretary of State's office was overwhelmed with positive reports.
- More than 20,000 poll workers and election officials attended over 671 training classes of at least three hours in length.
- We created a short internet how-to, step-by-step video for our YourVoteCountsOhio.org web site for the TSx AccuVote DRE machine in both high and low bandwidth file sizes for easy access in three different media player formats: QuickTime, Windows Media, and Flash. A step-by-step HTML guide to the AccuVote TSx, based on the video, was also available to people who were unable to download the video.

022009

- In addition, a Flash based interactive simulation of how to use the TSx machine was created to supplement our voter outreach efforts.
- We also produced a how-to, step-by-step, four color tri-fold brochure template for the TSx, which could be customized for each individual county. These brochure PDF files were available on our YourVoteCountsOhio.org website in high and low resolution formats for voters to download and print.
- We also produced the same brochure in a wallet-sized template for counties to use. Approximately 1.5 million tri-folds and 250,000 wallet sized were delivered prior to the November election. For the one county using the AccuVote-OS, an optical scan machine, we created a step-by-step four-color tri-fold brochure template, which could be customized for that County. A PDF file of the brochure was available on our YourVoteCountsOhio.org web site for voters to download and print. We also created a short internet how-to, step-by-step video for our YourVoteCountsOhio.org web site to demonstrate the AccuVote-OS.
- Our office created two comprehensive poll worker training videos demonstrating the proper way to set-up, open and close the polls on Election Day for the AccuVote TSx and AccuVote-OS machines which were distributed to all counties using Diebold machines in the November 2005 General Election. Counties had the option of a DVD or VHS format.
- Four hundred roving technicians traveled to polling locations where the new electronic voting machines were used. The technicians answered questions and addressed any problems when necessary. Also, each precinct was equipped with emergency paper ballots in case of technical difficulties not immediately correctable.
- Voters with disabilities were able to use the features of the new systems to vote without assistance, ensuring the privacy that all other voters expect and deserve.
- Ohio's Computerized Statewide Voter Registration List was fully operational as of December 9, 2005.
- Ohio submitted a revised State Plan, *Changing the Election Landscape in the State of Ohio*, which was published in the *Federal Register* May 7, 2005.
- Fifty-seven Ohio counties selected a direct recording electronic (DRE) voting device with a voter verified paper audit trail (VVPAT)
- Thirty-one Ohio counties will use a combination of a precinct count optical scan system as the primary voting system with either a DRE/VVPAT or an AutoMARK combination to meet the requirements of HAVA for individuals with disabilities.
- Over of Ohio's 88 counties have already successfully used Section 301 compliant voting systems in the November 2005 General Election. Efforts are currently

underway to test the remaining counties' equipment prior to use in Ohio's first Federal election, which is the May 2<sup>nd</sup> primary.

**ORIGINAL**

022011



ORIGINAL

# of units

County	PO #	Voce 65	#	PO Amt	Opt scan	AVPM	ADA	MC	HABS	SABS	Enc	VC	SC	Gems
Adams														
	E05-0095-01	06H074	95	256,500.00		95	23	95		1	105	350	70	1
Ashland														
	E05-0187-03	06H031	187	504,900.00		187	45	187		2	195	650	130	1
Belmont														
	E05-0238-07	06H066	238	642,600.00		238	91	238		2	249	830	166	1
Butler														
	E05-1280-09	06H062	1,280	3,456,000.00		1,280	174	1,280	4		867	2,890	578	1
Carroll														
	E05-0108-10	06H049	108	291,600.00		108	26	108		1	78	260	52	1
Coshocton														
	E05-0122-16	06H057	122	329,400.00		122	34	122		1	129	430	86	1

022012

ORIGINAL

County	PO #	Voce 65	#	PO Amt	Opt scan	AVPM	ADA	MC	HABS	SABS	Enc	VC	SC	Gems
Crawford														
	E05-0159-17	06H073	159	429,300.00		159	36	159		2	138	460	92	1
Darke														
	E05-0206-19	06H060	206	556,200.00		206	38	206		2	129	430	86	1
Defiance														
	E05-0139-20	06H032	139	375,300.00		139	25	139		1	126	420	84	1
Fairfield														
	E05-0492-23	06H047	492	1,328,400.00		492	69	492		2	354	1,180	236	1
Fulton														
	E05-0154-26	06H033	154	415,800.00		154	23	154		2	105	350	70	1
Gallia														
	E05-0127-27	06H068	127	342,900.00		127	27	127		1	105	350	70	1
Greene														
	E05-0565-29	06H048	565	1,525,500.00		565	45	565		2	426	1,420	284	1

022013

ORIGINAL

County	PO #	Voce 65	#	PO Amt	Opt scan	AVPM	ADA	MC	HABS	SABS	Enc	VC	SC	Gems
Guernsey														
	E05-0145-30	06H034	145	391,500.00		145	28	145		1	111	370	74	1
Hancock														
	E05-0267-32	06H043	267	720,900.00		267	45	267		2	186	620	124	1
Hardin														
	E05-0102-33	06H050	102	275,400.00		102	27	102		1	114	380	76	1
Harrison														
	E05-0062-34	06H035	62	167,400.00		62	20	62		1	72	240	48	1
Henry														
	E05-0106-35	06H051	106	286,200.00		106	17	106		1	99	330	66	1
Highland														
	E05-0152-36	06H069	152	410,400.00		152	31	152		1	111	370	74	1
Hocking														

022014

ORIGINAL

County	PO #	Voce 65	#	PO Amt	Opt scan	AVPM	ADA	MC	HABS	SABS	Enc	VC	SC	Gems
	E05-0098-37	06H052	98	264,600.00		98	32	98		1	96	320	64	1
Holmes														
	E05-0096-38	06H053	96	259,200.00		96	17	96		1	57	190	38	1
Huron														
	E05-0212-39	06H036	212	572,400.00		212	37	212		2	165	550	110	1
Jackson														
	E05-0129-40	06H037	129	348,300.00		129	21	129		1	114	380	76	1
Jefferson														
	E05-0267-41	06H038	267	720,900.00		267	64	267		2	273	910	182	1
Lorain														
	E05-1057-47	06H059	1,057	2,853,900.00		1,057	132	1,057	3		717	2,390	478	1
Lucas														
	E05-1613-48	06H045	1,613	4,355,100.00		1,613	212	1,613	4		1,485	4,950	990	1

022015

ORIGINAL

County	PO #	Voce 65	#	PO Amt	Opt scan	AVPM	ADA	MC	HABS	SABS	Enc	VC	SC	Gems
Marion														
	E05-0233-51	06H075	233	629,100.00		233	27	233		2	252	840	168	1
Medina														
	E05-0636-52	06H046	636	1,717,200.00		636	68	636	3		447	1,490	298	1
Mercer														
	E05-0168-54	06H076	168	453,600.00		168	18	168		2	111	370	74	1
Miami														
	E05-0388-55	06H063	388	1,047,600.00		388	49	388		2	246	820	164	1
Montgomery														
	E05-2107-57	06H064	2,107	5,688,900.00		2,107	382	2,107	4		1,764	5,880	1,176	1
Morgan														
	E05-0050-58	06H054	50	135,000.00		50	19	50		1	66	220	44	1
Morrow														
	E05-0130-59	06H039	130	351,000.00		130	25	130		1	108	360	72	1

022016

ORIGINAL

County	PO #	Voce 65	#	PO Amt	Opt scan	AVPM	ADA	MC	HABS	SABS	Enc	VC	SC	Gems
Muskingum														
	E05-0277-60	06H040	277	750,460.00		277	67	277		2	255	850	170	1
Paulding														
	E05-0077-63	06H070	77	207,900.00		77	19	77		1	90	300	60	1
Perry														
	E05-0126-64	06H044	126	340,200.00		126	33	126		1	138	460	92	1
Pike														
	E05-0106-66	06H055	106	286,200.00		106	29	106		1	72	240	48	1
Portage														
	E05-0589-67	06H041	589	1,590,300.00		589	83	589		2	387	1,290	258	1
Richland														
	E05-0491-70	06H061	491	1,325,700.00		491	96	491		2	378	1,260	252	1
Scioto														

022017

ORIGINAL

022018

County	PO #	Voce 65	#	PO Amt	Opt scan	AVPM	ADA	MC	HABS	SABS	Enc	VC	SC	Gems
	E05-0106-73	06H099	109	663,113.40	1,023.71	60	60			2	270	900	180	1
Stark														
	E05-1440-76	06H065	1,440	3,888,000.00		1,440	212	1,440	4		1,092	3,640	728	1
Trumbull														
	E05-0766-78	06H058	766	2,068,200.00		766	133	766	3		822	2,740	548	1
Van Wert														
	E05-0113-81	06H067	113	305,100.00		113	24	113		1	117	390	78	1
Wayne														
	E05-0375-85	06H056	375	1,012,500.00		375	83	375		2	291	970	194	1
Wood														
	E05-0491-87	06H042	488	1,317,600.00		488	76	488		2	315	1,050	210	1
<b>Grand Total</b>			16,847											

ORIGINAL

# 102 HAVA PAYMENTS 1/1/05 THROUGH 12/31/05

022019

Date by Month	County	FED	Fund	Invoice	Voucher	Date	Amount	Vendor	Section	Description	Type	Sac	Obj
September 2005													
	FAIRFIELD	102	3AR	P6038	06H047	8/2005	\$863,460.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6153	39
	GREENE	102	3AR	P6040	06H048	8/2005	\$714,599.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6153	39
	LUCAS	102	3AR	P6050	06H045	8/2005	\$2,830,815.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6153	39
	MEDINA	102	3AR	P6052	06H046	8/2005	\$1,116,180.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6153	39
					<b>Sum</b>		\$5,525,054.00						
October 2005													
	BELMONT	102	3AR	P6073	06H066	0/2005	\$417,690.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6153	39
	BUTLER	102	3AR	P6076	06H062	0/2005	\$2,246,400.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6153	39
	CARROLL	102	3AR	P6079	06H049	4/2005	\$189,540.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6153	39
	COSHOCTON	102	3AR	P6078	06H057	1/2005	\$214,110.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6153	39
	CRAWFORD	102	3AR	P6072	06H073	4/2005	\$9,787.03	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6153	39
	CRAWFORD	102	3AS	P6072	06H073	4/2005	\$269,257.97	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	DARKE	102	3AR	P6068	06H060	7/2005	\$361,530.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6153	39
	GALLIA	102	3AR	P6061	06H068	4/2005	\$222,885.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6153	39
	HARDIN	102	3AR	P6043	06H050	4/2005	\$179,010.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6153	39
	HENRY	102	3AR	P6062	06H051	4/2005	\$186,030.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6153	39
	HIGHLAND	102	3AR	P6063	06H069	4/2005	\$266,760.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6153	39
	HOCKING	102	3AR	P6045	06H052	4/2005	\$171,990.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6153	39
	HOLMES	102	3AR	P6046	06H053	4/2005	\$168,480.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6153	39
	LORAIN	102	3AR	P6069	06H059	2/2005	\$1,855,035.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6153	39



ORIGINAL

022020

Date by Month	County	FED	Fund	Invoice	Voucher	Date	Amount	Vendor	Section	Description	Type	Sac	Obj
	MIAMI	102	3AR	P6077	06H063	0/2005	\$680,940.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6153	39
	MONTGOMERY	102	3AR	P6074	06H064	0/2005	\$3,697,785.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6153	39
	MORGAN	102	3AR	P6053	06H054	4/2005	\$87,750.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6153	39
	PAULDING	102	3AR	P6064	06H070	4/2005	\$135,135.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6153	39
	PIKE	102	3AR	P6057	06H055	4/2005	\$186,030.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6153	39
	RICHLAND	102	3AR	P6079	06H061	7/2005	\$861,705.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6153	39
	STARK	102	3AS	P6066	06H065	0/2005	\$1,635,809.78	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	TRUMBULL	102	3AR	P6065	06H058	1/2005	\$1,344,330.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6153	39
	VAN WERT	102	3AR	P6071	06H067	0/2005	\$198,315.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6153	39
	WAYNE	102	3AR	P6059	06H056	4/2005	\$658,125.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6153	39
					<b>Sum</b>		\$16,244,429.78						
November 2005													
	ADAMS	102	3AS	P6067	06H074	1/2005	\$166,725.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	MARION	102	3AS	P6051	06H075	1/2005	\$408,915.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	MERCER	102	3AS	P6070	06H076	3/2005	\$294,840.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
					<b>Sum</b>		\$870,480.00						
December 2005													
	ADAMS	102	3AS	P6156	06H081	2/2005	\$38,475.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	ADAMS	102	3AS	P6196	06H086	5/2005	\$19,237.50	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	ASHLAND	102	3AS	P6147	06H081	2/2005	\$75,735.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	ASHLAND	102	3AS	P6188	06H086	5/2005	\$37,867.50	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	BUTLER	102	3AS	P6143	06H081	2/2005	\$518,400.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	BUTLER	102	3AS	P6184	06H086	5/2005	\$259,200.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	CARROLL	102	3AS	P6138	06H081	2/2005	\$43,740.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39

ORIGINAL

Date by Month	County	FED	Fund	Invoice	Voucher	Date	Amount	Vendor	Section	Description	Type	Sac	Obj
	CARROLL	102	3AS	P6179	06H086	5/2005	\$21,870.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	COSHOCTON	102	3AS	P6136	06H081	2/2005	\$49,410.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	COSHOCTON	102	3AS	P6177	06H086	5/2005	\$24,705.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	CRAWFORD	102	3AS	P6154	06H081	2/2005	\$64,395.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	CRAWFORD	102	3AS	P6194	06H086	5/2005	\$32,197.50	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	DARKE	102	3AS	P6135	06H081	2/2005	\$83,430.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	DARKE	102	3AS	P6176	06H086	5/2005	\$41,715.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	DEFIANCE	102	3AS	P6134	06H081	2/2005	\$56,295.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	DEFIANCE	102	3AS	P6175	06H086	5/2005	\$28,147.50	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	FAIRFIELD	102	3AS	P6144	06H081	2/2005	\$199,260.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	FAIRFIELD	102	3AS	P6185	06H086	5/2005	\$99,630.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	FULTON	102	3AS	P6146	06H081	2/2005	\$62,370.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	FULTON	102	3AS	P6187	06H086	5/2005	\$31,185.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	GALLIA	102	3AS	P6133	06H081	2/2005	\$51,435.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	GALLIA	102	3AS	P6174	06H086	5/2005	\$25,717.50	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	GREENE	102	3AS	P6132	06H081	2/2005	\$228,825.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	GREENE	102	3AS	P6173	06H086	5/2005	\$114,412.50	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	HANCOCK	102	3AS	P6131	06H081	2/2005	\$108,135.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	HANCOCK	102	3AS	P6172	06H086	5/2005	\$54,067.50	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	HARDIN	102	3AS	P6202	06H086	5/2005	\$20,655.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	HARRISON	102	3AS	P6130	06H081	2/2005	\$25,110.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	HARRISON	102	3AS	P6171	06H086	5/2005	\$12,555.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	HENRY	102	3AS	P6129	06H081	2/2005	\$42,930.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	HENRY	102	3AS	P6170	06H086	5/2005	\$21,465.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	HIGHLAND	102	3AS	P6145	06H081	2/2005	\$61,560.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39

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ORIGINAL

022022

Date by Month	County	FED	Fund	Invoice	Voucher	Date	Amount	Vendor	Section	Description	Type	Sac	Obj
	HIGHLAND	102	3AS	P6186	06H086	5/2005	\$30,780.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	HOCKING	102	3AS	P6142	06H081	2/2005	\$39,690.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	HOCKING	102	3AS	P6183	06H086	5/2005	\$19,845.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	HOLMES	102	3AS	P6128	06H081	2/2005	\$38,880.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	HOLMES	102	3AS	P6169	06H086	5/2005	\$19,440.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	HURON	102	3AS	P6127	06H081	2/2005	\$85,860.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	HURON	102	3AS	P6168	06H086	5/2005	\$42,930.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	JACKSON	102	3AS	P6126	06H081	2/2005	\$52,245.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	JACKSON	102	3AS	P6167	06H086	5/2005	\$26,122.50	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	JEFFERSON	102	3AS	P6155	06H081	2/2005	\$108,135.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	JEFFERSON	102	3AS	P6195	06H086	5/2005	\$54,067.50	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	LORAIN	102	3AS	P6125	06H081	2/2005	\$428,085.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	LORAIN	102	3AS	P6166	06H086	5/2005	\$214,042.50	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	LUCAS	102	3AS	P6124	06H081	2/2005	\$653,265.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	LUCAS	102	3AS	P6165	06H086	5/2005	\$292,768.21	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	MARION	102	3AS	P6149	06H081	2/2005	\$94,365.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	MEDINA	102	3AS	P6120-2	06H081	2/2005	\$257,580.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	MERCER	102	3AS	P6123	06H081	2/2005	\$68,040.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	MIAMI	102	3AS	P6122	06H081	2/2005	\$157,140.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	MONTGOMERY	102	3AS	P6148	06H081	2/2005	\$853,335.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	MORGAN	102	3AS	P6141	06H081	2/2005	\$20,250.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	MORROW	102	3AS	P6150	06H081	2/2005	\$52,650.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	MUSKINGUM	102	3AS	P6140	06H081	2/2005	\$112,185.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	PAULDING	102	3AS	P6121	06H081	2/2005	\$31,185.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	PERRY	102	3AS	P6157	06H081	2/2005	\$51,030.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39

ORIGINAL

022023

Date by Month	County	FED	Fund	Invoice	Voucher	Date	Amount	Vendor	Section	Description	Type	Sac	Obj
	PIKE	102	3AS	P6153	06H081	2/2005	\$42,930.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	PORTAGE	102	3AS	P6152	06H081	2/2005	\$238,545.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	SCIOTO	102	3AS	P6151	06H081	2/2005	\$99,467.01	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	STARK	102	3AS	P6120	06H081	2/2005	\$583,200.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	TRUMBULL	102	3AS	P6119	06H081	2/2005	\$310,230.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	VAN WERT	102	3AS	P6118	06H081	2/2005	\$45,765.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	WAYNE	102	3AS	P6137	06H081	2/2005	\$151,875.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
	WOOD	102	3AS	P6139	06H081	2/2005	\$197,640.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6163	39
					<b>Sum</b>		\$8,027,700.22						
					<b>Grand Total</b>		\$30,667,664.00						



U. S. ELECTION ASSISTANCE COMMISSION  
OFFICE OF THE EXECUTIVE DIRECTOR  
1225 New York Avenue, NW, Suite 1100  
Washington, DC. 20005

June 6, 2006

J. Kenneth Blackwell  
Secretary of State  
180 East Broad Street, 16th Floor  
Columbus, Ohio 43215

**RE: Certification—HAVA 102 Funding**

Dear Secretary Blackwell,

The purpose of this letter is to obtain a certification from you, as Ohio's Chief State Election Official, regarding the state's use of funds provided under section 102 of the Help America Vote Act (HAVA). These funds were granted to the state for the replacement of punch card or lever voting machines (42 U.S.C. §15302). The U.S. Election Assistance Commission (EAC or Commission) is the Federal agency responsible for administering HAVA §102 funds. On May 2, 2006, Ohio held its first election for Federal office in 2006. The date of this election represents the deadline for the state's use of the Federal funds it received pursuant to HAVA section 102.<sup>43</sup> Now that this deadline has passed, the state must demonstrate that the funds it received were used for the purpose and by the deadlines set forth in HAVA (42 U.S.C. §15302 (a) & (b)). A certification document has been enclosed for this purpose. If Ohio cannot certify the proper and timely use of the 102 funds, HAVA requires that they are returned to the EAC to be dispersed as requirements payments. (42 U.S.C. §§ 15304 & 15401).

**Replacement of Voting Systems.** In order to avoid repayment of funds, Ohio will be required to certify the total number of qualified precincts<sup>44</sup> which have replaced all punch card or lever machines in time for the first election for Federal office in 2006 that took place on May 2, 2006. This means that no punch card or lever voting systems were used in the qualified precinct.<sup>45</sup> The replacement systems must (1) not use punch cards or levers, (2) meet the requirements of HAVA section 301 (42 U.S.C. §15481) and (3) comply with all other relevant Federal statutory requirements (noted in 42 U.S.C. §15545). Failure to demonstrate compliance will require repayment. The repayment provisions of HAVA require repayment of funds on a prorated basis. The rate is established by taking the total number of qualifying precincts which have fully met

<sup>43</sup> HAVA initially mandated that the 102 Funds be used to replace voting systems in time for the regularly scheduled general election for Federal office in November 2004. However, the statute provided for the receipt of a waiver extending compliance to the first election for Federal office held after January 1, 2006. (42 USC §15302(a)(3) (A) & (B)). Your state requested and received this waiver. HAVA allows no additional extension of the deadline.

<sup>44</sup> Those precincts which used punch card or lever machines to administer the regularly scheduled general election for Federal office held in November of 2000.

<sup>45</sup> Replaced punch card or lever voting systems may not be transferred for use in a different precinct.

022024

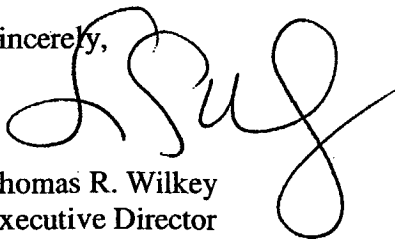
the requirements of HAVA, as a function of the total number of qualifying precincts within the State. (See 42 USC §15302(d)).

**Timely Expenditure of Funds.** To avoid repayment, Ohio must also show that all HAVA 102 funds received were used for their designated purpose prior to the May 2, 2006 HAVA deadline. This means that all 102 funds were either expended (finally transferred to another party for consideration) and/or obligated in such a way that the state incurred a legally enforceable liability to another party (such as a local government or contractor) for the full value of its 102 funding. Ohio must be able to document and certify the status of the 102 funding it received. In the event Ohio possesses unobligated 102 funds after the deadline, the state will be required to return either an amount equal to the noncompliant precinct percentage, as discussed above, or the total amount of unobligated 102 funds, whichever is greater.

**Certification.** As Chief State Election Official, we ask that you carefully review the enclosed certification and its instructions. The document shall be filled out by initialing each statement that is true and accurate. If a statement may not be certified as true and accurate it must be lined through and a written and signed explanation attached (see instructions in italics). **The certification must be completed and received by the Commission no later than July 7, 2006. Failure to timely file the enclosed certification will result in the Commission's forwarding of this matter to the EAC's Office of the Inspector General for action.**

Thank you for your attention to this matter. All questions or correspondence should be directed to Edgardo Cortes, Election Assistance Commission, 102 Funds Certification, 1225 New York Ave., NW, Suite 1100, Washington, D.C. 20005 [(202) 566-3100].

Sincerely,



Thomas R. Wilkey  
Executive Director

Enclosure

022025



## CERTIFICATION: USE OF HAVA SECTION 102 FUNDS AND REPLACEMENT OF PUNCH CARD AND LEVER MACHINES

I, the undersigned, having investigated or caused to be investigated each matter, below; certify, affirm and acknowledge that each of the following numbered statements, and any attachments to this certification document, are true and accurately reflect the status, condition and operations of Ohio (hereinafter "state") as they related to the use and status of Help America Vote Act (HAVA) Section 102 Funds and the replacement of punch card or lever machines.

I understand that by certifying the information below, I am making a statement or representation to the U.S. Election Assistance Commission, an independent Federal Agency, necessary for the agency to determine Ohio's required compliance with HAVA Section 102. (42 U.S.C. §15302). Compliance with HAVA Section 102 is required by the state as a result of its accepting Federal funds under that provision. As a condition of receiving 102 funds, the state certified that it would "use the payment... to replace punch card voting systems or lever voting systems (as the case may be) in the qualifying precincts within the state by the deadline prescribed... [first election for Federal office held after January 1, 2006]." (42 U.S.C. §15302(b)).

I further understand that to the extent any of the below (or attached) representations or certifications are found to be materially false, the Federal funds received by the state will be subject to audit and possible recoupment. Further, such false statements may subject the undersigned to criminal prosecution under 18 U.S.C. §1001 or other Federal Statutes.

**I. BACKGROUND.** *Read the statements below and initial the items that you certify as true and accurate. If you are not able to certify one or more of the following statements, you must line through the statement at issue and attach a signed explanation identifying it and explaining why it may not be certified. The statement (attachment) should provide all necessary facts and concisely explain the conditions that make certification a problem. The explanation shall be labeled "Attachment A, Background."*

1. **Signing Official.** I hereby certify that I am the Chief State Election Official for Ohio, per 42 U.S.C. 1973gg-8 (National Voter Registration Act).

*Initials:* \_\_\_\_\_

2. **Triggering Election.** The First Election for Federal office in 2006 (triggering the deadline noted in 42 U.S.C. 15302 (a)(3)(B)) for the state was held on May 2, 2006.

*Initials:* \_\_\_\_\_

3. **Funds Received.** The State received \$30,667,664 in Federal Funds pursuant to HAVA section 102.

*Initials:* \_\_\_\_\_

022026

**II. PUNCH CARD OR LEVER MACHINE REPLACEMENT.** *Read the statements below and initial the items that you certify as true and accurate. If you are not able to certify one or more of the below statements, you must line through the statement at issue and attach a signed explanation identifying it and explaining why it may not be certified. The statement (attachment) should provide all necessary facts and concisely explain the conditions that make certification a problem. The explanation shall be labeled "Attachment B, Punch Card or Lever Machine Replacement."*

**1. Qualified Precincts.** The State had 9,607 total qualified precincts (precincts which used punch card or lever machines to administer the regularly scheduled general election for Federal office held in November of 2000).

*Initials:* \_\_\_\_\_

**2. Qualified Precincts: No Punch Card or Lever Machine Used.** None of the qualifying precincts, noted in statement 1 above, used a lever or punch card machine in an election for Federal office on or after May 2, 2006.

*Initials:* \_\_\_\_\_

**3. No Punch Card or Lever Machine Used in State.** No precinct in the state used a punch card or lever machine for an election for Federal office on or after May 2, 2006.

*Initials:* \_\_\_\_\_

**4. Replacement Machines.** All machines purchased, leased or otherwise procured to replace punch card or lever machines in qualifying precincts meet the requirements of HAVA section 301 (42 U.S.C. §15481) and comply with all other relevant Federal statutory requirements (noted in 42 U.S.C. §15545). This includes the requirement that each polling place have at least one voting system equipped for individuals with disabilities. *Please provide (below) a complete list of all voting systems procured, leased or otherwise obtained to replace the state's punch card or lever machines.*

Manufacturer	Model	Version	Quantity
1.			
2.			
3.			
4.			
5.			
6.			
7.			

*If you need additional space, please continue this table on a separate, signed attachment.*

*Initials:* \_\_\_\_\_

**5. Voting Systems in Place.** All voting systems procured to replace punch card or lever machines were in place and used in the state's May 2, 2006 Federal election.

*Initials:* \_\_\_\_\_



**III. HAVA § 102 FUNDS.** Read the statements below and initial the items that you certify as true and accurate. If you are not able to certify to either response "a" or "b" in statement 1 or statement 2, below, you must line through the statement and attach a signed document explaining why you could not make a certification. The explanation (attachment) should provide all necessary facts and concisely explain the conditions that make certification a problem. The explanation shall be labeled "Attachment C, HAVA §102 Funds."

1. **Status of HAVA §102 Funds.** Please check the statement below that applies to your state. (*Check only one statement*).

\_\_\_ (a) The state had none of the \$30,667,664 it received pursuant to HAVA §102 remaining in its election fund after May 2, 2006. This means that as of this date, all 102 funds were expended. Funds are expended when finally transferred to another party (manufacturer or vendor) for consideration (voting system).

\_\_\_ (b) The state had only obligated funds remaining in its election fund after May 2, 2006. This means that as of this date, all funds were either expended or obligated. Funds are expended when finally transferred to another party (manufacturer or vendor) for consideration (voting system). Funds are properly obligated when the state has incurred a legally enforceable liability (such as a grant agreement, contract or lease) to another party (such as a local government or contractor) for a specific portion of the 102 funds. *If the state had only obligated funds in its election funds after the above date, attach a statement explaining the obligation(s). This statement must clearly explain and state the value of the obligated funds remaining and the nature of the obligation. Documentation regarding the obligation should also be attached and explained (e.g. documents from vendor contracts or agreements with local governments). This explanation and supporting documentation shall be labeled "Attachment D, Obligated Funds."*

*Initials:* \_\_\_\_\_

2. **Use of HAVA §102 Funds.** All HAVA §102 funds expended or obligated by the state were used to replace punch card or lever machines in qualifying precincts per 42 U.S.C. §15302(a)(2).

*Initials:* \_\_\_\_\_

I, by signing my name below, certify, affirm and acknowledge, under penalty of Federal law, that each of the above numbered paragraphs initialed above accurately represent the operations, conditions and practices of Ohio as they related to the use and status of HAVA Section 102 Funds and the replacement of punch card or lever machines.

Signed this day, \_\_\_\_\_:  
*Date*

\_\_\_\_\_  
*Name*

\_\_\_\_\_  
*Title*

022028



U.S. ELECTION ASSISTANCE COMMISSION

1225 NEW YORK AVENUE, N.W., SUITE 1100

WASHINGTON, D.C. 20005

March 24, 2006

J. Kenneth Blackwell  
Secretary of State  
180 East Broad Street, 16th Floor  
Columbus, Ohio 43215

**RE: Verification of Information Regarding HAVA 102 Funding**

Dear Secretary Blackwell,

Federal records indicate that Ohio received Federal funds pursuant to Section 102 of the Help America Vote Act of 2002 (HAVA) for the replacement of punch card or lever voting machines (42 U.S.C. §15302). This letter seeks to verify certain information your office has previously provided, as an initial step in the U.S. Election Assistance Commission's (EAC) efforts to determine whether the funds you received were used for the purpose and by the deadlines set forth in HAVA (42 U.S.C. §15302 (a) & (b)).

As a condition of receiving 102 funds, Ohio certified that it would "use the payment... to replace punch card voting systems or lever voting systems (as the case may be) in the qualifying precincts within the state by the deadline prescribed [first election for Federal office held after January 1, 2006]."<sup>11</sup> (42 U.S.C. §15302(b)). Thus, HAVA requires (1) all punch card or lever machines in each qualifying precinct be replaced by the HAVA deadline and (2) that all 102 money be used by this deadline. Failure to meet these requirements may require repayment of 102 funds. Ultimately, the EAC will require Ohio to certify its compliance. Thus, you, as the Chief State Election Official, must ensure records are available and sufficient to make and support such a certification.

**Replacement of Voting Systems.** In order to avoid repayment of funds, Ohio will be required to certify the total number of qualified precincts (those precincts which used punch card or lever machines to administer the regularly scheduled general election for Federal office held in November of 2000) that have replaced all such machines in time for the first election for

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<sup>11</sup> HAVA initially mandated that the 102 Funds be used to replace voting systems in time for the regularly scheduled general election for Federal office in November 2004. However, the statute provided for the receipt of a waiver extending compliance to the first election for Federal office held after January 1, 2006. (42 USC §15302(a)(3)). Your state requested and received this waiver. HAVA allows no additional waiver or extension of the deadline.

Federal office in 2006.<sup>12</sup> The replacement machines must not use punch cards or levers, meet the requirements of HAVA section 301 (42 U.S.C. §15481) and comply with all other relevant Federal statutory requirements (noted in 42 U.S.C. §15545). Failure to demonstrate compliance will require repayment.

The repayment provisions of HAVA require repayment of funds on a prorated basis. The rate is established by taking the total number of qualifying precincts who have fully met the requirements of HAVA, as a function of the total number of qualifying precincts within the State. (See 42 USC §15302(d)).

**Timely Expenditure of Funds.** All funds must be used for their designated purpose prior to the HAVA deadline. This means that as of the first election for Federal office in 2006, all 102 funds must be obligated. While this does not necessarily require that all 102 funds be "spent" (finally transferred to another party for consideration) by the HAVA deadline, it does require that all funds be obligated in such a way that the state has incurred a legally enforceable liability to another party (such as a local government or contractor) for the full value of its 102 funding. Ohio must be able to document and certify the status of the 102 funding it received. This includes certifying that any 102 funding not expended by the HAVA deadline were properly obligated. In the event Ohio possesses unobligated 102 funds after the first election for Federal office held in 2006, the state will be required to return either an amount equal to the noncompliant precinct percentage, as discussed above, or the total amount of unobligated 102 funds, whichever is greater.

**Verification of EAC Data.** EAC is responsible for administering the 102 funds granted by HAVA. As we begin this process we would like to verify certain information we have previously gathered. This information is listed below.

- The first election for Federal office in 2006 (triggering the deadline noted in 42 U.S.C. 15302 102 (a)(3)(B)) in Ohio is scheduled for May 2, 2006.
- Ohio has 9607 total qualified precincts (precincts which used punch card or lever machines to administer the regularly scheduled general election for Federal office held in November of 2000).
- Ohio has \$0 in 102 funds remaining in its election fund.

As chief state election official, you must verify the information above. If the information is correct, please note such in writing to the EAC. If the

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<sup>12</sup> This means that there may be no punch card or lever voting systems operating in the precinct. Further, these systems may not be transferred for use in a different precinct.

information above is incorrect, either because it was incorrectly reported previously or has changed, please provide the corrected data and explain the basis for the change. All correspondence should be sent to Edgardo Cortés, 102 Funds Verification, 1225 New York Ave., NW, Suite 1100, Washington, D.C. 20005.

Thank you for your attention to this matter. Please provide your response to this letter no later than April 12, 2006. The information you provide will help expedite our review of your HAVA 102 Funds. If you have any questions, please contact Mr. Cortes at (202) 566-3100.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Wilkey". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Thomas Wilkey  
Executive Director

022031



**J. KENNETH BLACKWELL**  
Ohio Secretary of State

April 7, 2006

180 E. Broad Street, 16th Floor, Columbus OH 43215  
614.466.2655 / Toll Free: 877.767.6446 / Fax: 614.644.0649  
e-mail: blackwell@sos.state.oh.us  
www.sos.state.oh.us

Mr. Thomas Wilkey  
Executive Director  
U.S. Election Assistance Commission  
1225 New York Avenue, NW  
Suite 1100  
Washington, DC 20005

RE: Verification of Information Regarding HAVA 102 Funding

Dear Mr. Wilkey:

This is to acknowledge receipt of your correspondence of March 24<sup>th</sup> to Secretary Blackwell regarding disbursement of funds from Section 102 of the Help America Vote Act of 2002 (HAVA).

Please be advised that Ohio has followed all of the guidelines associated with disbursement of funds from Section 102 (42 U.S.C. § 15302(b)). All Ohio Counties that used punch card and/or lever machines in previous elections have replaced those systems with new HAVA approved voting systems. Let this letter serve as certification that the 74 counties that conducted the 2000 November Federal election using punch card or lever voting system have indeed replaced their voting systems.

Regarding your request to re-verify the information the EAC has previously gathered from Ohio, I am confirming that:

- o Ohio's first Federal is May 2<sup>nd</sup>;
- o Ohio had 9,607 precincts operating punch card and/or lever machines to administer the 2000 November Federal election,
- o Ohio has a zero balance in Section 102 funding.

If you have any questions, please feel free to contact our Director of Elections, Judy Grady, at 614-466-2585.

Sincerely,

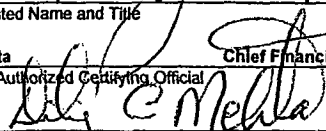
Handwritten signature of Monty Lobb in black ink.

Monty Lobb  
Assistant Secretary of State

022032

**FINANCIAL STATUS REPORT**  
(Long Form)  
(Follow instructions on the back)

**ORIGINAL**

1. Federal Agency and Organization Element to Which Report Is Submitted U.S. Election Assistance Commission		2. Federal Grant or Other Identifying Number Assigned By Federal Agency <b>CFDA 90.401</b>		OMB Approval No. <b>0348-0039</b>	Page of 1 of 1 pages
3. Recipient Organization (Name and complete address, including ZIP code) <b>Ohio Secretary of State Office 180 E. Broad St. 16th Fl. Columbus, OH 43215</b>					
4. Employer Identification Number	5. Recipient Account Number	6. Final Report no		7. Basis accrual	
8. Funding/Grant period (see instructions) From: (Month, Day, Year) <b>10/1/2002</b>	To: (Month, Day, Year) <b>1/1/2006</b>	9. Period Covered by this Report From: (Month, Day Year) <b>10/1/2004</b>		To: (Month, Day, Year) <b>9/30/2005</b>	
10. Transactions		I Previously Reported	II This Period	III Cumulative	
a. Total Outlays		87,356.06	12,043,914.33	12,131,270.39	
b. Refunds, rebates, etc.		0.00	0.00	0.00	
c. Program income used in accordance with deduction alternative		0.00	0.00	0.00	
d. Net outlays (Line a, less the sum of lines b and c)		87,356.06	12,043,914.33	12,131,270.39	
Recipient's share of net outlays, consisting of:					
e. Third party (In-kind) contributions		0.00	0.00	0.00	
f. Other Federal awards authorized to be used to match this award		0.00	0.00	0.00	
g. Program income used in accordance with the matching or cost sharing alternative		0.00	0.00	0.00	
h. All other recipient outlays not shown on lines e, f, or g <b>STATE MATCH</b>		0.00	5,800,000.00	0.00	
i. Total recipient share of net outlays (Sum of lines e, f, g, and h)		0.00	5,800,000.00	5,800,000.00	
j. Federal share of net outlays (line d less line i)		87,356.06	6,243,914.33	6,331,270.39	
k. Total unliquidated obligations				8,507,827.45	
l. Recipient's share of unliquidated obligations				0.00	
m. Federal share of unliquidated obligations				8,507,827.45	
n. Total Federal share (sum of lines j and m)				14,839,097.84	
o. Total Federal funds authorized for this funding period				90,992,517.00	
p. Unobligated balance of federal funds (Line o minus line n)				76,153,419.16	
Program income, consisting of:					
q. Disbursed program income shown on lines c and/or g above				0.00	
r. Disbursed program income using the addition alternative				0.00	
s. Undisbursed program income				0.00	
t. Total program income realized (Sum of lines q, r, and s)				0.00	
11. Indirect Expense	a. Type of Rate (Place "X" in appropriate line)				
	Provisional	Predetermined	Final	Fixed	
not applicable	b. Rate	c. Base	d. Total Amount	e. Federal Share	
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. The state match of \$5,800,000.00 has been appropriated at this time as state fund 026 for section 251 (b). And paid in full. See attached sheet					
13 Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.					
Typed or Printed Name and Title <b>Dilip C. Mehta</b> Signature of Authorized Certifying Official 			Telephone (Area code, number and extension) <b>614-466-0180</b> Date Report Submitted <b>2-24-2006</b>		

022033

ORIGINAL

**Ohio's Narrative Report  
Consolidated Report on HAVA Title II, Section 251 Fund  
October 1, 2004 through and including September 30, 2005  
Due March 30, 2006**

On behalf of Ohio Secretary of State, J. Kenneth Blackwell, I am submitting Ohio's Narrative Report as required by Public Law 107-252 (the Help America Vote Act (HAVA) of 2002). Below are some the highlights that Ohio has achieved through the implementation of HAVA:

**Section 251 Funds:**

- Ohio negotiated the lowest price in the Nation for voting systems to ensure that every Ohio County would have state-of-the-art equipment.
- From the beginning, Ohio sought input from election officials and voting experts for methods to ensure a smooth and seam less transition from punch cards to new voting systems.
- Before final State certifications for Direct Recording Electronic (DRE) models were issued, Secretary Blackwell engaged Compuware Corporation to conduct extensive security reassessments and revalidations. This included the Nation's most thorough review of all hardware and software, including source code and voter-verifiable printer accessories.
- Further, before the 2005 General Election, each of the 15,000 new machines was individually tested for accuracy by an independent verification and validation vendor.
- Ohio's first large-scale use of electronic voting systems (which included voter-verifiable paper trails) was a great success during the November 8, 2005 General Election.
- Nearly one million voters used more than 15,000 new voting machines and the Ohio Secretary of State's office was overwhelmed with positive reports.
- More than 20,000 poll workers and election officials attended over 671 training classes of at least three hours in length.
- We created a short internet how-to, step-by-step video for our YourVoteCountsOhio.org web site for the TSx AccuVote DRE machine in both high and low bandwidth file sizes for easy access in three different media player formats: QuickTime, Windows Media, and Flash. A step-by-step HTML guide to the AccuVote TSx, based on the video, was also available to people who were unable to download the video.

022034

# ORIGINAL

- In addition, a Flash based interactive simulation of how to use the TSx machine was created to supplement our voter outreach efforts.
- We also produced a how-to, step-by-step, four color tri-fold brochure template for the TSx, which could be customized for each individual county. These brochure PDF files were available on our YourVoteCountsOhio.org website in high and low resolution formats for voters to download and print.
- We also produced the same brochure in a wallet-sized template for counties to use. Approximately 1.5 million tri-folds and 250,000 wallet sized were delivered prior to the November election. For the one county using the AccuVote-OS, an optical scan machine, we created a step-by-step four-color tri-fold brochure template, which could be customized for that County. A PDF file of the brochure was available on our YourVoteCountsOhio.org web site for voters to download and print. We also created a short internet how-to, step-by-step video for our YourVoteCountsOhio.org web site to demonstrate the AccuVote-OS.
- Our office created two comprehensive poll worker training videos demonstrating the proper way to set-up, open and close the polls on Election Day for the AccuVote TSx and AccuVote-OS machines which were distributed to all counties using Diebold machines in the November 2005 General Election. Counties had the option of a DVD or VHS format.
- Four hundred roving technicians traveled to polling locations where the new electronic voting machines were used. The technicians answered questions and addressed any problems when necessary. Also, each precinct was equipped with emergency paper ballots in case of technical difficulties not immediately correctable.
- Voters with disabilities were able to use the features of the new systems to vote without assistance, ensuring the privacy that all other voters expect and deserve.
- Ohio's Computerized Statewide Voter Registration List was fully operational as of December 9, 2005.
- Ohio submitted a revised State Plan, *Changing the Election Landscape in the State of Ohio*, which was published in the *Federal Register* May 7, 2005.
- Fifty-seven Ohio counties selected a direct recording electronic (DRE) voting device with a voter verified paper audit trail (VVPAT)
- Thirty-one Ohio counties will use a combination of a precinct count optical scan system as the primary voting system with either a DRE/VVPAT or an AutoMARK combination to meet the requirements of HAVA for individuals with disabilities.
- Over of Ohio's 88 counties have already successfully used Section 301 compliant voting systems in the November 2005 General Election. Efforts are currently

022035



underway to test the remaining counties' equipment prior to use in Ohio's first  
Federal election, which is the May 2<sup>nd</sup> primary.

**ORIGINAL**

022036

ORIGINAL

022037

CAPITAL MATCH PAYMENTS 10/1/04 THRU 9/30/05

Date by Month	Date	FED	Fund	Invoice	Voucher	Amount	Vendor	Section	Description	Type	Sac	Obj	FY
September 2005													
	9/27/2005	SOS	026	P6060	06H042	\$856,440.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6023	39	FY06
	9/27/2005	SOS	026	P6058	06H041	\$1,033,695.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6023	39	FY06
	9/27/2005	SOS	026	P6056	06H044	\$221,130.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6023	39	FY06
	9/27/2005	SOS	026	P6055	06H040	\$487,799.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6023	39	FY06
	9/27/2005	SOS	026	P6054	06H037	\$228,150.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6023	39	FY06
	9/27/2005	SOS	026	P6049	06H037	\$468,585.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6023	39	FY06
	9/27/2005	SOS	026	P6048	06H037	\$226,395.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6023	39	FY06
	9/27/2005	SOS	026	P6042	06H043	\$468,585.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6023	39	FY06
	9/27/2005	SOS	026	P6047	06H036	\$372,060.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6023	39	FY06
	9/27/2005	SOS	026	P6044	06H035	\$108,810.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6023	39	FY06
	9/27/2005	SOS	026	P6041	06H034	\$254,475.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6023	39	FY06
	9/27/2005	SOS	026	P6039	06H033	\$270,270.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6023	39	FY06
	9/27/2005	SOS	026	P6037	06H032	\$243,945.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6023	39	FY06
	9/27/2005	SOS	026	P6033	06H031	\$328,185.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6023	39	FY06
	9/28/2005	SOS	026	P6040	06H048	\$231,476.00	DIEBOLD	VOTING SYSTEM	EQUIPMENT-COUNTY	E	6023	39	FY06
Grand Total						\$5,800,000.00							

# ORIGINAL

022038

## # of units

County	PO #	Voce 65	#	PO Amt	Opt scan	AVPM	ADA	MC	HABS	SABS	Enc	VC	SC	Gems
<b>Adams</b>														
	E05-0095-01	06H074	95	256,500.00		95	23	95		1	105	350	70	1
<b>Ashland</b>														
	E05-0187-03	06H031	187	504,900.00		187	45	187		2	195	650	130	1
<b>Belmont</b>														
	E05-0238-07	06H066	238	642,600.00		238	91	238		2	249	830	166	1
<b>Butler</b>														
	E05-1280-09	06H062	1,280	3,456,000.00		1,280	174	1,280	4		867	2,890	578	1
<b>Carroll</b>														
	E05-0108-10	06H049	108	291,600.00		108	26	108		1	78	260	52	1
<b>Coshocton</b>														
	E05-0122-16	06H057	122	329,400.00		122	34	122		1	129	430	86	1

# ORIGINAL

022039

County	PO #	Voce 65	#	PO Amt	Opt scan	AVPM	ADA	MC	HABS	SABS	Enc	VC	SC	Gems
<b>Crawford</b>														
	E05-0159-17	06H073	159	429,300.00		159	36	159		2	138	460	92	1
<b>Darke</b>														
	E05-0206-19	06H060	206	556,200.00		206	38	206		2	129	430	86	1
<b>Defiance</b>														
	E05-0139-20	06H032	139	375,300.00		139	25	139		1	126	420	84	1
<b>Fairfield</b>														
	E05-0492-23	06H047	492	1,328,400.00		492	69	492		2	354	1,180	236	1
<b>Fulton</b>														
	E05-0154-26	06H033	154	415,800.00		154	23	154		2	105	350	70	1
<b>Gallia</b>														
	E05-0127-27	06H068	127	342,900.00		127	27	127		1	105	350	70	1
<b>Greene</b>														
	E05-0565-29	06H048	565	1,525,500.00		565	45	565		2	426	1,420	284	1

# ORIGINAL

022040

County	PO #	Voce 65	#	PO Amt	Opt scan	AVPM	ADA	MC	HABS	SABS	Enc	VC	SC	Gems
<b>Guernsey</b>														
	E05-0145-30	06H034	145	391,500.00		145	28	145		1	111	370	74	1
<b>Hancock</b>														
	E05-0267-32	06H043	267	720,900.00		267	45	267		2	186	620	124	1
<b>Hardin</b>														
	E05-0102-33	06H050	102	275,400.00		102	27	102		1	114	380	76	1
<b>Harrison</b>														
	E05-0062-34	06H035	62	167,400.00		62	20	62		1	72	240	48	1
<b>Henry</b>														
	E05-0106-35	06H051	106	286,200.00		106	17	106		1	99	330	66	1
<b>Highland</b>														
	E05-0152-36	06H069	152	410,400.00		152	31	152		1	111	370	74	1
<b>Hocking</b>														

022041

County	PO #	Voce 65	#	PO Amt	Opt scan	AVPM	ADA	MC	HABS	SABS	Enc	VC	SC	Gems
	E05-0098-37	06H052	98	264,600.00		98	32	98		1	96	320	64	1
<b>Holmes</b>														
	E05-0096-38	06H053	96	259,200.00		96	17	96		1	57	190	38	1
<b>Huron</b>														
	E05-0212-39	06H036	212	572,400.00		212	37	212		2	165	550	110	1
<b>Jackson</b>														
	E05-0129-40	06H037	129	348,300.00		129	21	129		1	114	380	76	1
<b>Jefferson</b>														
	E05-0267-41	06H038	267	720,900.00		267	64	267		2	273	910	182	1
<b>Lorain</b>														
	E05-1057-47	06H059	1,057	2,853,900.00		1,057	132	1,057	3		717	2,390	478	1
<b>Lucas</b>														
	E05-1613-48	06H045	1,613	4,355,100.00		1,613	212	1,613	4		1,485	4,950	990	1

022042

County	PO #	Voce 65	#	PO Amt	Opt scan	AVPM	ADA	MC	HABS	SABS	Enc	VC	SC	Gems
<b>Marion</b>														
	E05-0233-51	06H075	233	629,100.00		233	27	233		2	252	840	168	1
<b>Medina</b>														
	E05-0636-52	06H046	636	1,717,200.00		636	68	636	3		447	1,490	298	1
<b>Mercer</b>														
	E05-0168-54	06H076	168	453,600.00		168	18	168		2	111	370	74	1
<b>Miami</b>														
	E05-0388-55	06H063	388	1,047,600.00		388	49	388		2	246	820	164	1
<b>Montgomery</b>														
	E05-2107-57	06H064	2,107	5,688,900.00		2,107	382	2,107	4		1,764	5,880	1,176	1
<b>Morgan</b>														
	E05-0050-58	06H054	50	135,000.00		50	19	50		1	66	220	44	1
<b>Morrow</b>														
	E05-0130-59	06H039	130	351,000.00		130	25	130		1	108	360	72	1

022043  
022070

County	PO #	Voce 65	#	PO Amt	Opt scan	AVPM	ADA	MC	HABS	SABS	Enc	VC	SC	Gems	
<b>Muskingum</b>															
	E05-0277-60	06H040	277	750,460.00		277	67	277			2	255	850	170	1
<b>Paulding</b>															
	E05-0077-63	06H070	77	207,900.00		77	19	77			1	90	300	60	1
<b>Perry</b>															
	E05-0126-64	06H044	126	340,200.00		126	33	126			1	138	460	92	1
<b>Pike</b>															
	E05-0106-66	06H055	106	286,200.00		106	29	106			1	72	240	48	1
<b>Portage</b>															
	E05-0589-67	06H041	589	1,590,300.00		589	83	589			2	387	1,290	258	1
<b>Richland</b>															
	E05-0491-70	06H061	491	1,325,700.00		491	96	491			2	378	1,260	252	1
<b>Scioto</b>															



022044

County	PO #	Voce 65	#	PO Amt	Opt scan	AVPM	ADA	MC	HABS	SABS	Enc	VC	SC	Gems
	E05-0106-73	06H099	109	663,113.40	1,023.71	60	60			2	270	900	180	1
<b>Stark</b>														
	E05-1440-76	06H065	1,440	3,888,000.00		1,440	212	1,440	4		1,092	3,640	728	1
<b>Trumbull</b>														
	E05-0766-78	06H058	766	2,068,200.00		766	133	766	3		822	2,740	548	1
<b>Van Wert</b>														
	E05-0113-81	06H067	113	305,100.00		113	24	113		1	117	390	78	1
<b>Wayne</b>														
	E05-0375-85	06H056	375	1,012,500.00		375	83	375		2	291	970	194	1
<b>Wood</b>														
	E05-0491-87	06H042	488	1,317,600.00		488	76	488		2	315	1,050	210	1
<b>Grand Total</b>			16,847											

OPEN ENCUMBRANCE BALANCE 251 CFDA 90.401  
AS OF 9/30/05

022045

FY	FED	FUND	CONTRACT	NUMBER	AMOUNT	VENDOR	DESCRIPTION	SECTION	TYPE	SAC	OBJ
05	251	3AS	217	H50037	\$4,341,600.00	ELECTION	EQUIPMENT	VOTING SYSTEM	E	6163	39
06	251	3AS	06-325	H60001	\$222,727.94	COMPUWARE	IV&V	VOTING SYSTEM	C	6161	13
06	251	3AS	06-310	H60002	\$120,166.25	GCR	WILCOX	VOTING SYSTEM	C	6161	13
06	251	3AS	06-309	H60003	\$38,964.00	ERIC D PARKS	CONSULTING	ADA	C	6161	13
06	251	3AS	06-320	H60004	\$27,162.49	DAVID KENNEDY	IV&V	VOTING SYSTEM	C	6161	13
06	251	3AR	06-308	H60005	\$33,137.49	CONSULTING	SAM KINDRED	REGISTRATION	C	6161	13
06	251	3AS	06-321	H60006	\$228,869.15	GCR	IV&V	VOTING SYSTEM	C	6161	13
06	251	3AS	217	H60007	\$3,399,821.46	ELECTION	EQUIPMENT	VOTING SYSTEM	E	6163	39
06	251	3AS	06-332	H60008	\$8,078.28	GCR	SIMULATION	VOTING SYSTEM	C	6161	13
06	251	3AS	AGO3747	H60011	\$35,000.00	PATMON LLC	SERVICES	VOTING SYSTEM	C	6161	13
06	251	3AS	NONE	H60012	\$68.89	HOLIDAY INN EXPRESS	IV&V	VOTING SYSTEM	O	6162	23
06	251	3AS	06-329	H60015	\$3,700.00	COMPUWARE	ASSESS HART	VOTING SYSTEM	C	6161	13
06	251	3AS	06-328	H60016	\$18,131.50	TECHNOLOGY	CONSULTING	VOTING SYSTEM	C	6161	13
06	251	3AS	06-333	H60017	\$30,400.00	COMPUWARE	ASSESS ESS	VOTING SYSTEM	C	6161	13

\$8,507,827.45

# 251 HAVA PAYMENTS 10/1/04 THRU 9/30/05 CFDA 90.401

022046

Date by Month	Voucher	Fed	Fund	Invoice	Date	Amount	Vendor	Section	Description	Sac	FY
October 2004											
	055122	251	3AT	72104	10/28/2004	\$1,780.35	BURSON-MARSTELLER	VOTER ED MARKET	VOTER ED MA	6171	FY05
	055122	251	3AT	72104	10/28/2004	\$154,132.30	BURSON-MARSTELLER	VOTER ED MARKET	VOTER ED MA	6171	FY05
	055122	251	3AT	72104	10/28/2004	\$66.00	BURSON-MARSTELLER	VOTER ED MARKET	VOTER ED MA	6172	FY05
	055122	251	3AT	72104	10/28/2004	\$15,562.50	BURSON-MARSTELLER	VOTER ED MARKET	VOTER ED MA	6172	FY05
	055122	251	3AT	72104	10/28/2004	\$1,859.50	BURSON-MARSTELLER	VOTER ED MARKET	VOTER ED MA	6172	FY05
	055122	251	3AT	72104	10/28/2004	\$24.61	BURSON-MARSTELLER	VOTER ED MARKET	VOTER ED MA	6172	FY05
	055122	251	3AT	72104	10/28/2004	\$839.42	BURSON-MARSTELLER	VOTER ED MARKET	VOTER ED MA	6172	FY05
<b>Sum</b>						\$174,264.68					
November 2004											
	VE0038	251	3AT	VE05-02	11/15/2004	\$387.00	PROGRESSIVE COMMU	VOTER ED MARKET	VOTER EDUC	6172	FY05
	VE0039	251	3AT	VE05-05	11/15/2004	\$208.60	GAZETTE PUBLISHING	VOTER ED MARKET	VOTER EDUC	6172	FY05
	VE0040	251	3AT	VE05-00	11/15/2004	\$6,605.72	CINCINNATI ENQUIRER	VOTER ED MARKET	VOTER EDUC	6172	FY05
	VE0041	251	3AT	VE05-02	11/15/2004	\$1,040.00	RECORD PUBLISHING	VOTER ED MARKET	VOTER EDUC	6172	FY05
	VE0042	251	3AT	VE05-22	11/15/2004	\$14,734.24	BROWN PUBLISHING	VOTER ED MARKET	VOTER EDUC	6172	FY05
	VE0043	251	3AT	VE05-08	11/15/2004	\$2,312.50	GAZETTE NEWSPAPERS	VOTER ED MARKET	VOTER EDUC	6172	FY05
	VE0044	251	3AT	VE05-02	11/15/2004	\$610.00	SESH COMMUNICATION	VOTER ED MARKET	VOTER EDUC	6172	FY05
	VE0045	251	3AT	VE05-05	11/15/2004	\$2,265.00	NEWS HERALD	VOTER ED MARKET	VOTER EDUC	6172	FY05
	VE0046	251	3AT	VE05-03	11/15/2004	\$955.55	DEFIANCE PUBLISHING	VOTER ED MARKET	VOTER EDUC	6172	FY05
	VE0047	251	3AT	VE05-03	11/15/2004	\$1,347.90	MORNING JOURNAL	VOTER ED MARKET	VOTER EDUC	6172	FY05
	VE0048	251	3AT	VE05-01	11/15/2004	\$1,897.50	CLERMONT SUN PUBLIS	VOTER ED MARKET	VOTER EDUC	6172	FY05

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Date by Month	Voucher	Fed	Fund	Invoice	Date	Amount	Vendor	Section	Description	Sac	FY
	VE0049	251	3AT	VE05-04	11/15/2004	\$800.00	SOJOURNER TRUTH	VOTER ED MARKET	VOTER EDUC	6172	FY05
	VE0050	251	3AT	VE05-07	11/15/2004	\$642.15	ALLIANCE PUBLISING	VOTER ED MARKET	VOTER EDUC	6172	FY05
	VE0051	251	3AT	VE05-00	11/15/2004	\$8,874.10	COMMUNITY PRESS	VOTER ED MARKET	VOTER EDUC	6172	FY05
	VE0052	251	3AT	VE05-02	11/15/2004	\$1,205.00	SANDUSKY REGISTER	VOTER ED MARKET	VOTER EDUC	6172	FY05
	VE0053	251	3AT	VE05-02	11/15/2004	\$640.00	JEFFERSONIAN CO	VOTER ED MARKET	VOTER EDUC	6172	FY05
	VE0054	251	3AT	VE05-06	11/15/2004	\$546.00	SENTINEL CO.	VOTER ED MARKET	VOTER EDUC	6172	FY05
	VE0055	251	3AT	VE05-11	11/15/2004	\$1,219.15	CHRONICLE TELEGRAM	VOTER ED MARKET	VOTER EDUC	6172	FY05
	VE0056	251	3AT	VE05-11	11/15/2004	\$14,780.36	DAYTON DAILY NEWS	VOTER ED MARKET	VOTER EDUC	6172	FY05
	VE0057	251	3AT	VE05-01	11/15/2004	\$524.35	DAILY STANDARD	VOTER ED MARKET	VOTER EDUC	6172	FY05
	VE0058	251	3AT	VE05-04	11/15/2004	\$555.00	BRYAN TIMES	VOTER ED MARKET	VOTER EDUC	6172	FY05
	VE0060	251	3AT	VE05-12	11/15/2004	\$250.00	SINCLAIR COMMUNITY	VOTER ED MARKET	VOTER EDUC	6172	FY05
	VE0061	251	3AT	VE05-10	11/15/2004	\$475.00	BOWLING GREEN STAT	VOTER ED MARKET	VOTER EDUC	6172	FY05
	VE0062	251	3AT	VE05-10	11/15/2004	\$600.00	ASHLAND PUBLISHING	VOTER ED MARKET	VOTER EDUC	6172	FY05
	VE0063	251	3AT	VE05-09	11/15/2004	\$15,567.35	CONSUMERS NEWS SV	VOTER ED MARKET	VOTER EDUC	6172	FY05
	VE0064	251	3AT	VE05-05	11/15/2004	\$1,006.50	STAR BEACON	VOTER ED MARKET	VOTER EDUC	6172	FY05
	VE0065	251	3AT	VE05-03	11/15/2004	\$3,617.75	VINDICATOR PRINTING	VOTER ED MARKET	VOTER EDUC	6172	FY05
	VE0066	251	3AT	VE05-11	11/15/2004	\$900.00	REPORTER NEWSPAPER	VOTER ED MARKET	VOTER EDUC	6172	FY05
	VE0067	251	3AT	VE05-01	11/15/2004	\$1,000.00	DAYTON DAILY NEWS	VOTER ED MARKET	VOTER EDUC	6172	FY05
	VE0068	251	3AT	VE05-04	11/17/2004	\$425.00	SALEM NEWS	VOTER ED MARKET	VOTER EDUC	6172	FY05
	VE0069	251	3AT	VE05-04	11/17/2004	\$400.00	LAPRENSA	VOTER ED MARKET	VOTER EDUC	6172	FY05
	VE0070	251	3AT	VE05-06	11/17/2004	\$329.90	SDB NEWSPAPERS	VOTER ED MARKET	VOTER EDUC	6172	FY05
	VE0071	251	3AT	VE05-05	11/17/2004	\$1,594.20	MORNING JOURNAL	VOTER ED MARKET	VOTER EDUC	6172	FY05
	VE0072	251	3AT	VE05-09	11/17/2004	\$7,173.30	NEWSPAPER NETWORK	VOTER ED MARKET	VOTER EDUC	6172	FY05
	VE0073	251	3AT	VE05-03	11/17/2004	\$3,035.00	CALL & POST	VOTER ED MARKET	VOTER EDUC	6172	FY05
	VE0074	251	3AT	VE05-00	11/17/2004	\$11,632.35	COLUMBUS DISPATCH	VOTER ED MARKET	VOTER EDUC	6172	FY05

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Date by Month	Voucher	Fed	Fund	Invoice	Date	Amount	Vendor	Section	Description	Sac	FY
	VE0075	251	3AT	VE05-11	11/17/2004	\$700.00	OHIO UNIVERSITY THE	VOTER ED MARKET	VOTER EDUC	6172	FY05
	VE0076	251	3AT	VE05-08	11/17/2004	\$6,898.75	AKRON BEACON JOURN	VOTER ED MARKET	VOTER EDUC	6172	FY05
	VE0077	251	3AT	VE05-04	11/22/2004	\$205.00	PERRY CO TRIBUANE	VOTER ED MARKET	VOTER EDUC	6172	FY05
	VE0078	251	3AT	VE05-09	11/23/2004	\$500.00	THE NEWS RECORD	VOTER ED MARKET	VOTER EDUC	6172	FY05
<b>Sum</b>						\$118,460.22					
<b>December 2004</b>											
	055165	251	3AT	74129	12/8/2004	\$81,336.49	BURSON-MARSTELLER	VOTER ED MARKET	VOTER ED MA	6172	FY05
	055172	251	3AT	74046	12/8/2004	\$44,725.67	BURSON-MARSTELLER	VOTER ED MARKET	VOTER ED MA	6172	FY05
	055172	251	3AT	74046	12/8/2004	\$4.95	BURSON-MARSTELLER	VOTER ED MARKET	VOTER ED MA	6172	FY05
	055172	251	3AT	74046	12/8/2004	\$683.93	BURSON-MARSTELLER	VOTER ED MARKET	VOTER ED MA	6172	FY05
	055172	251	3AT	74046	12/8/2004	\$108,596.35	BURSON-MARSTELLER	VOTER ED MARKET	VOTER ED MA	6171	FY05
	055173	251	3AT	74665	12/9/2004	\$1,541,090.00	BURSON-MARSTELLER	VOTER ED MARKET	VOTER ED MA	6172	FY05
	055174	251	3AT	74623	12/9/2004	\$6,952.96	BURSON-MARSTELLER	VOTER ED MARKET	VOTER ED MA	6172	FY05
	055174	251	3AT	74623	12/9/2004	\$42,296.95	BURSON-MARSTELLER	VOTER ED MARKET	VOTER ED MA	6171	FY05
	055174	251	3AT	74623	12/9/2004	\$846.56	BURSON-MARSTELLER	VOTER ED MARKET	VOTER ED MA	6172	FY05
	055189	251	3AT	74869	12/20/2004	\$35,494.62	BURSON-MARSTELLER	VOTER ED MARKET	VOTER ED MA	6172	FY05
	055193	251	3AT	75885	12/29/2004	\$32,918.45	BURSON-MARSTELLER	VOTER ED MARKET	VOTER ED MA	6172	FY05
<b>Sum</b>						\$1,894,946.93					
<b>January 2005</b>											
	055200	251	3AT	76299	1/6/2005	\$215,318.02	BURSON-MARSTELLER	VOTER ED MARKET	VOTER ED MA	6172	FY05
	055218	251	3AT	76613	1/21/2005	\$2,918.17	BURSON-MARSTELLER	VOTER ED MARKET	VOTER ED MA	6171	FY05
	055218	251	3AT	76613	1/21/2005	\$6,735.92	BURSON-MARSTELLER	VOTER ED MARKET	VOTER ED MA	6172	FY05
	060585	251	3AS	0001317	1/10/2005	\$135.00	STANDARD PARKING	ADMINISTRATION	PARKING	6162	FY06
	060586	251	3AS	3262917	1/10/2005	\$44.40	FEDERAL EXPRESS	ADMINISTRATION	COURIER	6162	FY06

Date by Month	Voucher	Fed	Fund	Invoice	Date	Amount	Vendor	Section	Description	Sac	FY
Sum						\$225,151.51					
March 2005											
	05H050	251	3AT	VEPWT	3/28/2005	\$11,650.94	COSHOCTON COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
Sum						\$11,650.94					
April 2005											
	05H038	251	3AT	VEPWT	4/14/2005	\$23,639.76	ASHTABULA COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H042	251	3AT	VEPWT	4/25/2005	\$12,672.56	BROWN COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H060	251	3AT	VEPWT	4/27/2005	\$12,636.09	FULTON COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H071	251	3AT	VEPWT	4/14/2005	\$10,124.32	HOCKING COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H075	251	3AT	VEPWT	4/6/2005	\$18,407.92	JEFFERSON COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H081	251	3AT	VEPWT	4/27/2005	\$56,651.51	LORAIN COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H100	251	3AT	VEPWT	4/14/2005	\$10,025.25	PIKE COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H101	251	3AT	VEPWT	4/25/2005	\$32,591.09	PORTAGE COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H105	251	3AT	VEPWT	4/22/2005	\$18,308.31	ROSS COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H109	251	3AT	VEPWT	4/27/2005	\$13,693.20	SHELBY COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H115	251	3AT	VEPWT	4/20/2005	\$10,381.61	VAN WERT COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H116	251	3AT	VEPWT	4/25/2005	\$7,323.72	VINTON COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
Sum						\$226,455.34					
May 2005											
	05H035	251	3AT	VEPWT	5/2/2005	\$9,959.02	ADAMS COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H037	251	3AT	VEPWT	5/12/2005	\$14,530.22	ASHLAND COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H040	251	3AT	VEPWT	5/10/2005	\$13,457.50	AUGLAIZE COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H044	251	3AT	VEPWT	5/24/2005	\$10,232.28	CARROLL COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05

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Date by Month	Voucher	Fed	Fund	Invoice	Date	Amount	Vendor	Section	Description	Sac	FY
	05H045	251	3AT	VEPWT	5/2/2005	\$12,056.55	CHAMPAIGN COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H046	251	3AT	VEPWT	5/2/2005	\$31,263.08	CLARK COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H047	251	3AT	VEPWT	5/10/2005	\$37,293.47	CLERMONT COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H048	251	3AT	VEPWT	5/2/2005	\$12,356.48	CLINTON COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H049	251	3AT	VEPWT	5/10/2005	\$25,335.75	COLUMBIANA COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H051	251	3AT	VEPWT	5/24/2005	\$13,521.92	CRAWFORD COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H052	251	3AT	VEPWT	5/24/2005	\$257,933.20	CUYAHOGA COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H053	251	3AT	VEPWT	5/10/2005	\$14,672.84	DARKE COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H054	251	3AT	VEPWT	5/24/2005	\$12,167.23	DEFIANCE COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H055	251	3AT	VEPWT	5/6/2005	\$24,957.25	DELAWARE COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H057	251	3AT	VEPWT	5/2/2005	\$27,274.33	FAIRFIELD COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H058	251	3AT	VEPWT	5/10/2005	\$10,159.16	FAYETTE COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H061	251	3AT	VEPWT	5/9/2005	\$10,637.45	GALLIA COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H063	251	3AT	VEPWT	5/10/2005	\$31,833.55	GREENE COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H064	251	3AT	VEPWT	5/24/2005	\$12,401.66	GUERNSEY COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H066	251	3AT	VEPWT	5/9/2005	\$17,936.34	HANCOCK COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H067	251	3AT	VEPWT	5/10/2005	\$10,796.40	HARDIN COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H068	251	3AT	VEPWT	5/24/2005	\$7,877.10	HARRISON COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H069	251	3AT	VEPWT	5/2/2005	\$10,300.14	HENRY COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H070	251	3AT	VEPWT	5/6/2005	\$12,416.72	HIGHLAND COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H072	251	3AT	VEPWT	5/24/2005	\$12,066.17	HOLMES COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H073	251	3AT	VEPWT	5/9/2005	\$15,793.81	HURON COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H074	251	3AT	VEPWT	5/9/2005	\$10,922.69	JACKSON COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H076	251	3AT	VEPWT	5/24/2005	\$14,888.94	KNOX COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H080	251	3AT	VEPWT	5/12/2005	\$13,347.55	LOGAN COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05

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Date by Month	Voucher	Fed	Fund	Invoice	Date	Amount	Vendor	Section	Description	Sac	FY
	05H083	251	3AT	VEPWT	5/9/2005	\$12,296.61	MADISON COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H085	251	3AT	VEPWT	5/2/2005	\$17,014.95	MARION COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H088	251	3AT	VEPWT	5/9/2005	\$12,425.61	MERCER COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H090	251	3AT	VEPWT	5/9/2005	\$7,754.44	MONROE COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H092	251	3AT	VEPWT	5/12/2005	\$7,703.09	MORGAN COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H093	251	3AT	VEPWT	5/9/2005	\$10,738.88	MORROW COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H095	251	3AT	VEPWT	5/17/2005	\$7,550.86	NOBLE COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H096	251	3AT	VEPWT	5/10/2005	\$12,436.68	OTTAWA COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H097	251	3AT	VEPWT	5/12/2005	\$8,682.18	PAULDING COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H098	251	3AT	VEPWT	5/10/2005	\$11,183.43	PERRY COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H099	251	3AT	VEPWT	5/6/2005	\$14,567.23	PICKAWAY COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H102	251	3AT	VEPWT	5/9/2005	\$12,682.00	PREBLE COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H103	251	3AT	VEPWT	5/24/2005	\$11,301.01	PUTNAM COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H104	251	3AT	VEPWT	5/10/2005	\$28,379.89	RICHLAND COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H108	251	3AT	VEPWT	5/12/2005	\$15,647.93	SENECA COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H110	251	3AT	VEPWT	5/24/2005	\$73,604.82	STARK COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H112	251	3AT	VEPWT	5/10/2005	\$45,846.70	TRUMBULL COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H113	251	3AT	VEPWT	5/24/2005	\$21,496.15	TUSCARAWAS COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H114	251	3AT	VEPWT	5/10/2005	\$6,470.00	UNION COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H119	251	3AT	VEPWT	5/24/2005	\$25,243.03	WAYNE COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H120	251	3AT	VEPWT	5/24/2005	\$12,110.62	WILLIAMS COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H121	251	3AT	VEPWT	5/24/2005	\$26,966.96	WOOD COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H137	251	3AT	VEPWT	5/17/2005	\$5,952.89	UNION COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
<b>Sum</b>						\$1,116,444.76					



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Date by Month	Voucher	Fed	Fund	Invoice	Date	Amount	Vendor	Section	Description	Sac	FY
June 2005											
	05H036	251	3AT	VEPWT	6/1/2005	\$24,682.18	ALLEN COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H039	251	3AT	VEPWT	6/10/2005	\$16,290.25	ATHENS COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H041	251	3AT	VEPWT	6/13/2005	\$17,742.37	BELMONT COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H043	251	3AT	VEPWT	6/1/2005	\$65,386.91	BUTLER COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H056	251	3AT	VEPWT	6/1/2005	\$19,434.37	ERIE COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H062	251	3AT	VEPWT	6/1/2005	\$21,942.70	GEAUGA COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H065	251	3AT	VEPWT	6/10/2005	\$158,377.77	HAMILTON COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H077	251	3AT	VEPWT	6/10/2005	\$46,281.27	LAKE COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H079	251	3AT	VEPWT	6/1/2005	\$31,398.98	LICKING COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H084	251	3AT	VEPWT	6/1/2005	\$51,732.66	MAHONING COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H086	251	3AT	VEPWT	6/10/2005	\$32,415.81	MEDINA COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H087	251	3AT	VEPWT	6/1/2005	\$9,186.42	MEIGS COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H091	251	3AT	VEPWT	6/1/2005	\$106,440.20	MONTGOMERY COUNT	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H094	251	3AT	VEPWT	6/1/2005	\$20,347.77	MUSKINGUM COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H106	251	3AT	VEPWT	6/13/2005	\$16,212.05	SANDUSKY COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H117	251	3AT	VEPWT	6/1/2005	\$33,738.20	WARREN COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H118	251	3AT	VEPWT	6/10/2005	\$16,476.78	WASHINGTON COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	05H122	251	3AT	VEPWT	6/1/2005	\$9,156.66	WYANDOT COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY05
	Sum					\$697,243.35					
July 2005											
	021144	251	3AS	CREDIT	7/15/2005	\$249.00	BANK OF AMERICA	VOTING SYSTEM	IVV SUPPLIES	6162	FY06
	021144	251	3AS		7/19/2005	\$0.00	BANK OF AMERICA	VOTING SYSTEM	IV&V	6162	FY06
	060016	251	3AS		7/1/2005	\$135.00	STANDARD PARKING	ADMINISTRATION	PARKING-DO	6162	FY06

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Date by Month	Voucher	Fed	Fund	Invoice	Date	Amount	Vendor	Section	Description	Sac	FY
	060042	251	3AS		7/12/2005	\$116.39	VERIZON	ADMINISTRATION	TELEPHONE	6162	FY06
	060091	251	3AS	PARKIN	7/22/2005	\$930.00	180 E BROAD ST	ADMINISTRATION	PARKING-DO	6162	FY06
	065022	251	3AS	10319	7/7/2005	\$78.90	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065022	251	3AS	10319	7/7/2005	\$78.90	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065022	251	3AS	10319	7/7/2005	\$6,016.13	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065022	251	3AS	10319	7/7/2005	\$157.80	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065023	251	3AS	10322	7/7/2005	\$144.75	GCR	VOTING SYSTEM	VS PROJECT	6161	FY06
	065031	251	3AS	063005	7/20/2005	\$4,112.51	DAVID KENNEDY	ADMINISTRATION	CONSULTING	6161	FY06
	065037	251	3AS	10331	7/21/2005	\$98.61	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065037	251	3AS	10331	7/21/2005	\$118.35	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065037	251	3AS	10331	7/21/2005	\$118.35	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065037	251	3AS	10331	7/21/2005	\$138.08	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065037	251	3AS	10331	7/21/2005	\$38,246.78	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065037	251	3AS	10331	7/21/2005	\$157.80	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065037	251	3AS	10331	7/21/2005	\$16,963.50	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065037	251	3AS	10331	7/21/2005	\$8,876.25	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065037	251	3AS	10331	7/21/2005	\$5,621.63	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065037	251	3AS	10331	7/21/2005	\$118.35	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065042	251	3AS	10337	7/26/2005	\$5,937.23	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065042	251	3AS	10338	7/26/2005	\$197.25	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065042	251	3AS	10338	7/26/2005	\$2,347.28	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065042	251	3AS	10338	7/26/2005	\$9,073.50	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065042	251	3AS	10338	7/26/2005	\$5,444.10	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065042	251	3AS	10337	7/26/2005	\$9,882.23	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065042	251	3AS	10338	7/26/2005	\$867.90	GCR	VOTING SYSTEM	IV&V	6161	FY06

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Date by Month	Voucher	Fed	Fund	Invoice	Date	Amount	Vendor	Section	Description	Sac	FY
	065042	251	3AS	10338	7/26/2005	\$30,593.46	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065042	251	3AS	10337	7/26/2005	\$98.63	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065042	251	3AS	10337	7/26/2005	\$177.53	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065042	251	3AS	10338	7/26/2005	\$138.08	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065042	251	3AS	10338	7/26/2005	\$8,304.23	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065042	251	3AS	10338	7/26/2005	\$14,517.60	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065042	251	3AS	10337	7/26/2005	\$37,931.18	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065042	251	3AS	10337	7/26/2005	\$98.63	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065042	251	3AS	10337	7/26/2005	\$138.08	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065042	251	3AS	10337	7/26/2005	\$15,839.18	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065042	251	3AS	10337	7/26/2005	\$4,950.94	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065042	251	3AS	10338	7/26/2005	\$276.15	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065042	251	3AS	10337	7/26/2005	\$197.25	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065042	251	3AS	10338	7/26/2005	\$177.53	GCR	VOTING SYSTEM	IV&V	6161	FY06
	06H001	251	3AT	VEPWT	7/1/2005	\$198,962.93	FRANKLIN COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY06
	06H002	251	3AT	VEPWT	7/6/2005	\$22,939.38	MIAMI COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY06
	06H003	251	3AT	VEPWT	7/1/2005	\$103,057.60	SUMMIT COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY06
	06H004	251	3AT	VEPWT	7/1/2005	\$16,307.67	LAWRENCE COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY06
	06H005	251	3AT	VEPWT	7/1/2005	\$87,568.26	LUCAS COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY06
	06H008	251	3AT	VEPWT	7/7/2005	\$19,369.77	SCIOTO COUNTY	VOTER ED MARKET	VOTER ED GR	6175	FY06
	06H009	251	3AS	301403	7/13/2005	\$453.50	EJ BROOKS	VOTING SYSTEM	IVV SUPPLIES	6162	FY06
	06H009	251	3AS	301402	7/13/2005	\$166.25	EJ BROOKS	VOTING SYSTEM	IVV SUPPLIES	6162	FY06
	06H009	251	3AS	301401	7/13/2005	\$166.25	EJ BROOKS	VOTING SYSTEM	IVV SUPPLIES	6162	FY06
	06H009	251	3AS	301405	7/13/2005	\$311.41	EJ BROOKS	VOTING SYSTEM	IVV SUPPLIES	6162	FY06
	06H009	251	3AS	301399	7/13/2005	\$167.50	EJ BROOKS	VOTING SYSTEM	IVV SUPPLIES	6162	FY06

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Date by Month	Voucher	Fed	Fund	Invoice	Date	Amount	Vendor	Section	Description	Sac	FY
	06H009	251	3AS	301398	7/13/2005	\$166.25	EJ BROOKS	VOTING SYSTEM	IVV SUPPLIES	6162	FY06
	06H009	251	3AS	301400	7/13/2005	\$166.25	EJ BROOKS	VOTING SYSTEM	IVV SUPPLIES	6162	FY06
	06H010	251	3AS	301716	7/19/2005	\$264.96	EJ BROOKS	VOTING SYSTEM	IVV SUPPLIES	6162	FY06
	06H010	251	3AS	301717	7/19/2005	\$658.49	EJ BROOKS	VOTING SYSTEM	IVV SUPPLIES	6162	FY06
	06H010	251	3AS	301718	7/19/2005	\$658.49	EJ BROOKS	VOTING SYSTEM	IVV SUPPLIES	6162	FY06
	06H010	251	3AS	301588	7/19/2005	\$769.50	EJ BROOKS	VOTING SYSTEM	IVV SUPPLIES	6162	FY06
	5Y1019	251	3AS	NONE	7/5/2005	\$213.50	DAS	ADMINISTRATION	TELEPHONE	6162	FY06
	5Y2100	251	3AS	NONE	7/13/2005	\$219.90	DAS	ADMINISTRATION	TELEPHONE	6162	FY06
	5Y3190	251	3AS	VIP PHO	7/20/2005	\$217.58	DAS	ADMINISTRATION	TELEPHONE	6162	FY06
	5Y4283	251	3AS		7/29/2005	\$251.59	DAS	ADMINISTRATION	TELEPHONE	6162	FY06
	NONE	251	3AS	PAYRO	7/1/2005	\$34,065.85	HAVA PAYROLL	ADMINISTRATION	PAYROLL	6161	FY06
	NONE	251	3AS	PAYRO	7/19/2005	\$43,996.01	HAVA PAYROLL	ADMINISTRATION	PAYROLL	6161	FY06
	T60002	251	3AS	TER	7/8/2005	\$174.44	ANDY SHIFFLETTE	ADMINISTRATION	TRAVEL-EMPL	6162	FY06
	T60003	251	3AS	TER	7/1/2005	\$147.75	CONNI SIEGMUND	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60004	251	3AS	TER	7/1/2005	\$177.38	JASON STEVENS	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60005	251	3AS	TER	7/1/2005	\$199.08	CAROLYN GORUP	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60007	251	3AS	TER	7/1/2005	\$180.71	SUSAN BILLS	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60008	251	3AS	TER	7/1/2005	\$150.51	PATRICK HOLE	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60011	251	3AS	TER	7/1/2005	\$161.14	PETER GRAYBEAL	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60017	251	3AS	TER	7/1/2005	\$83.56	JOE LEONTI	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60020	251	3AS	TER	7/1/2005	\$140.37	RICHARD TAYLOR	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60021	251	3AS	TER	7/1/2005	\$165.41	BRYAN FERGUSON	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60022	251	3AS	TER	7/1/2005	\$112.74	TERRANCE DICK	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60025	251	3AS	TER	7/8/2005	\$117.02	ANDY SHIFFLETTE	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60027	251	3AS	TER	7/1/2005	\$140.52	FAITH LYON	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06

Date by Month	Voucher	Fed	Fund	Invoice	Date	Amount	Vendor	Section	Description	Sac	FY
	T60028	251	3AS	TER	7/1/2005	\$185.63	FAITH LYON	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60031	251	3AS	TER	7/1/2005	\$43.97	ANDY SHIFFLETTE	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60032	251	3AS	TER	7/1/2005	\$99.60	JEANINE BOEHM	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60039	251	3AS	TER	7/8/2005	\$293.43	JOY WEST	ADMINISTRATION	TRAVEL-EMPL	6162	FY06
	T60041	251	3AS	TER	7/8/2005	\$102.66	THOMAS SHERIDAN	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60045	251	3AS	TER	7/8/2005	\$60.16	PETER GRAYBEAL	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60046	251	3AS	TER	7/8/2005	\$86.19	JEANINE BOEHM	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60047	251	3AS	TER	7/8/2005	\$256.26	JESSICA SPEARS	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60048	251	3AS	TER	7/8/2005	\$56.85	JASON STEVENS	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60049	251	3AS	TER	7/12/2005	\$430.89	CONNI SIEGMUND	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60050	251	3AS	TER	7/12/2005	\$175.17	ANDY SHIFFLETTE	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60051	251	3AS	TER	7/12/2005	\$230.91	THOMAS SHERIDAN	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60052	251	3AS	TER	7/14/2005	\$111.90	RICHARD FAIR	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60053	251	3AS	TER	7/14/2005	\$318.90	CHRISTIAN LOBB	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60056	251	3AS	TER	7/14/2005	\$209.38	KAREN LAFFERTY	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60057	251	3AS	TER	7/15/2005	\$99.30	MICHAEL TONEY	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60058	251	3AS	TER	7/15/2005	\$234.78	TERRANCE DICK	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60059	251	3AS	MER	7/15/2005	\$61.21	KAREN LAFFERTY	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60061	251	3AS	TER	7/15/2005	\$409.87	BETTY HULL	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60063	251	3AS	TER	7/19/2005	\$381.08	SARAH SPENCE	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60066	251	3AS	TER	7/19/2005	\$109.03	MYKE CLARETT	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60068	251	3AS	MER	7/19/2005	\$17.49	ANDY SHIFFLETTE	VOTING SYSTEM	IVV SUPPLIES	6162	FY06
	T60069	251	3AS	MER	7/19/2005	\$264.11	SARAH SPENCE	VOTING SYSTEM	IVV SUPPLIES	6162	FY06
	T60070	251	3AS	TER	7/19/2005	\$174.29	ANDY SHIFFLETTE	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60071	251	3AS	TER	7/19/2005	\$593.84	CONNI SIEGMUND	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06

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Date by Month	Voucher	Fed	Fund	Invoice	Date	Amount	Vendor	Section	Description	Sac	FY
	T60073	251	3AS	TER	7/20/2005	\$105.55	TERRANCE DICK	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60074	251	3AS	TER	7/20/2005	\$73.23	JEANINE BOEHM	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60075	251	3AS	TER	7/20/2005	\$28.20	THOMAS SHERIDAN	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60076	251	3AS	TER	7/20/2005	\$109.20	BRYAN FERGUSON	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60077	251	3AS	MER	7/20/2005	\$119.21	BETTY HULL	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60078	251	3AS	TER	7/21/2005	\$913.89	JOE LEONTI	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60079	251	3AS	TER	7/21/2005	\$139.62	JESSICA SPEARS	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60080	251	3AS	TER	7/21/2005	\$519.35	SARAH SPENCE	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60081	251	3AS	TER	7/21/2005	\$823.80	JOE LEONTI	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60084	251	3AS	TER	7/22/2005	\$53.24	JASON STEVENS	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60085	251	3AS	TER	7/22/2005	\$0.00	MICHAEL TONEY	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60086	251	3AS	TER	7/22/2005	\$5.24	ALEX TORNERO	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60087	251	3AS	TER	7/22/2005	\$187.15	THOMAS SHERIDAN	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60090	251	3AS	TER	7/26/2005	\$502.85	JOY WEST	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60091	251	3AS	TER	7/26/2005	\$470.11	CONNI SIEGMUND	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60092	251	3AS	TER	7/26/2005	\$199.83	FAITH LYON	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60098	251	3AS	TER	7/29/2005	\$39.65	THOMAS SHERIDAN	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60099	251	3AS	TER	7/29/2005	\$335.17	ANDY SHIFFLETTE	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60100	251	3AS	TER	7/29/2005	\$496.92	JESSICA SPEARS	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60101	251	3AS	TER	7/29/2005	\$88.00	FAITH LYON	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	<b>Sum</b>					<b>\$772,951.67</b>					
	<b>August 2005</b>										
	060122	251	3AS		8/1/2005	\$76.85	FEDERAL EXPRESS	ADMINISTRATION	SHIPPING	6162	FY06
	060129	251	3AS	PARKIN	8/1/2005	\$135.00	STANDARD PARKING	ADMINISTRATION	PARKING-DO	6162	FY06

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Date by Month	Voucher	Fed	Fund	Invoice	Date	Amount	Vendor	Section	Description	Sac	FY
	060143	251	3AS		8/10/2005	\$233.49	VERIZON	ADMINISTRATION	TELEPHONE	6162	FY06
	060153	251	3AS		8/11/2005	\$85.12	FEDERAL EXPRESS	ADMINISTRATION	SHIPPING	6162	FY06
	060190	251	3AS		8/23/2005	\$286.37	FEDERAL EXPRESS	ADMINISTRATION	SHIPPING	6162	FY06
	060193	251	3AS		8/30/2005	\$1,000.00	XEROX	ADMINISTRATION	EQUIPMENT	6163	FY06
	060195	251	3AS		8/29/2005	\$135.00	STANDARD PARKING	ADMINISTRATION	PARKING-DO	6162	FY06
	065047	251	3AS	072905	8/1/2005	\$13,725.00	DAVID KENNEDY	ADMINISTRATION	CONSULTING	6161	FY06
	065048	251	3AS	0501-07	8/2/2005	\$8,312.50	SPIRIT CONSULTING	VOTER REGISTRATI	VR PROJECT	6161	FY06
	065053	251	3AS	10343	8/8/2005	\$19,882.80	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065053	251	3AS	10343	8/8/2005	\$78.90	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065053	251	3AS	10343	8/8/2005	\$8,087.25	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065053	251	3AS	10343	8/8/2005	\$5,641.35	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065053	251	3AS	10343	8/8/2005	\$19.73	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065053	251	3AS	10343	8/8/2005	\$1,301.85	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065053	251	3AS	10343	8/8/2005	\$0.00	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065053	251	3AS	10343	8/8/2005	\$118.35	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065053	251	3AS	10343	8/8/2005	\$39.45	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065053	251	3AS	10343	8/8/2005	\$315.60	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065053	251	3AS	10350	8/8/2005	\$59.18	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065053	251	3AS	10343	8/8/2005	\$236.70	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065053	251	3AS	10350	8/8/2005	\$4,201.43	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065053	251	3AS	10350	8/8/2005	\$19.73	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065053	251	3AS	10350	8/8/2005	\$19.73	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065053	251	3AS	10350	8/8/2005	\$3,708.30	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065053	251	3AS	10350	8/8/2005	\$19.73	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065053	251	3AS	10350	8/8/2005	\$453.68	GCR	VOTING SYSTEM	IV&V	6161	FY06

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Date by Month	Voucher	Fed	Fund	Invoice	Date	Amount	Vendor	Section	Description	Sac	FY
	065053	251	3AS	10350	8/8/2005	\$19.73	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065053	251	3AS	10350	8/8/2005	\$3,195.45	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065053	251	3AS	10343	8/8/2005	\$236.70	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065053	251	3AS	10343	8/8/2005	\$78.90	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065053	251	3AS	10350	8/8/2005	\$19.73	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065053	251	3AS	10350	8/8/2005	\$453.68	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065053	251	3AS	10350	8/8/2005	\$39.45	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065053	251	3AS	10350	8/8/2005	\$10,710.62	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065053	251	3AS	10350	8/8/2005	\$6,765.68	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065053	251	3AS	10350	8/8/2005	\$7,061.55	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065053	251	3AS	10350	8/8/2005	\$2,031.68	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065053	251	3AS	10343	8/8/2005	\$17,318.55	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065053	251	3AS	10350	8/8/2005	\$19.73	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065054	251	3AS	10344	8/9/2005	\$16,704.25	GCR	VOTING SYSTEM	VS PROJECT	6161	FY06
	065061	251	3AS	7/1-7/8/2	8/22/2005	\$1,387.50	ERIC PARKS	ADA	ADA CONSUL	6161	FY06
	065061	251	3AS	7/11-7/2	8/22/2005	\$2,175.00	ERIC PARKS	ADA	ADA CONSUL	6161	FY06
	065061	251	3AS	7/25-8/7/	8/22/2005	\$2,037.50	ERIC PARKS	ADA	ADA CONSUL	6161	FY06
	065062	251	3AS	1631	8/22/2005	\$4,835.50	GOVERNMENT TECHNO	VOTING SYSTEM	CONSULTING	6161	FY06
	065063	251	3AS	10351	8/22/2005	\$6,864.30	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065063	251	3AS	10351	8/22/2005	\$39.45	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065063	251	3AS	10351	8/22/2005	\$39.45	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065063	251	3AS	10351	8/22/2005	\$39.45	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065063	251	3AS	10351	8/22/2005	\$34,597.65	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065063	251	3AS	10351	8/22/2005	\$2,800.95	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065063	251	3AS	10351	8/22/2005	\$39.45	GCR	VOTING SYSTEM	IV&V	6161	FY06

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Date by Month	Voucher	Fed	Fund	Invoice	Date	Amount	Vendor	Section	Description	Sac	FY
	065063	251	3AS	10351	8/22/2005	\$394.50	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065063	251	3AS	10351	8/22/2005	\$39.45	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065063	251	3AS	10351	8/22/2005	\$39.45	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065063	251	3AS	10351	8/22/2005	\$39.45	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065064	251	3AS	644434	8/22/2005	\$18,700.00	COMPUWARE	VOTING SYSTEM	HART INTERCI	6161	FY06
	06H011	251	3AS	DB	8/1/2005	\$561.60	RADISSON HOTEL TOLE	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	06H012	251	3AS	28037	8/1/2005	\$3,880.50	OHIO FULL COURT PRE	VOTING SYSTEM	IV&V	6162	FY06
	06H013	251	3AS	11036	8/30/2005	\$129.76	COMFORT INN	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	06H015	251	3AS	142219	8/9/2005	\$278.52	COMFORT INN DEFIANC	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	06H016	251	3AS	L01198	8/3/2005	\$190.80	AP HOTELS	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	06H017	251	3AS	117244	8/3/2005	\$206.67	HOLIDAY INN EXPRESS	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	06H018	251	3AS	21968	8/9/2005	\$127.20	HOLIDAY INN STEUBEN	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	06H019	251	3AS	21799	8/12/2005	\$63.60	HOLIDAY INN STEUBEN	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	06H020	251	3AS	3074	8/25/2005	\$64.20	AVALON INN	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	06H021	251	3AS		8/22/2005	\$301.01	DAYTON LEGAL BLANK	VOTING SYSTEM	IV&V	6162	FY06
	06H022	251	3AS	8003365	8/22/2005	\$681.99	STAPLES	ADMINISTRATION	OFFICE SUPPL	6162	FY06
	06H022	251	3AS	8003392	8/22/2005	\$681.99	STAPLES	ADMINISTRATION	OFFICE SUPPL	6162	FY06
	06H024	251	3AS	6101	8/25/2005	\$275.56	HOLIDAY INN EXPRESS	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	06H026	251	3AS	229069	8/26/2005	\$69,295.32	DLT SOLUTIONS	ADMINISTRATION	ORACLE LICE	6162	FY06
	06H026	251	3AS	229070	8/26/2005	\$20,108.00	DLT SOLUTIONS	ADMINISTRATION	ORACLE LICE	6162	FY06
	6X1040	251	3AS	DAS	8/30/2005	\$293.22	DAS	ADMINISTRATION	TELEPHONE	6162	FY06
	E60005	251	3AS	T-1 LIN	8/1/2005	\$8,986.62	SBC	VOTER REGISTRATI	T-1 LINES	6162	FY06
	E60005	251	3AS	T-1 LIN	8/1/2005	\$26,213.38	SBC	VOTER REGISTRATI	T-1 LINES	6162	FY06
	E60007	251	3AS	614R903	8/31/2005	\$36,320.00	SBC	VOTER REGISTRATI	T-1 LINES	6162	FY06
	NONE	251	3AS	PAYRO	8/2/2005	\$41,925.09	HAVA PAYROLL	ADMINISTRATION	PAYROLL	6161	FY06

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Date by Month	Voucher	Fed	Fund	Invoice	Date	Amount	Vendor	Section	Description	Sac	FY
	PAYROLL	251	3AS	PAYRO	8/17/2005	\$45,194.09	HAVA PAYROLL	ADMINISTRATION	PAYROLL	6161	FY06
	PAYROLL	251	3AS	PAYRO	8/30/2005	\$36,084.34	HAVA PAYROLL	ADMINISTRATION	PAYROLL	6161	FY06
	T60104	251	3AS	TER	8/1/2005	\$47.00	JASON STEVENS	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60105	251	3AS	TER	8/1/2005	\$118.51	FAITH LYON	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60106	251	3AS	TER	8/1/2005	\$59.02	THOMAS SHERIDAN	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60107	251	3AS	TER	8/1/2005	\$111.26	TERRANCE DICK	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60108	251	3AS	TER	8/1/2005	\$317.99	JEANINE BOEHM	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60109	251	3AS	TER	8/1/2005	\$63.00	PAT WOLFE	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60110	251	3AS	TER	8/1/2005	\$263.68	ALISA CLARK	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60113	251	3AS	TER	8/3/2005	\$619.39	CONNI SIEGMUND	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60114	251	3AS	TER	8/3/2005	\$108.82	JOE LEONTI	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60118	251	3AS	TER	8/9/2005	\$494.74	CONNI SIEGMUND	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60119	251	3AS	TER	8/10/2005	\$66.00	JUDY GRADY	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60120	251	3AS	TER	8/10/2005	\$280.25	BETTY HULL	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60121	251	3AS	TER	8/11/2005	\$28.20	JEANINE BOEHM	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60122	251	3AS	TER	8/11/2005	\$305.12	TERRANCE DICK	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60123	251	3AS	TER	8/11/2005	\$283.83	THOMAS SHERIDAN	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60126	251	3AS	TER	8/12/2005	\$187.83	SERENA BROWN	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60127	251	3AS	TER	8/17/2005	\$608.10	CHRISTIAN LOBB	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60128	251	3AS	TER	8/17/2005	\$336.85	CONNI SIEGMUND	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60129	251	3AS	TER	8/22/2005	\$42.11	JOY WEST	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60131	251	3AS	TER	8/17/2005	\$881.03	LISA BROOKS	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60136	251	3AS	TER	8/22/2005	\$93.60	KAREN LAFFERTY	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60137	251	3AS	TER	8/22/2005	\$232.96	JESSICA SPEARS	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60141	251	3AS	TER	8/22/2005	\$465.99	THOMAS SHERIDAN	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06

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Date by Month	Voucher	Fed	Fund	Invoice	Date	Amount	Vendor	Section	Description	Sac	FY
	T60142	251	3AS	TER	8/22/2005	\$381.54	PATRICK HOLE	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60143	251	3AS	TER	8/22/2005	\$52.09	JUDY GRADY	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60144	251	3AS	TER	8/22/2005	\$90.90	MICHAEL TONEY	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60145	251	3AS	TER	8/22/2005	\$532.49	CONNI SIEGMUND	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60146	251	3AS	TER	8/22/2005	\$49.50	CONNI SIEGMUND	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60150	251	3AS	TER	8/30/2005	\$209.24	JEANINE BOEHM	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60151	251	3AS	TER	8/30/2005	\$603.65	TERRANCE DICK	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
<b>Sum</b>						\$506,715.99					
<b>September 2005</b>											
	021178	251	3AS	AIR	9/9/2005	\$503.68	BANK OF AMERICA	VOITNG SYSTEM	TRAVEL-EMPL	6162	FY06
	021179	251	3AS	AIR	9/8/2005	\$4.99	BANK OF AMERICA	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	021180	251	3AS	AIR	9/9/2005	\$5.00	BANK OF AMERICA	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	021181	251	3AS	AIR	9/8/2005	\$696.80	BANK OF AMERICA	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	021185	251	3AS	AGA	9/19/2005	\$47.50	BANK OF AMERICA	ADMINISTRATION	MEMBERSHIP	6162	FY06
	060221	251	3AS		9/6/2005	\$156.13	FEDERAL EXPRESS	ADMINISTRATION	SHIPPING	6162	FY06
	060227	251	3AS		9/6/2005	\$161.93	VERIZON	ADMINISTRATION	TELEPHONE	6162	FY06
	060270	251	3AS	5560641	9/16/2005	\$46.36	FEDERAL EXPRESS	ADMINISTRATION	SHIPPING	6162	FY06
	060271	251	3AS	6395460	9/16/2005	\$4.45	CORPORATE EXPRESS	ADMINISTRATION	SUPPLIES	6162	FY06
	060280	251	3AS	5572328	9/22/2005	\$28.07	FEDERAL EXPRESS	ADMINISTRATION	SHIPPING	6162	FY06
	060302	251	3AS	5583297	9/27/2005	\$130.72	FEDERAL EXPRESS	ADMINISTRATION	SHIPPING	6162	FY06
	060303	251	3AS	7146500	9/27/2005	\$37.56	NEXTEL	ADMINISTRATION	TELEPHONE	6162	FY06
	060307	251	3AS	1265753	9/28/2005	\$135.00	STANDARD PARKING	ADMINISTRATION	PARKING-DO	6162	FY06
	060308	251	3AS	9000048	9/28/2005	\$145.35	VERIZON	ADMINISTRATION	TELEPHONE	6162	FY06
	065070	251	3AS	10359	9/6/2005	\$39.45	GCR	VOTING SYSTEM	IV&V	6161	FY06

022062

Date by Month	Voucher	Fed	Fund	Invoice	Date	Amount	Vendor	Section	Description	Sac	FY
	065070	251	3AS	10359	9/6/2005	\$78.90	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065070	251	3AS	10359	9/6/2005	\$12,150.60	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065070	251	3AS	10359	9/6/2005	\$236.70	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065071	251	3AS	1003	9/6/2005	\$8,550.00	SPIRIT CONSULTING	VOTER REGISTRATI	VR PROJECT	6161	FY06
	065075	251	3AS	10373	9/8/2005	\$19,129.50	GCR	VOTING SYSTEM	VS PROJECT	6161	FY06
	065079	251	3AS	081905	9/19/2005	\$1,200.00	ERIC PARKS	ADA	ADA CONSUL	6161	FY06
	065086	251	3AS	10363	9/19/2005	\$34,182.80	GCR	VOTING SYSTEM	STRESS TEST	6161	FY06
	065086	251	3AS	10375	9/19/2005	\$32,238.92	GCR	VOTING SYSTEM	STRESS TEST	6161	FY06
	065087	251	3AS	10381	9/19/2005	\$19,291.05	GCR	VOTING SYSTEM	IV&V	6161	FY06
	065089	251	3AS	ago3747	9/26/2005	\$7,361.25	PATMON LLC	VOTING SYSTEM	VS LEGAL CO	6161	FY06
	065090	251	3AS	646028	9/19/2005	\$5,586.30	COMPUWARE	VOTING SYSTEM	IV&V	6161	FY06
	065090	251	3AS	646028	9/19/2005	\$4,531.11	COMPUWARE	VOTING SYSTEM	IV&V	6161	FY06
	065090	251	3AS	646028	9/19/2005	\$993.12	COMPUWARE	VOTING SYSTEM	IV&V	6161	FY06
	065090	251	3AS	646028	9/19/2005	\$7,758.75	COMPUWARE	VOTING SYSTEM	IV&V	6161	FY06
	065090	251	3AS	646028	9/19/2005	\$6,703.56	COMPUWARE	VOTING SYSTEM	IV&V	6161	FY06
	065090	251	3AS	646028	9/19/2005	\$7,200.12	COMPUWARE	VOTING SYSTEM	IV&V	6161	FY06
	065090	251	3AS	646028	9/19/2005	\$67,237.33	COMPUWARE	VOTING SYSTEM	IV&V	6161	FY06
	065090	251	3AS	646028	9/19/2005	\$25,417.67	COMPUWARE	VOTING SYSTEM	IV&V	6161	FY06
	065090	251	3AS	646028	9/19/2005	\$2,855.22	COMPUWARE	VOTING SYSTEM	IV&V	6161	FY06
	065090	251	3AS	646028	9/19/2005	\$12,538.14	COMPUWARE	VOTING SYSTEM	IV&V	6161	FY06
	065090	251	3AS	646028	9/19/2005	\$496.56	COMPUWARE	VOTING SYSTEM	IV&V	6161	FY06
	065090	251	3AS	646028	9/19/2005	\$8,317.38	COMPUWARE	VOTING SYSTEM	IV&V	6161	FY06
	065090	251	3AS	646028	9/19/2005	\$3,721.20	COMPUWARE	VOTING SYSTEM	IV&V	6161	FY06
	065090	251	3AS	646028	9/19/2005	\$5,400.09	COMPUWARE	VOTING SYSTEM	IV&V	6161	FY06
	065090	251	3AS	646028	9/19/2005	\$3,941.45	COMPUWARE	VOTING SYSTEM	IV&V	6161	FY06

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Date by Month	Voucher	Fed	Fund	Invoice	Date	Amount	Vendor	Section	Description	Sac	FY
	065090	251	3AS	646028	9/19/2005	\$993.12	COMPUWARE	VOTING SYSTEM	IV&V	6161	FY06
	065090	251	3AS	646028	9/19/2005	\$12,445.04	COMPUWARE	VOTING SYSTEM	IV&V	6161	FY06
	065090	251	3AS	646028	9/19/2005	\$24,703.86	COMPUWARE	VOTING SYSTEM	IV&V	6161	FY06
	065090	251	3AS	646028	9/19/2005	\$10,461.88	COMPUWARE	VOTING SYSTEM	IV&V	6161	FY06
	065090	251	3AS	646028	9/19/2005	\$21,972.78	COMPUWARE	VOTING SYSTEM	IV&V	6161	FY06
	065090	251	3AS	646028	9/19/2005	\$4,841.46	COMPUWARE	VOTING SYSTEM	IV&V	6161	FY06
	065090	251	3AS	646028	9/19/2005	\$3,351.78	COMPUWARE	VOTING SYSTEM	IV&V	6161	FY06
	065090	251	3AS	646028	9/19/2005	\$9,434.64	COMPUWARE	VOTING SYSTEM	IV&V	6161	FY06
	065095	251	3AS		9/23/2005	\$2,033.00	GOVERNMENT TECHNO	VOTING SYSTEM	VS LEGAL CO	6161	FY06
	06H014	251	3AS	221190	9/6/2005	\$109.80	DAYS INN	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	06H027	251	3AS	6942971	9/19/2005	\$1.53	QWEST	PROVISIONAL BALL	PROV HOTLIN	6162	FY06
	06H029	251	3AS		9/23/2005	\$477.00	HOLIDAY INN	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	258638	251	3AS	FY06-04	9/20/2005	\$243.40	OPI	VOTING SYSTEM	IVV SUPPLIES	6162	FY06
	258643	251	3AS	FY06-05	9/20/2005	\$134.20	OPI	VOTING SYSTEM	IVV SUPPLIES	6162	FY06
	6X2141	251	3AS	NONE	9/29/2005	\$295.98	DAS	ADMINISTRATION	TELEPHONE	6162	FY06
	E60009	251	3AS	6942955	9/15/2005	\$700.06	QWEST	PROVISIONAL BALL	PROV HOTLIN	6162	FY06
	E60011	251	3AS	614R903	9/29/2005	\$37,430.00	SBC	VOTER REGISTRATI	T-1 LINES	6162	FY06
	NONE	251	3AS	PAYRO	9/14/2005	\$37,801.12	HAVA PAYROLL	ADMINISTRATION	PAYROLL	6161	FY06
	NONE	251	3AS	PAYRO	9/27/2005	\$27,488.96	HAVA PAYROLL	ADMINISTRATION	PAYROLL	6161	FY06
	T60154	251	3AS	TER	9/6/2005	\$333.60	CONNI SIEGMUND	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60155	251	3AS	TER	9/6/2005	\$16.65	CONNI SIEGMUND	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60156	251	3AS	TER	9/6/2005	\$781.02	ANDY SHIFFLETTE	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60160	251	3AS	TER	9/6/2005	\$94.83	THOMAS SHERIDAN	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60167	251	3AS	TER	9/19/2005	\$329.93	JEREMY DEMAGALL	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60168	251	3AS	TER	9/20/2005	\$208.73	JEREMY DEMAGALL	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06

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Date by Month	Voucher	Fed	Fund	Invoice	Date	Amount	Vendor	Section	Description	Sac	FY
	T60169	251	3AS	TER	9/19/2005	\$60.30	JEREMY DEMAGALL	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60178	251	3AS	TER	9/21/2005	\$1,316.59	SARAH SPENCE	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60179	251	3AS	TER	9/21/2005	\$600.96	JUDY GRADY	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60180	251	3AS	TER	9/21/2005	\$364.54	BRYAN FERGUSON	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60182	251	3AS	TER	9/23/2005	\$298.08	SARAH SPENCE	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60185	251	3AS	TER	9/26/2005	\$100.20	DILIP C MEHTA	ADMINISTRATION	TRAVEL-EMPL	6162	FY06
	T60186	251	3AS	TER	9/27/2005	\$880.51	FAITH LYON	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
	T60187	251	3AS	TER	9/27/2005	\$62.68	FAITH LYON	VOTING SYSTEM	TRAVEL-EMPL	6162	FY06
<b>Sum</b>						\$499,628.94					
<b>Grand Total</b>						\$6,243,914.33					

022065

**FINANCIAL STATUS REPORT**  
(Long Form)  
(Follow instructions on the back)

**ORIGINAL**

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FEB 28 2005

BY: .....

1. Federal Agency and Organization Element to Which Report is Submitted U.S. Election Assistance Commission		2. Federal Grant of Other Identifying Number Assigned By Federal Agency <b>CFDA 39.011</b>		OMB Approval No. <b>0348-0039</b>	Page of 1 of 1 pages
3. Recipient Organization (Name and complete address, including ZIP code) <b>Ohio Secretary of State Office 180 E. Broad St. 16th Fl. Columbus, OH 43215</b>					
4. Employer Identification Number [REDACTED]		5. Recipient Account Number		6. Final Report no	7. Basis accrual
8. Funding/Grant period (see instructions) From: (Month, Day, Year) <b>10/1/2002</b>		To: (Month, Day, Year) <b>1/1/2006</b>		9. Period Covered by this Report From: (Month, Day, Year) To: (Month, Day, Year) <b>6/17/2004 9/30/2004</b>	
10. Transactions		I Previously Reported	II This Period	III Cumulative	
a. Total Outlays			0.00	87,356.06	87,356.06
b. Refunds, rebates, etc.			0.00	0.00	0.00
c. Program income used in accordance with deduction alternative			0.00	0.00	0.00
d. Net outlays (Line a, less the sum of lines b and c)			0.00	87,356.06	87,356.06
<b>Recipient's share of net outlays, consisting of:</b>					
e. Third party (in-kind) contributions			0.00	0.00	0.00
f. Other Federal awards authorized to be used to match this award			0.00	0.00	0.00
g. Program income used in accordance with the matching or cost sharing alternative			0.00	0.00	0.00
h. All other recipient outlays not shown on lines e, f, or g			0.00	0.00	0.00
i. Total recipient share of net outlays (Sum of lines e, f, g, and h)			0.00	0.00	0.00
j. Federal share of net outlays (line d less line i)			0.00	87,356.06	87,356.06
k. Total unliquidated obligations					2,412,643.94
l. Recipient's share of unliquidated obligations					0.00
m. Federal share of unliquidated obligations					2,412,643.94
n. Total Federal share (sum of lines j and m)					2,500,000.00
o. Total Federal funds authorized for this funding period					90,992,517.00
p. Unobligated balance of federal funds (Line o minus line n)					88,492,517.00
<b>Program Income, consisting of:</b>					
q. Disbursed program income shown on lines c and/or g above					0.00
r. Disbursed program income using the addition alternative					0.00
s. Undisbursed program income					0.00
t. Total program income realized (Sum of lines q, r, and s)					0.00
11. Indirect Expense		a. Type of Rate (Place "X" in appropriate line) Provisional      Predetermined      Final      Fixed			
not applicable		b. Rate	c. Base	d. Total Amount	e. Federal Share
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. <b>The state match of \$5,800,000.00 has been appropriated at this time as state fund 026 for section 251 (b).</b>					
13 Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.					
Typed or Printed Name and Title <b>Dilip C. Mehta      Chief Financial Officer</b>				Telephone (Area code, number and extension) <b>614-466-0180</b>	
Signature of Authorized Certifying Official <i>[Signature]</i>				Date Report Submitted <b>February 24, 2005</b>	

Previous Edition Obsolete  
NSN 7540-01-012-3285

269-104  
200-498 P.O. 139 (Face)

Standard Form 269 (Rev. 7-97)  
Prescribed by OBM Circulars A-102 and A-110

1-22805.692

022066

Narrative Report  
Consolidated Report on HAVA Title II, Section 251 Requirements Payments  
Due March 30, 2005

**ORIGINAL**

This report is for :

State of Ohio.  
Ms. Judy Grady, Election Reform Director  
180 E. Broad St., 15<sup>th</sup> Floor  
Columbus, Ohio 43215

The funding covered by this report is as follows in the table below:

<b>Reporting Period</b>	<b>Fiscal year</b>	<b>Document #</b>	<b>Amount</b>	<b>Award Letter Date</b>
10/1/2003 through 9/30/2004	2003 & 2004	N/A	\$90,992,517.00	June 17, 2004

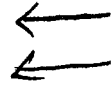
- The financial form SF269 is attached for the period ending September 30, 2004.
- The list of expenditures is attached.
- The only expenditures made with Section 251 funds as of the period ending date were for voter education.
- As of the period ending date no voting equipment has been purchased using Section 251 funds.
- The expenses itemized in the attached list are for the use of the firm Burson-Marsteller to conduct a voter education program in the State of Ohio in regards to the current voting equipment in use which complies with Section X of Ohio's State Plan pages 31 through 34 and the Help America Vote Act of 2002 requirements payments uses.



**ORIGINAL**

***251 payments through 9/30/2004***

<i>Federal</i>	<i>Fund</i>	<i>Invoice #</i>	<i>Voucher #</i>	<i>Date</i>	<i>Amount</i>	<i>Vendor</i>	<i>Section</i>	<i>Sac</i>	<i>Obj</i>
251									
	3AT	70259	055077	9/13/2004	\$21,553.21	BURSON-MARSTELLER	VE	6171	13
	3AT	70832	055089	9/24/2004	\$65,802.85	BURSON-MARSTELLER	VE	6171	13
Summary for 'FedID' = 251 (2 detail records)									
<b>Sum</b>					\$87,356.06				
<b>Grand Total</b>					\$87,356.06				



022068

**ORIGINAL**

Ohio Secretary of State  
Election Reform Payments Received  
As of December 31, 2003

Date of Deposit	Deposit Amount	Grant Received (	Description	Secretary of State Fund	Section 101	Section 102	Section 253(b)	HHS Grant	Total HAVA \$ Received
4/28/2003	\$ 5,000,000.00	GSA	HAVA Title 1	3AA to 3AR	\$ 5,000,000.00				\$ 5,000,000.00
6/16/2003	36,052,595.00	GSA	HAVA Title 1	3AA to 3AR	5,384,931.00	30,667,664.00			36,052,595.00
6/22/2004	90,992,517.00	GSA	requirements	3AT and 3AS			90,992,517.00		
	<b>\$ 132,045,112.00</b>				<b>\$ 10,384,931.00</b>	<b>\$ 30,667,664.00</b>	<b>\$ 90,992,517.00</b>	<b>0</b>	<b>41,052,595.00</b>

State Match \$ 5,800,000.00 Fund 026

022069

**ORIGINAL**

Secretary of State  
Funds and Cash  
As of 09/30/04

			A	B	C	D	E	F	G
					HAVA's Encumbered	mode		HAVA's Current Enc/Amt	
10 Personnel*			\$ -						
13 Contracts**		500,000.00	\$ 500,000.00	1,000,000.00	500,000.00	399,911.00	(100,089.00)	87,356.06	\$ 312,554.94
20 Operating Expenses		2,000,000.00	2,000,000.00	4,000,000.00	2,000,000.00	2,100,089.00	100,089.00	-	2,100,089.00
30 Equipment									
50 Subsidy		2,500,000.00	2,500,000.00	5,000,000.00	2,500,000.00				2,500,000.00
		\$ 5,000,000.00	\$ 5,000,000.00	\$ 10,000,000.00	\$ 5,000,000.00	\$ 2,500,000.00	\$ -	\$ 87,356.06	\$ 2,412,643.94
									2,500,000.00
	CASH	253 (B)							
6/22/2004	253(b)	\$ 5,000,000.00							
	Less 3AT expend/oblig	(2,500,000.00)					A=B+E+F		
	TOTAL APPR CASH	\$ 2,500,000.00							
								E+F=	2,500,000.00

			A	B	C	D	E	F	G
					HAVA's Encumbered	mode		HAVA's Current Enc/Amt	
10 Personnel*			\$ -						
13 Contracts**									0.00
20 Operating Expenses									0.00
30 Equipment		5,800,000.00		5,800,000.00					5,800,000.00
50 Subsidy									0.00
		\$ 5,800,000.00	\$ -	\$ 5,800,000.00	\$ -	\$ -	\$ -	\$ -	5,800,000.00
	CASH STATE	STATE MATCH							
6/22/2004	CAPITAL	\$ 5,800,000.00							
	Less 026 expend/oblig	-					A=B+E+F		
	TOTAL STATE MATCH	\$ 5,800,000.00							E+F=

022070

Fund/Account			Section 102 Cash	Section 102 Appropriated/unappr	Section 102 Expend/Oblig		State Match Cash & Appr	State Match Expend/Oblig
4/28/2003	5,000,000.00		30,667,664.00					
6/16/2003	5,384,931.00							
6/22/2004					90,992,517.00			
3AA 04 EXP	(4,933,526.90)	4,933,526.90	4,933,526.90					
3AA 04 ENC	(327,972.97)	327,972.97	327,972.97					
3AA 05 APP	-	-	-					
3AR 04 EXP	(126,834.28)	126,834.28	126,834.28					
3AR 04 ENC	(426,699.85)	426,699.85	426,699.85					
3AR 05 APP	(4,569,897.00)	4,569,897.00	4,569,897.00	(23,180,020.66)	23,180,020.66			
3AS 05 APP	-	-	-		(79,250,000.00)	79,250,000.00	0	
3AT 05 APP	-	-	-		(5,000,000.00)	5,000,000.00	0	
026	-	-	-		-	-	5,800,000.00	
Totals	\$ -	\$ 10,384,931.00	\$ 10,384,931.00	\$ 7,487,643.34	\$ 23,180,020.66	\$ 6,742,517.00	\$ 84,250,000.00	\$ 5,800,000.00

UNAPPR  
101  
102 7,487,643.34  
253 (B) 6,742,517.00  
UNAPPR \$ \$ 14,230,160.34

**ORIGINAL**

Secretary of State  
Funds and Cash  
As of 09/30/04

Type	Program Totals & Est	Fed Cash Received	Federal State Appropriated	Federal recd but State Unappr Cash	State Match for 253
Section 101	10,384,931.00	10,384,931.00	10,384,931.00	-	
Section 102	30,667,664.00	30,667,664.00	23,180,020.66	7,487,643.34	
Section 253 (b)	90,992,517.00	90,992,517.00	84,250,000.00	6,742,517.00	
HHS-1	471,600.00			-	
HHS-2	328,144.00			-	
State match	5,800,000.00				5,800,000.00
<b>Totals</b>	<b>\$ 138,644,856.00</b>	<b>\$ 132,045,112.00</b>	<b>\$ 117,814,951.66</b>	<b>\$ 14,230,160.34</b>	<b>\$ 5,800,000.00</b>

3AA FY04 Vendor name	HAVA Encumbrance	Cont	PM	Total HAVA FY04	Total Disbursed 04	Total Current Encumbrance	Amount to Lapse 11/30/04
Richard G Little	H40008	162	N	1,050.91		1,050.91	1,050.91
Excel Managem	H40009	142	S	15,778.91	15,504.46	274.45	274.45
Excel Managem	H40010	143	N	19,987.34	16,368.00	3,619.34	3,619.34
Govtech Solutio	H40013	157	S	2,311.25	73.80	2,237.45	2,237.45
Compuware	H40019	187	N	405.00		405.00	405.00
Global Securitie	H40027	193	S	3,438.27	3,438.27	-	-
InfoSentry Serv	H40031	207	N	60,660.60		53,425.83	7,234.77
Excel Managem	H40032	208	S	17,192.21	13,113.40	4,078.81	4,078.81
3SG	H40035	226	whole	11,460.80	10,920.00	540.80	540.80
Solutent of Oh	H40037	165-3	S	14,516.88	10,840.00	3,676.88	3,676.88
Clermont	H40013	n/a	S	93,603.50	93,603.50	-	-
Smart Solutions	H40041	155	whole	14,278.00		-	-
SBC	H40042	n/a	S	35,371.00	35,371.00	-	-
Smart Solutions	H40046	n/a	S	37,918.30		37,918.30	37,918.30
<b>Total</b>				<b>\$ 327,972.97</b>	<b>\$ 266,936.26</b>	<b>61,036.71</b>	<b>61,036.71</b>

FY04 Encumbr Vendor name	HAVA Encumbrance	Cont	PM	Total HAVA FY04	Total Disbursed	Total Current Encumbrance	Amount to Lapse 11/30/04
Standard Parkin	041333		Whole	270.00	270.00	-	-
Smart Solutions	H40038		VR	698.00	698.00	-	-
Election Center	H40039	228	whole	625.00	620.28	4.72	4.72
Election Center	H40040	229	whole	625.00	619.23	5.77	5.77
Dilip C Mehta	H40043	n/a	Whole	910.00	561.15	348.85	348.85
Bank of America	H40044	dcm trip	Whole	610.00	610.00	-	-
Bank of America	H40045	dcm trip	Whole	610.00	610.00	-	-
Sarcom	H40047	n/a	VR	120,530.00	120,470.00	60.00	60.00
DLT Solutions	H40048	n/a	VR	297,909.36	297,908.40	0.96	0.96
Compuware	H40049	262	VS	6,120.00	6,120.00	-	-
<b>Total Encumbrance</b>				<b>\$ 429,107.36</b>	<b>\$ 428,687.06</b>	<b>\$ 420.30</b>	<b>\$ 420.30</b>

FY04 3AA 61,036.71 3AA appears to be correct  
 FY04 3AR 420.30  
**TOTAL \$ 61,457.01** Approximate total of Section 101 that will lapse on 11/30/04

7/1/04-9/30/04	Expended Only
101	
3AA 04 exp	\$ 266,936.26
3AR 04 exp	\$ 426,279.55
3AR exp	\$ 506,941.89
<b>Total 101</b>	<b>\$ 1,200,157.70</b>
<b>253</b>	<b>\$ 87,356.06</b>

101	Expended Only
BEG-12/31/03	\$ 2,236,764.48
1/1/04-6/30/04	2,823,596.70
<b>Total 101 end 6/30/04</b>	<b>\$ 5,060,361.18</b>
7/1/04-9/30	1,200,157.70
<b>Total 101 end 9/30/04</b>	<b>\$ 6,260,518.88</b>
<b>253 end 9/30/04 only</b>	<b>\$ 87,356.06</b>

101	Expended Only
12/31 reported	\$ 2,236,764.48
1/1/04-6/30/04	\$ 2,823,596.70
7/1/04-9/30	1,200,157.70
<b>as of fed yr end</b>	<b>\$ 4,023,754.40</b>
<b>253</b>	<b>\$ 87,356.06</b>

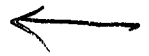
022071

**ORIGINAL**

Secretary of State  
Funds and Cash  
As of 09/30/04

SOS-033	1/22/2003	Create Fund 3AA							
SOS-041	8/16/2003	Est appr authority	4,492,228.16	\$ 347,707.36	\$ 1,034,321.00	\$ 488,685.60	\$ 519,621.45	\$ 2,121,892.75	
		Increase							
SOS-042	10/6/2003	appropriation	170,000.00		170,000.00				
SOS-043	11/3/2003	Create fund 3AH							
		Increase							
SOS-044	11/3/2003	appropriation	1,277,816.50					1,277,816.50	
		Increase							
SOS-045	1/12/2004	appropriation	290,500.00		290,500.00				
		Waiver of competitive							
SOS-046	1/12/2004	select InfoSentry							
SOS-048	5/3/2004	New Fund/est appr	27,334,407.00	1,350,000.00	2,605,000.00	780,000.00	22,599,407.00	-	
SOS-049	5/3/2004	New Fund/est appr	5,000,000.00		500,000.00	2,000,000.00		2,500,000.00	
		Capital Fund							
SOS-050	5/3/2004	Matching	5,800,000.00				5,800,000.00		
		Waiver of competitive							
SOS-051	5/3/2004	select for B-M							
		To transfer already							
SOS-052	5/3/2004	appr 3AA to 3AR							
		To transfer cash							
SOS-052	5/3/2004	balance to 3AR							
H.B. 262	5/7/2004	To appropriate 3AS	79,250,000.00				79,250,000.00		
		Total Controlling							
		Boards	123,814,951.66	\$ 1,697,707.36	\$ 4,599,821.00	\$ 3,248,685.60	\$ 108,169,028.45	\$ 5,899,709.25	

022072



**FINANCIAL STATUS REPORT**  
(Long Form)  
(Follow Instructions on the back)

**REVISED**

1. Federal Agency and Organization Element to Which Report is Submitted U.S. Election Assistance Commission		2. Federal Grant or Other Identifying Number Assigned By Federal Agency CFDA 39.011		OMB Approval No. 0348-0039	Page of 1 of 1 pages
3. Recipient Organization (Name and complete address, including ZIP code) Ohio Secretary of State Office 180 E. Broad St. 16th Fl. Columbus, OH 43215					
4. Employer Identification Number		5. Recipient Account Number		6. Final Report no	
7. Basis accrual		9. Period Covered by this Report			
8. Funding/Grant period (see instructions) From: (Month, Day, Year) 10/1/2002		To: (Month, Day, Year) 1/1/2006		From: (Month, Day, Year) To: (Month, Day, Year) 1/1/2004 12/31/2004	
10. Transactions		I Previously Reported	II This Period	III Cumulative	
a. Total Outlays		2,236,764.48	4,633,894.99	6,870,659.47	
b. Refunds, rebates, etc.		0.00	0.00	0.00	
c. Program income used in accordance with deduction alternative		0.00	0.00	0.00	
d. Net outlays (Line a, less the sum of lines b and c)		2,236,764.48	4,633,894.99	6,870,659.47	
<b>Recipient's share of net outlays, consisting of:</b>					
e. Third party (in-kind) contributions				0.00	
f. Other Federal awards authorized to be used to match this award				0.00	
g. Program income used in accordance with the matching or cost sharing alternative				0.00	
h. All other recipient outlays not shown on lines e, f, or g				0.00	
i. Total recipient share of net outlays (Sum of lines e, f, g, and h)		0.00	0.00	0.00	
j. Federal share of net outlays (line d less line i)		2,236,764.48	4,633,894.99	6,870,659.47	
k. Total unliquidated obligations				659,884.32	
l. Recipient's share of unliquidated obligations				0.00	
m. Federal share of unliquidated obligations				659,884.32	
n. Total Federal share (sum of lines j and m)				7,530,543.79	
o. Total Federal funds authorized for this funding period				10,384,931.00	
p. Unobligated balance of federal funds (Line o minus line n)				2,854,387.21	
<b>Program income, consisting of:</b>					
q. Disbursed program income shown on lines c and/or g above				0.00	
r. Disbursed program income using the addition alternative				0.00	
s. Undisbursed program income				0.00	
t. Total program income realized (Sum of lines q, r, and s)				0.00	
11. Indirect Expense		a. Type of Rate (Place "X" in appropriate line)			
not applicable		b. Rate c. Base d. Total Amount e. Federal Share			
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. Section 102 has no liquidated or unliquidated obligations during this reporting period. The state match of \$5,800,000.00 has been appropriated at this time as state fund 026 for section 251 (b).					
13 Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.					
Typed or Printed Name and Title		Telephone (Area code, number and extension)			
Dilip C. Mehta Chief Financial Officer		614-466-0180			
Signature of Authorized Certifying Official		Date Report Submitted			
		February 24, 2005			

Previous Edition Usable  
NSN 7540-01-012-4285

289-104  
200-498 P.O. 139 (Face)

Standard Form 289 (Rev. 7-97)  
Prescribed by OBM Circulars A-102 and A-110

122805-693

022073

Narrative Report  
 Consolidated Report on HAVA Title I, Section 101 Funds  
 Due February 28, 2005

**REVISED**

This report is for :

State of Ohio.  
 Ms. Judy Grady, Election Reform Director  
 180 E. Broad St., 15<sup>th</sup> Floor  
 Columbus, Ohio 43215

The funding covered by this report is as follows in the table below:

Reporting Period	Fiscal year	Document #	Amount	Award Letter Date
1/1/2004 through 12/21/2004	2004	N/A	\$10,384,931.00	April 28, 2003 And July 28, 2003

- The financial form SF269 is attached for the period ending December 31, 2004.
- The list of expenditures is attached. The list includes totals by type of expenditure.
- As of the period ending date no voting equipment has been purchased using Section 101 funds.

Type	Total	HAVA Act	Ohio State Plan
ADA compliance	\$ 2,662.50	Improving accessibility of polling places	Yes see page 23 of State Plan for budget and details throughout
Administration	\$1,074,675.38	Development of state plan and general expenses for managing funds and improving administration of federal elections.	Yes see page 23 of State Plan for budget and details throughout
Provisional Ballots	\$ 6,072.63	Develop 800 hotlines for election information	Yes see page 23 of State Plan for budget and details throughout
Voter Education	\$ 55,903.75	Educating voters on voting rights, procedures, and technology	Yes see page 23 of State Plan for budget and details throughout
Voter Registration requirements	\$3,138,076.89	Title III Requirements	Yes see page 23 of State Plan for budget and details throughout
Voting System Preparation	\$ 356,503.84	Title III requirements	Yes see page 23 of State Plan for budget and details throughout
Total Expended 2004	\$4,633,894.99		

Secretary of State  
101  
As of December 31, 2004

Action	Expended Amount	Amount	Type
Expended 6/30/04		5,060,361.18	101
3AA expended since 7/1/04		266,936.26	101
3AR expended since 7/1/04		1,117,082.48	101
3AR expended since 7/1/04 (FY04)		426,279.55	101
<b>Total 101 Expended</b>		<u><u>6,870,659.47</u></u>	101
<b>Obligated Encumbrance 12/31/04</b>		659,884.32	101
Federal dollars received 4/28/03		5,000,000.00	101
Federal dollars received 6/16/03		5,384,931.00	101
<b>Total Federal dollars 101</b>		<u><u>\$ 10,384,931.00</u></u>	
Total Federal dollars 101		10,384,931.00	101
less 12/31/03 expended	(2,236,764.48)		101
less 1/1/04 -12/31/04 expended	<u>(4,633,894.99)</u>		101
Total expended 101		<u>(6,870,659.47)</u>	101
Total before obligated encumbrances		3,514,271.53	101
less obligated encumbrance 12/31/04		<u>(659,884.32)</u>	101
<b>Total unobligated and unexpended 101</b>		<u><u>2,854,387.21</u></u>	101



**ORIGINAL**

Ohio Secretary of State  
Election Reform Payments Received  
As of December 31, 2003

Date of Deposit	Deposit Amount	Grant Received	Description	Secretary of State Fund	Section 101	Section 102	Section 253(b)	HHS Grant	Total HAVA \$ Received
4/28/2003	\$ 5,000,000.00	GSA	HAVA Title 1	3AA to 3AR	\$ 5,000,000.00				\$ 5,000,000.00
6/16/2003	36,052,595.00	GSA	HAVA Title 1	3AA to 3AR	5,384,931.00	30,667,664.00			36,052,595.00
6/22/2004	90,992,517.00	GSA	requirements	3AT and 3AS			90,992,517.00		
	\$ 132,045,112.00				\$ 10,384,931.00	\$ 30,667,664.00	\$ 90,992,517.00	0	41,052,595.00

State Match \$ 5,800,000.00 Fund 026

022076

Secretary of State  
Funds and Cash  
As of 09/30/04

		A	B	C	D	E	F	G	
		HAVA's	HAVA's	HAVA's	HAVA's	HAVA's	HAVA's	HAVA's	
		Encumbered	Encumbered	Encumbered	Encumbered	Encumbered	Current	Current	
		Enc/Amt	Enc/Amt	Enc/Amt	Enc/Amt	Enc/Amt	Enc/Amt	Enc/Amt	
10	Personnel*			\$ -				-	
13	Contracts**	500,000.00	\$ 500,000.00	1,000,000.00	500,000.00	399,911.00	(100,089.00)	87,356.06	\$ 312,554.94
20	Operating Expenses	2,000,000.00	2,000,000.00	4,000,000.00	2,000,000.00	2,100,089.00	100,089.00	-	2,100,089.00
30	Equipment								
50	Subsidy	2,500,000.00	2,500,000.00	5,000,000.00	2,500,000.00				2,500,000.00
		\$ 5,000,000.00	\$ 5,000,000.00	\$ 10,000,000.00	\$ 5,000,000.00	\$ 2,500,000.00	\$ -	\$ 87,356.06	\$ 2,412,643.94
	CASH	253 (B)							
6/22/2004	253(b)	\$ 5,000,000.00							
	Less 3AT expend/oblig	(2,500,000.00)							
	TOTAL APPR CASH	\$ 2,500,000.00							
									E+F= 2,500,000.00

		A	B	C	D	E	F	G
		HAVA's	HAVA's	HAVA's	HAVA's	HAVA's	HAVA's	HAVA's
		Encumbered	Encumbered	Encumbered	Encumbered	Encumbered	Current	Current
		Enc/Amt	Enc/Amt	Enc/Amt	Enc/Amt	Enc/Amt	Enc/Amt	Enc/Amt
10	Personnel*			\$ -				-
13	Contracts**							0.00
20	Operating Expenses							0.00
30	Equipment	5,800,000.00		5,800,000.00				5,800,000.00
50	Subsidy							0.00
		\$ 5,800,000.00	\$ -	\$ 5,800,000.00	\$ -	\$ -	\$ -	\$ 5,800,000.00
	CASH STATE	STATE MATCH						
6/22/2004	CAPITAL	\$ 5,800,000.00						
	Less 026 expend/oblig	-						
	TOTAL STATE MATCH	\$ 5,800,000.00						
								E+F= -

Fund/Act	Section 102			Section 102			Section 102			State Match	
	Cash	Appropriated/Unappr	Expend/Oblig	Cash	Appropriated/Unappr	Expend/Oblig	Cash	Appropriated/Unappr	Expend/Oblig	Cash	Expend/Oblig
4/28/2003	5,000,000.00			30,667,664.00							
6/16/2003	5,384,931.00										
6/22/2004							90,992,517.00				
3AA 04 EXP	(4,933,526.90)	4,933,526.90	4,933,526.90								
3AA 04 ENC	(327,972.97)	327,972.97	327,972.97								
3AA 05 APP	-	-	-								
3AR 04 EXP	(126,834.28)	126,834.28	126,834.28								
3AR 04 ENC	(426,699.85)	426,699.85	426,699.85								
3AR 05 APP	(4,569,897.00)	4,569,897.00	4,569,897.00	(23,180,020.66)	23,180,020.66						
3AS 05 APP							(79,250,000.00)	79,250,000.00	0		
3AT 05 APP							(5,000,000.00)	5,000,000.00	0		
026										5,800,000.00	-
Totals	\$ -	\$ 10,384,931.00	\$ 10,384,931.00	\$ 7,487,643.34	\$ 23,180,020.66		\$ 6,742,517.00	\$ 84,250,000.00	\$ -	\$ 5,800,000.00	\$ -

UNAPPR  
101  
102 7,487,643.34  
253 (B) 6,742,517.00  
UNAPPR \$ 14,230,160.34

Secretary of State  
Funds and Cash  
As of 09/30/04

Type	Program Totals & Est	Fed Cash Received	Federal State Appropriated	Federal recd but State Unappr Cash	State Match for 253
Section 101	10,384,931.00	10,384,931.00	10,384,931.00	-	
Section 102	30,667,664.00	30,667,664.00	23,180,020.66	7,487,643.34	
Section 253 (b)	90,992,517.00	90,992,517.00	84,250,000.00	6,742,517.00	
HHS-1	471,600.00				
HHS-2	328,144.00				
State match	5,800,000.00				5,800,000.00
<b>Totals</b>	<b>\$ 138,644,856.00</b>	<b>\$ 132,045,112.00</b>	<b>\$ 117,814,951.66</b>	<b>\$ 14,230,160.34</b>	<b>\$ 5,800,000.00</b>

3AA FY04	HAVA		PM	TOTAL ENC	Total	Expended	Amount
Vendor Name	Encumbrance			FY04	Disbursed	as of 11/30/04	as of 11/30/04
Richard G Lillie	H40008	162	N	1,050.91		1,050.91	1,050.91
Excel Manager	H40009	142	S	15,778.91	15,504.46	274.45	274.45
Excel Manager	H40010	143	N	19,987.34	16,368.00	3,619.34	3,619.34
Govtech Solutio	H40013	157	S	2,311.25	73.80	2,237.45	2,237.45
Compuware	H40019	187	N	405.00		405.00	405.00
Global Securitie	H40027	193	S	3,438.27	3,438.27		
InfoSentry Serv	H40031	207	N	60,860.60	53,425.83	7,234.77	7,234.77
Excel Manager	H40032	208	S	17,192.21	13,113.40	4,078.81	4,078.81
3SG	H40035	226	whole	11,460.80	10,920.00	540.80	540.80
Solutient of Oh	H40037	165-3	S	14,516.88	10,840.00	3,676.88	3,676.88
Clermont	H4CO13	n/a	S	93,603.50	93,603.50		
Smart Solutions	H40041	155	whole	14,278.00	14,278.00		
SBC	H40042	n/a	S	35,371.00	35,371.00		
Smart Solutions	H40046	n/a	S	37,918.30		37,918.30	37,918.30
<b>Total</b>				<b>\$ 327,972.97</b>	<b>\$ 266,936.26</b>	<b>61,036.71</b>	<b>61,036.71</b>

FY04 Encumbr	HAVA		PM	TOTAL HAVA	Total	Expended	Amount
Vendor Name	Encumbrance			Encumbered	Disbursed	as of 11/30/04	as of 11/30/04
Standard Parkir	041333		Whole	270.00	270.00		
Smart Solutions	H40038		VR	698.00	698.00		
Election Center	H40039	228	whole	625.00	620.28	4.72	4.72
Election Center	H40040	229	whole	625.00	819.23	5.77	5.77
Dilip C Mehta	H40043	n/a	Whole	910.00	561.15	348.85	348.85
Bank of America	H40044	dcm trip	Whole	610.00	610.00		
Bank of America	H40045	dcm trip	Whole	610.00	610.00		
Sarcom	H40047	n/a	VR	120,530.00	120,470.00	60.00	60.00
DLT Solutions	H40048	n/a	VR	297,909.36	297,908.40	0.96	0.96
Compuware	H40049	262	VS	6,120.00	6,120.00		
<b>Total Encumbrance</b>				<b>\$ 429,107.36</b>	<b>\$ 428,687.08</b>	<b>\$ 420.30</b>	<b>\$ 420.30</b>

FY04 3AA 61,036.71 3AA appears to be correct  
 FY04 3AR 420.30  
**TOTAL \$ 61,457.01** Approximate total of Section 101 that will lapse on 11/30/04

7/1/04-9/30/04	Expended Only
101	
3AA 04 exp	\$ 266,936.26
3AR 04 exp	\$ 426,279.55
3AR exp	\$ 506,941.89
<b>Total 101</b>	<b>\$ 1,200,157.70</b>
253	\$ 87,356.08

101	Expended Only
BEG-12/31/03	\$ 2,236,764.48
1/1/04-6/30/04	2,823,596.70
<b>Total 101 end 6/30/04</b>	<b>\$ 5,060,361.18</b>
7/1/04-9/30	1,200,157.70
<b>Total 101 end 9/30/04</b>	<b>\$ 6,260,518.88</b>
253 end 9/30/04 only	\$ 87,356.06

101	Expended Only
12/31 reported	\$ 2,236,764.48
1/1/04-6/30/04	\$ 2,823,596.70
7/1/04-9/30	1,200,157.70
<b>as of fed yr end</b>	<b>\$ 4,023,754.40</b>
253	\$ 87,356.06

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Secretary of State  
Funds and Cash  
As of 09/30/04

SOS-033	1/22/2003	Create Fund 3AA						
SOS-041	8/18/2003	Est appr authority	4,492,228.16	\$ 347,707.36	\$ 1,034,321.00	\$ 468,685.60	\$ 519,621.45	\$ 2,121,892.75
SOS-042	10/6/2003	Increase appropriation	170,000.00		170,000.00			
SOS-043	11/3/2003	Create fund 3AH						
SOS-044	11/3/2003	Increase appropriation	1,277,816.50					1,277,816.50
SOS-045	1/12/2004	Increase appropriation	290,500.00		290,500.00			
SOS-046	1/12/2004	Waiver of competitive select InfoSentry						
SOS-048	5/3/2004	New Fund/est appr	27,334,407.00	1,350,000.00	2,605,000.00	780,000.00	22,599,407.00	-
SOS-049	5/3/2004	New Fund/est appr	5,000,000.00		500,000.00	2,000,000.00		2,500,000.00
SOS-050	5/3/2004	Capital Fund Matching	5,800,000.00				5,800,000.00	
SOS-051	5/3/2004	Waiver of competitive select for B-M						
SOS-052	5/3/2004	To transfer already appr 3AA to 3AR						
SOS-052	5/3/2004	To transfer cash balance to 3AR						
H.B. 262	5/7/2004	To appropriate 3AS	79,250,000.00				79,250,000.00	
		Total Controlling Boards	123,814,951.66	\$ 1,697,707.36	\$ 4,599,821.00	\$ 3,248,685.60	\$ 108,169,028.45	\$ 5,899,709.25

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101 1/1/04 thru 12/31/04 BY SECTION

Section	Date	Fed	Invoice #	Voucher #	Amount	VendorID
<i>ADA</i>						
	11/10/2004	101	100116	055130	1,050.00	ERIC D PARKS
	11/23/2004	101	111904	055155	875.00	ERIC D PARKS
	12/15/2004	101	121004	055182	737.50	ERIC D PARKS
Summary for 'SectionID' = ADA (3 detail records)						
<b>Sum</b>						\$2,662.50
<i>ADMN</i>						
	1/1/2004	101	120305	045208	969.50	STEEN & KENNEDY(KENNEDY CO
	1/1/2004	101	PAYROLL	1/9/04	11,674.04	HAVA PAYROLL
	1/1/2004	101	120305	045208	415.50	STEEN & KENNEDY(KENNEDY CO
	1/10/2004	101	PAYROLL	1/23/04	13,906.33	HAVA PAYROLL
	1/15/2004	101	SUPPLIES	E40047	101.27	WILLIAMS OFFICE
	1/20/2004	101	6083232	04H082	353.50	THOMPSON PUBLISHING GROUP
	1/24/2004	101	PAYROLL	02/06/04	11,838.49	HAVA PAYROLL
	1/27/2004	101	DM MCI AIR	020855	6.00	BANK OF AMERICA
	1/27/2004	101	DM MCI AIR	020854	331.38	BANK OF AMERICA
	2/2/2004	101	TER	T40196	37.80	ANDY SHIFFLETTE
	2/2/2004	101		040958	123.58	NEXTEL
	2/4/2004	101	SUPPLIES	040969	36.40	STAPLES
	2/5/2004	101	LJ MCI AIR	020872	214.90	BANK OF AMERICA
	2/5/2004	101	LJ MCI AIR	020873	5.00	BANK OF AMERICA
	2/7/2004	101	PAYROLL	02/20/04	14,070.78	HAVA PAYROLL

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<i>Section</i>	<i>Date</i>	<i>Fed</i>	<i>Invoice #</i>	<i>Voucher #</i>	<i>Amount</i>	<i>VendorID</i>
	2/17/2004	101	40202	045274	760.00	STEEN & KENNEDY(KENNEDY CO
	2/20/2004	101	494059	041034	336.63	UNITED PARCEL SERVICE
	2/20/2004	101	SUPPLIES	041031	97.93	STAPLES
	2/21/2004	101	PAYROLL	03/05/04	11,837.32	HAVA PAYROLL
	2/23/2004	101	TER	T40216	268.80	DANA WALCH
	2/24/2004	101	1112924-01	04H087	1,692.50	COLUMBUS PAPER & COPY
	2/24/2004	101	TER	T40217	618.67	DANA WALCH
	2/25/2004	101	MCI CLASS	020880	610.00	BANK OF AMERICA
	2/25/2004	101	MCI CLASS	020879	610.00	BANK OF AMERICA
	2/26/2004	101	043720	04H088	348.32	D JOHNSON ENTERPRISES
	2/27/2004	101	4R1626	4P0001	7.13	STATE PRINTING
	3/2/2004	101		041063	123.58	NEXTEL
	3/6/2004	101	PAYROLL	03/19/04	14,179.69	HAVA PAYROLL
	3/9/2004	101	TER	T40222	1,090.16	LORI JORDAN
	3/10/2004	101		041094	100.00	NASS
	3/10/2004	101	TER	T40223	119.10	DANA WALCH
	3/15/2004	101	OH2854	045337	3,164.00	3SG CORPORATION
	3/19/2004	101	MCI CLASS	020891	610.00	BANK OF AMERICA
	3/19/2004	101	MCI CLASS	020889	730.00	BANK OF AMERICA
	3/20/2004	101	PAYROLL	04/02/04	11,837.32	HAVA PAYROLL
	3/29/2004	101	OH2887	045337	5,695.20	3SG CORPORATION
	3/30/2004	101		041168	123.58	NEXTEL
	3/30/2004	101	SUPPLIES	E40064	12.69	WILLIAMS OFFICE
	3/31/2004	101	TER	T40239	1,045.53	DILIP C MEHTA
	4/2/2004	101	SUPPLIES	041180	55.16	STAPLES

<i>Section</i>	<i>Date</i>	<i>Fed</i>	<i>Invoice #</i>	<i>Voucher #</i>	<i>Amount</i>	<i>VendorID</i>
	4/3/2004	101	PAYROLL	04/16/04	16,288.10	HAVA PAYROLL
	4/12/2004	101		041207	100.68	FEDERAL EXPRESS
	4/12/2004	101	OH2905	045355	1,680.00	3SG CORPORATION
	4/12/2004	101	TER	T40241	67.80	ANDY SHIFFLETTE
	4/14/2004	101	WALCH/LEONTI	041210	540.00	STANDARD PARKING
	4/15/2004	101	TER	T40245	58.20	FAITH LYON
	4/17/2004	101	PAYROLL	04/30/04	16,079.13	HAVA PAYROLL
	4/20/2004	101	TER	T40247	76.80	FAITH LYON
	4/21/2004	101	MCI AIR	020899	360.89	BANK OF AMERICA
	4/21/2004	101	MCI AIR	020905	198.80	BANK OF AMERICA
	4/21/2004	101	MCI CLASS	020901	610.00	BANK OF AMERICA
	4/21/2004	101	MCI AIR	020903	5.00	BANK OF AMERICA
	4/21/2004	101	MCI CLASS	020902	610.00	BANK OF AMERICA
	4/21/2004	101	MCI AIR	020906	273.30	BANK OF AMERICA
	4/21/2004	101	MCI AIR	020904	5.00	BANK OF AMERICA
	4/21/2004	101	MCI AIR	020898	5.00	BANK OF AMERICA
	4/26/2004	101	MCI CLASS	020908	610.00	BANK OF AMERICA
	4/26/2004	101	MCI CLASS	020907	610.00	BANK OF AMERICA
	4/28/2004	101		041250	105.79	NEXTEL
	4/28/2004	101	SUPPLIES	E40067	1,553.25	WILLIAMS OFFICE
	4/28/2004	101	TER	T40250	405.14	LORI JORDAN
	5/1/2004	101	PAYROLL	05/14/04	17,903.95	HAVA PAYROLL
	5/5/2004	101	TER	T40256	844.88	LORI JORDAN
	5/6/2004	101	TER	T40257	444.50	LORI JORDAN
	5/11/2004	101	AIR ATTY	020915	345.39	BANK OF AMERICA

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<i>Section</i>	<i>Date</i>	<i>Fed</i>	<i>Invoice #</i>	<i>Voucher #</i>	<i>Amount</i>	<i>VendorID</i>
	5/11/2004	101	AIR ATTY	020914	5.00	BANK OF AMERICA
	5/17/2004	101	3044804029	04H108	76.85	STAPLES
	5/18/2004	101	OH2953	045375	5,600.00	3SG CORPORATION
	5/19/2004	101		4X7833	181.02	DAS
	5/20/2004	101		041331	88.69	FEDERAL EXPRESS
	5/20/2004	101		041326	95.41	FEDERAL EXPRESS
	5/21/2004	101		041333	270.00	STANDARD PARKING
	5/24/2004	101	PAYROLL	05/28/04	23,213.17	HAVA PAYROLL
	5/25/2004	101		041349	270.00	STANDARD PARKING
	5/25/2004	101	SUPPLIES	E40069	142.56	WILLIAMS OFFICE
	5/28/2004	101	40506	045383	641.25	STEEN & KENNEDY(KENNEDY CO
	5/28/2004	101	OH2967	045384	4,900.00	3SG CORPORATION
	6/2/2004	101	TER	T40276	145.46	LORI JORDAN
	6/2/2004	101	TER	T40278	61.80	ANDY SHIFFLETTE
	6/2/2004	101	DAS	4X8982	211.04	DAS
	6/2/2004	101	DAS	4Y1053	210.88	DAS
	6/7/2004	101	TER	T40292	99.07	DANA WALCH
	6/7/2004	101	TER	T40284	107.49	FAITH LYON
	6/7/2004	101	TICK FEE DM	020937	6.00	BANK OF AMERICA
	6/7/2004	101	TICKET DCM	020940	295.90	BANK OF AMERICA
	6/7/2004	101	WALCH	04H112	325.00	NASS
	6/8/2004	101	PAYROLL	06/09/04	20,059.78	HAVA PAYROLL
	6/14/2004	101	OH2916	045406	1,820.00	3SG CORPORATION
	6/17/2004	101	228	045410	620.28	ELECTION CENTER
	6/17/2004	101	229	045411	819.23	ELECTION CENTER



<i>Section</i>	<i>Date</i>	<i>Fed</i>	<i>Invoice #</i>	<i>Voucher #</i>	<i>Amount</i>	<i>VendorID</i>
	6/17/2004	101		020942	286.40	BANK OF AMERICA
	6/18/2004	101	OH2977	045413	5,180.00	3SG CORPORATION
	6/22/2004	101	PAYROLL	06/25/04	22,437.54	HAVA PAYROLL
	7/2/2004	101	OH2995	055001	6,020.00	3SG CORPORATION
	7/7/2004	101		4Y2140	203.51	DAS
	7/7/2004	101	TER	T50016	52.80	JOE LEONTI
	7/7/2004	101	PAYROLL	07/09/04	21,362.88	HAVA PAYROLL
	7/7/2004	101		050068	105.79	NEXTEL
	7/7/2004	101	WEST	020947	199.00	BANK OF AMERICA
	7/7/2004	101	TER	T50007	57.00	ANDY SHIFFLETTE
	7/8/2004	101	H40044	020950	610.00	BANK OF AMERICA
	7/8/2004	101	H40045	020951	610.00	BANK OF AMERICA
	7/9/2004	101		050048	37.49	VERIZON
	7/9/2004	101		050045	108.00	NEXTEL
	7/9/2004	101		050049	68.69	VERIZON
	7/12/2004	101	GRADY	05H002	425.00	NASS
	7/13/2004	101	TER	T50016	177.74	DILIP C MEHTA
	7/13/2004	101		050082	81.95	FEDERAL EXPRESS
	7/13/2004	101		4Y3232	247.27	DAS
	7/13/2004	101	TER H40043	T50024	561.15	DILIP C MEHTA
	7/19/2004	101		050120	155.00	CENTRAL PARKING
	7/19/2004	101		020960	5.00	BANK OF AMERICA
	7/19/2004	101		020961	425.39	BANK OF AMERICA
	7/20/2004	101	GRADY	05H003	339.00	ELECTION CENTER
	7/20/2004	101	OH3013	055019	4,900.00	3SG CORPORATION

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<i>Section</i>	<i>Date</i>	<i>Fed</i>	<i>Invoice #</i>	<i>Voucher #</i>	<i>Amount</i>	<i>VendorID</i>
	7/20/2004	101	OH3013	055019	1,400.00	3SG CORPORATION
	7/20/2004	101	TER	T50035	96.00	DANA WALCH
	7/21/2004	101		050105	135.00	STANDARD PARKING
	7/21/2004	101	PAYROLL	07/23/04	31,137.43	HAVA PAYROLL
	7/22/2004	101	SCOTT	020965	1.50	BANK OF AMERICA
	7/22/2004	101	SCOTT	020962	525.40	BANK OF AMERICA
	7/22/2004	101	GRADY	020964	138.20	BANK OF AMERICA
	7/26/2004	101		050138	270.00	NASS
	7/26/2004	101	TER	T50039	7.20	FAITH LYON
	7/26/2004	101	TER	T50042	102.00	JOE LEONTI
	7/27/2004	101	TER	T50044	47.70	MICHAEL TONEY
	7/27/2004	101		050154	105.82	NEXTEL
	7/29/2004	101	TER	T50046	45.00	MYKE CLARETT
	7/29/2004	101		050143	930.00	CENTRAL PARKING
	7/29/2004	101	TER	T50051	291.21	JUDY GRADY
	7/30/2004	101	OH3026	055028	6,160.00	3SG CORPORATION
	7/30/2004	101	DUPE DWCE	DUPE	339.00	ELECTION CENTER
	7/31/2004	101	#10078	055045	5,422.75	GOVERNMENT CONSULTING RES
	8/2/2004	101		050171	29.42	VERIZON
	8/3/2004	101	TER	T50054	1,068.05	DANA WALCH
	8/4/2004	101		050193	270.00	STANDARD PARKING
	8/4/2004	101	9681667501	E50012	76.41	WILLIAMS OFFICE
	8/4/2004	101	PAYROLL	08/06/04	32,234.25	HAVA PAYROLL
	8/5/2004	101	TER	T50059	59.10	SARAH B SPENCE
	8/6/2004	101		055038	6,300.00	3SG CORPORATION

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<i>Section</i>	<i>Date</i>	<i>Fed</i>	<i>Invoice #</i>	<i>Voucher #</i>	<i>Amount</i>	<i>VendorID</i>
	8/11/2004	101	TER	T50067	209.91	KEITH SCOTT
	8/13/2004	101	TER	T50073	85.20	JOE LEONTI
	8/17/2004	101	TER	T50078	54.00	MYKE CLARETT
	8/17/2004	101	3X1536	DUPE	-339.00	ELECTION CENTER
	8/18/2004	101		E50014	411.06	QWEST
	8/18/2004	101	PAYROLL		36,554.63	HAVA PAYROLL
	8/27/2004	101	TER	050318	86.74	STAPLES
	8/30/2004	101	TER	T50084	191.74	JUDY GRADY
	8/30/2004	101	TER	T50086	67.20	BRYAN FERGUSON
	8/30/2004	101	0035612	050290	35,385.00	SOPHISTICATED SYSTEMS
	8/31/2004	101	PARKING	050323	135.00	STANDARD PARKING
	8/31/2004	101	PAYROLL	09/03/04	25,407.79	HAVA PAYROLL
	8/31/2004	101	590868	055061	8,160.00	COMPUWARE
	8/31/2004	101	589370	055061	6,120.00	COMPUWARE
	8/31/2004	101	OH3055	055059	4,200.00	3SG CORPORATION
	9/1/2004	101	714650010	050330	38.09	NEXTEL
	9/3/2004	101	107	055064	84.00	MICHAEL HERNON
	9/7/2004	101	TER	T50097	262.36	JOE LEONTI
	9/7/2004	101	TER	T50095	89.70	MICHAEL TONEY
	9/9/2004	101	108	055070	168.00	MICHAEL HERNON
	9/9/2004	101	TER	T50101	170.38	MYKE CLARETT
	9/9/2004	101	TER	T50100	30.08	SARAH B SPENCE
	9/9/2004	101	TER	T50102	177.21	BETTY HULL
	9/10/2004	101	OH3082	055073	4,340.00	3SG CORPORATION
	9/10/2004	101	TER	T50106	476.41	JUDY GRADY

<i>Section</i>	<i>Date</i>	<i>Fed</i>	<i>Invoice #</i>	<i>Voucher #</i>	<i>Amount</i>	<i>VendorID</i>
	9/13/2004	101	TER	T50107	222.11	JOE LEONTI
	9/14/2004	101	PAYROLL	09/17/04	30,165.22	HAVA PAYROLL
	9/16/2004	101	PHONES	4Y4329	240.67	DAS
	9/17/2004	101	OH3101	055084	5,040.00	3SG CORPORATION
	9/20/2004	101	1118314-01	05H009	105.50	COLUMBUS PAPER & COPY
	9/20/2004	101	0923174-IN	05H010	160.00	DEAF SERVICES
	9/20/2004	101	TER	T50112	18.51	TONI K SLUSSER
	9/20/2004	101	TER	T50110	220.50	MICHAEL CLARETT
	9/20/2004	101	TER	T50111	122.40	CHRISTIAN LOBB
	9/20/2004	101	TER	T50113	57.73	LORI JORDAN
	9/20/2004	101	3003716	05H008	298.00	THOMPSON PUBLISHING GROUP
	9/20/2004	101	TER	T50109	16.16	SARAH B SPENCE
	9/21/2004	101	8002217071	050407	78.70	STAPLES
	9/22/2004	101	17739	05H011	734.90	PROFESSIONAL REPORTERS INC
	9/23/2004	101	TER	T50119	43.80	ANDY SHIFFLETTE
	9/27/2004	101	714650010042	050425	45.73	NEXTEL
	9/28/2004	101	TER	T50123	113.70	JUDY GRADY
	9/28/2004	101	PAYROLL	10/02/04	25,466.80	HAVA PAYROLL
	9/29/2004	101	6531128-03	05H012	98,310.00	SARCOM
	9/29/2004	101	TER	T50127	663.39	MADHU K SINGH
	9/29/2004	101	TER	T50126	57.13	ALISIA CLARK
	9/29/2004	101	OH3120	055094	6,300.00	3SG CORPORATION
	10/1/2004	101	3560353651	050432	22.61	VERIZON
	10/1/2004	101	TER	T50131	138.00	MICHAEL CLARETT
	10/1/2004	101	TER	T50133	94.50	SARAH B SPENCE

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<i>Section</i>	<i>Date</i>	<i>Fed</i>	<i>Invoice #</i>	<i>Voucher #</i>	<i>Amount</i>	<i>VendorID</i>
	10/4/2004	101	7972310000076887	050441	217.08	STAPLES
	10/5/2004	101	TER	T50138	131.30	JOE LEONTI
	10/7/2004	101	TER	T50139	249.00	MICHAEL CLARETT
	10/8/2004	101	SOS100304	055104	9,125.00	PIERCE COMMUNICATIONS
	10/12/2004	101	41005	055106	4,970.00	KENNEDY COTTRELL & ASSOC
	10/13/2004	101	TER	T50145	23.70	CHRISTIAN LOBB
	10/13/2004	101	TER	T50147	153.00	MICHAEL CLARETT
	10/14/2004	101	OH3137	055115	5,740.00	3SG CORPORATION
	10/15/2004	101	TER	T50148	14.75	DILIP C MEHTA
	10/15/2004	101	12200630	05H015	2,000.00	NASS
	10/15/2004	101	64320825	05H014	1.44	QWEST
	10/15/2004	101	10629696	050479	125.36	STANDARD PARKING
	10/19/2004	101	8002272554	050484	106.98	STAPLES
	10/21/2004	101	0000494059394	050499	4,146.53	UNITED PARCEL SERVICE
	10/21/2004	101	767001334	050497	14.62	FEDERAL EXPRESS
	10/25/2004	101	TER	T50151	45.00	MICHAEL CLARETT
	10/26/2004	101	8002300860	050511	68.48	STAPLES
	10/27/2004	101	PAYROLL	10/29/04	23,932.29	HAVA PAYROLL
	10/29/2004	101	3566374947	050521	42.65	VERIZON
	10/29/2004	101	703544592	050518	64.71	FRANKLIN COVEY
	10/29/2004	101	148255	05H016	239.70	BOEHM INC
	10/29/2004	101	10810640	050517	115.71	STANDARD PARKING
	11/2/2004	101	SUPPLIES	E50025	69.26	WILLIAMS OFFICE
	11/2/2004	101	714650010043	050531	39.08	NEXTEL
	11/4/2004	101	OH3155	055134	5,600.00	3SG CORPORATION

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	11/4/2004	101	TER	T50160	115.65	JOE LEONTI
	11/4/2004	101	10128	055132	35,798.40	GOVERNMENT CONSULTING RES
	11/4/2004	101	10127	055133	13,090.75	GOVERNMENT CONSULTING RES
	11/4/2004	101	10130	055136	20,000.00	GOVERNMENT CONSULTING RES
	11/4/2004	101	494059424	050545	3,188.08	UNITED PARCEL SERVICE
	11/4/2004	101	TER	T50162	404.75	ANDY SHIFFLETTE
	11/5/2004	101	6026339910	05H017	55.50	WEST GROUP
	11/10/2004	101	PAYROLL	11/12/04	24,619.37	HAVA PAYROLL
	11/10/2004	101	110904	055142	2,295.00	DAVID KENNEDY
	11/12/2004	101	TER	T50168	69.16	JUDY GRADY
	11/12/2004	101	781844093	050565	14.62	FEDERAL EXPRESS
	11/12/2004	101	494059444	050560	1,237.11	UNITED PARCEL SERVICE
	11/12/2004	101	ISTV	CSR849	144.00	CAPITOL SQUARE REVIEW & ADVI
	11/12/2004	101	2537361	050558	294.63	ASAP SOFTWARE
	11/16/2004	101	8002339732	050572	160.29	STAPLES
	11/18/2004	101	110	055151	2,046.15	MICHAEL HERNON
	11/19/2004	101	OH3170	055153	12,600.00	3SG CORPORATION
	11/19/2004	101	TER	T50173	859.60	MICHAEL CLARETT
	11/19/2004	101	TER	T50170	439.72	SARAH B SPENCE
	11/23/2004	101	178	05H018	2,194.61	PERFECT OUTPUT OF COLUMBUS
	11/23/2004	101	PAYROLL	11/23/04	31,885.21	HAVA PAYROLL
	11/23/2004	101	18301	05H019	2,660.00	PROFESSIONAL REPORTERS INC
	11/24/2004	101	494059	05H020	556.34	UNITED PARCEL SERVICE
	11/24/2004	101	TER	T50179	45.00	MICHAEL CLARETT
	11/24/2004	101	TER	T50180	12.89	TONI K SLUSSER

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<i>Section</i>	<i>Date</i>	<i>Fed</i>	<i>Invoice #</i>	<i>Voucher #</i>	<i>Amount</i>	<i>VendorID</i>
	11/29/2004	101	784196648	050607	23.03	FEDERAL EXPRESS
	11/29/2004	101	VIP PHONES	5X1044	212.07	DAS
	11/29/2004	101	4940059464	05H021	876.36	UNITED PARCEL SERVICE
	11/30/2004	101	OH3202	055158	10,780.00	3SG CORPORATION
	11/30/2004	101	714650010044	050613	40.24	NEXTEL
	12/1/2004	101	10965232	050616	0.00	STANDARD PARKING
	12/1/2004	101	ORBITZ	021026	133.20	BANK OF AMERICA
	12/1/2004	101	ORBITZ	021024	6.00	BANK OF AMERICA
	12/1/2004	101	2004-01	055163	10,869.75	ROBERT A DESTRO
	12/1/2004	101	18995 & 96	05H022	450.00	ELECTION CENTER
	12/2/2004	101	3572593333	050618	29.96	VERIZON
	12/2/2004	101	131672241	05H023	19.22	FEDERAL EXPRESS
	12/2/2004	101	111	055164	378.00	MICHAEL HERNON
	12/3/2004	101	494059474	05H024	506.41	UNITED PARCEL SERVICE
	12/3/2004	101	USA WIRELESS	021025	25.99	BANK OF AMERICA
	12/7/2004	101	PAYROLL	NA	30,647.55	HAVA PAYROLL
	12/7/2004	101	PAYROLL	NA	32,861.05	HAVA PAYROLL
	12/8/2004	101	TER	T50186	1,155.53	MADHU K SINGH
	12/9/2004	101	OH3223	055178	7,420.00	3SG CORPORATION
	12/9/2004	101	10149	055176	12,535.00	GOVERNMENT CONSULTING RES
	12/9/2004	101	10146	055175	30,729.60	GOVERNMENT CONSULTING RES
	12/9/2004	101	10965232	050640	135.00	STANDARD PARKING
	12/14/2004	101	203085	055181	9,573.03	BENESCH FRIEDLANDER COPLAN
	12/15/2004	101	VIP PHONES	5X2155	254.70	DAS
	12/15/2004	101	19410	05H026	259.00	ELECTION CENTER

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	12/17/2004	101	AMERICAN AIR	021029	18.00	BANK OF AMERICA
	12/21/2004	101	PAYROLL	12/24/04	31,152.14	HAVA PAYROLL
	12/21/2004	101	THOMPSON PUB	021031	94.50	BANK OF AMERICA
	12/22/2004	101		050694	135.00	STANDARD PARKING
	12/27/2004	101		050702	359.97	VERIZON
	12/27/2004	101	18	055184	7,383.79	AMERICAN STRATEGIES
	12/27/2004	101		050702	233.96	VERIZON

Summary for 'SectionID' = ADMN (272 detail records)

Sum

\$1,074,675.38

PROV

	1/14/2004	101		E40045	128.86	QWEST
	2/19/2004	101		E40055	127.84	QWEST
	3/22/2004	101		E40061	139.06	QWEST
	4/14/2004	101	64320825	04H100	41.28	QWEST
	4/22/2004	101		E40065	201.45	QWEST
	5/11/2004	101	64320825	04H105	27.93	QWEST
	5/19/2004	101		E40072	200.26	QWEST
	6/8/2004	101	64320825	04H114	1.36	QWEST
	6/11/2004	101	5321935	E40075	281.69	QWEST
	8/4/2004	101		E50008	123.59	QWEST
	9/20/2004	101	53251935	E50018	27.37	QWEST
	10/28/2004	101	625876116	E50024	82.62	QWEST
	11/18/2004	101	53251935	E50029	143.14	QWEST
	12/14/2004	101	53251935	E50035	4,398.45	QWEST
	12/22/2004	101	638365595	05H025	147.73	QWEST

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<i>Summary for 'SectionID' = PROV (15 detail records)</i>						
<b>Sum</b>						\$6,072.63
<i>VE</i>						
	9/8/2004	101	SOS081204A	055069	17,156.25	PIERCE COMMUNICATIONS
	10/1/2004	101	SOS092004	055099	13,750.00	PIERCE COMMUNICATIONS
	11/4/2004	101	610-29	055131	4,815.00	NANCY J MANECKE
	11/12/2004	101	611-00	055146	14,625.00	NANCY J MANECKE
	12/27/2004	101	612-01	055190	5,557.50	NANCY J MANECKE
<i>Summary for 'SectionID' = VE (5 detail records)</i>						
<b>Sum</b>						\$55,903.75
<i>VR</i>						
	1/1/2004	101	058374	04H063	215.26	SMART SOLUTIONS
	1/1/2004	101	058400	04H063	698.00	SMART SOLUTIONS
	1/1/2004	101	058374	04H063	215.26	SMART SOLUTIONS
	1/1/2004	101	058400	04H063	698.00	SMART SOLUTIONS
	1/1/2004	101	058400	04H063	698.00	SMART SOLUTIONS
	1/1/2004	101	058374	04H063	215.26	SMART SOLUTIONS
	1/1/2004	101	058400	04H063	698.00	SMART SOLUTIONS
	1/1/2004	101	058374	04H063	215.26	SMART SOLUTIONS
	1/1/2004	101	614R903042	04H074	49,866.66	SBC
	1/1/2004	101	058400	04H063	698.00	SMART SOLUTIONS
	1/1/2004	101	058374	04H063	215.26	SMART SOLUTIONS
	1/1/2004	101	058374	04H063	215.26	SMART SOLUTIONS
	1/1/2004	101	058400	04H063	698.00	SMART SOLUTIONS
	1/1/2004	101	058400	04H063	698.00	SMART SOLUTIONS

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<i>Section</i>	<i>Date</i>	<i>Fed</i>	<i>Invoice #</i>	<i>Voucher #</i>	<i>Amount</i>	<i>VendorID</i>
	1/1/2004	101	058400	04H063	698.00	SMART SOLUTIONS
	1/1/2004	101	058374	04H063	215.26	SMART SOLUTIONS
	1/1/2004	101	058400	04H063	698.00	SMART SOLUTIONS
	1/1/2004	101	058374	04H063	215.26	SMART SOLUTIONS
	1/1/2004	101	058400	04H063	698.00	SMART SOLUTIONS
	1/1/2004	101	058374	04H063	215.26	SMART SOLUTIONS
	1/1/2004	101	058400	04H063	698.00	SMART SOLUTIONS
	1/1/2004	101	058374	04H063	215.26	SMART SOLUTIONS
	1/1/2004	101	058400	04H063	698.00	SMART SOLUTIONS
	1/1/2004	101		04H072	69,654.75	LUCAS
	1/1/2004	101	46497	045207	480.00	DPAI/SOLUTIENT
	1/1/2004	101	058374	04H063	215.26	SMART SOLUTIONS
	1/1/2004	101	058374	04H063	215.26	SMART SOLUTIONS
	1/1/2004	101	058400	04H063	698.00	SMART SOLUTIONS
	1/1/2004	101	058374	04H063	215.26	SMART SOLUTIONS
	1/1/2004	101	058400	04H063	698.00	SMART SOLUTIONS
	1/1/2004	101	058374	04H063	215.26	SMART SOLUTIONS
	1/1/2004	101	D100700637	04H073	4.97	POMEROY IT SOLUTIONS
	1/1/2004	101	D100700635	04H073	4.97	POMEROY IT SOLUTIONS
	1/1/2004	101	058400	04H063	698.00	SMART SOLUTIONS
	1/1/2004	101	058374	04H063	215.26	SMART SOLUTIONS
	1/1/2004	101	D120301785	04H073	280.18	POMEROY IT SOLUTIONS
	1/8/2004	101	057676	04H075	112.50	SMART SOLUTIONS
	1/8/2004	101	058004	04H075	1,417.71	SMART SOLUTIONS
	1/8/2004	101	058005	04H075	1,417.71	SMART SOLUTIONS

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	1/8/2004	101	057882	04H075	112.50	SMART SOLUTIONS
	1/8/2004	101	058011	04H075	1,417.71	SMART SOLUTIONS
	1/8/2004	101	057881	04H075	112.50	SMART SOLUTIONS
	1/8/2004	101	058015	04H075	1,417.71	SMART SOLUTIONS
	1/8/2004	101	057987	04H075	1,417.71	SMART SOLUTIONS
	1/8/2004	101	058270	04H075	-19,202.11	SMART SOLUTIONS
	1/8/2004	101	057940	04H075	1,417.71	SMART SOLUTIONS
	1/8/2004	101	057864	04H075	112.50	SMART SOLUTIONS
	1/8/2004	101	057862	04H075	112.50	SMART SOLUTIONS
	1/8/2004	101	057858	04H075	112.50	SMART SOLUTIONS
	1/8/2004	101	057880	04H075	112.50	SMART SOLUTIONS
	1/8/2004	101	057984	04H075	1,417.71	SMART SOLUTIONS
	1/8/2004	101	057974	04H075	1,417.71	SMART SOLUTIONS
	1/8/2004	101	057961	04H075	1,417.71	SMART SOLUTIONS
	1/8/2004	101	057956	04H075	1,417.71	SMART SOLUTIONS
	1/8/2004	101	057941	04H075	1,417.71	SMART SOLUTIONS
	1/8/2004	101	057938	04H075	1,417.71	SMART SOLUTIONS
	1/8/2004	101	057932	04H075	1,417.71	SMART SOLUTIONS
	1/8/2004	101	057925	04H075	112.50	SMART SOLUTIONS
	1/8/2004	101	057913	04H075	112.50	SMART SOLUTIONS
	1/8/2004	101	057910	04H075	112.50	SMART SOLUTIONS
	1/8/2004	101	057898	04H075	112.50	SMART SOLUTIONS
	1/8/2004	101	057892	04H075	112.50	SMART SOLUTIONS
	1/8/2004	101	057891	04H075	112.50	SMART SOLUTIONS
	1/8/2004	101	057852	04H075	112.50	SMART SOLUTIONS

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	1/8/2004	101	057951	04H075	1,417.71	SMART SOLUTIONS
	1/8/2004	101	KW65832	04H078	81.49	CDW-G
	1/8/2004	101	24435	045218	7,569.00	EXCEL MANAGEMENT
	1/8/2004	101		04H076	38,885.00	VINTON
	1/8/2004	101		04H077	6,000.00	WYANDOT
	1/8/2004	101	46517	045216	2,400.00	DPAI/SOLUTIENT
	1/8/2004	101	057838	04H075	112.50	SMART SOLUTIONS
	1/9/2004	101	20450	045219	215.55	GLOBAL SECURITIES
	1/9/2004	101	20453	045219	1,000.00	GLOBAL SECURITIES
	1/9/2004	101	20453	045219	1,000.00	GLOBAL SECURITIES
	1/9/2004	101	20453	045219	1,000.00	GLOBAL SECURITIES
	1/9/2004	101	20453	045219	1,000.00	GLOBAL SECURITIES
	1/9/2004	101	20453	045219	1,000.00	GLOBAL SECURITIES
	1/9/2004	101	20453	045219	1,000.00	GLOBAL SECURITIES
	1/9/2004	101	20453	045219	1,000.00	GLOBAL SECURITIES
	1/9/2004	101	20453	045219	1,200.00	GLOBAL SECURITIES
	1/9/2004	101	20448	045219	297.17	GLOBAL SECURITIES
	1/9/2004	101	20453	045219	1,000.00	GLOBAL SECURITIES
	1/9/2004	101	20453	045219	1,000.00	GLOBAL SECURITIES
	1/9/2004	101	20448	045219	174.54	GLOBAL SECURITIES
	1/9/2004	101	20453	045219	1,000.00	GLOBAL SECURITIES
	1/9/2004	101	20453	045219	1,000.00	GLOBAL SECURITIES
	1/9/2004	101	20453	045219	1,000.00	GLOBAL SECURITIES
	1/9/2004	101	20453	045219	1,000.00	GLOBAL SECURITIES
	1/9/2004	101	20453	045219	1,000.00	GLOBAL SECURITIES

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	1/9/2004	101	20453	045219	1,000.00	GLOBAL SECURITIES
	1/9/2004	101	20453	045219	1,000.00	GLOBAL SECURITIES
	1/9/2004	101	20448	045219	39.20	GLOBAL SECURITIES
	1/9/2004	101	20453	045219	1,000.00	GLOBAL SECURITIES
	1/9/2004	101	20453	045219	1,000.00	GLOBAL SECURITIES
	1/9/2004	101	20453	045219	1,000.00	GLOBAL SECURITIES
	1/9/2004	101	20448	045219	27.90	GLOBAL SECURITIES
	1/9/2004	101	20450	045219	145.70	GLOBAL SECURITIES
	1/9/2004	101	20450	045219	112.85	GLOBAL SECURITIES
	1/9/2004	101	20450	045219	169.97	GLOBAL SECURITIES
	1/9/2004	101	20450	045219	80.25	GLOBAL SECURITIES
	1/9/2004	101	20450	045219	219.99	GLOBAL SECURITIES
	1/9/2004	101	20450	045219	101.23	GLOBAL SECURITIES
	1/9/2004	101	20448	045219	72.00	GLOBAL SECURITIES
	1/9/2004	101	20448	045219	123.75	GLOBAL SECURITIES
	1/9/2004	101	20448	045219	82.64	GLOBAL SECURITIES
	1/9/2004	101	20453	045219	1,000.00	GLOBAL SECURITIES
	1/9/2004	101	20450	045219	143.63	GLOBAL SECURITIES
	1/9/2004	101	20448	045219	242.25	GLOBAL SECURITIES
	1/9/2004	101	20448	045219	83.31	GLOBAL SECURITIES
	1/9/2004	101	20450	045219	60.30	GLOBAL SECURITIES
	1/14/2004	101	24490	045234	180.50	EXCEL MANAGEMENT
	1/14/2004	101	6458869-00	04H080	623.00	SARCOM
	1/14/2004	101	E010100216	04H079	12.43	POMEROY IT SOLUTIONS
	1/14/2004	101	24478	045232	530.85	EXCEL MANAGEMENT

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	1/14/2004	101	24490	045234	217.26	EXCEL MANAGEMENT
	1/14/2004	101	24478	045232	287.76	EXCEL MANAGEMENT
	1/14/2004	101	46530	045233	1,300.00	DPAI/SOLUTIENT
	1/14/2004	101	24490	045234	327.57	EXCEL MANAGEMENT
	1/14/2004	101	24490	045234	701.93	EXCEL MANAGEMENT
	1/14/2004	101	322	045231	165.00	GOVTECH SOLUTIONS
	1/14/2004	101	321	045231	660.00	GOVTECH SOLUTIONS
	1/14/2004	101	24478	045232	460.36	EXCEL MANAGEMENT
	1/14/2004	101	24490	045234	668.50	EXCEL MANAGEMENT
	1/20/2004	101	20463	045237	38.40	GLOBAL SECURITIES
	1/20/2004	101	20463	045237	21.60	GLOBAL SECURITIES
	1/20/2004	101	20463	045237	54.27	GLOBAL SECURITIES
	1/20/2004	101	20463	045237	12.60	GLOBAL SECURITIES
	1/20/2004	101	20463	045237	20.02	GLOBAL SECURITIES
	1/20/2004	101	20463	045237	103.24	GLOBAL SECURITIES
	1/20/2004	101	20467	045237	1.80	GLOBAL SECURITIES
	1/20/2004	101	20467	045237	30.89	GLOBAL SECURITIES
	1/20/2004	101	20463	045237	63.78	GLOBAL SECURITIES
	1/20/2004	101	20463	045237	38.91	GLOBAL SECURITIES
	1/20/2004	101	20463	045237	64.20	GLOBAL SECURITIES
	1/20/2004	101	20463	045237	44.69	GLOBAL SECURITIES
	1/20/2004	101	20463	045237	47.47	GLOBAL SECURITIES
	1/20/2004	101	20463	045237	53.13	GLOBAL SECURITIES
	1/20/2004	101	20467	045237	124.03	GLOBAL SECURITIES
	1/20/2004	101	20463	045237	118.68	GLOBAL SECURITIES

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	1/20/2004	101	20467	045237	50.40	GLOBAL SECURITIES
	1/20/2004	101	20463	045237	126.42	GLOBAL SECURITIES
	1/20/2004	101	20463	045237	157.68	GLOBAL SECURITIES
	1/20/2004	101	20462	045237	1,000.00	GLOBAL SECURITIES
	1/20/2004	101	20462	045237	1,000.00	GLOBAL SECURITIES
	1/20/2004	101	20462	045237	1,000.00	GLOBAL SECURITIES
	1/20/2004	101	20462	045237	1,000.00	GLOBAL SECURITIES
	1/20/2004	101	20463	045237	48.17	GLOBAL SECURITIES
	1/20/2004	101	20462	045237	1,000.00	GLOBAL SECURITIES
	1/20/2004	101	24003/003-1	045241	319.11	EXCEL MANAGEMENT
	1/20/2004	101	24501	045241	3,936.75	EXCEL MANAGEMENT
	1/20/2004	101		04H081	83,696.75	MONTGOMERY
	1/20/2004	101	277	045238	4,000.00	GOVTECH SOLUTIONS
	1/20/2004	101	46538	045239	1,600.00	DPAI/SOLUTIENT
	1/20/2004	101	24502	045240	7,392.00	EXCEL MANAGEMENT
	1/20/2004	101	20462	045237	1,000.00	GLOBAL SECURITIES
	1/20/2004	101	20462	045237	1,000.00	GLOBAL SECURITIES
	1/20/2004	101	20462	045237	1,000.00	GLOBAL SECURITIES
	1/20/2004	101	20462	045237	1,000.00	GLOBAL SECURITIES
	1/20/2004	101	20462	045237	1,000.00	GLOBAL SECURITIES
	1/20/2004	101	20467	045237	30.57	GLOBAL SECURITIES
	1/20/2004	101	20462	045237	1,000.00	GLOBAL SECURITIES
	1/20/2004	101	20467	045237	113.47	GLOBAL SECURITIES
	1/20/2004	101	20467	045237	42.60	GLOBAL SECURITIES
	1/20/2004	101	20467	045237	52.73	GLOBAL SECURITIES

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<i>Section</i>	<i>Date</i>	<i>Fed</i>	<i>Invoice #</i>	<i>Voucher #</i>	<i>Amount</i>	<i>VendorID</i>
	1/20/2004	101	20467	045237	40.60	GLOBAL SECURITIES
	1/20/2004	101	20467	045237	36.27	GLOBAL SECURITIES
	1/20/2004	101	20467	045237	37.72	GLOBAL SECURITIES
	1/20/2004	101	20467	045237	134.05	GLOBAL SECURITIES
	1/20/2004	101	20467	045237	66.89	GLOBAL SECURITIES
	1/20/2004	101	20467	045237	94.58	GLOBAL SECURITIES
	1/20/2004	101	20467	045237	171.29	GLOBAL SECURITIES
	1/20/2004	101	20467	045237	32.70	GLOBAL SECURITIES
	1/20/2004	101	20467	045237	104.77	GLOBAL SECURITIES
	1/20/2004	101	20462	045237	1,000.00	GLOBAL SECURITIES
	1/21/2004	101	057919	04H083	112.50	SMART SOLUTIONS
	1/21/2004	101	058008	04H083	1,417.71	SMART SOLUTIONS
	1/21/2004	101	058000	04H083	1,417.71	SMART SOLUTIONS
	1/21/2004	101	057983	04H083	1,417.71	SMART SOLUTIONS
	1/21/2004	101	057982	04H083	1,417.71	SMART SOLUTIONS
	1/21/2004	101	057978	04H083	1,417.71	SMART SOLUTIONS
	1/21/2004	101	057976	04H083	1,417.71	SMART SOLUTIONS
	1/21/2004	101	057968	04H083	1,417.71	SMART SOLUTIONS
	1/21/2004	101	057966	04H083	1,417.71	SMART SOLUTIONS
	1/21/2004	101	057958	04H083	1,417.71	SMART SOLUTIONS
	1/21/2004	101	057953	04H083	1,417.71	SMART SOLUTIONS
	1/21/2004	101	057840	04H083	112.50	SMART SOLUTIONS
	1/21/2004	101	057949	04H083	1,417.71	SMART SOLUTIONS
	1/21/2004	101	057935	04H083	1,417.71	SMART SOLUTIONS
	1/21/2004	101	058014	04H083	1,417.71	SMART SOLUTIONS

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<i>Section</i>	<i>Date</i>	<i>Fed</i>	<i>Invoice #</i>	<i>Voucher #</i>	<i>Amount</i>	<i>VendorID</i>
	1/21/2004	101	057874	04H083	112.50	SMART SOLUTIONS
	1/21/2004	101	057856	04H083	112.50	SMART SOLUTIONS
	1/21/2004	101	057857	04H083	112.50	SMART SOLUTIONS
	1/21/2004	101	057860	04H083	112.50	SMART SOLUTIONS
	1/21/2004	101	057865	04H083	112.50	SMART SOLUTIONS
	1/21/2004	101	057867	04H083	112.50	SMART SOLUTIONS
	1/21/2004	101	057933	04H083	1,417.71	SMART SOLUTIONS
	1/21/2004	101	057873	04H083	112.50	SMART SOLUTIONS
	1/21/2004	101	057930	04H083	1,417.71	SMART SOLUTIONS
	1/21/2004	101	057877	04H083	112.50	SMART SOLUTIONS
	1/21/2004	101	057887	04H083	112.50	SMART SOLUTIONS
	1/21/2004	101	057895	04H083	112.50	SMART SOLUTIONS
	1/21/2004	101	057901	04H083	112.50	SMART SOLUTIONS
	1/21/2004	101	057909	04H083	112.50	SMART SOLUTIONS
	1/21/2004	101	057950	04H083	1,417.71	SMART SOLUTIONS
	1/21/2004	101	057872	04H083	112.50	SMART SOLUTIONS
	1/21/2004	101	24514	045244	260.72	EXCEL MANAGEMENT
	1/21/2004	101	24513	045243	455.50	EXCEL MANAGEMENT
	1/21/2004	101	24514	045244	160.44	EXCEL MANAGEMENT
	1/21/2004	101	24514	045244	401.10	EXCEL MANAGEMENT
	1/21/2004	101	24514	045244	441.21	EXCEL MANAGEMENT
	1/21/2004	101	24514	045244	334.25	EXCEL MANAGEMENT
	1/21/2004	101	24513	045243	482.24	EXCEL MANAGEMENT
	1/21/2004	101	24512	045243	421.46	EXCEL MANAGEMENT
	1/21/2004	101	24514	045244	260.72	EXCEL MANAGEMENT

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	1/21/2004	101	057944	04H083	1,417.71	SMART SOLUTIONS
	1/21/2004	101	24514	045244	267.40	EXCEL MANAGEMENT
	1/21/2004	101	24512	045243	375.28	EXCEL MANAGEMENT
	1/21/2004	101	057849	04H083	112.50	SMART SOLUTIONS
	1/21/2004	101	057846	04H083	112.50	SMART SOLUTIONS
	1/21/2004	101	057842	04H083	112.50	SMART SOLUTIONS
	1/21/2004	101	24514	045244	200.55	EXCEL MANAGEMENT
	1/21/2004	101	24512	045243	438.48	EXCEL MANAGEMENT
	1/21/2004	101	24514	045244	334.25	EXCEL MANAGEMENT
	1/21/2004	101	24513	045243	263.45	EXCEL MANAGEMENT
	1/21/2004	101	24512	045243	545.44	EXCEL MANAGEMENT
	1/21/2004	101	24512	045243	545.44	EXCEL MANAGEMENT
	1/21/2004	101	24512	045243	365.55	EXCEL MANAGEMENT
	1/21/2004	101	24512	045243	307.21	EXCEL MANAGEMENT
	1/21/2004	101	24512	045243	365.55	EXCEL MANAGEMENT
	1/21/2004	101	24512	045243	426.33	EXCEL MANAGEMENT
	1/21/2004	101	24512	045243	467.65	EXCEL MANAGEMENT
	1/21/2004	101	24512	045243	470.08	EXCEL MANAGEMENT
	1/21/2004	101	24512	045243	557.59	EXCEL MANAGEMENT
	1/21/2004	101	24512	045243	506.55	EXCEL MANAGEMENT
	1/21/2004	101	24513	045243	324.23	EXCEL MANAGEMENT
	1/21/2004	101	24512	045243	419.03	EXCEL MANAGEMENT
	1/23/2004	101	20468	045248	1,000.00	GLOBAL SECURITIES
	1/23/2004	101	20468	045248	1,000.00	GLOBAL SECURITIES
	1/23/2004	101	20468	045248	1,000.00	GLOBAL SECURITIES

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<i>Section</i>	<i>Date</i>	<i>Fed</i>	<i>Invoice #</i>	<i>Voucher #</i>	<i>Amount</i>	<i>VendorID</i>
	1/23/2004	101	20468	045248	1,000.00	GLOBAL SECURITIES
	1/23/2004	101	20468	045248	1,000.00	GLOBAL SECURITIES
	1/23/2004	101	20468	045248	1,000.00	GLOBAL SECURITIES
	1/23/2004	101	20468	045248	1,000.00	GLOBAL SECURITIES
	1/23/2004	101	20468	045248	1,000.00	GLOBAL SECURITIES
	1/23/2004	101	20468	045248	1,000.00	GLOBAL SECURITIES
	1/23/2004	101	20468	045248	1,000.00	GLOBAL SECURITIES
	1/23/2004	101	20468	045248	1,000.00	GLOBAL SECURITIES
	1/23/2004	101	20468	045248	1,000.00	GLOBAL SECURITIES
	1/23/2004	101	20468	045248	1,000.00	GLOBAL SECURITIES
	1/23/2004	101	20468	045248	1,000.00	GLOBAL SECURITIES
	1/23/2004	101	20468	045248	1,000.00	GLOBAL SECURITIES
	1/23/2004	101	20468	045248	1,000.00	GLOBAL SECURITIES
	1/23/2004	101	20468	045248	1,000.00	GLOBAL SECURITIES
	1/23/2004	101	20468	045248	1,000.00	GLOBAL SECURITIES
	1/28/2004	101	059024	NONE	0.00	SMART SOLUTIONS
	1/28/2004	101	058971	NONE	0.00	SMART SOLUTIONS
	1/28/2004	101	058972	NONE	0.00	SMART SOLUTIONS
	1/28/2004	101	058973	NONE	0.00	SMART SOLUTIONS
	1/29/2004	101	614R903042	04H084	37,190.00	SBC
	2/6/2004	101		04H085	45,655.00	MORROW
	2/6/2004	101	46611	045263	2,000.00	DPAI/SOLUTIENT
	2/6/2004	101		04H086	11,015.25	SCIOTO

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<i>Section</i>	<i>Date</i>	<i>Fed</i>	<i>Invoice #</i>	<i>Voucher #</i>	<i>Amount</i>	<i>VendorID</i>
	2/6/2004	101	040005	045264	455.50	EXCEL MANAGEMENT
	2/6/2004	101	46630	045263	2,000.00	DPAI/SOLUTIONT
	2/6/2004	101	20474	045265	1,000.00	GLOBAL SECURITIES
	2/6/2004	101	20474	045265	4,800.00	GLOBAL SECURITIES
	2/6/2004	101	20474	045265	1,000.00	GLOBAL SECURITIES
	2/6/2004	101	20474	045265	1,000.00	GLOBAL SECURITIES
	2/6/2004	101	20474	045265	1,000.00	GLOBAL SECURITIES
	2/6/2004	101	20474	045265	1,000.00	GLOBAL SECURITIES
	2/6/2004	101	20474	045265	1,000.00	GLOBAL SECURITIES
	2/6/2004	101	20474	045265	1,000.00	GLOBAL SECURITIES
	2/6/2004	101	20474	045265	1,000.00	GLOBAL SECURITIES
	2/6/2004	101	20474	045265	1,000.00	GLOBAL SECURITIES
	2/6/2004	101	20474	045265	1,000.00	GLOBAL SECURITIES
	2/6/2004	101	20474	045265	1,000.00	GLOBAL SECURITIES
	2/6/2004	101	20474	045265	1,000.00	GLOBAL SECURITIES
	2/6/2004	101	20474	045265	1,000.00	GLOBAL SECURITIES
	2/6/2004	101	040005	045264	543.01	EXCEL MANAGEMENT
	2/6/2004	101	040005	045264	355.83	EXCEL MANAGEMENT
	2/6/2004	101	46597	045263	1,600.00	DPAI/SOLUTIONT
	2/6/2004	101	040005	045264	348.54	EXCEL MANAGEMENT
	2/6/2004	101	20474	045265	1,000.00	GLOBAL SECURITIES
	2/6/2004	101	040005	045264	350.97	EXCEL MANAGEMENT
	2/6/2004	101	040005	045264	572.18	EXCEL MANAGEMENT
	2/6/2004	101	040005	045264	402.02	EXCEL MANAGEMENT

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<i>Section</i>	<i>Date</i>	<i>Fed</i>	<i>Invoice #</i>	<i>Voucher #</i>	<i>Amount</i>	<i>VendorID</i>
	2/6/2004	101	040005	045264	431.19	EXCEL MANAGEMENT
	2/6/2004	101	040005	045264	411.74	EXCEL MANAGEMENT
	2/6/2004	101	040005	045264	409.31	EXCEL MANAGEMENT
	2/6/2004	101	040005	045264	511.41	EXCEL MANAGEMENT
	2/6/2004	101	040005	045264	455.50	EXCEL MANAGEMENT
	2/20/2004	101	040044	045288	407.79	EXCEL MANAGEMENT
	2/24/2004	101	040044	045288	294.14	EXCEL MANAGEMENT
	2/24/2004	101	20481	045283	1,000.00	GLOBAL SECURITIES
	2/24/2004	101	20481	045283	1,000.00	GLOBAL SECURITIES
	2/24/2004	101	20481	045283	1,000.00	GLOBAL SECURITIES
	2/24/2004	101	040045	045289	974.50	EXCEL MANAGEMENT
	2/24/2004	101	040028	045287	22,440.00	EXCEL MANAGEMENT
	2/24/2004	101	040044	045288	2,634.03	EXCEL MANAGEMENT
	2/24/2004	101	040044	045288	247.35	EXCEL MANAGEMENT
	2/24/2004	101	040044	045288	307.51	EXCEL MANAGEMENT
	2/24/2004	101	46657	045286	2,000.00	DPAI/SOLUTIENT
	2/24/2004	101	040027	045285	13,441.50	EXCEL MANAGEMENT
	2/24/2004	101	040044	045288	347.62	EXCEL MANAGEMENT
	2/25/2004	101	040046	045290	467.95	EXCEL MANAGEMENT
	2/25/2004	101	040046	045290	327.57	EXCEL MANAGEMENT
	2/25/2004	101	040046	045290	367.68	EXCEL MANAGEMENT
	2/25/2004	101	040046	045290	354.31	EXCEL MANAGEMENT
	2/25/2004	101	040046	045290	314.20	EXCEL MANAGEMENT
	2/25/2004	101	040046	045290	314.20	EXCEL MANAGEMENT
	2/25/2004	101	040046	045290	454.58	EXCEL MANAGEMENT

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<i>Section</i>	<i>Date</i>	<i>Fed</i>	<i>Invoice #</i>	<i>Voucher #</i>	<i>Amount</i>	<i>VendorID</i>
	2/25/2004	101	040046	045290	220.61	EXCEL MANAGEMENT
	2/25/2004	101	040046	045290	360.99	EXCEL MANAGEMENT
	2/25/2004	101	040046	045290	320.88	EXCEL MANAGEMENT
	2/25/2004	101	040046	045290	401.10	EXCEL MANAGEMENT
	2/25/2004	101	040046	045290	467.95	EXCEL MANAGEMENT
	2/25/2004	101	040046	045290	347.62	EXCEL MANAGEMENT
	2/25/2004	101	040046	045290	247.35	EXCEL MANAGEMENT
	2/26/2004	101	040047	045293	454.32	EXCEL MANAGEMENT
	2/26/2004	101	040047	045293	1,738.10	EXCEL MANAGEMENT
	2/26/2004	101	040047	045293	1,754.82	EXCEL MANAGEMENT
	2/26/2004	101	040047	045293	651.79	EXCEL MANAGEMENT
	2/26/2004	101	46702	045294	4,800.00	DPAI/SOLUTIENT
	2/26/2004	101	040047	045293	865.97	EXCEL MANAGEMENT
	3/9/2004	101	614R9030402	E40060	34,850.00	SBC
	3/10/2004	101	46727	045311	700.00	DPAI/SOLUTIENT
	3/10/2004	101	43726	045311	3,200.00	DPAI/SOLUTIENT
	3/10/2004	101		04H090	7,443.50	SHELBY
	3/15/2004	101	040070	045318	6,659.22	EXCEL MANAGEMENT
	3/15/2004	101	46760	045319	3,200.00	DPAI/SOLUTIENT
	3/15/2004	101	46762	045319	1,600.00	DPAI/SOLUTIENT
	3/15/2004	101	040089	045317	13,702.50	EXCEL MANAGEMENT
	3/15/2004	101		04H092	76,566.50	RICHLAND
	3/15/2004	101		04H091	49,496.00	CRAWFORD
	3/15/2004	101	46763	045319	2,240.00	DPAI/SOLUTIENT
	3/15/2004	101	46733	045319	574.32	DPAI/SOLUTIENT

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	3/17/2004	101		04H093	10,684.50	BELMONT
	3/17/2004	101	46803	045323	2,000.00	DPAI/SOLUTIENT
	3/19/2004	101		04H089	54,906.50	ATHENS
	3/26/2004	101	614R9030402	E40063	36,493.33	SBC
	3/30/2004	101	403	045332	247.50	GOVTECH SOLUTIONS
	3/30/2004	101		04H094	73,106.00	FAIRFIELD
	3/30/2004	101	404	045332	536.25	GOVTECH SOLUTIONS
	4/2/2004	101	20493	045334	56.06	GLOBAL SECURITIES
	4/2/2004	101	20493	045334	101.95	GLOBAL SECURITIES
	4/2/2004	101	20493	045334	151.62	GLOBAL SECURITIES
	4/2/2004	101	20493	045334	91.24	GLOBAL SECURITIES
	4/2/2004	101	20503	045334	120.10	GLOBAL SECURITIES
	4/2/2004	101	20493	045334	66.23	GLOBAL SECURITIES
	4/2/2004	101	20493	045334	138.38	GLOBAL SECURITIES
	4/2/2004	101	20493	045334	145.06	GLOBAL SECURITIES
	4/2/2004	101	20493	045334	52.20	GLOBAL SECURITIES
	4/2/2004	101	20493	045334	179.22	GLOBAL SECURITIES
	4/2/2004	101	20486	045334	77.22	GLOBAL SECURITIES
	4/2/2004	101	20486	045334	92.94	GLOBAL SECURITIES
	4/2/2004	101	20493	045334	165.68	GLOBAL SECURITIES
	4/2/2004	101	20493	045334	20.90	GLOBAL SECURITIES
	4/2/2004	101	20493	045334	144.45	GLOBAL SECURITIES
	4/2/2004	101	20503	045334	1,000.00	GLOBAL SECURITIES
	4/2/2004	101	20486	045334	0.00	GLOBAL SECURITIES
	4/2/2004	101	20493	045334	63.90	GLOBAL SECURITIES

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	4/2/2004	101	20494	045334	41.43	GLOBAL SECURITIES
	4/2/2004	101	20493	045334	62.81	GLOBAL SECURITIES
	4/2/2004	101	20494	045334	76.31	GLOBAL SECURITIES
	4/2/2004	101	20494	045334	116.07	GLOBAL SECURITIES
	4/2/2004	101	20494	045334	78.75	GLOBAL SECURITIES
	4/2/2004	101	20494	045334	80.50	GLOBAL SECURITIES
	4/2/2004	101	20493	045334	47.97	GLOBAL SECURITIES
	4/2/2004	101	20493	045334	149.73	GLOBAL SECURITIES
	4/2/2004	101	20493	045334	47.25	GLOBAL SECURITIES
	4/2/2004	101	20493	045334	154.97	GLOBAL SECURITIES
	4/2/2004	101	20486	045334	47.67	GLOBAL SECURITIES
	4/2/2004	101	20486	045334	111.25	GLOBAL SECURITIES
	4/2/2004	101	20486	045334	133.24	GLOBAL SECURITIES
	4/2/2004	101	20486	045334	45.90	GLOBAL SECURITIES
	4/2/2004	101	20486	045334	104.34	GLOBAL SECURITIES
	4/2/2004	101	20486	045334	53.98	GLOBAL SECURITIES
	4/2/2004	101	20486	045334	147.56	GLOBAL SECURITIES
	4/2/2004	101	20486	045334	138.23	GLOBAL SECURITIES
	4/2/2004	101	20486	045334	46.17	GLOBAL SECURITIES
	4/2/2004	101	20486	045334	43.92	GLOBAL SECURITIES
	4/2/2004	101	20486	045334	74.50	GLOBAL SECURITIES
	4/2/2004	101	20486	045334	113.10	GLOBAL SECURITIES
	4/2/2004	101	20486	045334	31.84	GLOBAL SECURITIES
	4/2/2004	101	20486	045334	110.22	GLOBAL SECURITIES
	4/2/2004	101	20493	045334	63.49	GLOBAL SECURITIES



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<i>Section</i>	<i>Date</i>	<i>Fed</i>	<i>Invoice #</i>	<i>Voucher #</i>	<i>Amount</i>	<i>VendorID</i>
	4/2/2004	101	20486	045334	177.03	GLOBAL SECURITIES
	4/2/2004	101	20486	045334	25.50	GLOBAL SECURITIES
	4/5/2004	101	46875	045333	100.00	DPAI/SOLUTIENT
	4/5/2004	101	46849	045333	2,750.00	DPAI/SOLUTIENT
	4/6/2004	101		04H095	57,305.50	HANCOCK
	4/7/2004	101	040117	045341	42,497.19	EXCEL MANAGEMENT
	4/7/2004	101	429	045342	412.50	GOVTECH SOLUTIONS
	4/8/2004	101	6496958-00	04H102	203.00	SARCOM
	4/8/2004	101	6496958-00	04H102	814.00	SARCOM
	4/8/2004	101	6496958-00	04H102	203.00	SARCOM
	4/8/2004	101	6496958-00	04H102	814.00	SARCOM
	4/8/2004	101	6496958-00	04H102	814.00	SARCOM
	4/8/2004	101	6496958-00	04H102	203.00	SARCOM
	4/9/2004	101		04H097	388,334.00	FRANKLIN
	4/9/2004	101		04H098	6,733.25	OTTAWA
	4/9/2004	101		04H096	16,349.75	ALLEN
	4/9/2004	101		04H099	170.00	CINCINNATI BELL
	4/15/2004	101	040118	045348	114.90	EXCEL MANAGEMENT
	4/15/2004	101	040118	045348	16,160.25	EXCEL MANAGEMENT
	4/19/2004	101	46964	045392	1,200.00	DPAI/SOLUTIENT
	4/22/2004	101	46986	045392	2,000.00	DPAI/SOLUTIENT
	4/22/2004	101	46985	045392	1,600.00	DPAI/SOLUTIENT
	4/22/2004	101		04H103	85,185.50	MEDINA
	4/22/2004	101		04H101	158,281.00	STARK
	4/30/2004	101	47009	045392	400.00	DPAI/SOLUTIENT

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	5/6/2004	101	47030	045392	1,800.00	DPAI/SOLUTIENT
	5/10/2004	101		04H104	110,068.50	LAKE
	5/11/2004	101	040169	045368	9,746.10	EXCEL MANAGEMENT
	5/11/2004	101	614R903042	E40070	35,600.00	SBC
	5/12/2004	101		04H106	65,024.00	WAYNE
	5/14/2004	101		04H107	84,591.00	LICKING
	5/18/2004	101	040187	045376	14,840.60	EXCEL MANAGEMENT
	5/24/2004	101		04H109	41,838.00	FAYETTE
	5/24/2004	101		04H110	61,953.50	TUSCARAWAS
	5/28/2004	101	040208	045385	15,781.72	EXCEL MANAGEMENT
	6/1/2004	101	T-1 LINES	E40074	33,493.33	SBC
	6/1/2004	101	6507851-00	04H111	307.75	SARCOM
	6/8/2004	101	E052501463	04H113	150.00	SPRINT
	6/14/2004	101	040240	045404	13,834.09	EXCEL MANAGEMENT
	6/14/2004	101	47105	045409	1,700.00	DPAI/SOLUTIENT
	6/14/2004	101	040243	045402	16,008.56	EXCEL MANAGEMENT
	6/14/2004	101	451	045403	577.50	GOVTECH SOLUTIONS
	6/14/2004	101	450	045403	866.25	GOVTECH SOLUTIONS
	6/14/2004	101	060227	04H115	698.00	SMART SOLUTIONS
	6/18/2004	101		04H116	45,823.00	GALLIA
	7/2/2004	101	20537	055002	3,438.27	GLOBAL SECURITIES
	7/2/2004	101		05H001	93,603.50	CLERMONT
	7/2/2004	101	467	055003	73.80	GOVTECH SOLUTIONS
	7/14/2004	101		E50002	35,371.00	SBC
	7/23/2004	101	SB113683	05H004	150.00	SBC GLOBAL SERVICES

022110

<i>Section</i>	<i>Date</i>	<i>Fed</i>	<i>Invoice #</i>	<i>Voucher #</i>	<i>Amount</i>	<i>VendorID</i>
	7/23/2004	101	SB114559	05H004	450.00	SBC GLOBAL SERVICES
	7/23/2004	101	SB113028	05H004	150.00	SBC GLOBAL SERVICES
	7/23/2004	101	SB113304	05H004	300.00	SBC GLOBAL SERVICES
	7/23/2004	101	SB114767	05H004	282.14	SBC GLOBAL SERVICES
	7/23/2004	101	SB113686	05H004	150.00	SBC GLOBAL SERVICES
	7/23/2004	101	OH298613	05H004	150.00	SBC GLOBAL SERVICES
	7/23/2004	101	OH298353	05H004	262.50	SBC GLOBAL SERVICES
	7/23/2004	101	SB114761	05H004	332.67	SBC GLOBAL SERVICES
	7/23/2004	101	SB114558	05H004	225.00	SBC GLOBAL SERVICES
	7/23/2004	101	OH298445	05H004	183.00	SBC GLOBAL SERVICES
	7/23/2004	101	SB114765	05H004	150.00	SBC GLOBAL SERVICES
	7/23/2004	101	SB113684	05H004	150.00	SBC GLOBAL SERVICES
	7/23/2004	101	SB112794	05H004	150.00	SBC GLOBAL SERVICES
	7/23/2004	101	SB112538	05H004	956.00	SBC GLOBAL SERVICES
	7/23/2004	101	SB112122	05H004	150.00	SBC GLOBAL SERVICES
	7/23/2004	101	040275	055026	15,504.46	EXCEL MANAGEMENT
	7/23/2004	101	SB113303	05H004	337.50	SBC GLOBAL SERVICES
	7/23/2004	101	SB114764	05H004	150.00	SBC GLOBAL SERVICES
	7/23/2004	101	OH297500	05H004	450.00	SBC GLOBAL SERVICES
	7/23/2004	101	SB110805	05H004	150.00	SBC GLOBAL SERVICES
	7/23/2004	101	OH298471	05H004	150.00	SBC GLOBAL SERVICES
	7/23/2004	101	SB118203	05H004	213.90	SBC GLOBAL SERVICES
	7/23/2004	101	SB114768	05H004	304.72	SBC GLOBAL SERVICES
	7/23/2004	101	SB113685	05H004	150.00	SBC GLOBAL SERVICES
	7/30/2004	101	040292	055033	377.21	EXCEL MANAGEMENT

022111

<i>Section</i>	<i>Date</i>	<i>Fed</i>	<i>Invoice #</i>	<i>Voucher #</i>	<i>Amount</i>	<i>VendorID</i>
	7/31/2004	101	#4055	055043	7,932.50	THE COMPUTER WORKSHOP
	7/31/2004	101	#4054	055043	5,082.50	THE COMPUTER WORKSHOP
	8/2/2004	101	040291	055030	12,736.19	EXCEL MANAGEMENT
	8/2/2004	101	47223	055035	300.00	DPAI/SOLUTIENT
	8/2/2004	101	47222	055035	4,260.00	DPAI/SOLUTIENT
	8/2/2004	101	47221	055035	2,860.00	DPAI/SOLUTIENT
	8/2/2004	101	47220	055035	620.00	DPAI/SOLUTIENT
	8/2/2004	101	47224	055035	2,800.00	DPAI/SOLUTIENT
	8/9/2004	101	614R90304207	E50011	35,200.00	SBC
	8/17/2004	101	201140-43	05H005X	0.00	DLT SOLUTIONS
	8/17/2004	101	201140-43	05H005X	0.00	DLT SOLUTIONS
	8/17/2004	101		055055	396.00	GOVERNMENT CONSULTING RES
	8/24/2004	101	TER	T50082	161.20	JOE LEONTI
	8/26/2004	101	SB115912	050292	220.00	SBC
	8/31/2004	101	4205	055060	7,885.00	THE COMPUTER WORKSHOP
	9/1/2004	101	201140-43	05H005	244,188.00	DLT SOLUTIONS
	9/1/2004	101	201140-43	05H005	53,720.40	DLT SOLUTIONS
	9/2/2004	101	6531128-02 -00-01	05H006	22,160.00	SARCOM
	9/2/2004	101	6534286-00	05H007	4,930.00	SARCOM
	9/3/2004	101	T-1	E50017	35,200.00	SBC
	9/8/2004	101	4304	055068	9,215.00	THE COMPUTER WORKSHOP
	9/17/2004	101	10080	055083	37,613.40	GOVERNMENT CONSULTING RES
	9/29/2004	101	T-1	E50022	35,200.00	SBC
	10/8/2004	101	044779	05H013	973.00	POST PRINTING
	10/12/2004	101	10106	055107	49,684.80	GOVERNMENT CONSULTING RES

<i>Section</i>	<i>Date</i>	<i>Fed</i>	<i>Invoice #</i>	<i>Voucher #</i>	<i>Amount</i>	<i>VendorID</i>
	10/13/2004	101	4490 & 4491	055112	15,627.50	THE COMPUTER WORKSHOP
	10/25/2004	101	04-4839	050505	233.00	POST PRINTING
	10/27/2004	101	4552	055125	7,964.80	THE COMPUTER WORKSHOP
	10/28/2004	101	614R9030420426	E50027	35,200.00	SBC
	11/9/2004	101	4640	055141	7,790.00	THE COMPUTER WORKSHOP
	11/23/2004	101	4745	055156	7,742.50	THE COMPUTER WORKSHOP
	11/29/2004	101	614R9030420426	E50031	33,426.67	SBC
	12/27/2004	101	4870	055191	3,277.50	THE COMPUTER WORKSHOP

Summary for 'SectionID' = VR (497 detail records)

Sum

\$3,138,076.89

VS

	1/1/2004	101	511	045201	4,067.50	GOVERNMENT TECHNOLOGY ADV
	1/1/2004	101	511	045201	1,488.75	GOVERNMENT TECHNOLOGY ADV
	1/8/2004	101	24436	045217	11,484.00	EXCEL MANAGEMENT
	1/12/2004	101	0310020	045175	24,840.00	INFOENTRY
	1/21/2004	101	1/13/04	045245	1,785.00	RICHARD LILLIE
	1/21/2004	101	533	045242	7,542.50	GOVERNMENT TECHNOLOGY ADV
	1/28/2004	101	557971	045255	6,800.00	COMPUWARE
	2/24/2004	101	562862	045284	7,850.00	COMPUWARE
	3/10/2004	101	630	045310	5,968.75	GOVERNMENT TECHNOLOGY ADV
	3/10/2004	101	02004-0030	045309	12,000.00	RJV CONSULTING
	3/15/2004	101	040090	045316	21,780.00	EXCEL MANAGEMENT
	3/17/2004	101	567794	045324	7,200.00	COMPUWARE
	3/27/2004	101	0410004	045356	14,512.50	INFOENTRY
	4/8/2004	101	0410005	045356	24,232.50	INFOENTRY

022112

022113

<i>Section</i>	<i>Date</i>	<i>Fed</i>	<i>Invoice #</i>	<i>Voucher #</i>	<i>Amount</i>	<i>VendorID</i>
	4/14/2004	101	571454	045346	8,800.00	COMPUWARE
	4/15/2004	101	040119	045347	19,140.00	EXCEL MANAGEMENT
	5/17/2004	101	040186	045374	21,912.00	EXCEL MANAGEMENT
	5/24/2004	101	0410006	045382	19,433.25	INFOENTRY
	5/24/2004	101	0410003	045381	3,645.61	INFOENTRY
	5/24/2004	101	577027	045380	3,800.00	COMPUWARE
	6/8/2004	101	0410007	045397	18,696.15	INFOENTRY
	6/14/2004	101	040239	045405	18,348.00	EXCEL MANAGEMENT
	7/2/2004	101	0410011	055014	38,272.50	INFOENTRY
	7/14/2004	101		055018	2,596.00	SMART SOLUTIONS
	7/14/2004	101	060379	055018	2,068.00	SMART SOLUTIONS
	7/14/2004	101	060487	055018	2,904.00	SMART SOLUTIONS
	7/14/2004	101	060474	055018	2,486.00	SMART SOLUTIONS
	7/23/2004	101	040276	055025	16,368.00	EXCEL MANAGEMENT
	8/6/2004	101	#851	055044	3,736.25	GOVERNMENT TECHNOLOGY ADV
	8/6/2004	101	#694	055044	971.25	GOVERNMENT TECHNOLOGY ADV
	8/13/2004	101	0410018	055048	15,153.33	INFOENTRY
	8/26/2004	101	061020	055058	1,672.00	SMART SOLUTIONS
	9/17/2004	101	10084	055085	1,934.75	GOVERNMENT CONSULTING RES
	9/30/2004	101	061427	055096	2,552.00	SMART SOLUTIONS
	10/12/2004	101	10099	055109	463.25	GOVERNMENT CONSULTING RES

Summary for 'SectionID' = VS (35 detail records)

**Sum**

\$356,503.84

**Grand Total**

\$4,633,894.99



## U.S. ELECTION ASSISTANCE COMMISSION

### FAX COVER SHEET

Fax: 202/566-3127

Direct: 202/566-3100

Toll Free: 866-747-1471

---

DATE: June 17, 2004

TO: Governor Taft

FAX NUMBER: 614-466-9354

FROM: Peggy Sims

NUMBER OF PAGES (INCLUDING COVER PAGE): 5

MESSAGE

ORIGINAL TO FOLLOW BY MAIL.

022114



U.S. ELECTION ASSISTANCE COMMISSION  
1225 NEW YORK AVENUE, N.W., SUITE 1100  
WASHINGTON, D.C. 20005

June 17, 2004

The Honorable Bob Taft  
Governor  
Office of the Governor  
77 South High Street, 30th Floor  
Columbus, Ohio 43215-6117

Dear Governor Taft:

The U. S. Elections Assistance Commission is pleased to inform you that the Help America Vote Act of 2002 ("HAVA") allocation appropriated for your State is now available for disbursement.

HAVA requires the chief executive officer of the State, or designee, in consultation with the chief State election official, to file with the U.S. Election Assistance Commission ("EAC") a statement certifying that the State is in compliance with the conditions set forth in section 253(b) in order to be eligible for a fiscal year's requirements payment. The EAC received a certification statement from your State on June 10, 2004 declaring your State's eligibility for the requirements payment(s) appropriated in fiscal year(s) 2003 and 2004.

Accordingly, the EAC has notified the U.S. General Services Administration ("GSA") that approximately \$90,992,517 should be disbursed to your State. Your State should receive these funds within five business days, provided your State has given GSA the information needed for the electronic transfer.

### **Use of Funds**

In accordance with HAVA Section 251(b), these funds are to be used only to meet the requirements of HAVA Title III, except that your State may use these payment to carry out other activities to improve the administration of elections for Federal office if the State certifies to the EAC that:

- the State has implemented the requirements of Title III; or
- the amount to be expended with respect to such other activities does not exceed an amount equal to the minimum requirements payment amount applicable to the State.

022115



Section 251(c) of the Act also explains that a State may use a requirements payment:

- as a reimbursement for costs incurred in obtaining voting equipment which meets the requirements of section 301 (voting systems standards) if the State obtains the equipment after the regularly scheduled general election for Federal office held in November 2000, notwithstanding the Act's maintenance of effort requirements<sup>1</sup>; and
- for any costs for voting equipment which meets the requirements of section 301 that were incurred pursuant to a multi-year contract on or after January 1, 2001, except that the amount that the State is otherwise required to contribute under the maintenance of effort requirements must be increased by the amount of the payment made with respect to such multiyear contract.

### **Conforming to Applicable Federal Guidelines**

Please note that the following Office of Management and Budget guidelines apply to these federal funds:

- A-87 - Cost Principles for State, Local and Indian Tribal Governments (Cost Principles).
- A-102 - Grants and Cooperative Agreements with State and Local Governments (Administrative Requirements).
- Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments ("Common Rule", Administrative Requirements, 53 FR 8087, March 11, 1988)
- A-133 - Audits of States, Local Governments, and Non-Profit Organizations (Single Audits, Audit Requirements).

These guidelines may be found at:

<http://www.whitehouse.gov/omb/circulars/index.html>

### **Material Changes to State Plans**

Section 254(a)(11) of HAVA prohibits a State from making material change(s) to the State plan unless the change:

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<sup>1</sup> Maintenance of effort is addressed in HAVA section 254(a)(7), which requires the State to describe how it will maintain the expenditures of the State for activities funded by the requirements payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000.

- is developed and published in the *Federal Register* in accordance with Section 255 in the same manner as the State plan;
- is subject to public notice and comment in accordance with Section 256 in the same manner as the State plan; and
- takes effect only after the expiration of the 30-day period which begins on the date the change is published in the *Federal Register*.

Accordingly, if your State does make any material change(s) to your current State plan for which you are receiving this requirements payment, you must file an amended State plan with the EAC. The amended State plan filed with the EAC may be limited to describing in reasonable detail the changes that have been made between the amended State plan and the State plan currently in effect.

### **Reporting**

Also note that HAVA Section 258 requires your State to submit a report to the EAC on the activities conducted with the funds provided during the federal fiscal year, which runs from October 1 through September 30. This report must include:

- a list of expenditures made with respect to each category of activities described for the use of funds;
- the number and type of articles of voting equipment obtained with the funds; and
- an analysis and description of:
  - the activities funded to meet HAVA requirements; and
  - how such activities conform to the submitted State plan.

This report is due no later than six months after the end of each fiscal year. Accordingly, you should file your first report with the EAC no later than March 30, 2005. States should submit Standard Form 269 as part of this report. This form may be found at the following web site:

[http://www.whitehouse.gov/omb/grants/grants\\_forms.html](http://www.whitehouse.gov/omb/grants/grants_forms.html)

### **Recordkeeping and Audits**

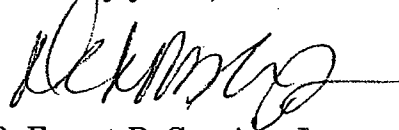
HAVA Title IX requires recipients of payments under the Act to keep records consistent with sound accounting principles to facilitate an effective audit. It authorizes the EAC to audit or examine books, documents, papers and records of any recipient that are deemed pertinent to the payment and stipulates that the provision applies to all recipients of payments under the Act. Such recipients would include local jurisdictions that received funds through the State as a result of the requirements payments.

HAVA also requires that all funds provided under the Act are subject to mandatory audit by the Comptroller General at least once during the lifetime of the program, with the same access to records as the grant-making office. If the Comptroller General determines that an excess payment has been made or the recipient is not in compliance, the recipient must pay the grant-making office an amount that reflects the excess payment or the proportion representing noncompliance.

### **Assistance**

If you have any questions about this matter, please have your staff contact Peggy Sims, EAC Research Specialist, by email at [psims@eac.gov](mailto:psims@eac.gov) or by phone at 1-866-747-1471 (toll free) or 202-566-3100.

Sincerely yours,

A handwritten signature in black ink, appearing to read "DeForest B. Soaries, Jr.", with a long horizontal flourish extending to the right.

DeForest B. Soaries, Jr.  
Chairman

implementation of a modern, fair, reliable and accurate election system. As U.S. Rep. Bob Ney led the federal initiative to enact the Help America Vote Act, it was the mandate of our State Plan Committee to formulate a plan that makes Ohio a showcase for election reform.

## VIII. Distribution of Resources to Local Governments

We first explore our proposed distribution of aid to local government under Title I. Under guidelines of the Act, these funds must be used assuming the following criteria:

- These funds may be used as a reimbursement for costs associated with punch-card or lever machine replacement incurred after Jan. 1, 2001.
- There is a presumption states must ensure compliance in time for the November, 2004 Federal Election.
- Within six months after the date of enactment, Ohio must certify that the state will use the money for punch-card/lever machine replacement, the state will comply with federal laws, and the voting system will meet new voting system standards.

We anticipate that no change in state law or new legislation will be required to carry out the activities required for certification.

At this writing, the Congressional Research Service (CRS) estimates that full-funding under the Act, for both Title I and Title II receipts, will total \$155,251,155. CRS estimates \$116,423,155 of that amount represents Title II funding under the Requirements Payments component of the Act.

In addition, the state has appropriated \$5.8 million in matching funds for Title II payments, as required by the Act, which means total available funds for implementation of the State Plan in Ohio will be approximately \$161 million.

All money in Title II is based on the state's portion of the nation's voting age population. The most recent estimate is that Ohio's 8.5 million voting-age population represents 3.97 percent of the nation's voting age population of 215.1 million.

Because of the prevalence of punch-card voters in Ohio, we are keenly focused on the distribution of funds under Title I and, more precisely, the buy-out program. The Act stipulates the funds will be distributed to states by multiplying the number of qualifying precincts by \$4,000. However, based on available federal funds for this purpose and the number of punch-card and lever-machine jurisdictions in the U.S., it now appears that number likely will be about \$3,354 per precinct. As previously mentioned, Ohio has 69 counties designated as punch-card counties.

In addition, two Ohio jurisdictions – Hardin and Lucas counties – feature lever voting machines and would be eligible for funding under the guidelines.

In total, under the formula, the 69 punch-card counties and two lever-machine counties in Ohio means the state would be eligible for about \$31 million in federal funds under the buyout program.

*Combined  
2003-2007  
\$90,000,000*

However, we know \$31 million is insufficient for the counties to purchase modern, reliable voting systems capable of meeting requirements of the Act. Subsequently, our budget for voter and election reforms in Ohio presumes the state will require about \$24.2 million to establish a centralized voter registration database and related support for voter education and poll worker training. Our plan calls for the remainder of the Title funds to be allocated to Ohio's 88 counties to help subsidize installation of new systems and implement other required activities under the Act.

Following is the budget we envision for distribution of the \$161 million in funds in Ohio to meet requirements of the Help America Vote Act:

<b>Activity</b>	<b>Fund Distribution</b>	<b>Jurisdiction</b>	<b>Purpose</b>
Voter Registration Database	\$5 million to \$10 million	State	Develop statewide voter registration database
Voter Education	\$5 million to \$10 million	State	Administered by the State in coordination with the counties
Poll Worker Training	\$5 million	State	To be distributed as grants to counties
Administrative Expenses	\$2 million	State	For state personnel to administer and monitor HAVA implementation
Provisional Voter Hotline	\$250,000	State	To establish a state hotline for provisional voters
Miscellaneous	\$2 million	State	For associated costs of implementing HAVA
Voting Equipment and other Activities	\$136 million	State on behalf of Counties	For new voting equipment and to meet other HAVA requirements

In simplest terms, this allocates Help America Vote funds where the money is needed most: in Ohio counties. While it is the responsibility of the Ohio Secretary of State to monitor performance and ensure implementation of the Act, the execution of the Ohio plan, ultimately, will take place at the county level. On that basis, we believe it prudent to maximize resources for election reform in the counties where election reform will occur.

While much of the focus is on the counties with punch card and lever-machine voting systems, in reality, all 88 Ohio counties will be expected to conduct some form of system modification and upgrade to make the system in Ohio uniform and compliant with the Act. Subsequently, the premise of the Ohio Plan is to look at the voter and election system statewide, based on the distribution of registered voters in each of the 88 counties.

Viewed in that context, the \$136 million to be allocated to the counties will be distributed in the following priority order, as federal funds become available:

- Replacement of punch-card and lever-machine voting equipment to the extent that new voting systems would be installed immediately in the 71 affected counties;
- Installation of voting devices compliant with the disability requirements of the Act in all 88 counties;
- Bringing remaining counties into compliance with Section 301 of the Act by funding necessary upgrades and refinements of all other existing systems and equipment.

The Secretary of State reserves the right to distribute the funds to counties based on need and special circumstances.

The Secretary of State defines "need and special circumstances" to mean that it is possible some counties will need less funding and others more funding to meet the compliance standards of the Help America Vote Act. On that basis, the Secretary of State will shift funds as he deems necessary to bring all counties into compliance.

The Secretary of State acknowledges that one county, Mahoning County, took the initiative to convert their voting system to electronic voting after Jan. 1, 2001. Funding consideration will be given to all six Ohio counties using electronic voting equipment to bring those counties into compliance with HAVA.

We think this model provides us with great flexibility to allocate Title I and Title II funds in a way that assures full compliance with the requirements of the Act. Invariably some funds would be shifted away from counties that demonstrate a lesser need and reallocated to counties that demonstrate a greater need. But the allocation method is a fair method that will further assure all counties that adequate funds will be available to fully fund the requirements of the Act at the local level.

The Ohio Secretary of State will establish guidelines as part of the performance measurement for county compliance. When compliant systems are purchased for the counties, the Secretary of State will require transition to new voting systems by all punch-card and lever-machine counties by Feb. 1, 2004. The Secretary of State will provide counties with a list of acceptable vendors to supply the new voting equipment and counties must choose from that approved list by no later than Sept. 1, 2003.

Since the Secretary of State will centralize and oversee this process, the Secretary will ensure compliance with all requirements of the Help America Vote Act. The performance timeline requires the Secretary to establish the list of approved vendors by Aug. 1, 2003, providing county boards of elections with ample time to review the list, choose the vendor and establish transition to the new voting systems between Sept. 1, 2003 and Feb. 1, 2004.

To ensure uniformity and compliance, the Secretary of State will stipulate design specifications for voting equipment. If a county fails to select a vendor by Sept. 1, 2003, the Secretary of State will designate a vendor for that county and order installation of new voting equipment in that jurisdiction by the Feb. 1, 2004 deadline.

Although the Act requires the replacement of punch-cards and lever machines by the General Election in 2004, the Secretary of State wants these new systems in place in Ohio for the Primary Election to ensure a smooth, seamless transition and full operational capability in time for the presidential election.

The Secretary of State has already established a fund account for all federal monies designated for Ohio under the Act and those funds, as applicable, will be disbursed from that account as our plan is implemented. This account is segregated to reflect federal funds designated for county buy-outs, election administration and Requirements payments.

Reports will be generated to show the allocation and distribution of these funds and that report will be forwarded to the Election Assistance Commission along with a performance report to show the state's progress and performance in implementing provisions of the Act.

## **IX. §301. Meeting the Voting System Standards of the Act**

The Help America Vote Act requires "uniform and nondiscriminatory election technology" that meets specific voting system standards. Ohio has opted for a program that specifically addresses the requirements of the Act, but provides counties with some degree of flexibility in choice of vendor and how they implement and develop voting systems to meet the particular needs of their region.

Assurance that the state will meet voting system standards specified in the Act is the responsibility of the Secretary of State, so system specifications will be drafted by the

*Providing counties with the ability to choose among a list of qualified vendors preserves the involvement of the counties in the vendor process while maximizing the buying power of the state under a state term contract procedure. The Secretary of State will serve as the primary contractor for voting devices in the State of Ohio, embracing the concept that the ultimate beneficiaries of the contract are the counties.*

Secretary and the list of available vendors will reflect only those companies that submit bids demonstrating their ability to meet the rigorous and unambiguous system specifications and timelines established by the Secretary.

To ensure compliance with the Act, the Secretary of State will appoint a committee comprised of knowledgeable persons in the Secretary's office who have the technical capability to review vendor proposals for electronic voting equipment and tabulating devices and the committee will recommend final adoption of a list of approved vendors that meet system specifications. The committee will review standards set by the Standards Board and



## U.S. ELECTION ASSISTANCE COMMISSION

### FAX COVER SHEET

Fax: 202/566-3127

Direct: 202/566-3100

Toll Free: 866-747-1471

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DATE: May 7, 2004

TO: Secretary Blackwell

FAX NUMBER: 614-644-0649

FROM: Peggy Sims

NUMBER OF PAGES (INCLUDING COVER PAGE): 6

MESSAGE

ORIGINAL TO FOLLOW BY MAIL.

022123





U.S. ELECTION ASSISTANCE COMMISSION  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005

OFFICE OF THE CHAIRMAN

May 6, 2004

The Honorable J. Kenneth Blackwell  
Secretary of State  
180 E. Broad Street, 16th Floor  
Columbus, Ohio 43215

Dear Mr. Blackwell:

Enclosed, please find a copy of a letter sent by the U.S. Election Assistance Commission (EAC) to the chief executive officer of your State. This letter summarizes provisions for filing statements of certification to receive requirements payments in accordance with the Help America Vote Act of 2002 (HAVA).

As you may know, to receive funds for a fiscal year, HAVA requires the chief executive officer of the State, or designee, in consultation with the chief State election official, to file with the EAC a statement certifying that the State is in compliance with the conditions set forth in HAVA Section 253(b). I hope that the enclosed letter helps you in this process.

Should you have any questions or need further clarification as to the contents of the attached letter, please do not hesitate to contact Peggy Sims at 1-866-747-1471 (toll free) or 202-566-3100.

Sincerely yours,

A handwritten signature in black ink, appearing to read "DeForest B. Soaries, Jr.", written in a cursive style.

DeForest B. Soaries, Jr.  
Chairman

Enclosure

022124



U.S. ELECTION ASSISTANCE COMMISSION  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005

OFFICE OF THE CHAIRMAN

May 6, 2004

The Honorable Bob Taft  
Governor  
77 South High Street, 30th Floor  
Columbus, OH 43215-6117

Dear Governor Taft:

The Help America Vote Act (hereafter "HAVA" or the "Act") authorizes payments to States, U.S. Territories and the District of Columbia (hereafter "States") to assist in meeting the "Uniform and Nondiscriminatory Election Technology and Administration Requirements" in Title III of the Act. In order to be eligible for receipt of a requirements payment, a State must file with the U.S. Election Assistance Commission (hereafter "EAC" or "Commission") a certification statement for the fiscal year, which declares that such State is in compliance with the required conditions set forth in section 253(b) of the Act. Title II requirements payments for Fiscal Years 2003 and 2004 are available at this time.

#### **Timing for Filing a Statement of Certification (Section 253(a) and (d))**

To receive funds for a fiscal year, HAVA requires the chief executive officer of the State, or designee, in consultation with the chief State election official, to file with the EAC a statement certifying that the State is in compliance with the conditions set forth in section 253(b).<sup>112</sup> This statement may not be filed until *after* the expiration of a 45-day period that began on March 24, 2004 – which was the day that all 55 State plans were published in the Federal Register by the Commission. The 45-day period expires on May 8, 2004.

#### **Language for Statement of Certification (Section 253(a))**

Recommended language for the certification statement is contained in Section 253(a) of the Act. Thus, the certification statement for a fiscal year may state the following:

“ \_\_\_\_\_ hereby certifies that it is in compliance with the requirements referred to in section 253(b) of the Help America Vote Act of 2002.”

<sup>112</sup> For the purpose of the requirements payments, the *chief State election official* is the individual designated by the State under section 10 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-8) to be responsible for coordination of the States responsibilities under such Act.

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### Condition for Receipt of Funds (Section 253(b))

The conditions for receipt of a requirements payment contained in section 253(b) require that a state certify to the Commission that, for the fiscal year(s) in which funds are requested, it:

- has filed a State plan with the EAC covering the fiscal year and which the State certifies:
  - contains each of the elements required to be in the State plan, according to section 254, including how the State will establish a State Election Fund in accordance with section 254(b);<sup>113</sup>
  - is developed in accordance with section 255, which describes the process of using a committee of appropriate individuals, including the chief election officials of the two most populous jurisdictions, other local election officials, stake holders (including representatives of groups of individuals with disabilities), and other citizens to develop the plan; and
  - meets the 30-day public notice and comment requirements of section 256.
- has filed with the EAC a plan for the implementation of the uniform, non-discriminatory administrative complaint procedures required under section 402 (or has included such a plan in the State plan), and has such procedures in place. If the State does not include such an implementation plan in the State plan, the *Federal Register* publication and the committee development requirements of sections 255(b) and 256 apply to the implementation of the administrative complaint procedure in the same manner as they apply to the State plan.
- is in compliance with each of the following federal laws as they apply to the Act:
  - The Voting Rights Act of 1965;
  - The Voting Accessibility for the Elderly and Handicapped Act;
  - The Uniformed and Overseas Citizens Absentee Voting Act;
  - The National Voter Registration Act of 1993;
  - The Americans with Disabilities Act of 1990; and
  - The Rehabilitation Act of 1973.
- has provided that, to the extent that any portion of the Title II requirements payment is used for activities other than meeting the requirements of Title III:
  - the State's proposed uses of the requirements payment are not inconsistent with the requirements of Title III; and

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113 Section 254(b)(1) and (2) of the Act describes the State Election Fund as a fund that is established in the treasury of the State government, which must be used by the State exclusively to carry out the activities for which the requirements payment (title II, Subtitle D, Part 1) is made to the State, and which consists of:

- amounts appropriated or otherwise made available by the State for carrying out the activities for which the requirements payment is made;
- the requirements payment to the State;
- such other amounts as may be appropriated under law; and
- interest earned on deposits of the fund.

HAVA section 254(b)(3) provides that, in the case of a State that requires State legislation to establish a State Election Fund, the EAC is required to defer disbursement of the requirements payment to such State until such time as legislation establishing the fund is enacted.

- ❑ the use of the funds under this paragraph is consistent with the requirements of section 251(b); and
- has appropriated funds for carrying out the activities for which the requirements payment is made in an amount equal to 5 percent of the total amount to be spent for such activities (taking into account the requirements payment and the amount spent by the State) and, in the case of a State that uses a requirements payment as a reimbursement for voting equipment under 251(c)(2), an additional amount equal to the amount of such reimbursement.<sup>114</sup>

Accordingly, prior to submission of a certification statement for a fiscal year(s) to the EAC, the Commission strongly encourages all States to verify compliance with the required conditions set forth in section 253(b). Should the Commission have any concerns that a particular State – which has submitted a certification statement to the EAC – has not met one of the required conditions, the EAC will immediately contact that particular State and/or communicate its concern in writing.

### **General Services Administration (GSA) Procedures for Payments**

GSA, which will disburse the Title II requirements payments to States under the direction of the EAC, requests that the following procedures be used for disbursement and receipt of these payments:

- **Step One – Registration.** State representatives should contact Sharon Pugh (Sharon.Pugh@GSA.gov) or Brad Farris (Brad.Farris@GSA.gov) on (816) 823-3108, as soon as possible, with information on State contact points, including name, address and email address. These contacts may very well be the same personnel that GSA worked with in distributing HAVA Title I funding. GSA will verify this information.
- **Step Two – EFT Setup.** GSA will contact the State representatives to obtain banking information required for an Electronic Funds Transfer (EFT). Again, this may be the same information submitted for HAVA Title I funding. Payments should be made into the Election Fund described in HAVA Section 254(b)(1). All funds will be disbursed via EFT.
- **Step Three – State Certification Statement to EAC** – States will submit required certification information to the EAC, as outlined above, after the completion of the 45-day period for publication of the State plan in the Federal Register.
- **Step Four – Notification to GSA by EAC** – Based upon the certification statement, the EAC will notify GSA that a State is due receipt of its Title II payment for a particular fiscal year (i.e., either FY 2003 funds, FY 2004 funds, or both).
- **Step Five – Disbursement of Title II Funds** – GSA will disburse the Title II funds for a particular fiscal year to the accounts specified by the States, and will notify the States and the EAC of the disbursement in writing.

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<sup>114</sup> For purposes of declaring sufficient funds are available for the State to carry out activities to meet Title III requirements, if the requirements payment is to be used as a reimbursement for voting equipment obtained on and after January 1, 2004 through multi-year contracts, the activity is not treated as an activity to meet Title III requirements.

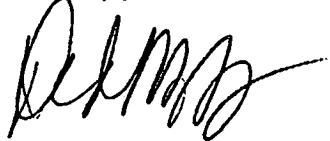
Finally, the Commission has received numerous inquiries regarding the concern that the Title II requirements funds will no longer be available for disbursement to the States after the end of the current fiscal year (i.e., September 30, 2004). However, the Commission points to section 257(b) of the Act, which states in part:

“(b) AVAILABILITY- Any amounts appropriated pursuant to the authority of subsection (a) shall remain available *without fiscal year limitation until expended.*” (Emphasis added.)

Based upon the above statutory language, the Commission believes Congress’ intent was clear in that the Title II funds remain available to the States until fully disbursed by the EAC.

The Commission looks forward to working closely with all States as we enter into this next phase of HAVA implementation. Should you have any questions or need further clarification as to the contents of this letter, please do not hesitate to contact Peggy Sims at 1-866-747-1471 (toll free) or 202-566-3100.

Sincerely yours,



DeForest B. Soaries, Jr.  
Chairman

cc: The Honorable J. Kenneth Blackwell, Ohio Secretary of State

022128



## U.S. ELECTION ASSISTANCE COMMISSION

### FAX COVER SHEET

Fax: 202/566-3127

Direct: 202/566-3100

Toll Free: 866-747-1471

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DATE: June 17, 2004

TO: *Secretary Blackwell*

FAX NUMBER: *614-644-0649*

FROM: Peggy Sims

NUMBER OF PAGES (INCLUDING COVER PAGE): 5

MESSAGE

ORIGINAL TO FOLLOW BY MAIL.

022129



U.S. ELECTION ASSISTANCE COMMISSION  
1225 NEW YORK AVENUE, N.W., SUITE 1100  
WASHINGTON, D.C. 20005

June 17, 2004

The Honorable J. Kenneth Blackwell  
Secretary of State  
180 East Broad Street, 16th Floor  
Columbus, Ohio 43215

Dear Secretary Blackwell:

The U. S. Elections Assistance Commission is pleased to inform you that the Help America Vote Act of 2002 ("HAVA") allocation appropriated for your State is now available for disbursement.

HAVA requires the chief executive officer of the State, or designee, in consultation with the chief State election official, to file with the U.S. Election Assistance Commission ("EAC") a statement certifying that the State is in compliance with the conditions set forth in section 253(b) in order to be eligible for a fiscal year's requirements payment. The EAC received a certification statement from your State on June 10, 2004 declaring your State's eligibility for the requirements payment(s) appropriated in fiscal year(s) 2003 and 2004.

Accordingly, the EAC has notified the U.S. General Services Administration ("GSA") that approximately \$90,992,517 should be disbursed to your State. Your State should receive these funds within five business days, provided your State has given GSA the information needed for the electronic transfer.

#### **Use of Funds**

In accordance with HAVA Section 251(b), these funds are to be used only to meet the requirements of HAVA Title III, except that your State may use these payment to carry out other activities to improve the administration of elections for Federal office if the State certifies to the EAC that:

- the State has implemented the requirements of Title III; or
- the amount to be expended with respect to such other activities does not exceed an amount equal to the minimum requirements payment amount applicable to the State.

Section 251(c) of the Act also explains that a State may use a requirements payment:

- as a reimbursement for costs incurred in obtaining voting equipment which meets the requirements of section 301 (voting systems standards) if the State obtains the equipment after the regularly scheduled general election for Federal office held in November 2000, notwithstanding the Act's maintenance of effort requirements<sup>1</sup>; and
- for any costs for voting equipment which meets the requirements of section 301 that were incurred pursuant to a multi-year contract on or after January 1, 2001, except that the amount that the State is otherwise required to contribute under the maintenance of effort requirements must be increased by the amount of the payment made with respect to such multiyear contract.

### **Conforming to Applicable Federal Guidelines**

Please note that the following Office of Management and Budget guidelines apply to these federal funds:

- A-87 - Cost Principles for State, Local and Indian Tribal Governments (Cost Principles).
- A-102 - Grants and Cooperative Agreements with State and Local Governments (Administrative Requirements).
- Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments ("Common Rule", Administrative Requirements, 53 FR 8087, March 11, 1988)
- A-133 – Audits of States, Local Governments, and Non-Profit Organizations (Single Audits, Audit Requirements).

These guidelines may be found at:

<http://www.whitehouse.gov/omb/circulars/index.html>

### **Material Changes to State Plans**

Section 254(a)(11) of HAVA prohibits a State from making material change(s) to the State plan unless the change:

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<sup>1</sup> Maintenance of effort is addressed in HAVA section 254(a)(7), which requires the State to describe how it will maintain the expenditures of the State for activities funded by the requirements payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000.



- is developed and published in the *Federal Register* in accordance with Section 255 in the same manner as the State plan;
- is subject to public notice and comment in accordance with Section 256 in the same manner as the State plan; and
- takes effect only after the expiration of the 30-day period which begins on the date the change is published in the *Federal Register*.

Accordingly, if your State does make any material change(s) to your current State plan for which you are receiving this requirements payment, you must file an amended State plan with the EAC. The amended State plan filed with the EAC may be limited to describing in reasonable detail the changes that have been made between the amended State plan and the State plan currently in effect.

### **Reporting**

Also note that HAVA Section 258 requires your State to submit a report to the EAC on the activities conducted with the funds provided during the federal fiscal year, which runs from October 1 through September 30. This report must include:

- a list of expenditures made with respect to each category of activities described for the use of funds;
- the number and type of articles of voting equipment obtained with the funds; and
- an analysis and description of:
  - the activities funded to meet HAVA requirements; and
  - how such activities conform to the submitted State plan.

This report is due no later than six months after the end of each fiscal year. Accordingly, you should file your first report with the EAC no later than March 30, 2005. States should submit Standard Form 269 as part of this report. This form may be found at the following web site:

[http://www.whitehouse.gov/omb/grants/grants\\_forms.html](http://www.whitehouse.gov/omb/grants/grants_forms.html)

### **Recordkeeping and Audits**

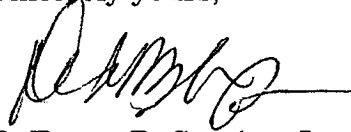
HAVA Title IX requires recipients of payments under the Act to keep records consistent with sound accounting principles to facilitate an effective audit. It authorizes the EAC to audit or examine books, documents, papers and records of any recipient that are deemed pertinent to the payment and stipulates that the provision applies to all recipients of payments under the Act. Such recipients would include local jurisdictions that received funds through the State as a result of the requirements payments.

HAVA also requires that all funds provided under the Act are subject to mandatory audit by the Comptroller General at least once during the lifetime of the program, with the same access to records as the grant-making office. If the Comptroller General determines that an excess payment has been made or the recipient is not in compliance, the recipient must pay the grant-making office an amount that reflects the excess payment or the proportion representing noncompliance.

### **Assistance**

If you have any questions about this matter, please have your staff contact Peggy Sims, EAC Research Specialist, by email at [psims@eac.gov](mailto:psims@eac.gov) or by phone at 1-866-747-1471 (toll free) or 202-566-3100.

Sincerely yours,

A handwritten signature in black ink, appearing to read "DeForest B. Soaries, Jr.", with a long horizontal flourish extending to the right.

DeForest B. Soaries, Jr.  
Chairman



**BOB TAFT**  
GOVERNOR  
STATE OF OHIO

RECEIVED  
JUN 10 2004  
5:15 PM  
BY:.....

June 1, 2004

The U.S. Election Assistance Commission  
DeForest B. Soaries, Chairman  
1225 New York Avenue – Suite 1100  
Washington, D.C. 20005

Dear Mr. Soaries:

We have received your letter of May 6, 2004 and hereby certify that the State of Ohio is in compliance with the requirements referred to in section 253 (b) of the Help America Vote Act of 2002. Ohio has created and designated specific fund groups for receipt of federal funds under the Help America Vote Act of 2002 (HAVA) and charged the Secretary of State with responsibility for communicating to you the proper account information for distribution and receipt of these funds. You should expect contact from SOS Chief Financial Officer Dilip Mehta, or his staff, to complete all technical details relating to the transmission of HAVA funds to Ohio.

Thank you for your notification of funds availability and prompt attention to the needs of states. We look forward to an ongoing partnership with the Election Assistance Commission in our compliance with HAVA and all related statutes.


Sincerely,

Bob Taft  
Governor

J. Kenneth Blackwell  
Secretary of State

022134

Margaret Sims /EAC/GOV  
10/03/2005 09:22 AM

To "Jordan, Lori" <ljordan@sos.state.oh.us>@GSAEXTERNAL  
cc  
bcc  
Subject RE: CFDA Numbers for HAVA Funding Programs 

Lori:

The requirements payments award notice did not include a CFDA number because we did not have the number at that time. We were told that we did not need one because the payments did not qualify as discretionary grants. Nevertheless, many States called to ask for a number because they use the number to track the funds. Consequently, we began jumping through the hoops necessary to obtain the number. The CFDA number for the requirements payments was confirmed earlier in the same week that I sent the message to you. It is on the web at [http://12.46.245.173/pls/portal30/CATALOG.PROGRAM\\_TEXT\\_RPT.SHOW?p\\_arg\\_names=prog\\_nbr&p\\_arg\\_values=90.401](http://12.46.245.173/pls/portal30/CATALOG.PROGRAM_TEXT_RPT.SHOW?p_arg_names=prog_nbr&p_arg_values=90.401).

Regarding the number you put on the first requirements payments report, I'll just place a copy of your email in the report folder, for now. Hope all is well with you.

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: psims@eac.gov

"Jordan, Lori" <ljordan@sos.state.oh.us>



"Jordan, Lori"  
<ljordan@sos.state.oh.us>  
09/30/2005 03:29 PM

To psims@eac.gov  
cc  
Subject RE: CFDA Numbers for HAVA Funding Programs

Hi Peggy,

Our original report filed last year for the requirements payments used the CFDA 39.011. Do we need to attach a corrected report to this year's report? Also, I checked the CFDA website when we received our requirement payments and did not see that CFDA number. There was no mention of it in the award letter either. When did that information become available?

Just curious so I will know how to proceed.

Thanks and have a great weekend!

Lori Jordan  
Finance Grants Manager

022135

Ohio Secretary of State's Office  
180 E. Broad St. 17th Fl.  
Columbus, OH 43215  
phone 614-466-6232  
fax 614-485-7677  
HAVA nice day! :)

-----Original Message-----

**From:** psims@eac.gov [mailto:psims@eac.gov]  
**Sent:** Thursday, September 22, 2005 4:26 PM  
**To:** cguidry@sos.louisiana.gov; jholjes@state.pa.us; judye.schneider@sos.state.co.us; lguerrero@secstate.wa.gov; lshea@secstate.wa.gov; jennifer.jacobson@state.sd.us; dglotzer@sos.state.tx.us; Cara.Harr@state.tn.us; Jordan, Lori; longj1@michigan.gov; jim\_shine@gov.state.ak.us; Lynda.Anderson@sbe.virginia.gov; james.graham@sos.arkansas.gov; RLParker@sos.nv.gov; Robynn.Yokooji@hawaii.gov; hkgrimm@sosmail.state.ar.us; BrianH@kssos.org; pharrington@sos.nv.gov; Scott.Logan@ncmail.net; don.wright@ncmail.net; Valerie.Holman@lps.state.nj.us; john.t.smith@maine.gov; plaso@viaccess.net; CStender@azsos.gov; mbeirne@sec.state.ri.us; Asgelect@samoatelco.com; jreynolds@elections.sc.gov; steven.talpas@lps.state.nj.us; mjohnson@sos.state.ms.us; rondamoore@sos.nv.gov; kdewolfe@sec.state.vt.us; MRoate@elections.state.il.us; jcasto@wvsos.com; SMacDonald@utah.gov; lauri\_allred@gov.state.ak.us; ptracey@elections.state.ny.us; nmgorbea@ec.state.ri.us; dkohel@sos.state.ne.us; BGlazier@elections.state.il.us; Virginia.Lane@state.de.us; rhonda.jones@sos.mo.gov; jwilliams@wvsos.com; jjordan@elections.state.md.us; Kathy.Sibbel@state.mn.us; jmairs@idsos.state.id.us; jsilrum@state.nd.us; pdaley@sec.state.vt.us; astevens@sos.state.nh.us; roach@oklaosf.state.ok.us; SimonC1@michigan.gov; smyers@azsos.gov; egraveley@state.mt.us; secstate@state.nm.us; frank.garcia-jr@state.or.us; bryan.rusciano@lps.state.nj.us; lklass@state.wy.us; Faith.EAC@gsa.gov; Edgren@sbe.wi.us; martina.cdebaca@state.nm.us; creynold@ss.ca.gov; eswedenburg@sos.al.gov; gec@ite.net; pkosinski@elections.state.ny.us; jadurbin@dos.state.fl.us; kevin.kennedy@sbe.state.wi.us; patriwili@state.pa.us; havaadministrator@sos.in.gov; Lynda.Anderson@sbe.virginia.gov; johnbower@juno.com; dsabaryl@sos.ca.gov; maria.hernandez@lbb.state.tx.us; ccaldwell@lapo.state.ar.us  
**Cc:** reynolds@sso.org; mglazer@csg.org  
**Subject:** CFDA Numbers for HAVA Funding Programs

Hello, HAVA Administrators and Financial Officers:

This is to confirm that a Catalogue of Federal Domestic Assistance (CFDA) number has been assigned to the "requirements payments" distributed by the U.S. Election Assistance Commission (EAC) under Title II of the Help America Vote Act. CFDA numbers reflect the government agency providing the funds and the program under which the monies were distributed. The CFDA numbers assigned thus far to HAVA programs are:

- 39.011 - Title I, sections 101 and 102 - election reform payments [distributed by the General Services Administration (GSA) in 2003].
- 93.617 - Title II, section 261 - grants to States for voting access for individuals with disabilities [aka EAID, distributed by the U.S. Department of Health and Human Services (HHS) in 2003, 2004, and 2005].
- 93.618 - Title II, section 291 - grants to State protection and advocacy systems to promote voting access for individuals with disabilities [distributed by HHS in 2003, 2004, and 2005; authorized for distribution in 2006].
- 90.400 - Help America Vote College Program - grants to promote the participation of college students as nonpartisan poll workers [distributed by EAC in 2004; may be

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- distributed in future years].
- 90.401 - Title II, section 251 - "requirements payments" [provided by EAC, beginning in 2004].

Some confusion has been caused by the removal of the HAVA Title I listing from the CFDA website (<http://12.46.245.173/cfda/cfda.html>). This was done without consulting with EAC. I suspect that the entry was removed by GSA for the following reasons:

- The CFDA number for the Title I funds has a GSA designation;
- No more funds are to be distributed under this program; and
- In accordance with HAVA Section 902(b)(4), EAC is responsible for auditing these funds.

I have discussed the matter with EAC's General Counsel, Julie Thompson. It is our position that, for tracking purposes, States and local jurisdictions should continue to use the GSA number originally assigned to the Title I funds. EAC cannot seek a new number for these funds because HAVA does not authorize EAC to make Title I payments.

I hope this information helps. Let me know if you need further assistance.

Sincerely,

Peggy Sims  
Research Specialist  
U.S. Election Assistance Commission  
1225 New York Ave, NW - Ste 1100  
Washington, DC 20005  
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)  
Fax: 202-566-3127  
email: [psims@eac.gov](mailto:psims@eac.gov)

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U.S. ELECTION ASSISTANCE COMMISSION

1225 NEW YORK AVENUE, N.W., SUITE 1100  
WASHINGTON, D.C. 20005

OFFICE OF THE CHAIRMAN

February 17, 2006

The Honorable J. Kenneth Blackwell  
Secretary of State  
180 East Broad Street, 16th Floor  
Columbus Ohio 43215

Dear Secretary Blackwell:

This letter serves as a reminder that reports on funds provided to States under the Help America Vote Act of 2002 (HAVA), Title I, Sections 101 and 102, and Title II, Section 251, are due soon to the U.S. Election Assistance Commission (EAC). Attached is a chart summarizing the due dates for the reports, the CFDA numbers applicable to the funds provided, the coverage dates for each report, and the form and content of the reports.

All reports on the HAVA Title I funds and Title II, Section 251 requirements payments should be submitted to the following address:

State HAVA Funding Reports  
U.S. Election Assistance Commission  
1225 New York Avenue, NW – Suite 1100  
Washington, DC 20005

If you have any questions about this matter, please contact Peggy Sims, Election Research Specialist. You can reach her by email at [psims@eac.gov](mailto:psims@eac.gov), or by phone at 1-866-747-1471 (toll free) or 202-566-3120.

Sincerely yours,

A handwritten signature in cursive script that reads "Paul DeGregorio".

Paul S. DeGregorio  
Chairman

Attachment

**SCHEDULE OF HAVA REPORTS DUE TO EAC IN 2006**

<b>Due Date</b>	<b>HAVA Title &amp; Section</b>	<b>CFDA #</b>	<b>Coverage Dates</b>	<b>Report Form and Contents<sup>2</sup></b>
February 28, 2006	Title I, Section 101	39.011	January 1, 2005-December 31, 2005	Standard Form 269 with the following attached: <ul style="list-style-type: none"> <li>• a detailed list of expenditures by program, function, or task (including dollar amount) made with respect to each category of activities described for the permissible use of funds in HAVA Section 101(b);</li> <li>• the number and type of articles of voting equipment obtained with the funds; and</li> <li>• an analysis and description of the activities funded and how such activities conform to the submitted State plan.</li> </ul>
February 28, 2006	Title I, Section 102	39.011	January 1, 2005-December 31, 2005	Standard Form 269 with the following attached: <ul style="list-style-type: none"> <li>• a detailed list of expenditures (including dollar amount) made for the replacement of punchcard and lever voting systems in accordance with HAVA Section 102(a)(2);</li> <li>• the number and type of articles of voting equipment obtained with the funds; and</li> <li>• an analysis and description of how the expenditures conform to the submitted State plan.</li> </ul>
March 30, 2006	Title II, Section 251	90.401	October 1, 2004-September 30, 2005	Standard Form 269 with the following attached: <ul style="list-style-type: none"> <li>• a list of expenditures made with respect to each category of activities described for the use of funds in HAVA Section 251;</li> <li>• the number and type of articles of voting equipment obtained with the funds; and</li> <li>• an analysis and description of the activities funded to meet HAVA requirements and how such activities conform to the submitted State plan.</li> </ul>

<sup>1</sup> Reports are due if the State has received funds under the HAVA title and section noted, and has not previously reported the expenditure of all such funds (including interest earned and, in the case of Title II, Section 251 payments, the 5% match).

<sup>2</sup> Standard Form 269 may be accessed at <http://www.whitehouse.gov/omb/grants/sf269.pdf>.

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U.S. ELECTION ASSISTANCE COMMISSION  
1225 NEW YORK AVENUE, N.W., SUITE 1100  
WASHINGTON, D.C. 20005

OFFICE OF THE CHAIRMAN

January 26, 2005

The Honorable J. Kenneth Blackwell  
Secretary of State  
180 East Broad Street, 16th Floor  
Columbus, Ohio 43215

Dear Secretary Blackwell:

This letter is in response to numerous State inquiries about future reporting responsibilities for funds provided under Title I, Sections 101 and 102, of the Help America Vote Act (HAVA).

In a July 2003 letter, the General Services Administration (GSA) notified your State that separate reports for Section 101 and 102 funds, covering financial activity from the date of GSA's disbursement of the funds to your State through December 31, 2003, were to be filed with GSA by January 21, 2004. GSA noted that States should report using Standard Form 269, with a separate form to be filed for Section 101 and, if applicable, 102 funds received by the State. GSA required each funding recipient to submit verification of actual purchases and expenditures.

The GSA letter also noted that the agency would provide information from these reports to Election Assistance Commission (EAC), once it was up and running, and that reporting dates would be subject to change by EAC. EAC has assumed the responsibility for receiving reports regarding these funds, in accordance with the agency's assumption of its audit responsibilities under HAVA, Title IX, Section 902.

EAC therefore requests that your State file your next report(s) no later than February 28, 2005 regarding all HAVA Title I funds provided to your State that had not been disbursed as of December 31, 2003 (the closing date of the report to GSA). Separate reports must be filed for the Section 101 and, if applicable, 102 funds that were received by your State; should cover financial activity during the period beginning January 1, 2004 and ending December 31, 2004; and must include the following information:

- a detailed list of expenditures by program, function, or task (including dollar amount) made with respect to each category of activities described for the permissible use of funds in HAVA sections 101(b) and 102(a)(2);

- the number and type of articles of voting equipment obtained with the funds; and
- an analysis and description of:
  - the activities funded to meet HAVA requirements; and
  - how such activities conform to the submitted State plan.

States should submit Standard Form 269 as part of each report. This form may be found at the <http://www.whitehouse.gov/omb/grants/sf269.pdf>.

Subsequent reports providing the same information on HAVA Title I expenditures will be due annually on February 28, covering the financial activity for the previous calendar year, until the State has filed final reports indicating that no such funds remain to be disbursed.

All reports on the HAVA Title I funds must be submitted to the following address:

State HAVA Funding Reports  
U.S. Election Assistance Commission  
1225 New York Avenue, NW – Suite 1100  
Washington, DC 20005

If you have any questions about this matter, please contact Peggy Sims, Election Research Specialist, by email at [psims@eac.gov](mailto:psims@eac.gov) or by phone at 1-866-747-1471 (toll free) or 202-566-3120.

Sincerely yours,



Gracia M. Hillman  
Chair



May 25, 2006

United States Election Assistance Commission  
FOIA Officer  
1225 New York Avenue N.W., Suite - 1100  
Washington, DC 20005

**Freedom of Information Act Request Letter**

Re: Freedom of Information Act Request (Privacy Act Request)

Dear FOIA Officer:

This is a request under the Freedom of Information Act.

I request that a copy of the following documents of "credit card purchasers list" of whom purchase in NAICS Codes, 423210/ 423430/ 424120/ 541519/ 811212 be provided to me: these are NAICS Codes related to buyers of toner cartridges, printers, computer products, office supplies, printer service and office furniture. We are a 100% small minority women owned, on GSA and are 8(a) certified.

In order to help to determine my status to assess fees, you should know that I am in sales of toner cartridges, printers, computer products, office supplies, printer service (break fix) and office furniture. We are a 100% small minority women owned, on GSA and are 8(a) certified company. Majority of our customers are the government and in order for us to do business with your agency we will need a list of credit card holders names, phone numbers and if possible addresses with there approval to send out our catalogs for the use to market our products and services.

Commercial user:

- Affiliated with a private corporation and am seeking information for use in the company's business.
- Federal Tax Identification Number: 54-1829993
- 8(a) Certification letter: see Attachment
- Company Capabilities letter: see Attachment
- I am a United States citizen and the president of the company is as well, both with a permanent residence in the United States; Verification of identity: see Attachments

I am willing to pay fees for this request up to a maximum of \$10. If you estimate that the fees will exceed this limit, please inform me first. As for the information provided to us by the Bureau FOIA Offices there should be no fees.

Thank you for your consideration of this request.

Sincerely,

Shavonne  
(703) 352-2029 ext. 102

022142

Jeannie Layson /EAC/GOV  
01/29/2007 11:56 AM

To records@blackboxvoting.org  
cc  
bcc

Subject Dec. 5 FOIA request

Ms. Harris,

Your FOIA request of Dec. 5, 2006 requested the following information about the Dec. 4 Technical Guidelines Development Committee meeting, : 1) A copy of the sunshine notice for this meeting, along with identification of where and when this appeared; 2) A copy of the minutes of the meeting, including the specifics on who voted on each item and what their vote was; and 3) a copy of any transcript, tape, or video of the meeting.

All of this information is publicly available at <http://vote.nist.gov/meeting20061204.htm>. For your information, I have also attached the notice as it appeared in the Federal Register and the parliamentarian's official record of votes, which will be considered for approval at the next plenary meeting. (The vote is also available in the transcript that is available at the above website.)

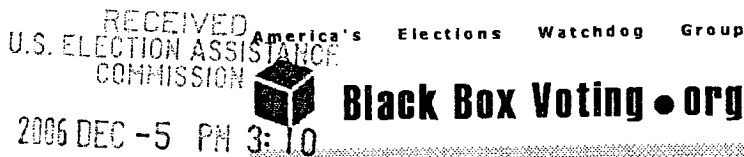
In the future, please direct FOIA requests to me at the address below or via fax number 202-566-3127.



Please let me know if I can be of further assistance. [FRNNotice.cgi.pdf](#) & [TGDCplenary1206vote.pdf](#)

Jeannie Layson  
U.S. Election Assistance Commission  
1225 New York Ave., NW  
Suite 1100  
Washington, DC 20005  
Phone: 202-566-3100  
[www.eac.gov](http://www.eac.gov)

022143



DATE OF THIS REQUEST: Dec. 5, 2006

PLEASE REFER TO THIS REQUEST AS #TGDC-Dec4

This is a request for three items pertaining to the meeting on Monday, Dec. 4, 2006\* by the U.S. Election Assistance Commission Technical Assistance Commission Technical Guidelines Development Committee:

**Item 1:** A copy of the sunshine notice for this meeting, along with identification of where and when this appeared.

**Item 2:** A copy of the minutes of the meeting, including the specifics on who voted on each item and what their vote was.

**Item 2:** A copy of any transcript, tape, or video of the meeting.

\* This meeting was referenced in an article today by ComputerWorld:

"The Technical Guidelines Development Committee (TGDC), an advisory board to the U.S. Elections Assistance Commission (EAC), on Monday failed to pass a proposal to certify only those direct record electronic (DRE) machines that use independent audit technology. Before the 6-6 vote..."

Please send your initial reply to: [records@blackboxvoting.org](mailto:records@blackboxvoting.org) or fax to: (866) 287-2934.

Thank you,

Bev Harris

Black Box Voting - 330 SW 43<sup>rd</sup> St Suite K - PMB 547 - Renton WA 98057 ph: 206-335-7747

022144

America's Elections Watchdog Group



**Black Box Voting • org**

DATE OF THIS REQUEST: Dec. 5, 2006

PLEASE REFER TO THIS REQUEST AS **#TGDC-Budget**

This is a request for two items:

**Item 1:** A copy of the 2005 and the 2006 budget for the U.S. Election Assistance Commission Technical Assistance Commission Technical Guidelines Development Committee

**Item 2:** A copy of all expenditures for the first three quarters of 2006 pertaining to the U.S. Election Assistance Commission Technical Assistance Commission Technical Guidelines Development Committee

Please send your initial reply to: [records@blackboxvoting.org](mailto:records@blackboxvoting.org) or fax to: (866) 287-2934.

Thank you,

Bev Harris

Black Box Voting - 330 SW 43<sup>rd</sup> St Suite K - PMB 547 - Renton WA 98057 ph: 206-335-7747

022145

Please deliver this promptly to the person responsible for fulfilling Freedom of Information Requests pertaining to the EAC.

Thank you,

Bev Harris  
Black Box Voting  
records@blackboxvoting.org



"Matthews, Cara L."  
<CLMATTHE@gannett.com>  
04/12/2007 12:07 PM

To jlayson@eac.gov  
cc  
bcc  
Subject FOIA request re: CIBER

This is to confirm that the records you e-mailed me in response to my Jan. 16, 2007 Freedom of Information Act fax on Ciber were appropriate to fulfill my request, and I consider the matter closed.

Thanks very much for your assistance.

Regards,

Cara Matthews, Correspondent  
Gannett News Service  
150 State St.  
Albany, NY 12207  
518-436-9781

022147



# FAX



## GANNETT NEWS SERVICE- ALBANY BUREAU

To: Jeannie Layson

FOI officer

Company: U.S. Election Assistance Commission

202-566-3127

From: <sup>Cara Matthews</sup> Gannett News Service  
150 State Street  
Albany, NY 12207  
518-436-9781

Warren  
Stewart  
Updated  
VoteTrust

Were there problems or questions with this fax?  
Call (518) 436-9781  
Return Fax Number: (518) 436-0130

### Additional Notes:

FOI request re: Cyber Inne

Pages Including Cover:

3

# GANNETT NEWS SERVICE

150 STATE STREET  
2nd FLOOR  
ALBANY, NEW YORK 12207  
(518) 436-9781

January 15, 2007

U.S. Election Assistance Commission  
1225 New York Avenue N.W. - Suite 1100  
Washington, DC 20005

## FOIA REQUEST

**Fee benefit requested**  
**Fee waiver requested**  
**Expedited review requested**

Dear FOI Officer:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I request access to and copies of all public documents, including letters, memos, reports and other paperwork, related to the application submitted by Ciber Inc. of Greenwood Village, Colo., for accreditation by the U.S. Election Assistance Commission.

As a representative of the news media I am only required to pay for the direct cost of duplication after the first 100 pages. Through this request, I am gathering information on the performance of Ciber Inc. that is of current interest to the public because the company is New York's contractor for voting machine testing and, depending on the outcome of the EAC's accreditation process, the company's status with New York could be affected. The issue is in the public interest because New York is one of the last states to comply with the federal Help America Vote Act. This information is being sought on behalf of *Gannett News Service* for dissemination to the general public.

Please waive any applicable fees. Release of the information is in the public interest because it will contribute significantly to public understanding of government operations and activities.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

As I am making this request as a journalist and this information is of timely value, I would appreciate your communicating with me by telephone, rather than by mail, if you have questions regarding this request.

Please provide expedited review of this request which concerns a matter of urgency. As a journalist, I am primarily engaged in disseminating information. The public has an urgent need for information about Ciber Inc. because New York has suspended testing until it gets more



022149

information about Ciber's status with the EAC. The public has a right to know as soon as possible whether there are any legitimate concerns about Ciber Inc. as far as the EAC is concerned. I certify that my statements concerning the need for expedited review are true and correct to the best of my knowledge and belief.

I look forward to your reply within 20 business days, as the statute requires.

Thank you for your assistance.

Sincerely,



Cara Matthews  
Correspondent  
Gannett News Service  
518-436-9781  
clmathe@gannett.com

022150



**U.S. ELECTION ASSISTANCE COMMISSION**  
**1225 New York Ave. NW - Suite 1100**  
**Washington, DC 20005**

February 9, 2007

Mr. Todd Valentine  
New York State Board of Elections  
40 Steuben Street  
Albany, New York 12207-2108


Dear Mr. Valentine:

This letter is in response to your Freedom of Information Act (FOIA) request received by the U. S. Election Assistance Commission (EAC) on January 11, 2007. The request sought copies of reports related to CIBER Incorporated's application to the EAC's interim test laboratory accreditation program.

On January 26, I emailed documents responsive to your request. I know you are interested in this issue, so I have also attached correspondence that EAC has generated since your original request.

The EAC has decided to waive the processing fees for your request. If you interpret any portion of this response as an adverse action, you will have an opportunity to appeal it to the Election Assistance Commission. Your appeal must be in writing and sent to the address noted on the above letterhead. Any appeal submitted, must be postmarked no later than 60 calendar days from the date of EAC's final response letter. Please include your reasons for reconsideration and attach a copy of this and subsequent EAC responses.

Sincerely,

  
Jeannie Layson  
Director of Communications  
U.S. Election Assistance Commission

Attachments:

1. Your Request Letter (received January 11, 2007)
2. Responsive Documents

022151

RECEIVED  
U.S. ELECTION ASSISTANCE  
COMMISSION



2007 JAN 11 PM 4:16

State of New York  
**STATE BOARD OF ELECTIONS**

Neil W. Kelleher  
Chair  
Douglas A. Kellner  
Chair  
Helena Moses Donohue  
Commissioner  
Evelyn J. Aquila  
Commissioner

40 STEUBEN STREET  
ALBANY, N.Y. 12207-2108  
Phone: 518-474-6367 Fax: 518-486-4546  
www.elections.state.ny.us

Peter S. Kosinski  
Executive Director  
Stanley L. Zalen  
Executive Director  
Todd D. Valentine  
Special Counsel  
Patricia L. Murray  
Deputy Counsel

United States Election Assistance Commission  
1225 New York Avenue N.W., Suite - 1100  
Washington, DC 20005

January 8, 2007

Dear Sirs,

On behalf of the New York State Board of Elections, I am requesting copies of any and all reports made to, by or in the possession of the Election Assistance Commission regarding the certification of CIBER as an independent testing authority.

Sincerely,

A handwritten signature in cursive script that reads "Todd D. Valentine".

Todd D. Valentine  
Special Counsel



U. S. ELECTION ASSISTANCE COMMISSION  
OFFICE OF THE EXECUTIVE DIRECTOR  
1225 New York Avenue, NW, Suite 1100  
Washington, DC. 20005

February 1, 2007

Mr. Wally Birdseye  
President, Federal Solutions  
CIBER Federal Solutions  
7900 Westpark Drive  
McLean, VA 22102-3105

Mr. Birdseye,

In light of EAC's two assessor reports and the subsequent information CIBER has provided regarding its accreditation, EAC's assessor has outlined the specific issues that CIBER must address before it can receive an EAC interim accreditation. This determination is attached. As you know, these assessments followed ISO/IEC Standard 17025 and NIST Handbooks 150 and 150-22.

~~In~~ order to document your compliance with the attached assessor's determination, please submit (to EAC and the assessor) a narrative report detailing the steps taken in response to each noted deficiency. The report must attach copies of all manuals, procedures or other documentation created or modified in response to the assessor's determination.

CIBER must satisfy all of the above non-conformity issues no later than 5:30pm (EST) March 5, 2007 in order to be considered for EAC interim accreditation. If you cannot meet these requirements within that timeframe, your application for interim accreditation will not be considered further. Should you or your staff have further questions related to this letter and the attached document, please contact the Director of Testing and Certification, Brian J. Hancock.

I look forward to your response to these items.

A handwritten signature in black ink, appearing to read "T. Wilkey".

Thomas R. Wilkey  
Executive Director

Cc: Shawn Southworth  
Charles K. Sweeney

Attachment

022153

## Summary of actions needed to complete the CIBER Interim Accreditation.

The following is a list of follow-up actions needed to complete the accreditation. Although the CIBER responses met the 30 day deadline, many of the responses are merely open admissions that further work needs to be done and the actual compliance has still to be demonstrated.

### Abbreviations used:

ACAR – CIBER’s Audit Corrective Action Request. These are the records of action taken or proposed for management tracking.

COTS – Commercial Off The Shelf hardware and software.

HAVA – Help America Vote Act

ISO – International Standards Organization. The ISO 17025 is an international standard for testing laboratories.

ITA – Independent Test Authority or Agent. Term used for voting system test labs prior to HAVA.

NVLAP – National Voluntary Laboratory Accreditation Program

TM – Test Method. CIBER’s document system that contains test methods and other procedures used to manage the testing operations.

VSTL – Voting System Test Laboratory. Laboratories to be accredited under NVLAP and EAC under terms required by HAVA. VSTL accreditation will replace the ITA and this interim ITA accreditation.

The NVLAP Handbook 150 and 150-22 and associated checklists were used as publicly available source copies for the ISO 17025 requirements as they provide consistent breakdown of the requirements and include, in the Handbook 150-22 checklist, some program specific requirements established for voting system test labs. The Handbook 150-22 checklist was modified slightly for this Interim Accreditation. The use of the NVLAP documents should not imply that this assessment is sanctioned by NVLAP, qualifies CIBER’s management program for NVLAP accreditation, or binds NVLAP to recognizing this assessment findings. A separate NVLAP assessment may agree or disagree with the findings of this assessment. References in the ACAR below refer to the these checklists.

1. ACAR 4.2.7 #1. No action required. This was an observation of a requirement that CIBER needs to be prepared to respond to but not required at this time.
2. ACAR 4.3.1 #1. CIBER is to provide a schedule for the Internal Audit (reference 4.14.1) and Management Review (reference 4.15.1) that ensures these management events will occur within a specified regular period.
3. ACAR 4.4 #1. (See also ACAR 5.4#4) The TM 2 procedures for negotiating contractual documents and verbal agreements needs to updated to identify:
  - a. What test methods will be used for the given voting system design (reference 4.4.1 a) and c)).
  - b. Approved deviations on those test methods.
  - c. Which test methods will be outside of the core-requirements for CIBER (reference 5.4.6) and performed by Wyle.

- d. What test methods will be subcontracted or contracted separately to other accredited labs (reference 4.4.3) because they are outside the core-requirements or because are needed as additional resources
- e. Any additional testing that has been requested by the customer that is outside the scope of accreditation as an Interim ITA (reference 5.4.6).
4. ACAR 4.5 #. Define Wyle's role(s) under the terms of a sub-contractor.
  - a. What test methods will be performed under Wyle's role as an Interim Hardware ITA with CIBER taking the contracting role.
  - b. Specify how Wyle will report or participate in the final report in this role.
  - c. Specify what test methods under Wyle's role as an accredited test lab under other programs will be performed by Wyle. (These will require formal reports under the standards of that program).
5. ACAR 4.7 #1. No action required. This was an observation of an advantage in using a standard test method versus a customer derived test method.
6. ACAR 4.8 #1. Complete the proposed change. There are other legitimate sources of complaints besides the customer which you need to have a method of recognizing and accepting for review.
7. ACAR 4.9 #1. Similar to 4.8 #1. Complete the proposed change. There are other sources of legitimate reports which may indicate non-conformance than internal workers.
8. ACAR 4.11, 4.12, 4.13, 4.15. Provide the schedule for 4.14.1 and 4.15.1 and provide a report or list of the actions taken by the Management Review and its date.
9. ACAR 4.13 #1. No action required for this report. The item was an alert that you need to be looking at changes from the released EAC Testing and Certification Program Manual.
10. ACAR 4.13 #2. Provide disposal instructions for the quality and technical records.
11. ACAR 5.2 #1 Provide a method to document that your people critical to the test results are qualified, trained, competency verified, and that a record exists to show when they were authorized/re-qualified to perform their duties. Provide a copy of the record for current test engineers and Quality Manger. Test criteria: If a test engineer is identified as executing a test method of a test campaign, a record should exist that he was qualified before he signed off on the test.
12. ACAR 5.3 #1 The location was temporary and will not apply. Defer this requirement for full review at the next accreditation event when you are installed in the new location. Provide a floor plan and details for security access controls for the new location. (Provide your new address and contact information.)
13. ACAR 5.4 #1 The test plan and test report should identify the test methods and any deviations to the test plans for all the VVS-2002 with HAVA Section 301 requirements. Where a test method is performed and reported in another report, the test method's report should be identified and, if current to the given report, attached.
14. ACAR 5.4 #2 Any test method used must be validated and the validation reported and recorded. If the test method for a standard test method (for example the Mil-Std environmental tests) is modified, the modification must be validated and documented. Provide validation procedures and the validation report on at least



- one each test method for a functional requirement and a security requirement. Identify which of your test methods are validated and which will require some actual testing to complete.
15. ACAR 5.4 #3 If the customer configures any part of the voting system, then the laboratory shall verify the configuration, including all installed software such as operating system or applications. Provide a procedure for verifying the installed configuration or make changes to procedures to require any such changes to be performed by a CIBER qualified test engineer.
  16. ACAR 5.4 #4 The test lab needs to identify in contracting documents, test plans, and test reports which test methods they are responsible for and which tests are done by others. Requirements for this response are the same as in ACAR 4.4 #1
  17. ACAR 5.5 #1 Only equipment used for testing must be included in the in-house inventory and identified for maintenance and other actions to ensure that it in condition and setup correctly to be used in testing. Provide a copy of the inventory showing the equipment you have identified for testing and its current status.
  18. ACAR 5.10#1 Two issues:
    - a. If the customer request testing outside the scope of accreditation (additional testing requirements or alternate testing criteria) the test method may be included but must be identified as outside the scope of the certification and must not interfere or degrade with the standard tests. It may be a more stringent test. Specify how you will include these within your report.
    - b. If the test is outside the lab's core-requirement but part of the overall compliance review, an accredited lab for that test must complete the test and report on it. The report must be identified and included within the final report. Specify how you will include these reports.
  19. ACAR 6.0-01 Complete the proposed changes and provide them for review.
  20. ACAR 6.0-02 Validate and provide procedures for the use of Using Exam Diff Pro or any other software tools.
  21. ACAR 6.0-03 Provide the procedure for the Accessibility requirements and identify whether CIBER or Wyle is going to assess these requirements..
  22. ACAR 6.0-04 Provide the procedure to assess the quality of constructions and to identify whether CIBER or Wyle will perform the procedure.
  23. ACAR 6.0-05 Need to develop procedure for supporting the non-core requirement method for hardware transportation and storage. This should include developing, validating, and preparing the Operational Status Test.
  24. ACAR 6.0-06 Identify what is needed to setup the EMC and electrical test suite. This should include developing, validating, and preparing the Operational Status Test or alternate test programs tos support operational modes needed for the EMC and electrical test suites.
  25. ACAR 6.0-07. Modify the report template to support reporting on the hardware environmental, EMC and electrical, and Safety tests and inspections. Provide instructions for validating and reporting the validations of the test methods used.
  26. ACAR 6.0-08. Update the Requirements Checklist to include the HAVA requirements and develop the test methods to test them. Provide a complete

- checklist. Note that this no longer just the functional requirements but includes hardware, performance, and security issues also.
27. ACAR 6.0-09. Develop and validate the procedure for performing an Accuracy test on COTS, non-COTs, ballot Scanner, DRE (with and without VVPAT), precinct counter, central counter, and ballot marking devices. The procedure should include a test election(s), specification of one or more test decks, and setup to validate vote count/ballot storage and transfer to the system's jurisdiction level reporting component(s) to consolidate and report final vote totals. Provide the full test method.
  28. ACAR 6.0-10. Do the same for the procedures and validate the test election to support the 163 hr Reliability tests. If vendor simulations are used for either the electromagnetic compatibility, accuracy, or reliability testing, specify how you will validate and document the simulated test as being equivalent to an actual election operation.
  29. ACAR 6.0-11. This requirement can be deleted. Your testing should include provisions for testing volume limits but they will be in terms of the vendor specification.
  30. ACAR 6.0-12. Develop the security test method, Ensure the requirements in Vol II, Section 6.2 are included and the results reported. Provide a copy of the test method or methods.
  31. ACAR 6.0-13. Develop the test method to be used for the Telecommunication tests. Verify that you or Wyle has the resources to perform the tests. Ensure that the requirements of Voting System Standards-2002 Volume 1 Section 5.2 are tested or incorporated in other test plans where applicable. Provide a copy of the test method(s).

Overall: The bulk of this involves identifying and providing test methods information or reporting procedures for the full range of requirements in the voting system standards. CIBER is responsible for the full coverage of the requirements in the final report even though other qualified labs may be performing the actual test or reviews. During the assessment CIBER was requested to provide a Requirements checklist (see ACAR 6.0-08 as a specific example) which lists all the requirement specifications that CIBER recognizes are to be verified and to show how those requirements are to be satisfied. In CIBER's response CIBER indicated that they were unaware of many of these requirements, expecting them to be covered by Wyle. To ensure there are no remaining areas not being reviewed, CIBER should complete the analysis of the 2002 Voting System Standards with the HAVA Section 301 requirements included and provide a summary checklist identifying where those requirements are addressed and who (CIBER/Wyle/qualified lab) is expected to perform and report on the requirement with reference to the applicable test method documents.

CIBER does not need to develop every test method but does need to provide a reference to any established test method that will be used. The test method referenced must be available for review. CIBER shall need to provide any procedural instructions or modifications needed to invoke a test method done by another qualified lab or to validate that the test was appropriate for inclusion in the final report.



U. S. ELECTION ASSISTANCE COMMISSION  
OFFICE OF THE EXECUTIVE DIRECTOR  
1225 New York Avenue, NW, Suite 1100  
Washington, DC. 20005

January 26, 2007

Mr. Wally Birdseye  
President, Federal Solutions  
CIBER Federal Solutions  
7900 Westpark Drive  
McLean, VA 22102-3105

Mr. Birdseye,

We write this letter to update you on our review of your interim accreditation application. As you know from our January 10, 2007 meeting, the U.S. Election Assistance Commission (EAC) has received your January 3<sup>rd</sup> memorandum responding to our second assessment (December 6 -8, 2006). We have also received your letters dated January 11, 2007 and January 18, 2007 (received January 24, 2007). Presently, EAC's assessor and Certification Program Director are reviewing this information.

As you know, the EAC has received a list of recommended laboratories from the National Institute of Standards and Technology. This recommendation is a keystone of the accreditation process mandated by the Help America Vote Act. The EAC expects to make a decision regarding accreditation on the recommended laboratories in the near future. The purpose of the interim accreditation program was to serve as a stop gap, accrediting laboratories to test voting systems prior to the availability of NIST recommended laboratories. Thus, the need and purpose of the interim program is drawing to a close. I expect the Commission will vote to close this program as soon as February 8, 2007. The EAC recognizes that CIBER has taken significant steps to address many of the non-conformities identified during its assessment. We know you are anxious to finish the work you have started. The EAC also seeks to draw this matter to a close.

Next week you will receive another letter from the EAC outlining the specific actions CIBER must take in order to qualify for interim accreditation. As of the date of this letter, CIBER will have 30 days to satisfy these requirements. This is a reasonable amount of time for CIBER to resolve all remaining issues. If you cannot meet such requirements within the timeframe your application for interim accreditation will not be considered further.

A handwritten signature in black ink, appearing to read "T. Wilkey".

Thomas R. Wilkey  
Executive Director

022153



U. S. ELECTION ASSISTANCE COMMISSION  
OFFICE OF THE EXECUTIVE DIRECTOR  
1225 New York Avenue, NW, Suite 1100  
Washington, DC. 20005

January 26, 2007

Mr. Wally Birdseye  
President, Federal Solutions  
CIBER Federal Solutions  
7900 Westpark Drive  
McLean, VA 22102-3105

**Via Electronic Mail & U.S. Mail**  
**WBirdseye@ciber.com**

RE: Release of assessment reports and other documentation related to CIBER's  
interim accreditation status

Dear Mr. Birdseye:

Over the past weeks, the U.S. Election Assistance Commission (EAC) has received numerous inquiries regarding why information related to CIBER's status in the EAC Interim Accreditation Process was not available on the EAC web site. These inquiries included requests for assessment reports produced as a part of that program. EAC, in consultation with the National Institute of Standards and Technology, believed that it was improper to publish documents related to an accreditation assessment that is not complete.

On January 25, 2007, a CIBER representative informed EAC staff that CIBER has released to a third party assessment reports, correspondence and CIBER responses. This release has made these documents public. Since CIBER has taken action to make this information public, it is incumbent upon EAC to publish this information, despite the fact that CIBER still has not completed the interim accreditation process. EAC will make the same information available to all members of the public, today, by posting the information on its web site.

If you have any questions related to EAC's action, please direct those questions to Brian Hancock, Director of Testing and Certification.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Wilkey".

Thomas R. Wilkey  
Executive Director

cc: Charles K. Sweeney II (CSweeney@ciber.com)  
Shawn Southworth (SSouthworth@ciber.com)

022159

# ciber

Memo to: Tom Wilkey  
Date: January 3, 2007  
Subject: Election Assistance Commission Accreditation

CC: Wally Birdseye, President CIBER Federal  
Terry DeBell, CIBER Manager of Internal Audit and Compliance  
Steve Freeman, Election Assistance Commission Auditor

Mr. Wilkey,

This memo is in response to our recent accreditation audit effort that was performed the week of December 6<sup>th</sup> – 8<sup>th</sup>, 2006 by Steve Freeman. We have noted Mr. Freeman's non-conformance items and have created Corrective Actions (which are included as part of this document) to address each item identified during the audit. Our Executive Management Steering Committee has reviewed and approved the responses to the Audit Corrective Action Requests.

Please note that some of the items identified by Mr. Freeman have been completed while others are being addressed but require additional effort to complete.

We believe we have done what is necessary to achieve interim accreditation. We would appreciate any comments and/or feedback to ensure that we are proceeding in a manner that will address all EAC concerns.

If you have any questions or would like to discuss our approach please feel free to contact me directly.

Please accept this letter as our official written response regarding resolution or correction of nonconformities as required.

Sincerely,



---

Shawn Southworth  
CIBER Inc.  
ITA Practice Director

022160

<b>1 Internal Audit</b>	<b>Audit Corrective Action Request</b>	<b>ACAR: 4.2 #1 Audit Date: Dec. 6-8</b>
<b>Site Name:</b> ITA Practice		
<b>NIST Handbook 150 Checklist Section:</b> Top management shall ensure that the integrity of the management system is maintained when changes to the management system are planned and implemented		
<b>Nonconformance:</b> 4.2.7 (HDB 150) requirement to maintain integrity during planned change is a new accreditation requirement that needs some basic attention to initial setup.		
<b>Requirement:</b> (The laboratory shall:) have managerial and technical personnel who, irrespective of other responsibilities, have the authority and resources needed to carry out their duties, including the implementation, maintenance and improvement of the management system, and to identify the occurrence of departures from the management system or from the procedures for performing tests and/or calibrations, and to initiate actions to prevent or minimize such departures;		
<b>Findings:</b> Our understanding of these concerns are:		
<ul style="list-style-type: none"> <li>• We need a stronger process for notifying the ITA of changes to the management system</li> <li>• We need a stronger process for reviewing suggested changes to ensure that these changes do not impair other areas of the management process or the test methods</li> </ul>		
<b>Auditor Name:</b> Steve Freeman <b>Name of Site Management:</b> Shawn Southworth		

To be completed by Site Management within 30 Business Days of Receipt:

<b>Corrective Action:</b> (Describe how the noncompliance will be resolved.)
The following process will be defined further and included in the ITA Practice Operations Manual.
<p>The QA Manager is the only one authorized to make changes to the QA process documents. The QA Manager meets with the ITA staff on a monthly basis to discuss process improvement changes recommended on SharePoint. The effects of the suggested process improvements are discussed at this meeting with: ITA Practice Director, test engineers, TDP reviewers, and other applicable staff members. The QA Manager will take notes throughout this meeting and will implement those suggestions agreed upon and approved by the Practice Director. All changes to the process documents are marked in blue. The new document is then saved in the Processes Under Development folder under "In Review" to await review and approval by the EMSC. The QA Manager will notify the EMSC Chair and the Practice Director. These two entities must review the suggested changes for the overall impact to the management system and test methods. These entities will notify the QA Manager of any additional changes. If no changes are required, the EMSC moves the document from Process under improvement to "Approved." The QA Manager then posts the revised documents on the Process Library.</p> <p>If changes are required, the QA Manager holds a second meeting with the Practice Director to again determine the impact of the changes to the whole system. Once the Practice Director approves the changes, the QA Manager again submits the documents to the EMSC. This process continues until all parties agree on the new documents. Appropriate levels of EAC review will be included in this process as necessary.</p>

<b>Proposed Completion Date:</b> (Date that the action(s) described above will be completed.)
January 9.

<b>Root Cause of Noncompliance:</b> (Describe the reason that the noncompliance arose. Please refrain from using reasons such as "oversight" and describe HOW the "oversight" happened (i.e., policy
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was confusing, personnel failed to follow instructions)).

This non conformance was due to a new requirement in the handbook, as well as a need for additional clarification. This process was already taking place, but it was not specified clearly in our process documentation.

**Additional Comments/Notes:** (i.e., Person assigned responsibility for task,  
Amber Willburn

**Site response completed by:** Amber Willburn

**Date:** 2006-12-18

<b>2 Internal Audit</b>	<b>Audit Corrective Action Request</b>	<b>ACAR: 4.3 num 1 Audit Date: Dec. 6-8</b>
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**Site Name:** ITA Practice

**NIST Handbook 150 Checklist Section:** Unknown (comment found under 4.3 Document Control)

**Nonconformance:** Not necessarily a non-conformance. A comment from Steve: As a comment, the definition of the periodic cycle for these events was not as well defined with a tendency to point to the next event rather than show how these events were to be scheduled but this expected to be resolved before the next review.

**Requirement:** May come from Requirement 4.3.2.2: documents are periodically reviewed and, where necessary, revised to ensure continuing suitability and compliance with applicable requirements;

**Findings:** Our understanding of these concerns are:

- We need a matrix included in our POM that outlines a specific schedule for reviewing the documents. We have a basic schedule (annually, etc), but we need to have them more frequently.
- This requirement also needs the SharePoint calendar to be more complete than it is.
- We also need to flesh out our process for ensuing reviews

**Auditor Name:** Steve Freeman

**Name of Site Management:** Shawn Southworth

To be completed by Site Management within 30 Business Days of Receipt:

**Corrective Action:** (Describe how the noncompliance will be resolved.)

The following process will be defined further and included in the ITA Practice Operations Manual.

In Section 11.2 Plan QA Activities, we need to define our schedule for reviewing the QA documents, and perhaps even include in the document control section a reference to this schedule. QA meetings are held monthly, during this time, all process improvement requests are reviewed and discussed for inclusion in the next version of the QA documents. The QA manager maintains working copies of new version with inclusions in the QA worksite. Every six months, the QA Manager will produce the new versions of the QA documents for review by the ITA Practice Director and EMSC. All changes, besides minor editing and wordsmithing, must have already been discussed during the monthly QA meetings. The Practice Director and EMSC may assign additional technical and/or quality personnel to review the QA documents for clarity, correctness, and consistency. All changes are related back to the QA manager. The QA Manager then incorporates the approved changes and submits the documents for review again. This process continues until all parties agree.

Although this review of the QA documents occurs every 6 months, it may be necessary to submit new versions of the documents or hold a document review prior to this meeting. Events that may cause a change in QA document review include changes to policy as directed by the EAC, changes in CIBER policy, major process improvements found during testing, or other events such as nonconformance's, staff changes, or any other issue or concern noted by the Practice Director, QA Manager, or EMSC. Should one of these events occur, the QA Manager, ITA Practice Director, and EMSC must be immediately notified. The QA Manager will call a meeting to discuss the changes to the practice documents, and the above noted process will commence.

**Proposed Completion Date:** (Date that the action(s) described above will be completed.)

January 9.

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**Root Cause of Noncompliance:** (Describe the reason that the noncompliance arose. Please refrain from using reasons such as "oversight" and describe HOW the "oversight" happened (i.e., policy was confusing, personnel failed to follow instructions)).

This comment was due to the ITA's relatively loose handling of meetings. Since we are a small group, we often just call each other down the hall for a meeting, especially if something is critical. Document reviews have already been occurring, but they have not been captured as efficiently in the POM.

**Additional Comments/Notes:** (i.e., Person assigned responsibility for task,)  
Amber Willburn

**Site response completed by:** Amber Willburn

**Date:** 2006-12-19

<b>3 Internal Audit</b>	<b>Audit Corrective Action Request</b>	<b>ACAR: 4.4 num 1 Audit Date: Dec. 6-8</b>
<p><b>Site Name:</b> ITA Practice</p> <p><b>NIST Handbook 150-22 Checklist Section:</b> 5.4.6 Test and calibration methods and method validation</p> <p><b>Nonconformance:</b> Not necessarily a non-conformance. A comment from Steve: A "test method" (TM 2) for Negotiating supports the policies for the review of requests, tenders, and contracts. The basic process showed no issues or problems. Specific items that needed to be identified in a negotiation such as the areas where the CIBER ITA Practice was not qualified under the scope of accreditation (HDBK 150-22, 5.4.6) were identified in the later sections where encountered.</p> <p><b>Requirement:</b> May come from Requirement 4.3.2.2: The laboratory shall clearly identify any test methods included in the test campaign that are outside of the laboratory's scope of accreditation.</p> <p><b>Findings:</b> Our understanding of these concerns are:</p> <ul style="list-style-type: none"> <li>• We need to include steps in our negotiation process that includes notifying the clients of those test requirements that are outside the scope of our testing.</li> <li>• This process needs to be found in our test plan, test reports, and all other items.</li> </ul> <p><b>Auditor Name:</b> Steve Freman      <b>Name of Site Management:</b> Shawn Southworth</p>		

To be completed by Site Management within 30 Business Days of Receipt:

<p><b>Corrective Action:</b> (Describe how the noncompliance will be resolved.)</p> <p>The following process will be defined further and included in the ITA Practice Operations Manual.</p> <p>Although not a formal nonconformance, this item is the beginning of one of our major nonconformance issues about the test methods and our relationship with Wyle. As we get these items solidified, they may affect this area. Regardless, we will add a step in our contracts section that specifically addresses CIBER's scope of accreditation.</p>
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<p><b>Proposed Completion Date:</b> (Date that the action(s) described above will be completed.)</p> <p>January 9.</p>
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<p><b>Root Cause of Noncompliance:</b> (Describe the reason that the noncompliance arose. Please refrain from using reasons such as "oversight" and describe HOW the "oversight" happened (i.e., policy was confusing, personnel failed to follow instructions)).</p> <p>The delineation between Wyle's scope of accreditation and ours has not been clarified at this moment. We were not aware that this was an issue, or that our scope of testing would change. Additionally, the NIST 150-22 was only brought to our attention at this latest audit.</p>
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<p><b>Additional Comments/Notes:</b> (i.e., Person assigned responsibility for task,)</p> <p>Shawn Southworth is currently working with Wyle to determine the scope of accreditation. Amber Willburn is responsible for including this step into the negotiation process.</p>
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**Site response completed by:** Amber Willburn  
**Date:** 2006-12-19

022165

**4 Internal Audit****Audit Corrective  
Action Request****ACAR: 4.5 num 1  
Audit Date: Dec. 6-8****Site Name: ITA Practice****NIST Handbook 150 Checklist Section: 4.5 SUBCONTRACTING OF TESTS AND CALIBRATIONS**

**Nonconformance:** The specific non-conformance is unclear; however, we did receive a nonconformance for this item. A comment from Steve: CIBER has an exclusive Team Partnering agreement with Wyle Labs based on Wyle's current EAC Interim accreditation.

The relationship of the lead lab under the NVLAP 150/150-22 procedures and EAC preliminary guidance needs some clarification in the instructions to recognize the accredited voting system test lab's increased responsibility under the core requirements as compared with past practice of software/hardware lab. The current procedures for subcontracting recognize the need for the subcontracted tests to be with a lab accredited for the appropriate scope of testing but CIBER is just recognizing that their scope of responsibility for the testing has shifted and they need to be more responsible in the direction and performance of tests formally conducted by the 'hardware' labs. With Wyle's experience and current accreditation, this extended responsibility is blurred as Wyle is in a position to provide more of the service and management than would otherwise be expected.

CIBER will need to pay attention to develop practices in what had formerly been a Hardware ITA exclusive area. Some later non conformance will be in specific areas where CIBER needs to include more details on the full range of test requirements, recognizing their own out of scope status requiring the use of other labs with the appropriate accreditation and CIBERs responsibility in these cases to provide contractual specification of test operation and setup configuration information

**Requirement:** Specific reference is not made. May come from Requirement 4.5 Subcontracting of tests and calibrations

- \_\_\_\_\_ 4.5.1 When a laboratory subcontracts work whether because of unforeseen reasons (e.g., workload, need for further expertise or temporary incapacity) or on a continuing basis (e.g., through permanent subcontracting, agency or franchising arrangements), this work shall be placed with a competent subcontractor. A competent subcontractor is one that, for example, complies with this handbook for the work in question.
- \_\_\_\_\_ 4.5.2 The laboratory shall advise the customer of the arrangement in writing and, when appropriate, gain the approval of the customer, preferably in writing.
- \_\_\_\_\_ 4.5.3 The laboratory is responsible to the customer for the subcontractor's work, except in the case where the customer or a regulatory authority specifies which subcontractor is to be used.
- \_\_\_\_\_ 4.5.4 The laboratory shall maintain a register of all subcontractors that it uses for tests and/or calibrations and a record of the evidence of compliance with this handbook for the work in question.

**Findings:** Our understanding of these concerns are:

- The EAC must still clarify the scope of accreditation for Wyle and the expectations they have for the VSTLs.
- We need a better definition of the Wyle/CIBER partnership

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- We need to write into our policies and practice a more thorough validation of efforts, including creating one test report instead of two
- Need to define in our contract section a better delineation of responsibilities for CIBER, including notifying the client of all tests considered out of scope for CIBER, Inc.
- Need to include in our TM documents more palpable configuration management techniques to ensure a streamlined and consistent testing environment.

It is our understanding that the EAC now wants only to deal with 1 testing lab, instead of two as we have it broken up. Implications from this change need to be reviewed in greater detail to determine how the new Wyle/CIBER organization will look. Again, the nonconformance in this section are vague, but deal with the greater question of "core requirements" as is being defined by the EAC.

**Auditor Name:** Steve Freeman

**Name of Site Management:** Shawn Southworth

To be completed by Site Management within 30 Business Days of Receipt:

**Corrective Action:** (Describe how the noncompliance will be resolved.)

At the moment, Shawn is working with Wyle to outline the relationship between the two companies. Additionally, we have requested clarification from the EAC on the "core" and "non core" requirements and how they are accrediting the two.

While these actions items are being completed, we are writing stronger contract language in our negotiation process. We are also reviewing with our legal department any changes that need to be made in MSA, SAL, NDAs, and subcontractor agreements.

Additionally, we need to write into our TM document the fact that we bear overall responsibility for the test. We are no longer just responsible for the software testing, but the entire test. As such, we need to work with Wyle to determine validation efforts for their test methods, as well as develop process for the core requirements. We need to write into our Test Plans and test reports those items that are outside the scope of our accreditation to ensure the EAC, vendors, and as necessary, the general public can retrace the test process.

**Proposed Completion Date:** (Date that the action(s) described above will be completed.)

TBD. Many of these items are in process now and will be reviewed on weekly status calls. However, we are awaiting clarification on some items from the EAC. We can not continue on the process for determining and understanding the relationship between Wyle/CIBER until these clarifications are made.

Changes to the documents will occur by January 9, or soon after, again depending on the clarification from EAC and CIBER legal.

**Root Cause of Noncompliance:** (Describe the reason that the noncompliance arose. Please refrain from using reasons such as "oversight" and describe HOW the "oversight" happened (i.e., policy was confusing, personnel failed to follow instructions)).

The delineation between Wyle's scope of accreditation and ours has not been clarified at this moment. We were not aware that this was an issue, or that our scope of testing would change. Greater clarification on the CIBER/Wyle team was needed; however, it was not addressed due to the relatively "mom and pop" type shop the ITA was running. Many of the conversations occurred out of professional trust and a long experience of partnership between the two agencies. Also, the fast-paced process of testing did not allow for some of these issues to be brought to light until the audit was initially conducted.

**Additional Comments/Notes:** (i.e., Person assigned responsibility for task.)

Shawn Southworth is currently working with Wyle to determine the scope of accreditation. Amber Willburn is responsible for including changes to the POM and TM. Amber will work with Shawn

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and in many instances Jack to ensure the information is correct.

**Site response completed by: Amber Willburn**

**Date: 2006-12-19**

022168

<b>5 Internal Audit</b>	<b>Audit Corrective Action Request</b>	<b>ACAR: 4.7 num 1 Audit Date: Dec. 6-8</b>
<b>Site Name: ITA Practice</b>		
<b>NIST Handbook 150 Checklist Section: 4.5 SUBCONTRACTING OF TESTS AND CALIBRATIONS</b>		
<p><b>Nonconformance:</b> This was not noted as a non-conformance: Steve's note: Although not noted in the checklist, it may be worth noting the emphasis on working with previously prepared and validated test methods to provide standard conforming tests rather than acceding too quickly to requests to modify tests at request to vendors.</p>		
<p><b>Requirement:</b> Not noted as a requirements.</p>		
<p><b>Findings:</b> Our understanding of these concerns are:</p>		
<ul style="list-style-type: none"> <li>• We need to add stronger language in our TM about altering test methods. CIBER does have a deviation form that is to be filled out whenever modifications are made for certain machines.</li> <li>• While certain variables will have to be modified for each vendor (due to the system's capabilities); CIBER needs to follow approved TM and make these methods more applicable to all vendors.</li> </ul>		
<p><b>Auditor Name:</b> Steve Freeman                      <b>Name of Site Management:</b> Shawn Southworth</p>		

To be completed by Site Management within 30 Business Days of Receipt:

**Corrective Action:** (Describe how the noncompliance will be resolved.)

We need to make the process and reasons for deviation more distinct in our TM. Steve provided suggestions and comments during the audit. These comments and suggestions must be evaluated for inclusion in the TM.

**Proposed Completion Date:** (Date that the action(s) described above will be completed.)

January 9<sup>th</sup>.

**Root Cause of Noncompliance:** (Describe the reason that the noncompliance arose. Please refrain from using reasons such as "oversight" and describe HOW the "oversight" happened (i.e., policy was confusing, personnel failed to follow instructions)).

At the moment, we have not had an opportunity to test the new methods on actual projects. Until this time comes, we will not know for sure how our standardized test methods will perform. The cause of this comment seems to be that we did not know what was missing until it was pointed out.

**Additional Comments/Notes:** (i.e., Person assigned responsibility for task,)

Amber Willburn will add comments from Steve into TM. These will be discussed with Shawn and Jack for applicability and correctness.

**Site response completed by:** Amber Willburn

**Date:** 2006-12-19

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<b>6 Internal Audit</b>	<b>Audit Corrective Action Request</b>	<b>ACAR: 4.8 num 1</b> <b>Audit Date: Dec. 6-8</b>
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**Site Name:** ITA Practice

**NIST Handbook 150 Checklist Section:** 4.5 SUBCONTRACTING OF TESTS AND CALIBRATIONS

**Nonconformance:** This was not noted as a non-conformance: Steve's note: The program is restricted to customer complaints and other sources of complaints are not routinely submitted.

**Requirement:** Not noted as a requirement.

**Findings:** Our understanding of these concerns are:

- Once the EAC has developed a process for complaints, CIBER will adopt whatever form they have. In the meantime, we need to develop a process for handling complaints besides those from customers, such as EA Complaints, general public complaints, subcontractor complaints, etc.
- Additionally, we need to define "customer complaints." At the moment, we consider customer complaints as formal complaints levied against the ITA. We have a separate process for handling customer issues. These two items need to be defined better, and the process for managing customer issues needs to be included in the POM.

**Auditor Name:** Steve Freeman      **Name of Site Management:** Shawn Southworth

**To be completed by Site Management within 30 Business Days of Receipt:**

**Corrective Action:** (Describe how the noncompliance will be resolved.)

The following process needs to be expanded and added to the POM and TM (as applicable).

CIBER defines customer complaints as those issues for which the customer and CIBER ITA have not reached an amenable agreement during the course of a conversation, or as those items for which the customer would like to file a formal complaint that will ascend through the CIBER chain.

CIBER defines Customer Issues as those items for which the customer has concerns and has brought them up before the ITA PM or Practice Director. Issues can also be raised by members of the ITA team or by other entities, beyond the customer. Issues are logged and tracked using the SharePoint tool.

All complaints or issues from the EAC will be handled as Customer Complaints.

**Proposed Completion Date:** (Date that the action(s) described above will be completed.)

January 9<sup>th</sup>.

**Root Cause of Noncompliance:** (Describe the reason that the noncompliance arose. Please refrain from using reasons such as "oversight" and describe HOW the "oversight" happened (i.e., policy was confusing, personnel failed to follow instructions)).

The difference between these two items has never been discussed due to the new implementation of the SharePoint tool for ITA. Also, issues were handled on the spot with customers, and did not necessitate additional processes.

**Additional Comments/Notes:** (i.e., Person assigned responsibility for task.)

Amber Willburn

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**Site response completed by: Amber Willburn**  
**Date: 2006-12-19**

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<b>7 Internal Audit</b>	<b>Audit Corrective Action Request</b>	<b>ACAR: 4.9 num 1</b> <b>Audit Date: Dec. 6-8</b>
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**Site Name:** ITA Practice

**NIST Handbook 150 Checklist Section:** 4.5 SUBCONTRACTING OF TESTS AND CALIBRATIONS

**Nonconformance:** No formal non-conformances were noted, but this item was included in the non-conformance report: Steve's note: CIBER is to consider changes to recognize EAC or related stakeholder reports of non-conformance, possible through official EAC process communication or otherwise provide a path (see comments on Complaints) for recognizing such inputs from legitimate stakeholders.

**Requirement:** Not noted as a requirement.

**Findings:** Our understanding of these concerns are:

- Once the EAC has developed a process for addressing non-conformances, CIBER will adopt whatever form they have. In the meantime, we need to develop a process for handling non-conformance from the EAC, general public, and other shareholders.

**Auditor Name:** Steve Freeman

**Name of Site Management:** Shawn Southworth

To be completed by Site Management within 30 Business Days of Receipt:

**Corrective Action:** (Describe how the noncompliance will be resolved.)

The following process needs to be expanded and added to the POM and TM (as applicable).

All non-conformance issues, including those from the EAC and other applicable stakeholders must be reported in the issues log. Issues can also be raised by members of the ITA team or by other entities, beyond the customer. Issues are logged and tracked using the SharePoint tool.

All complaints or issues from the EAC will be handled as Customer Complaints. Non-conformances will be weighted by the Practice Director as to whether they should be noted as issues (smaller items that can be resolved on a project), or a Customer Complaint (those items that have bearing on the ITA Practice as a whole).

**Proposed Completion Date:** (Date that the action(s) described above will be completed.)

January 9<sup>th</sup>.

**Root Cause of Noncompliance:** (Describe the reason that the noncompliance arose. Please refrain from using reasons such as "oversight" and describe HOW the "oversight" happened (i.e., policy was confusing, personnel failed to follow instructions)).

The requirement for addressing non-conformance from the EAC is relatively new. As such, we have not included the appropriate verbiage into our process.

**Additional Comments/Notes:** (i.e., Person assigned responsibility for task,)

Amber Willburn

**Site response completed by:** Amber Willburn

**Date:** 2006-12-19

022172

<b>8 Internal Audit</b>	<b>Audit Corrective Action Request</b>	<b>ACAR: 4.11, 4.12, 4.14, 4.15 num 1 Audit Date: Dec. 6-8</b>
<b>Site Name:</b> ITA Practice		
<b>NIST Handbook 150 Checklist Section:</b> 4.11 CORRECTIVE ACTION, 4.12 PREVENTIVE ACTION, 4.14 INTERNAL AUDITS, 4.15 MANAGEMENT REVIEWS		
<b>Nonconformance:</b> No formal non-conformances were noted, but the executive management review had not yet taken place at the time of the audit.		
<b>Requirement:</b> Items 4.11, 4.12, 4.14, and 4.15 all have a statement requiring the review by management. These items have been addressed in a single ACAR report because they all relate to the main issue of completing our annual Management Review found in section:		
<b>4.15.1</b> In accordance with a predetermined schedule and procedure, the laboratory's top management shall periodically conduct a review of the laboratory's management system and testing and/or calibration activities to ensure their continuing suitability and effectiveness, and to introduce necessary changes or improvements.		
<b>Findings:</b> Our understanding of these concerns are:		
<ul style="list-style-type: none"> <li>• The Management Review had not taken place, but had been scheduled, prior to the Audit.</li> <li>• The Management Review had also been a CAR from the internal audit.</li> </ul>		
<b>Auditor Name:</b> Steve Freeman <b>Name of Site Management:</b> Shawn Southworth		

To be completed by Site Management within 30 Business Days of Receipt:

**Corrective Action:** (Describe how the noncompliance will be resolved.)

The Management Review has already been completed, but active steps must be taken to ensure the review continues. Also, We are anticipating quarterly Management Reviews due to the inordinate amount of changes anticipated in the ITA. These changes will mostly revolve around the implementation of and gradual improvement changes to the ITA QA, operations, and test methods.

**Proposed Completion Date:** (Date that the action(s) described above will be completed.)

Dec 8<sup>th</sup>.

**Root Cause of Noncompliance:** (Describe the reason that the noncompliance arose. Please refrain from using reasons such as "oversight" and describe HOW the "oversight" happened (i.e., policy was confusing, personnel failed to follow instructions)).

The requirement for addressing management reviews is relatively new. However, CIBER requires a similar process that we had not been following due to poor communication between CIBER management and the ITA. This communication process has since been rectified. .

**Additional Comments/Notes:** (i.e., Person assigned responsibility for task,)  
Shawn Southworth and the EMSC

**Site response completed by:** Amber Willburn  
**Date:** 2006-12-19

022173

<b>9 Internal Audit</b>	<b>Audit Corrective Action Request</b>	<b>ACAR: 4.13 num 1</b> <b>Audit Date: Dec. 6-8</b>
<b>Site Name:</b> ITA Practice		
<b>NIST Handbook 150 Checklist Section:</b> 4.13 Control of Records		
<b>Nonconformance:</b> No formal non-conformances were noted, but Steve noted: CIBER is to review the new EAC Certification Program Manual and consider adopting the matching retention for election records.		
<b>Requirement:</b> At the moment, this comment is not tied to a specific requirement, but Steve anticipates that it will be soon.		
<b>Findings:</b> Our understanding of these concerns are:		
<ul style="list-style-type: none"> <li>The CIBER ITA has not included the requirements from the EAC Certification Program Manual effective January 1<sup>st</sup>, 2007.</li> </ul>		
<b>Auditor Name:</b> Steve Freeman <b>Name of Site Management:</b> Shawn Southworth		

To be completed by Site Management within 30 Business Days of Receipt:

**Corrective Action:** (Describe how the noncompliance will be resolved.)

CIBER will read the suggested record retention in this manual and include the appropriate dates in the POM.

**Proposed Completion Date:** (Date that the action(s) described above will be completed.)

Dec 8<sup>th</sup>.

**Root Cause of Noncompliance:** (Describe the reason that the noncompliance arose. Please refrain from using reasons such as "oversight" and describe HOW the "oversight" happened (i.e., policy was confusing, personnel failed to follow instructions)).

This manual was approved on December 7<sup>th</sup>, 2006, disallowing the ITA from including the information in the record control process.

**Additional Comments/Notes:** (i.e., Person assigned responsibility for task,)

Amber Willburn will run this through corporate legal to ensure compliance with EAC, Federal standards, and CIBER policy.

**Site response completed by:** Amber Willburn

**Date:** 2006-12-19

022174

<b>10 Internal Audit</b>	<b>Audit Corrective Action Request</b>	<b>ACAR: 4.13 num 2 Audit Date: Dec. 6-8</b>
<b>Site Name:</b> ITA Practice		
<b>NIST Handbook 150 Checklist Section:</b> 4.13 Control of Records		
<b>Nonconformance:</b> No formal non-conformances were noted, but Steve noted: No disposal procedures are specified and are to be developed. Check with next assessment review		
<b>Requirement: 4.13.1.3</b> The laboratory shall establish and maintain procedures for identification, collection, indexing, access, filing, storage, maintenance and <u>disposal of quality and technical records</u> . Quality records shall include reports from internal audits and management reviews as well as records of corrective and preventive actions.		
<b>Findings:</b> Our understanding of these concerns are:		
<ul style="list-style-type: none"> <li>• The CIBER ITA must describe our process for disposing of records.</li> </ul>		
<b>Auditor Name:</b> Steve Freeman <b>Name of Site Management:</b> Shawn Southworth		

To be completed by Site Management within 30 Business Days of Receipt:

**Corrective Action:** (Describe how the noncompliance will be resolved.)

CIBER ITA already has a process for disposing of records as written in our security procedures. This process must be elaborated upon and included in the POM.

**Proposed Completion Date:** (Date that the action(s) described above will be completed.)

January 9<sup>th</sup>.

**Root Cause of Noncompliance:** (Describe the reason that the noncompliance arose. Please refrain from using reasons such as "oversight" and describe HOW the "oversight" happened (i.e., policy was confusing, personnel failed to follow instructions)).

The CIBER ITA has not included the specifics of how records are destroyed, although there is a standard process in place.

**Additional Comments/Notes:** (i.e., Person assigned responsibility for task,)

Amber Willburn will work with Diane Gray and Shawn Southworth to capture the disposal process for inclusion in the POM.

**Site response completed by:** Amber Willburn

**Date:** 2006-12-19

022175

<b>11 Internal Audit</b>	<b>Audit Corrective Action Request</b>	<b>ACAR: 5.2 num 1 Audit Date: Dec. 6-8</b>
<b>Site Name: ITA Practice</b>		
<b>NIST Handbook 150 Checklist Section: 5.2 Personnel</b>		
<p><b>Nonconformance:</b> No clear designator that a test engineer is qualified or for what methods. Also Steve noted: The training records, while showing an active training program were inconsistent with different names a scope of training for the same activity. No standardized training plan appears to exist beyond corporate policy of Security and 30 day training</p>		
<p><b>Requirement:</b> No specific requirement is mentioned, however the 5.2 personnel section requires in several areas that the competency of key personnel is verified.</p>		
<p><b>Findings:</b> Our understanding of these concerns are:</p>		
<ul style="list-style-type: none"> <li>• The CIBER ITA must include in the training summaries, or in another area, the date that the practice director or program manager validated the competency of the staff.</li> <li>• The ITA must standardize the training plans and refer to each training plan the same to enable efficient tracking of training</li> <li>• We need to create a standardized method of validating training. In some methods, this is done through current testing processes, and for other methods, an interview of the technical ability should be conducted.</li> <li>• We need to create a training plan for each position, as well as support positions.</li> </ul>		
<p><b>Auditor Name: Steve Freeman                      Name of Site Management: Shawn Southworth</b></p>		

**To be completed by Site Management within 30 Business Days of Receipt:**

**Corrective Action:** (Describe how the noncompliance will be resolved.)

We are currently in the process of creating training presentations for the POM and for each test method. Accompanying training documentations (i.e. tests, review questions, etc.) are also being developed, while other already existing training items must be included in the training plans.

Once these training presentations are completed, we will have a standardized naming convention to include in the training summaries. As well as a more streamlined process for validating this training.

We are developing a tracking module that will include: Name, Training area (i.e. TDP, Security, and POM), Trainer, Date Competency was reviewed, Reviewer, Date Approved, Date of Reevaluation, and Re-Evaluator. This matrix will be included on the ITA Portal with access granted to Shawn and applicable Project Managers, as necessary. This process must be detailed in the POM.

Once the training presentations are complete, we will be able to develop training plans for each key position. The training plans will be included in the POM.

**Proposed Completion Date:** (Date that the action(s) described above will be completed.)

January 25<sup>th</sup>.

**Root Cause of Noncompliance:** (Describe the reason that the noncompliance arose. Please refrain from using reasons such as "oversight" and describe HOW the "oversight" happened (i.e., policy was confusing, personnel failed to follow instructions)).

We used the training plans for CIBER Federal and were unaware that they were not complete enough for the EAC. The consistency item is due to our communication with the CSM. We have already begun clarifying the training that is occurring and has occurred.

022176

**Additional Comments/Notes:** (i.e., Person assigned responsibility for task,)

Amber Willburn will work with Shawn and applicable members of the ITA to capture their information. Amber is also working with John Manning and Theresa Smith to develop training presentations, matrices, and plans.

**Site response completed by:** Amber Willburn

**Date:** 2006-12-19

022177

<b>12 Internal Audit</b>	<b>Audit Corrective Action Request</b>	<b>ACAR: 5.3 num 1 Audit Date: Dec. 6-8</b>
<b>Site Name: ITA Practice</b>		
<b>NIST Handbook 150 Checklist Section: 5.2 Personnel</b>		
<p><b>Nonconformance:</b> the non-conformance is unclear. Steve's comments do not include a clear recommendation or suggestion. Possible non-conformance could include: Procedures for remote operation require the CIBER test team are defined but consist mainly of taking control of security conditions to ensure reduced risk of interference with testing.</p>		
<p><b>Requirement:</b> No specific requirement is mentioned.</p>		
<p><b>Findings:</b> Our understanding of these concerns are:</p>		
<ul style="list-style-type: none"> <li>• CIBER needs to elaborate on our partnership with Wyle, as well as our existing environmental controls at a client site.</li> </ul>		
<p><b>Auditor Name:</b> Steve Freeman      <b>Name of Site Management:</b> Shawn Southworth</p>		

To be completed by Site Management within 30 Business Days of Receipt:

**Corrective Action:** (Describe how the noncompliance will be resolved.)

We are currently discussing Wyle's scope of accreditation as noted in previous ACARs.

We will include more detail on our process for controlling testing at client sites. Steve made a few comments on his checklist that he copies for us. We will glean areas to improve from these comments.

**Proposed Completion Date:** (Date that the action(s) described above will be completed.)

January 9th.

**Root Cause of Noncompliance:** (Describe the reason that the noncompliance arose. Please refrain from using reasons such as "oversight" and describe HOW the "oversight" happened (i.e., policy was confusing, personnel failed to follow instructions)).

We believe that a greater level of detail was required than we had anticipated.

**Additional Comments/Notes:** (i.e., Person assigned responsibility for task,)

Amber Willburn

**Site response completed by:** Amber Willburn  
**Date:** 2006-12-19

022178

<b>13 Internal Audit</b>	<b>Audit Corrective Action Request</b>	<b>ACAR: 5.4 num 1</b> <b>Audit Date: Dec. 6-8</b>
<b>Site Name:</b> ITA Practice		
<b>NIST Handbook 150 Checklist Section:</b> 5.2 Personnel		
<p><b>Nonconformance:</b> The TM does not provide for the inclusion of the non-core test requirements in the test plan or test report. Although not a core requirement, the lab needs to include it in the test planning and report for direction and integration with the voting system test report as a single document supporting a system certification.</p>		
<p><b>Requirement:</b> No specific requirement is mentioned.</p>		
<p><b>Findings:</b> Our understanding of these concerns are:</p>		
<ul style="list-style-type: none"> <li>• We need to include the methods for the non-core testing into our test methods</li> <li>• We need to include our processes for including these in the test plan and report</li> </ul>		
<p><b>Auditor Name:</b> Steve Freeman      <b>Name of Site Management:</b> Shawn Southworth</p>		

To be completed by Site Management within 30 Business Days of Receipt:

<p><b>Corrective Action:</b> (Describe how the noncompliance will be resolved.)</p>
<p>We are currently discussing Wyle's scope of accreditation as noted in previous ACARs.</p>
<p>We are also working with Wyle to understand the best way to include these methods in our test report and test plan. Once this is established, we will include these processes in the TM document.</p>

<p><b>Proposed Completion Date:</b> (Date that the action(s) described above will be completed.)</p>
<p>January 25th.</p>

<p><b>Root Cause of Noncompliance:</b> (Describe the reason that the noncompliance arose. Please refrain from using reasons such as "oversight" and describe HOW the "oversight" happened (i.e., policy was confusing, personnel failed to follow instructions)).</p>
<p>We did not understand that these methods needed to be included in our methods document.</p>

<p><b>Additional Comments/Notes:</b> (i.e., Person assigned responsibility for task,) Shawn Southworth is working with Wyle. Once all is established, Amber Willburn will include these into the TM.</p>
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**Site response completed by:** Amber Willburn  
**Date:** 2006-12-19

022179



<b>14 Internal Audit</b>	<b>Audit Corrective Action Request</b>	<b>ACAR: 5.4 num 2 Audit Date: Dec. 6-8</b>
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**Site Name:** ITA Practice

**NIST Handbook 150 Checklist Section:** 5.2 Personnel

**Nonconformance:** the test method for the core requirements lack validation and reports for the validation of the tests. They appear to be too general for validation in some cases.

**Requirement:** No specific requirement is mentioned.

**Findings:** Our understanding of these concerns are:

- We need to include the methods for the non-core testing into our test methods
- We need to include our processes for including these in the test plan and report
- We need process for validating that the test methods are correct and applicable to the test

**Auditor Name:** Steve Freeman

**Name of Site Management:** Shawn Southworth

To be completed by Site Management within 30 Business Days of Receipt:

**Corrective Action:** (Describe how the noncompliance will be resolved.)

We are currently discussing Wyle's scope of accreditation as noted in previous ACARs.

We are also working with Wyle to understand the best way to validate their methods. Once this is established, we will include these processes in the TM document.

**Proposed Completion Date:** (Date that the action(s) described above will be completed.)

January 25th.

**Root Cause of Noncompliance:** (Describe the reason that the noncompliance arose. Please refrain from using reasons such as "oversight" and describe HOW the "oversight" happened (i.e., policy was confusing, personnel failed to follow instructions)).

We did not understand that these methods needed to be included in our methods document.

**Additional Comments/Notes:** (i.e., Person assigned responsibility for task,)

Shawn Southworth is working with Wyle. Once all is established, Amber Willburn will include these into the TM.

**Site response completed by:** Amber Willburn

**Date:** 2006-12-19

022186

<b>15 Internal Audit</b>	<b>Audit Corrective Action Request</b>	<b>ACAR: 5.4 num 3 Audit Date: Dec. 6-8</b>
<b>Site Name: ITA Practice</b>		
<b>NIST Handbook 150 Checklist Section: 5.2 Personnel</b>		
<p><b>Nonconformance:</b> The TM specifies the application will be installed by the vendor and fails to provide verification that the software installed matches the Witnessed Build including the operating system and third party software..</p> <p><b>Requirement:</b> No specific requirement is mentioned.</p> <p><b>Findings:</b> Our understanding of these concerns are:</p> <ul style="list-style-type: none"> <li>• We need to provide more detailed configuration management processes</li> </ul> <p><b>Auditor Name: Steve Freeman</b>                      <b>Name of Site Management: Shawn Southworth</b></p>		

To be completed by Site Management within 30 Business Days of Receipt:

**Corrective Action:** (Describe how the noncompliance will be resolved.)

CIBER already has a process for verifying version of software installed, operating system, and 3<sup>rd</sup> party software. We need to capture this information and include it in the Witness Build section. As the TM is written, the CM processes is defined in its own section. CM needs to reiterated throughout the entire TM, especially in the Witness Build section.

**Proposed Completion Date:** (Date that the action(s) described above will be completed.)

January 25th.

**Root Cause of Noncompliance:** (Describe the reason that the noncompliance arose. Please refrain from using reasons such as "oversight" and describe HOW the "oversight" happened (i.e., policy was confusing, personnel failed to follow instructions)).

We did not include the appropriate level of detail.

**Additional Comments/Notes:** (i.e., Person assigned responsibility for task,)

Shawn Southworth is working determining the process. Once all is established, Amber Willburn will include it into the TM.

**Site response completed by:** Amber Willburn

**Date:** 2006-12-19

022181

<b>16 Internal Audit</b>	<b>Audit Corrective Action Request</b>	<b>ACAR: 5.4 num 4</b> <b>Audit Date: Dec. 6-8</b>
<b>Site Name:</b> ITA Practice		
<b>NIST Handbook 150 Checklist Section:</b> 5.4 Test and Calibration Methods and Method Validation		
<b>Nonconformance:</b> The test lab needs to explicitly identify tests that it does not hold accreditation		
<b>Requirement:</b> No specific requirement is mentioned.		
<b>Findings:</b> Our understanding of these concerns are:		
<ul style="list-style-type: none"> <li>• We need to identify in our test plan, report, etc, those tests that we hold accreditation for</li> </ul>		
<b>Auditor Name:</b> Steve Freeman <b>Name of Site Management:</b> Shawn Southworth		

To be completed by Site Management within 30 Business Days of Receipt:

<b>Corrective Action:</b> (Describe how the noncompliance will be resolved.)
<p>We are writing in our test plans those test for which we are accredited. Also, in our test reports, when we identify the test methods use, and in the background section, we are identifying to tests for which we are accredited.</p>
<p>In connection with this corrective action, we are actively requesting additional information from the EAC on the test for which we will be accredited. At this moment, it is not clear what our accreditation will cover, and what we will need to rely on Wyle for. We are meeting with Wyle to help address some of these concerns.</p>

<b>Proposed Completion Date:</b> (Date that the action(s) described above will be completed.)
January 25th.

<b>Root Cause of Noncompliance:</b> (Describe the reason that the noncompliance arose. Please refrain from using reasons such as "oversight" and describe HOW the "oversight" happened (i.e., policy was confusing, personnel failed to follow instructions)).
We did not know that the accreditation for Wyle and CIBER would be different than we had anticipated.

<b>Additional Comments/Notes:</b> (i.e., Person assigned responsibility for task, Shawn Southworth is working with Wyle and the EAC to determine the scope of accreditation)
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**Site response completed by:** Amber Willburn  
**Date:** 2006-12-27

022182

<b>17 Internal Audit</b>	<b>Audit Corrective Action Request</b>	<b>ACAR: 5.5 num 1 Audit Date: Dec. 6-8</b>
<b>Site Name: ITA Practice</b>		
<b>NIST Handbook 150 Checklist Section: 5.4 Test and Calibration Methods and Method Validation</b>		
<p><b>Nonconformance:</b> TM provides for test equipment (support, not the equipment to be tested and certified); to be checked in and inventoried but does not include provisions for maintenance, setup and validation that is operating correctly and for the intended purpose, handling of damaged equipment, or disposal for either CIBER owned or rented equipment or that provided by the vendor for testing such as certified pieces needed to complete test objectives.</p>		
<p>In the latter case, readiness testing, care, validation, and setup verification are equally important as for the Equipment under test but needs the care extended beyond the actual test campaign. This area should be relatively minor unless specialized equipment is involved.</p>		
<p>This section was not completely reviewed due to time limits and little applicability</p>		
<p><b>Requirement:</b> No specific requirement is mentioned.</p>		
<p><b>Findings:</b> Our understanding of these concerns are:</p>		
<ul style="list-style-type: none"> <li>• We need to include in our inventory control process a provision for the maintenance, setup, validation, handling of damaged equipment, and disposal of equipment</li> <li>• We need to define further the process for CIBER owned and vendor-provided equipment</li> </ul>		
<p><b>Auditor Name:</b> Steve Freeman      <b>Name of Site Management:</b> Shawn Southworth</p>		

To be completed by Site Management within 30 Business Days of Receipt:

**Corrective Action:** (Describe how the noncompliance will be resolved.)

In our Inventory Control Process, we are adding the following sections:

- Maintenance of equipment –
  - This section will describe all of the CIBER owned equipment and our process for maintaining these items, such as personal computers, software, and any other items identified (at this moment, no other items are identified).
  - This section will also identify how we maintain vendor equipment, including our environmental conditions, etc.
- Equipment setup-
  - In this section, we will overall process for setting up vendor equipment to be tested, such as how they are assigned lab space, etc
- Validation of equipment-
  - In this section, we will identify the process for validating that the vendor has provided the correct version, that the equipment (hardware and software) work as described, that the equipment is applicable for the test
  - We will also address the process for validating CIBER's software packages used for the test
  - We will address the process for validating our Hardware partner's process of validating hardware
- Handling of damaged equipment-
  - We already have a process for handling damaged equipment, but it needs to be pulled out and elaborated upon.
- Disposal of Equipment-
  - We have a process for disposing of vendor-related equipment
  - Need to outline CIBER's process for disposing of equipment

022183

**Proposed Completion Date:** (Date that the action(s) described above will be completed.)

January 25th.

**Root Cause of Noncompliance:** (Describe the reason that the noncompliance arose. Please refrain from using reasons such as "oversight" and describe HOW the "oversight" happened (i.e., policy was confusing, personnel failed to follow instructions)).

We have been following many of the corporate policies for CIBER equipment, and the vendor policies for their equipment. We have not taken the step to write down all of these policies in one document.

**Additional Comments/Notes:** (i.e., Person assigned responsibility for task,)  
Diane Gray.

**Site response completed by:** Amber Willburn

**Date:** 2006-12-27

022184

<b>18 Internal Audit</b>	<b>Audit Corrective Action Request</b>	<b>ACAR: 5.10 num 1 Audit Date: Dec. 6-8</b>
<b>Site Name:</b> ITA Practice		
<b>NIST Handbook 150 Checklist Section:</b> 5.4 Test and Calibration Methods and Method Validation		
<p><b>Nonconformance:</b> Work by other accredited labs needs to be identified (test plan and contract also) and validated that the lab is qualified. The results need to be validated that they are appropriate for the report. If the work is outside of the scope of accreditation for the contracting lab, this condition needs to be explicitly stated (ref 5.4.6 in the HDBK 150-22)</p>		
<p>HDBK 150/150-22 requires specification of processing for reports for other purposes. Note that this involves branding issues where claiming the authority as an accredited lab may not be appropriate. Recognized alternate reports are for state certification and internal to the vendor.</p>		
<b>Requirement:</b>		
<p>5.4.6 The laboratory shall clearly identify any test methods included in the test campaign that are outside of the laboratory's scope of accreditation.</p>		
<b>Findings:</b> Our understanding of these concerns are:		
<ul style="list-style-type: none"> <li>• We need to include in our negotiation with the customer, test plan, and test report all work done outside the accreditation for the contracting lab</li> <li>• We need a process for verifying that the lab is qualified to do the work</li> </ul>		
<p><b>Auditor Name:</b> Steve Freeman      <b>Name of Site Management:</b> Shawn Southworth</p>		

To be completed by Site Management within 30 Business Days of Receipt:

<b>Corrective Action:</b> (Describe how the noncompliance will be resolved.)
<p>In our negotiation process, we need to include a statement about notifying the customer of all work outside the scope of our accreditation.</p>
<p>We will need to include a process for validating that the other lab is qualified. We are working with Wyle to develop a streamlined process for this. Also, we are seeking clarification on the scope of accreditation for both CIBER and Wyle.</p>

<b>Proposed Completion Date:</b> (Date that the action(s) described above will be completed.)
<p>TBD. The items that only need to be included in our processes will be completed by Jan 25<sup>th</sup>. However, we must wait for our scope of accreditation and Wyle's before we can proceed on these items.</p>

<b>Root Cause of Noncompliance:</b> (Describe the reason that the noncompliance arose. Please refrain from using reasons such as "oversight" and describe HOW the "oversight" happened (i.e., policy was confusing, personnel failed to follow instructions)).
<p>We were not aware of the NIST 150 – 22 checklist until the audit.</p>

<b>Additional Comments/Notes:</b> (i.e., Person assigned responsibility for task, Amber Willburn and Shawn Southworth.
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Site response completed by: Amber Willburn

022185

**Date: 2006-12-27**

022186

<b>19 EAC Audit</b>	<b>Audit Corrective Action Request</b>	<b>ACAR # 6.0 - 01</b> <b>Audit Date: 12/08/2006</b>
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**Site Name:** ITA Practice

**HB 150-22 Tech Supplemental Checklist-CIBER 0612.doc:** NIST HDBK 150-22 Section 6  
Technical Supplement Section item 1.k

**Nonconformance:**

**Requirement:** NIST HDBK 150-22 Section 6 Technical Supplement Section item 1.k

**Findings:** Test plan should include the tests that are not in the core responsibilities but are still required for the certification of the system. The test plan is to be complete for all requirements. Where the test requirements are outside of the core tests, the plan should identify the accredited lab to be used, what materials and directions need to be given to the lab, what support is to be provided, how the labs report will be validated (correct configuration for the certification, appropriate operations for a voting system) and how the report is to be included In the final report

**Auditor Name:** Steve Freeman

**Name of Site Management:** Shawn Southworth

To be completed by Site Management within 5 Business Days of Receipt:

**Corrective Action:** (Describe how the noncompliance will be resolved.)

Define tests that are not in the core responsibilities. Identify all accredited labs used, what materials and directions need to be given to the lab, what support is to be provided, how the labs report will be validated and how the report is to be included In the final report

**Proposed Completion Date:** (Date that the action(s) described above will be completed.)

TDB

**Root Cause of Noncompliance:** (Describe the reason that the noncompliance arose. Please refrain from using reasons such as "oversight" and describe HOW the "oversight" happened (i.e., policy was confusing, personnel failed to follow instructions)).

At the time of writing our process and procedure documents we were unaware of these requirements.

**Additional Comments/Notes:** (i.e., Person assigned responsibility for task,)

Amber Willburn

**Site response completed by:** Shawn Southworth

**Date:** 2006-12-19

022187



<b>20 EAC Audit</b>	<b>Audit Corrective Action Request</b>	<b>ACAR # 6.0 - 02 Audit Date: 12/08/2006</b>
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**Site Name:** ITA Practice

**HB 150-22 Tech Supplemental Checklist-CIBER 0612.doc:** NIST HDBK 150-22 Section 6  
Technical Supplement Section item 2.d

**Nonconformance:**

**Requirement:** NIST HDBK 150-22 Section 6 Technical Supplement Section item 2. Source Code Review, D. Review for coding conventions and integrity requirements.

**Findings:** Need to validate Using Exam Diff Pro and provide validation report.

**Auditor Name:** Steve Freeman

**Name of Site Management:** Shawn Southworth

To be completed by Site Management within 5 Business Days of Receipt:

**Corrective Action:** (Describe how the noncompliance will be resolved.)

Define usage of Exam Diff Pro COTS tool and provide validation.

**Proposed Completion Date:** (Date that the action(s) described above will be completed.)

TDB

**Root Cause of Noncompliance:** (Describe the reason that the noncompliance arose. Please refrain from using reasons such as "oversight" and describe HOW the "oversight" happened (i.e., policy was confusing, personnel failed to follow instructions)).

At the time of writing our process and procedure documents we were unaware of these requirements.

**Additional Comments/Notes:** (i.e., Person assigned responsibility for task,)

Amber Willburn

**Site response completed by:** Shawn Southworth

**Date:** 2006-12-19

022188

<b>21 EAC Audit</b>	<b>Audit Corrective Action Request</b>	<b>ACAR # 6.0 - 03</b> <b>Audit Date: 12/08/2006</b>
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**Site Name:** ITA Practice

**HB 150-22 Tech Supplemental Checklist-CIBER 0612.doc:** NIST HDBK 150-22 Section 6  
Technical Supplement Section item 3. B

**Nonconformance:**

**Requirement:** NIST HDBK 150-22 Section 6 Technical Supplement Section item 3. Physical  
Configuration Audit, B. Accessibility standards

**Findings:** Accessibility CIBER provides test cases to Wyle

**Auditor Name:** Steve Freeman

**Name of Site Management:** Shawn Southworth

To be completed by Site Management within 5 Business Days of Receipt:

**Corrective Action:** (Describe how the noncompliance will be resolved.)

Define test cases for accessibility for Wyle to perform.

**Proposed Completion Date:** (Date that the action(s) described above will be  
completed.)

TDB

**Root Cause of Noncompliance:** (Describe the reason that the noncompliance arose. Please refrain  
from using reasons such as "oversight" and describe HOW the "oversight" happened (i.e., policy  
was confusing, personnel failed to follow instructions)).

At the time of writing our process and procedure documents we were unaware of these  
requirements.

**Additional Comments/Notes:** (i.e., Person assigned responsibility for task,)

Amber Willburn

**Site response completed by:** Shawn Southworth

**Date:** 2006-12-19

022189

<b>22 EAC Audit</b>	<b>Audit Corrective Action Request</b>	<b>ACAR # 6.0 - 04 Audit Date: 12/08/2006</b>
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**Site Name:** ITA Practice

**HB 150-22 Tech Supplemental Checklist-CIBER 0612.doc:** NIST HDBK 150-22 Section 6  
Technical Supplement Section item 3. C  
**Nonconformance:**

**Requirement:** NIST HDBK 150-22 Section 6 Technical Supplement Section item 3. Physical Configuration Audit, C. Construction, including safety

**Findings:** Construction to be included in planning and reports but identifies as out of the scope of accreditation for CIBER and performed by accredited lab (Wyle)

**Auditor Name:** Steve Freeman

**Name of Site Management:** Shawn Southworth

To be completed by Site Management within 5 Business Days of Receipt:

**Corrective Action:** (Describe how the noncompliance will be resolved.)

Define process to check for planning and reports from Wyle to include construction and safety information.

**Proposed Completion Date:** (Date that the action(s) described above will be completed.)  
TDB

**Root Cause of Noncompliance:** (Describe the reason that the noncompliance arose. Please refrain from using reasons such as "oversight" and describe HOW the "oversight" happened (i.e., policy was confusing, personnel failed to follow instructions)).

At the time of writing our process and procedure documents we were unaware of these requirements.

**Additional Comments/Notes:** (i.e., Person assigned responsibility for task,)  
Amber Willburn

**Site response completed by:** Shawn Southworth  
**Date:** 2006-12-19

022190

<b>23 EAC Audit</b>	<b>Audit Corrective Action Request</b>	<b>ACAR # 6.0 - 05</b> <b>Audit Date: 12/08/2006</b>
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**Site Name:** ITA Practice

**HB 150-22 Tech Supplemental Checklist-CIBER 0612.doc:** NIST HDBK 150-22 Section 6  
Technical Supplement Section item 3. E.

**Nonconformance:**

**Requirement:** NIST HDBK 150-22 Section 6 Technical Supplement Section item 3. Physical configuration audit, E. Hardware transportation and storage tests.

**Findings:** Hardware transportation and storage tests needed to be included but identifies as out of the scope of accreditation for CIBER and performed by accredited lab (Wyle);

**Auditor Name:** Steve Freeman

**Name of Site Management:** Shawn Southworth

**To be completed by Site Management within 5 Business Days of Receipt:**

**Corrective Action:** (Describe how the noncompliance will be resolved.)

Define process to check for hardware transportation and storage tests in report from Wyle.

**Proposed Completion Date:** (Date that the action(s) described above will be completed.)

TDB

**Root Cause of Noncompliance:** (Describe the reason that the noncompliance arose. Please refrain from using reasons such as "oversight" and describe HOW the "oversight" happened (i.e., policy was confusing, personnel failed to follow instructions)).

At the time of writing our process and procedure documents we were unaware of these requirements.

**Additional Comments/Notes:** (i.e., Person assigned responsibility for task,)  
Amber Willburn

**Site response completed by:** Shawn Southworth

**Date:** 2006-12-19

022191

<b>24 EAC Audit</b>	<b>Audit Corrective Action Request</b>	<b>ACAR # 6.0 - 06 Audit Date: 12/08/2006</b>
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**Site Name:** ITA Practice

**HB 150-22 Tech Supplemental Checklist-CIBER 0612.doc:** NIST HDBK 150-22 Section 6  
Technical Supplement Section item 3. F.

**Nonconformance:**

**Requirement:** NIST HDBK 150-22 Section 6 Technical Supplement Section item 3. Physical configuration audit F. Hardware operational environmental tests.

**Findings:** EMC and electrical test suite. identifies as out of the scope of accreditation for CIBER and performed by accredited lab (Wyle);

**Auditor Name:** Steve Freeman

**Name of Site Management:** Shawn Southworth

To be completed by Site Management within 5 Business Days of Receipt:

**Corrective Action:** (Describe how the noncompliance will be resolved.)

Define process to check for EMC and electrical test suite in Wyle reports.

**Proposed Completion Date:** (Date that the action(s) described above will be completed.)

TDB

**Root Cause of Noncompliance:** (Describe the reason that the noncompliance arose. Please refrain from using reasons such as "oversight" and describe HOW the "oversight" happened (i.e., policy was confusing, personnel failed to follow instructions)).

At the time of writing our process and procedure documents we were unaware of these requirements.

**Additional Comments/Notes:** (i.e., Person assigned responsibility for task,)

Amber Willburn

**Site response completed by:** Shawn Southworth

**Date:** 2006-12-19

022192

<b>25 EAC Audit</b>	<b>Audit Corrective Action Request</b>	<b>ACAR # 6.0 - 07 Audit Date: 12/08/2006</b>
<b>Site Name: ITA Practice</b>		
<b>HB 150-22 Tech Supplemental Checklist-CIBER 0612.doc: NIST HDBK 150-22 Section 6</b>		
Technical Supplement Section item 3. I.		
<b>Nonconformance:</b>		
<b>Requirement:</b> NIST HDBK 150-22 Section 6 Technical Supplement Section item 3. Physical configuration audit. I. Reports for the hardware, EMC and electrical, and Safety tests and inspections.		
<b>Findings:</b> Include tests above in report. (note-previous ACAR's 4,5,6)		
<b>Auditor Name: Steve Freeman                      Name of Site Management: Shawn Southworth</b>		

To be completed by Site Management within 5 Business Days of Receipt:

<b>Corrective Action:</b> (Describe how the noncompliance will be resolved.)
Define processes in ACAR's 4,5,6.

<b>Proposed Completion Date:</b> (Date that the action(s) described above will be completed.)
TDB

<b>Root Cause of Noncompliance:</b> (Describe the reason that the noncompliance arose. Please refrain from using reasons such as "oversight" and describe HOW the "oversight" happened (i.e., policy was confusing, personnel failed to follow instructions)).
At the time of writing our process and procedure documents we were unaware of these requirements.

<b>Additional Comments/Notes:</b> (i.e., Person assigned responsibility for task,)
Amber Willburn

**Site response completed by: Shawn Southworth**  
**Date: 2006-12-19**

022193

<b>26 EAC Audit</b>	<b>Audit Corrective Action Request</b>	<b>ACAR # 6.0 - 08</b> <b>Audit Date: 12/08/2006</b>
<b>Site Name:</b> ITA Practice		
<b>HB 150-22 Tech Supplemental Checklist-CIBER 0612.doc:</b> NIST HDBK 150-22 Section 6 Technical Supplement Section item 4. E.		
<b>Nonconformance:</b>		
<b>Requirement:</b> NIST HDBK 150-22 Section 6 Technical Supplement Section item 4. Functional configuration audit. E. Verify HAVA functional requirements.		
<b>Findings:</b> In the Functional Requirements Checklist v.1.1 need to update for HAVA 301 requirements that are not in current VSS 2002 list.		
<b>Auditor Name:</b> Steve Freeman <b>Name of Site Management:</b> Shawn Southworth		

To be completed by Site Management within 5 Business Days of Receipt:

<b>Corrective Action:</b> (Describe how the noncompliance will be resolved.)
Update Functional Requirements Checklist v.1.1 to include HAVA 301 requirements that are not in current VSS 2002 list.

<b>Proposed Completion Date:</b> (Date that the action(s) described above will be completed.)
TDB

<b>Root Cause of Noncompliance:</b> (Describe the reason that the noncompliance arose. Please refrain from using reasons such as "oversight" and describe HOW the "oversight" happened (i.e., policy was confusing, personnel failed to follow instructions)).
New requirement to include HAVA.

<b>Additional Comments/Notes:</b> (i.e., Person assigned responsibility for task.) Amber Willburn
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**Site response completed by:** Shawn Southworth

**Date:** 2006-12-19

022194

<b>27 EAC Audit</b>	<b>Audit Corrective Action Request</b>	<b>ACAR # 6.0 - 09 Audit Date: 12/08/2006</b>
<b>Site Name:</b> ITA Practice		
<b>HB 150-22 Tech Supplemental Checklist-CIBER 0612.doc:</b> NIST HDBK 150-22 Section 6		
Technical Supplement Section item 5. A.		
<b>Nonconformance:</b>		
<b>Requirement:</b> NIST HDBK 150-22 Section 6 Technical Supplement Section item 5. System integration tests. A. Accuracy For non-COTS systems, includes 48 hr environmental operating test.		
<b>Findings:</b> Accuracy		
<b>Auditor Name:</b> Steve Freeman <b>Name of Site Management:</b> Shawn Southworth		

To be completed by Site Management within 5 Business Days of Receipt:

<b>Corrective Action:</b> (Describe how the noncompliance will be resolved.)
Need to research accuracy areas for non-cots systems and 48hr environmental operating test to determine scope and process to define.

<b>Proposed Completion Date:</b> (Date that the action(s) described above will be completed.)
TDB

<b>Root Cause of Noncompliance:</b> (Describe the reason that the noncompliance arose. Please refrain from using reasons such as "oversight" and describe HOW the "oversight" happened (i.e., policy was confusing, personnel failed to follow instructions)).
At the time of writing our process and procedure documents we were unaware that these requirements were our responsibility. In the past these types of tests were performed by the hardware ITA.

<b>Additional Comments/Notes:</b> (i.e., Person assigned responsibility for task.) Amber Willburn
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**Site response completed by:** Shawn Southworth  
**Date:** 2006-12-19

022195



<b>28 EAC Audit</b>	<b>Audit Corrective Action Request</b>	<b>ACAR # 6.0 - 10 Audit Date: 12/08/2006</b>
<b>Site Name: ITA Practice</b>		
<p><b>HB 150-22 Tech Supplemental Checklist-CIBER 0612.doc: NIST HDBK 150-22 Section 6 Technical Supplement Section item 5. B.</b></p> <p><b>Nonconformance:</b></p> <p><b>Requirement:</b> NIST HDBK 150-22 Section 6 Technical Supplement Section item 5. System integration tests. B. Reliability. For non-COTS systems, includes 48 hr environmental operating test</p> <p><b>Findings:</b> Reliability</p> <p><b>Auditor Name:</b> Steve Freeman      <b>Name of Site Management:</b> Shawn Southworth</p>		

To be completed by Site Management within 5 Business Days of Receipt:

**Corrective Action:** (Describe how the noncompliance will be resolved.)

Need to research reliability areas for non-cots systems and 48hr environmental operating test to determine scope and process to define.

**Proposed Completion Date:** (Date that the action(s) described above will be completed.)  
TDB

**Root Cause of Noncompliance:** (Describe the reason that the noncompliance arose. Please refrain from using reasons such as "oversight" and describe HOW the "oversight" happened (i.e., policy was confusing, personnel failed to follow instructions)).

At the time of writing our process and procedure documents we were unaware that these requirements were our responsibility. In the past these types of tests were performed by the hardware ITA.

**Additional Comments/Notes:** (i.e., Person assigned responsibility for task,)  
Amber Willburn

**Site response completed by:** Shawn Southworth  
**Date:** 2006-12-19

022196

<b>29 EAC Audit</b>	<b>Audit Corrective Action Request</b>	<b>ACAR # 6.0 - 11 Audit Date: 12/08/2006</b>
<b>Site Name: ITA Practice</b>		
<p><b>HB 150-22 Tech Supplemental Checklist-CIBER 0612.doc: NIST HDBK 150-22 Section 6 Technical Supplement Section item 5. C. Nonconformance:</b></p> <p><b>Requirement:</b> NIST HDBK 150-22 Section 6 Technical Supplement Section item 5. System integration tests. C. Volume tests</p> <p><b>Findings:</b> Volume tests (could not find in review but may be there)</p> <p><b>Auditor Name:</b> Steve Freeman                      <b>Name of Site Management:</b> Shawn Southworth</p>		

To be completed by Site Management within 5 Business Days of Receipt:

**Corrective Action:** (Describe how the noncompliance will be resolved.)

Ensure procedures exist for volume testing of both cots and non-cots systems. Also ensure that this information is included in the NCTR.

**Proposed Completion Date:** (Date that the action(s) described above will be completed.)  
TDB

**Root Cause of Noncompliance:** (Describe the reason that the noncompliance arose. Please refrain from using reasons such as "oversight" and describe HOW the "oversight" happened (i.e., policy was confusing, personnel failed to follow instructions)).

Volume testing for non-cots was the responsibility of the hardware ITA, now we must ensure we have procedures for non-cots as well as cots volume testing.

**Additional Comments/Notes:** (i.e., Person assigned responsibility for task,)  
Amber Willburn

**Site response completed by:** Shawn Southworth  
**Date:** 2006-12-19

022197

<b>30 EAC Audit</b>	<b>Audit Corrective Action Request</b>	<b>ACAR # 6.0 - 12</b> <b>Audit Date: 12/08/2006</b>
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**Site Name:** ITA Practice

**HB 150-22 Tech Supplemental Checklist-CIBER 0612.doc:** NIST HDBK 150-22 Section 6  
Technical Supplement Section item 5. D.

**Nonconformance:**

**Requirement:** NIST HDBK 150-22 Section 6 Technical Supplement Section item 5. System integration testing. D. Security Tests

**Findings:** Security tests need to perform and add to report layout.

**Auditor Name:** Steve Freeman      **Name of Site Management:** Shawn Southworth

**To be completed by Site Management within 5 Business Days of Receipt:**

**Corrective Action:** (Describe how the noncompliance will be resolved.)

Need to develop security tests and add results to NCTR.

**Proposed Completion Date:** (Date that the action(s) described above will be completed.)

TDB

**Root Cause of Noncompliance:** (Describe the reason that the noncompliance arose. Please refrain from using reasons such as "oversight" and describe HOW the "oversight" happened (i.e., policy was confusing, personnel failed to follow instructions)).

Security testing is not well defined and needs to have procedures clearly defined.

**Additional Comments/Notes:** (i.e., Person assigned responsibility for task,)

Amber Willburn

**Site response completed by:** Shawn Southworth  
**Date:** 2006-12-19

022198

<b>31 EAC Audit</b>	<b>Audit Corrective Action Request</b>	<b>ACAR # 6.0 - 13 Audit Date: 12/08/2006</b>
<b>Site Name:</b> ITA Practice		
<b>HB 150-22 Tech Supplemental Checklist-CIBER 0612.doc:</b> NIST HDBK 150-22 Section 6		
Technical Supplement Section item 5. F.		
<b>Nonconformance:</b>		
<b>Requirement:</b> NIST HDBK 150-22 Section 6 Technical Supplement Section item 5. System		
integration testing. F. Telecommunication, as applicable to system design		
<b>Findings:</b> Telecommunication tests per VSS 2002/HAVA		
<b>Auditor Name:</b> Steve Freeman	<b>Name of Site Management:</b> Shawn Southworth	

To be completed by Site Management within 5 Business Days of Receipt:

**Corrective Action:** (Describe how the noncompliance will be resolved.)

Need to define procedures for hardware ITA on telecommunications, also need to add results to NCTR.

**Proposed Completion Date:** (Date that the action(s) described above will be completed.)

TDB

**Root Cause of Noncompliance:** (Describe the reason that the noncompliance arose. Please refrain from using reasons such as "oversight" and describe HOW the "oversight" happened (i.e., policy was confusing, personnel failed to follow instructions)).

At the time of writing our process and procedure documents all vendors claim that all telecommunications were unofficial results which isn't required to be tested. We need to develop procedures for this testing by the hardware ITA.

**Additional Comments/Notes:** (i.e., Person assigned responsibility for task,)  
Amber Willburn

**Site response completed by:** Shawn Southworth

**Date:** 2006-12-19

022199

Election Assistance Commission (EAC)  
Interim Accreditation  
Independent Test Authorities (ITA)

Assessment Report

CIBER

Conducted: Dec 06-08, 2006  
Huntsville, AL

Assessor: Steven V. Freeman

## **Introduction**

This accreditation assessment was a follow-up to an earlier assessment of CIBER Inc.'s ITA Practices office under the Election Assistance Commission (EAC) Interim Accreditation Program conducted in July 2006. The assessment used the NIST Handbook 150-2006, NVLAP Procedures (HB 150) and General Requirements and NIST Handbook 150-22- 2005 NVLAP Voting System Testing (HB 150-22) as the criteria for certification. The interim program is designed to accredit ITAs formerly authorized under the National Association of State Election Directors (NASD) accreditation program to continue voting system testing under an EAC accreditation until such time as the NVLAP/EAC joint accreditation has qualified one or more testing laboratories as Voting System Test Laboratory (VSTL).

The July assessment found that the CIBER ITA Practice program in non-compliance in four areas:

- a. There was no record of an internal audit or management review performed since the creation of the policy and procedures for ITA Practice. That was not serious in itself because there may be delays but queries about records from the last audit to the corporate office with related responsibilities did not indicate the results were available for corrective action at the ITA Practice level.
- b. The corporate quality manual requires the ITA Practice Director to maintain a log of Corrective Action Reports (CARs). The CARs are also required at other points to capture and track complaints, reports of non-compliance, and other problems which should receive management review and follow-up.
- c. QA Representatives were named last year to provide local people responsible for QA requirements in the absence of the remote QA manager. Their major role was to perform Process Conformance Audit at the end of each test campaign of the test and test report to ensure conformance to processes and procedures. No Process Conformance Audit has been done since the creation of the requirement.
- d. During review of requirements for standard testing methods, the ITA Practice Director stated that they could not use standard methods but either used the vendor's tests or created new tests for each system's test. The requirement for standard test methods is necessary to ensure that consistent and conforming testing is applied for each tested system. The standard test method provides a base for comparison against the vendor's tests and, when system variations require some adaptation, the changes needed are reported based on the pre-defined established test method.

In addition to these items, the July assessment went through issues and expected features needing development based on the application of the new ISO 17025 requirements as presented in the checklists prepared from the HB 150 and HB 150-22 criteria. CIBER ITA Practices and Wyle Labs had formed a Team Partnership for performing the testing but the policies and procedures needed further development to define each lab's responsibility with one lab (the 'VSTL' in HB 150 and HB 150-22 terms) taking the primary responsibility for managing and reporting the complete voting system test results. Additional requirements resulting from applying the ISO 17025 standards for more complete reporting were also reviewed and copies of the checklists were left.

CIBER was not granted an interim accreditation but was given a 120 day response period to submit corrections. Based on the documentation presented as a response, this follow-up assessment was conducted in Huntsville during the period of December 6-8 at the CIBER ITA Practice office in Huntsville.

## **Summary of Findings**

A thorough internal audit was performed after the July assessment and a plan for correction developed [NC Item a] Within corporate CIBER, an Executive Management Steering Committee was created consisting of the President of CIBER Federal Civilian, VP Contracts Federal, and a Consulting Services Manager to perform high management oversight and ensure adequate resources would be available. Personnel have been brought in to assist in revising the program and to assist with responsibilities in the Quality Assurance (QA) and Project Management roles pending the staffing of additional staffing positions for ongoing support. [NC Item c].

The management documents were completely rewritten and updated, reducing the number of documents and confusion over what requirements were where. The new structure has two manuals plus associated forms.

- ITA Practice Operational Manual (POM)      Quality Management program
- CIBER ITA Test Methods (TM ).              Technical test procedures

QA procedures and a test projects (simulated) were performed using the actual staff to make sure the procedures, tools, and resources such as the Corrective Action Report (CAR) input forms and logs were linked, active, and accessible (permissions granted) for ITA Practice personnel. The CAR contained entries resulting from the internal audit. [NC Item b.]

CIBER has entered a Team Partnering agreement with Wyle where Wyle will be performing the non-core hardware based test requirements under separate scope of accreditation programs. In this review, CIBER was reminded that, under the Interim scope, CIBER will be responsible for the overall program. CIBER still needs to develop procedures in what had formerly been a Hardware ITA exclusive area, recognizing their own out of scope status for some requirements requiring the use of other labs with the appropriate accreditation. The procedures shall include CIBER's responsibility in these cases to provide contractual specification of test operation and setup configuration information

CIBER ITA Practice currently has no test projects in house to test and validate these new procedures and can not complete minor corrections and adjustments until they do so.

Minor revisions and non-compliant items identified as needed include:

1. Updating record retention periods to support the EAC Voting System Testing and Certification Program Manual (EAC Certification Program).
2. Records showing when and for what methods test engineers are qualified.
3. Including reporting of non-core requirement testing in the Test Plan and Report
4. Validation of test methods for the core requirement test methods.
5. The TM specifies the application will be installed by the vendor and fails to provide verification that the software installed matches the Witnessed Build including the operating system and third party software.
6. The ITA needs to explicitly specify in contracts and reports which test methods that the ITA does not hold accreditation for and what accredited lab will be used for such tests.
7. Test methods and tools need to be validated and the validation documented.
8. In the Functional Requirements checklist, need to incorporate HAVA 301 requirements in with the Voting System Standard (VSS-2002) requirements.
9. Need to include Accuracy test details in TM. Some issues exist over whether automated testing using simulated voter inputs are acceptable for this test, especially in the environmental phase of the test.
10. Need to include Reliability test details in TM.
11. Need to calculate and report the Availability Index in TM.
12. Need to include volume tests
13. Need to include required security tests in TM and in Test Report.
14. Need to include Telecommunication tests (in System Integration testing)

(Other tests and requirements may need to be developed in the TM but were not reviewed in this assessment.)

***Recommendation***

CIBER has made substantive improvements in the documentation and implementation of the quality assurance policies and procedures. A similar level of improvement is provided in the CIBER Test Method procedures and the potential exists to develop and respond as additional requirements are recognized as needing to be included.

If CIBER is accredited, their initial test plans and some of the more critical tests such as accuracy, reliability, and security should be subject to test plan review and on-site observers until the TM has had a chance to be validated and samples of the test reports are available to verify the level of reporting is adequate. This should include clarification of the tasks to be performed by CIBER personnel and Wyle personnel.

(signed)

Steven V. Freeman



To: Election Assistance Commission  
Attn: Brian Hancock

EAC Interim Accreditation Program On Site Assessment- CIBER

SIGNATURE SHEET

Lab Legal Name: CIBER, Inc

Address: CIBER ITA Practices  
7501 South Memorial Parkway, Suite 107  
Huntsville, AL 35802

Assessor: Steven V. Freeman

  
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On-Site Assessment Dates: 6-8 Dec 2006  
Prior Assessment Visit: 20 Jul 2006

This report was presented on-site at the conclusion of the visit and presents a summary of the findings.

**Resolution of previous findings**

The qualify management and technical documents describing the procedures for documenting and conduction of a test campaign had been completely revised prior to the assessment visit. Test methods (cases) have been developed and added in the form of the Test Methods document. In addition, personnel have been brought in to assist in revising the program and to assist with responsibilities in the Quality Assurance (QA) and Project Management roles. Within corporate CIBER, an Executive Management Steering Committee was created consisting of the President of CIBER Federal Civilian, VP Contracts Federal, and a Consulting Services Manager to perform high management oversight. Finally, QA records and logs were activated to store, track, and follow-up records of Corrective Action Reports (CAR) and audit findings.

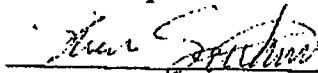
Latest Internal Audit: 15 November 2006, Terry L. Debell,

Latest Management Review: <sup>SM</sup> ~~(Pending)~~ <sub>8 Dec 06</sub> Manger, Internal Audit & Compliance  
Executive Management Steering Committee

**Acknowledgement of Receipt**

The assessor has discussed the contents of this report with members of the laboratory management who agree to respond in writing to EAC regarding resolution or correction of any nonconformities noted within 30 days of the date of this report.

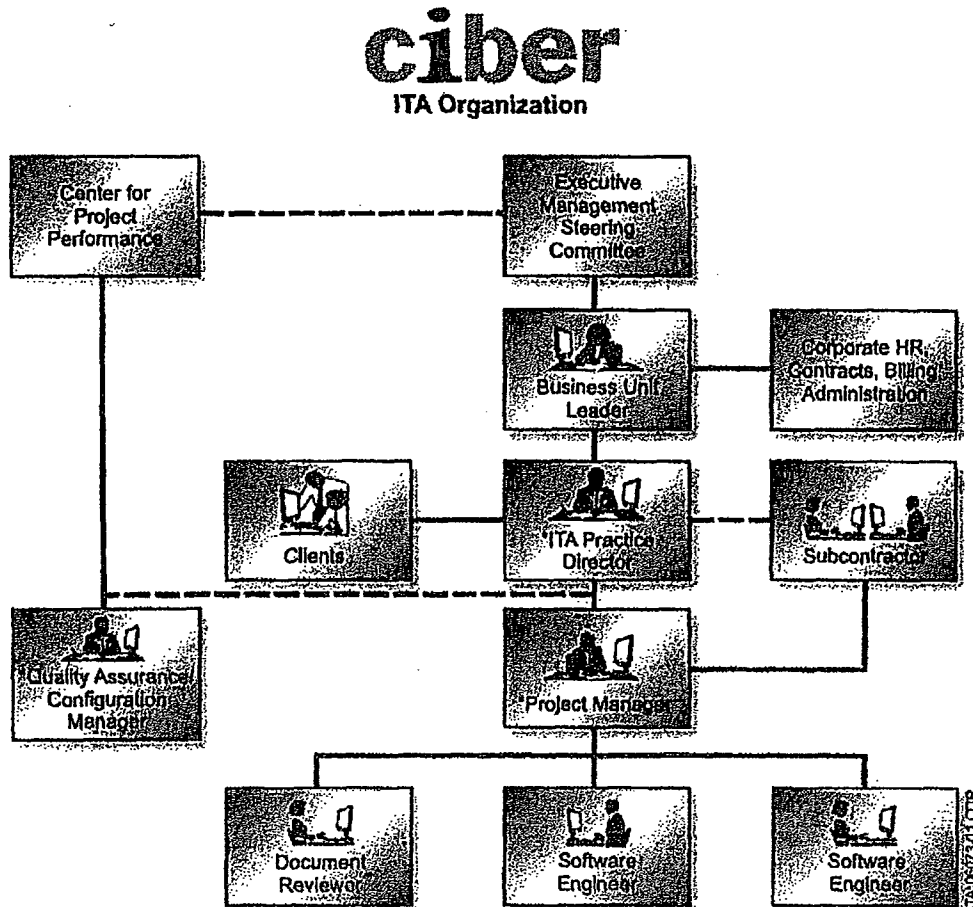
Signature of Authorized Representatives or designee

  
\_\_\_\_\_

Printed Name: Shawn Southworth

022204

## ITA Practices Organization:



## Key Personnel:

1. Executive Management Steering Committee:
  - a. Wally Birdseye, President CIBER Federal
  - b. Paul Rainville, Director of Delivery, Federal Civilian Branch
  - c. Terry Debell, Center for Project Performance
2. Center for Project Performance: Terry Debell, Manager, Internal Audit & Compliance
3. Business Unit Leader: Robert MacFarlane, Federal Civilian Branch
4. ITA Practice Director: #Shawn Southworth
5. Project Manager: \*#Kelly Rohacek
6. QA Configuration Manager: \*Amber Willburn
- Test Engineers:
7. Document Reviewer: Diane Grey

8. Senior Software Engineer: \*Victor (Vic) Daily
9. Software Engineer: Jack Cobb

# Primary Contacts.

\*New Personnel (Resumes attached):

1. Amber Willburn, Proposal Manager, has been working with Shawn Southworth, the ITA Practices Director, and other resident staff to revise the documentation and develop the processes for the quality management of the certification testing. She serves as the acting QA Manager but is expected to be replaced by a permanent position for a full-time resident QA Manager. Amber has been mentored within the QA operations by Terry Debell, Manager, Internal Audit & Compliance
2. Kelly Rohacek, Project Manager, has been added to the staff to assist in the project management of the test campaigns/projects. In this position she will be the Technical Lead Contact. She is mentored by John Manning, Consulting Services Manager.
3. Victor (Vic) P. Daily, Senior Software Engineer, has been added to the Test Engineers/Software Engineers.

## ON-SITE ASSESSMENT NARRATIVE SUMMARY

### CHANGES TO CURRENT OR REQUESTED SCOPE OF ACCREDITATION

EAC Interim Independent Test Authority (ITA)

#### ACCREDITATION STANDARD

NIST Handbook 150,

NIST Handbook 150-22,

As a documented accreditation standard to be used by the new Voting System Test Laboratory Accreditation Program, these handbooks apply the requirements of ISO/IEC 17025. The EAC accreditation program will require accreditation under the NIST National Volunteer Laboratory Accreditation Program (NVLAP) on completion of the full accreditation program for new labs and prior labs who complete the upgrade. This assessment was to update the accreditation of prior ITA labs as an interim program to ensure availability of testing labs during the transition from the NASED accreditation which was terminated in July 2006 until the VSTL accreditation program had established

#### OVERALL SUMMARY

The management documents were completely rewritten and updated, reducing the number of documents and confusion over what requirements were where. The new structure has two manuals plus associated forms.

- ITA Practice Operational Manual (POM) Quality Management program
- CIBER ITA Test Methods (TM). Technical test procedures

These manuals and associated forms and record files are stored on the CIBER sharepoint service supporting controlled access for CIBER offices across the country. The ITA Practice files and document/records are located under the ITA Portal and provide version and access control to maintain separation of test campaign documentation between authorized users while giving all the project team access to the resource they need.

As part of this effort, QA procedures and a test projects (simulated) were performed using the actual staff to make sure the procedures, tools, and resources such as the Corrective Action Report (CAR) input forms and logs were linked, active, and accessible (permissions granted) for ITA Practice personnel.

CIBER has entered a Team Partnering agreement with Wyle where Wyle will be performing the non-core hardware based test requirements under separate scope of accreditation programs. In this review, CIBER was reminded that, under the Interim scope, CIBER will be responsible for the overall program

CIBER ITA Practice currently has no test projects in house to test and validate these new procedures and can not complete minor corrections and adjustments until they do so. The large rewrite has resulted in new nonconformist observations listed in the following sections which CIBER is expected to respond to within 30 days

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#### 4.1 ORGANIZATION

In response to the previous assessment, CIBER has responded by providing resources to support:

- a. QA Configuration Manager. Ms Willburn has been attached to provide support in QA and QA Management documentation until a full-time QA manager can be approved and hired.
- b. Kelly Rohacel has been assigned as Project Manager to steer the test campaign projects and the completion of tasks and products with review.
- c. The President of CIBER Federal formed an Executive Management Steering Committee (EMSC) and to provide high level management attention and overview through the corporate CIBER audit and other QA reporting paths and to ensure that the process improvement activities received the attention and resources needed.
- d. Key management positions were tasked to provide mentoring support to the new key personnel and for follow up attention.

All this may be an initial flush of action and response but the activities included the activation, test, and use communication paths to establish use and practice. In the next assessment review, the organization support indicated in the Organization chart should be checked for continuation of support.

No non-conformities were identified.

#### 4.2 MANAGEMENT SYSTEM

The management documentation was changed from four or more major documents to two major documents supported by forms and some independent procedures.

ITA Practice Operations Manual provides a more streamlined management procedures document.

CIBER ITA Test Methods captures the technical test procedures, documentation and reporting,

Upward management processes and reporting are defined through corporate CIBER procedures to maintain communications channels and ensure follow up review of issues and problems.

The CIBER Sharepoint Internet service hosts the ITA Portal that is the control point for documents, reports, tracking logs, and resources. Access through sharepoint allows individual access control to define and limit access to specific resources and maintain separation of information/procedures with version control showing active versions and control access to only the active versions as needed.

*st* Comment for developing  
4.2.7 (HDB150) requirement to maintain integrity during planned change is a new accreditation requirement that needs some basic attention to initial setup.

#### 4.3 DOCUMENT CONTROL

The CIBER Sharepoint Internet service hosts the ITA Portal that is the control point for documents, reports, tracking logs, and resources. Access through sharepoint allows individual access control to define and limit access to specific resources and maintain version separation of information/procedures with seamless version control showing active versions and control access to only the current versions as needed.

The ITA Portal home hosts a calendar that the QA manager keeps posted to show upcoming QA events and required reporting. As a comment, the definition of the periodic cycle for these events was not as well defined with a tendency to point to the next event rather than show how these events were to be scheduled but this expected to resolved before the next review.

No non-conformities were identified

#### 4.4 REVIEW OF REQUESTS, TENDERS AND CONTRACTS

A "test method" (TM 2) for Negotiating supports the policies for the review of requests, tenders, and contracts. The basic process showed no issues or problems. Specific items that needed to be identified in a negotiation such as the areas where the CIBER ITA Practice was not qualified under the scope of accreditation (HDBK 150-22, 5.4.6) were identified in the later sections where encountered.

No non-conforming items were noted.

**4.5 SUBCONTRACTING OF TESTS AND CALIBRATIONS**

CIBER has an exclusive Team Partnering agreement with Wyle Labs based on Wyle's current EAC Interim accreditation.

The relationship of the lead lab under the NVLAP 150/150-22 procedures and EAC preliminary guidance needs some clarification in the instructions to recognize the accredited voting system test lab's increased responsibility under the core requirements as compared with past practice of software/hardware lab. The current procedures for subcontracting recognize the need for the subcontracted tests to be with a lab accredited for the appropriate scope of testing but CIBER is just recognizing that their scope of responsibility for the testing has shifted and they need to be more responsible in the direction and performance of tests formally conducted by the 'hardware' labs. With Wyle's experience and current accreditation, this extended responsibility is blurred as Wyle is in a position to provide more of the service and management than would expected otherwise.

CIBER will need to pay attention to develop practices in what had formerly been a Hardware ITA exclusive area. Some later non conformance will be in specific areas where CIBER needs to include more details on the full range of test requirements, recognizing their own out of scope status requiring the use of other labs with the appropriate accreditation and CIBERs responsibility in these cases to provide contractual specification of test operation and setup configuration information

**4.6 PURCHASING SERVICES AND SUPPLIES**

Not applicable

#### 4.7 SERVICE TO THE CUSTOMER

CIBER has a strong customer service orientation. Although not noted in the checklist, it may be worth noting the emphasis on working with previously prepared and validated test methods to provide standard conforming tests rather than acceding too quickly to requests to modify tests at request to vendors. The increased role of providing monitoring and direction by EAC as a regulatory body will also support more consistent reporting of the conformance of tested systems.

No non-conforming items were noted.

#### 4.8 COMPLAINTS

CIBER has a Customer Complaint/feedback Survey system which is independently under the control of upper management and is routinely used as part of the management review cycle. This process has been actively in use for other units of CIBER but no complaints have been submitted against the ITA Practice activity and survey reports have been favorable. The program is restricted to customer complaints and other sources of complaints are not routinely submitted.

No non-conforming items were noted.



#### 4.9 CONTROL OF NONCONFORMING TESTING AND/OR CALIBRATION WORK

Calibration work does not apply at this time

Basic policy and procedures follows recommended practices based on the NIST Handbook standards (ISO 17025) but there is no evidence that the process work since there have been no non-conforming reports submitted. Test case on this and other processes were made to ensure that the form linkage and operation worked and would post a report. In the assessment it was noted that the only source of non-conforming reports was from internal audit reports. CIBER is to consider changes to recognize EAC or related stakeholder reports of non-conformance, possible through official EAC process communication or otherwise provide a path (see comments on Complaints) for recognizing such inputs from legitimate stakeholders.

No formal non-conformance issues were identified.

#### 4.10 IMPROVEMENT

An active program and policy statements recognizing and supporting on-going improvement was noted in the management procedures.

No non-conformance issues were noted.

#### 4.11 CORRECTIVE ACTION

Prior visit observation that the corporate CIBER required CARs log was not active and showed no reports. has been corrected. Test cases were added to validate the operation and use. No action had been taken on the management review and monitoring because the annual management review that would review and take follow up action had not occurred yet but is expected within the next week. *Review completed today*

No non-conformance items have been identified

#### 4.12 PREVENTIVE ACTION

Processing of review of management indicators, including the review of audit forwarded Corrective Action Requests (CARs), was not observed due to lack of activity. Two Audit directed CARs (ACARS) have been placed into the log to suggest improvements to the CARs upload operation but have not yet processed by the annual management review (see above)

No non-conformance items have been identified.

#### 4.13 CONTROL OF RECORDS

The sharepoint ITA Portal supports the storage, maintenance and control of records as well as documents. Under this the records are identified, ownership is established and versioning is automatically performed. All management and test records are uploaded to the appropriate sharepoint directory with the exception of HR sensitive records which are processed, along other networks to preserve confidentiality. Hardcopy manual records are stored in QA/CM secure filing cabinets and logged in a directory log in a directory within the ITA Portal. Test campaign records are stored in Project Workbooks with different directories for each vendor to maintain separation and protection of records.

Current record retention is the life of the project + 3 years. CIBER is to review the new EAC Certification Program Manual and consider adopting the matching retention for election records. No disposal procedures are specified and are to be developed. Check with next assessment review.

Backup copies are saved daily and maintained in another location by corporate policy. The policy includes the periodic test of backup recovery.

The records for each test were not checked for the identity of personnel responsible as there are no Project Workbooks active (pending accreditation). However, procedures/test methods do require such records.

No non-conforming issues were identified

#### 4.14 INTERNAL AUDITS

The last internal audit was completed 15 Nov in response to the previous assessment report by Terry Debell from the CIBER Center for Project Improvements. Improvements have been initiated out of that audit and it is to be reviewed in the next management review (pending) by the Executive Management Steering Committee (see organization information).

No non-conforming issues identified

**4.15 MANAGEMENT REVIEWS**

*clear of*  
Non-conforming item. *Management Review performed 8 Dec (SIA)*  
No management reviews had been made yet. However, the prior assessment report and internal audit have started major performance improvement actions including the management review requested by next week. A copy of the management review report was made available and I confirmed that the items in 4.15.1 were all included. (Copied from the HDBK 150 checklist).

This item is pending evidence to show that it is functioning but seems to be more a matter of timing at this time.

### 5.1 GENERAL

The technical test procedures have been completely rewritten into the CIBER ITA Test Methods. The organization of the document is oriented to the description used in the HDBK 150-22 Technical Supplement (Section 6.0) showing the test/review areas from the Voting System Standards (VSS) 2002 core responsibilities.

### 5.2 PERSONNEL

Resumes, position description, and training records were reviewed for the new personnel:

Amber Willburn QA Manager (temp)  
 Kelly Rohcek Test Project Manager  
 Vic Daily Software Engineer (Tech Engineer)

Amber was brought in primarily as a technical writer to assist in preparing the QA management documentation and resources. She has little prior experience of the position but here work on developing the program under the Mentorship of Terry Debell has prepared to some degree.

Kelly Rohcek is highly qualified as a technical Project Manager but lacks voting system experience

Vic Daily has extensive technical testing background but lacks voting experience.

Position descriptions were adequate and gave relevant information. The training records, while showing an active training program were inconsistent with different names & scope of training for the same activity. No standardized training plan appears to exist beyond corporate policy of Security and 30 day training.

Non-conforming. No clear designator that a test engineer is qualified or for what methods. *what is*

### 5.3 ACCOMMODATION AND ENVIRONMENTAL CONDITIONS

Current space small and crowded, especially with new staffing. Cyphers locks on front and back door. Site can "accommodate" four vendors by placing them into the offices which also contain people and storage. This is a temporary situation with a move schedule to place them closer to their Team Partner Wyle Labs.

For the Accuracy and Reliability Environmental Operating test, environmental conditions are a critical condition of the test but this level of facilities is to be gained through the services of a sub-contractor/Team partner. Other tests can require more space but these may be conducted at the Hardware Team Partner facility where the environmental controls are more appropriate to their scope of accreditation

Testing at a vendor site may involve more significant conditions. Procedures for remote operation require the CIBER test team are defined but consist mainly of taking control of security conditions to ensure reduced risk of interference with testing.

### 5.4 TEST ~~AND CALIBRATION~~ METHODS AND METHOD VALIDATION

The Test Method document lists different sets of test activities required for all voting system testing. In reviewing the coverage of these sets, test methods were not listed for a number of test objectives, primarily those which have formerly been the responsibility of the "hardware ITA" such as the Transportation and Storage, EMC, accessibility. Most of these have their own test accreditation process are not part of the core requirements for the test lab.

Non-conform. The TM does not provide for the inclusion of the non-core test requirements in the test plan or test report. Although not a core requirement, the lab needs to include it in the test planning and report for direction and integration with the voting system test report as a single document supporting a system certification.

Non-Conform, the test method for the core requirements lack validation and reports for the validation of the tests. They appear to be too general for validation in some cases.

(See section 6 for more specific listing of missing test methods)

Non-Conform, The TM specifies the application will be installed by the vendor and fails to provide verification that the software installed matches the Witnessed Build including the operating system and third party software.

Non-conform. The test lab needs to explicitly identify tests that it does not hold accreditation *for*

**5.5 EQUIPMENT**

TM provides for test equipment (support, not the equipment to be tested and certified); to be checked in and inventoried but does not include provisions for maintenance, setup and validation that is operating correctly and for the intended purpose, handling of damaged equipment, or disposal for either CIBER owned or rented equipment or that provided by the vendor for testing such as certified pieces needed to complete test objectives.

In the latter case, readiness testing, care, validation, and setup verification are equally important as for the Equipment under test but needs the care extended beyond the actual test campaign. This area should be relatively minor unless specialized equipment is involved.

This section was not completely reviewed due to time limits and little applicability

**5.6 MEASUREMENT TRACEABILITY**

Not applicable at this time

**5.7 SAMPLING**

Not applicable

**5.8 HANDLING OF TEST AND CALIBRATION ITEMS**

(Handling and care of the actual Equipment Under Test (EUT))

(not reviewed in detail due to time but it has parallel issues to 5.5 and the test equipment)N



**5.9 ASSURING THE QUALITY OF TEST AND CALIBRATION RESULTS**

Not reviewed due to time.

**5.10 REPORTING THE RESULTS**

Non-conform. Work by other accredited labs needs to be identified (test plan and contract also) and validated that the lab is qualified. The results need to be validated that they are appropriate for the report. If the work is outside of the scope of accreditation for the contracting lab, this condition needs to be explicitly stated (ref 5.4.6 in the HDBK 150-22)

HDBK 150/150-22 requires specification of processing for reports for other purposes. Note that this involves branding issues where claiming the authority as an accredited lab may not be appropriate. Recognized alternate reports are for state certification and internal to the vendor.

**6.0 TECHNICAL SUPPLEMENT  
Voting System Test Campaign  
Procedures and Methods**

The review included an overview of required test requirement categories and where they are to be reported in the Certification test report. The following items were found missing or requiring further work:

**TDP Review:**

1. k. TM 4. Test plan should include the tests that are not in the core responsibilities but are still required for the certification of the system. The test plan is to be complete for all requirements. Where the test requirements are outside of the core tests, the plan should identify the accredited lab to be used, what materials and directions need to be given to the lab, what support is to be provided, how the labs report will be validated (correct configuration for the certification, appropriate operations for a voting system) and how the report is to be included in the final report

**Source Code Review**

2 d. Need to validate Using Exam Diff Pro and provide validation report.

**Physical Configuration Audit**

- 3 b Accessibility CIBER provides test cases to Wyle
- 3 c. Construction to be included in planning and reports but identifies as out of the scope of accreditation for CIBER and performed by accredited lab (Wyle);
- 3 e. Hardware transportation and storage tests needed to be included but identifies as out of the scope of accreditation for CIBER and performed by accredited lab (Wyle);
- 3 f EMC and electrical test suit. identifies as out of the scope of accreditation for CIBER and performed by accredited lab (Wyle);
- 3. i. Include tests above in report.

**Functional Configuration Audit**

- 4 e. Verify HAVA functional requirements  
In the Functional Requirements Checklist v.1.1 need to update for HAVA 301 requirements that are not in current VSS 2002 list.

**System Integration Tests**

- 5. a. Accuracy
- 5 b. Reliability  
Also need Ai to be calculated and reported
- 5 c. Volume tests (could not find in review but may be there)
- 5 d Security tests, need to perform and add to report layout
- 5. f. Telecommunication tests per VSS 2002/HAVA

ATTACHMENTS

1. Resumes for New Personnel

Ms. Willburn is a Proposal Manager with over five years of writing experience. She has played a key role in furnishing proposal and business development expertise in support of defining/refining company proposal development processes and procedures. Provided writing and editing for technical documentation and business development tasks as needed, including design and direction for graphics. In addition, she has defined and prepared documentation schedules, outlines, writing assignments, themes, and discriminators. Provided other as-requested technical writing and document review support to various company business units. Developed and designed marketing collateral for federal clients and inter-office fact sheets on current CIBER technologies. Lastly, Ms. Willburn has exceptional communication and interpersonal skills which allow her to work effectively with all levels of management and personnel.

### **EDUCATION, CERTIFICATIONS & TRAINING**

BA, English, University of Colorado at Colorado Springs, 2004

Certificate in Professional and Technical Writing, University of Colorado at Colorado Springs, 2004

### **TECHNICAL EXPERIENCE**

Software/Tools: Word, PowerPoint, Outlook, Internet Explorer, Project

### **PROFESSIONAL EXPERIENCE**

**CIBER, Inc.,**  
**Proposal Manager**

**7/04 – Present**

- Furnished proposal and business development expertise in support of defining/refining company proposal development processes and procedures.
- Provided writing and editing for technical documentation and business development tasks as needed, including design and direction for graphics.
- Defined and prepared documentation schedules, outlines, writing assignments, themes, and discriminators.
- Provided other as-requested technical writing and document review support to various company business units.
- Developed and designed marketing collateral for federal clients and inter-office fact sheets on current CIBER technologies.

**Project Excel Writing Center**  
**Writing Tutor, Newsletter Editor**

**2002 – 2004**

- Worked with students on technical documents and taught grammar and document design.
- Edited student papers over online forum.
- Instituted first Excel Center newsletter and acted as editor.
- Designed layout and graphics for newsletter.
- Assigned writing responsibilities to contributors.

022223

**AMBER WILLBURN**  
**Proposal Manager**

**ciber**

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**Asylum Youth Project**  
**Director**

**Summer 2002**

- Implemented youth center for a small rural town.
- Designed all marketing material and developed Procedures and Policies manual for volunteers.
- Provided monthly progress, cost reports, and a large season-end report to Board of Directives.

**Scribe**  
**Reporter**

**2001 – 2002**

- For a small newspaper, contributed numerous articles, including front page news. Responsibilities included locating newsworthy stories, interviewing eye witnesses, and writing and editing articles.

022224

HNE (11/10/06)

A Senior Project Manager professional with expertise in Banking, Information Technology (IT), Manufacturing, Supply Chain, and Defense and Aerospace programs. Seventeen years of proven management expertise with a strong business sense for converting business needs into development solutions.

**TECHNICAL EXPERIENCE**

**Languages:**

**Software/Tools:** MS Project 98/2000/2003 ; Niku/Clarity, Primavera/Team Play, Lawson/Account 4, Planview/5.3 and 7.2, time tracking, project portfolio, and reporting; WBS Chart Pro, Microsoft suite; Lotus Notes office suite; Mercury Test Tool, Aristotle, Sharepoint, Clear Quest, RUP, PVCS.

**Systems:** Windows, AS400.

**Databases:** Oracle.

*Retired Unit Projects*

**PROFESSIONAL EXPERIENCE**

**SANMINA SCI, (Huntsville, AL)**  
Program Manager /IPT Lead

12/05 – 10/06

Managed "build to print" programs in the Defense and Aerospace division of Sanmina – SCI. Completed 1440 hours in project initiation, planning, execution, and control by;

- High level performance in the Program Managers role for a 37M program of In Flight Entertainment (IFE) products for an Avionics customer – France and US, managing two of the five products
- Promoted to Program Manager with in three months by learning the manufacturing industry, its standards and processes as an ITP Lead.
- Lead New Product Implementation (NPI) team's in preparation for new electronic product induction. Planned, executed and controlled "build to print" schedules at the manufacturing, supply chain- material planning, and change controls levels of the program.

**NATIONAL CITY BANK, (Cleveland, OH)**  
Senior Project Manager

7/04 – 11/05

Managed the installation of large integrated projects for loan origination in the Lending Portfolio of National City's IS organization. Completed 1920 hours in project initiation, planning, execution, control and closure by applying;

- The application and management of iterative development using Fusion /Agile methodology and coordinating it with the life cycle of waterfall methodology.
- Managed a 4.5M National Home Equity broker on line origination system development project.
- Coordinated and lead the project through initiation, project approval and the first two releases of five and then successfully transitioned future releases with the sustaining Project Manager.
- Managed the implementation of a 2.5M Loan Express system for a best in class initiative.
- Managed a 1.3 M project for the new business venture of on-line loan applications with Lending Tree. Participated on the board of reviews as a subject matter expert for the new project office rewrites of processes and new methodologies for project management.

**KELLY ROHACEK**  
Project Manager

**ciber**

**ROBERT HALF CONSULTING, (Cleveland, OH)**  
Senior Project Manager

6/03 – 7/04

Managed strategic initiatives and the installation of integrated systems Completed 2040 hours in RFP processes, project initiation, and full project life cycle management for the clients of Key Bank and National City by;

- Successfully and quickly creating the schedule and demonstration of the Request for Proposal (RFP) process and defined process attributes.
- Coordinating demonstrations and sandbox sessions for product understanding.
- Created financial proposals that included vendor package and labor costs.
- Learned and applied the new roll out of Rational Unified Process Methodologies and tools with an in-flight project team.
- Successfully managed an infrastructure project through the redesigning of an external and internal network solution.
- Performed and planned validations and test strategies with the RUP methodologies using Clear Quest, Test Manager and Rational Rose tools.

**HANDLEMAN COMPANY, (Troy, MI)**  
Senior Project Manager

4/01 – 4/03

Managed teams in project activities with staff ranging up to 30 team members Completed 2,800 hours in Project Management practices by;

- Successfully installing major projects such as a new multi-million dollar sorter, new business system implementation into Canada, Oracle 3.06/11i upgrade, Discreet Order system and the ERP Oracle solution.
- Lead international projects in England, Canada, Mexico, Puerto Rico, and the Virgin Islands working with diverse cultures and business practices to achieve corporate goals.
- Introduced new processes of Project Management PMI and Software development guidelines (SDLC) as a member of the SEPG committee, ensuring adherence to methodology standards.
- Managed teams in requirement gathering, development, validation and testing, implementation and deployment.
- Awarded the "Caught in the Act of Excellence". Awarded twice for strategic project installations
- Demonstrated practices in estimating, budget, and financial tracking of projects.
- Certified/participation in quality concepts, tracking and application of the project life cycle.

**MICHIGAN NATIONAL BANK, (Lansing, MI)**  
Project Office Manager

7/99 – 3/01

022226

DJO(11/06)

**KELLY ROHACEK**  
**Project Manager**

**ciber**

Incorporated and lead the induction of a Project Office into the IT division of Michigan National operations center. Completed 1850 hours in Project Management practices managing a staff of five that supported the project office time tracking and project portfolio business by;

- Training and managing compliance of the CMM and Methodology rollout in IT
- Supporting the strategic vision of system development through holding an active position on the board of project initiatives
- Lead the introduction and training of Risk Management rollout in IT
- Implemented processes for Quality Assurance teams using the Mercury Automated tool for validation and test scripting. ( customized process for Michigan)
- Presented a project management concept to students of the University of Namibia, Africa.
- Lead the planning effort and implemented the business plan model for management of IT System Solutions division
- Achieved CMM level three award by implementing business practice improvements in the project office and through out the IT divisions
- Implemented the Quality Management and assurance models to the development staff through training and process presentations
- Performed the instruction and implementation of the time tracking tool - Primavera Team Play, retiring the Niku / ABT workbench product from production

**NATIONAL CITY / FIRST OF AMERICA, (Kalamazoo, MI)**

**6/89 – 6/99**

**Project Manager II 1996-1999**

Managed 12 programmers of the Special Projects Force and completed 4120 hours in Project Management practices by;

- Successfully managing multiple projects related to the year 2000 preparations.
- Lead the conversation of Desk Top applications for Lotus/Ami Pro to Microsoft Word/Excel office suites
- Performed /planned validations in unit, system, integration, production readiness, and end user testing
- Lead the consolidation efforts of the Project Office of First of America and National City

**Business Analyst 1989-1996**

- Successfully implemented small project work and gained project leadership responsibilities by completing 3250 hours of Project Management practice by;
- Coordinating all project work for the Hogan systems by priority and business needs
- Leading requirements gathering and feasibility studies in the initiation and requirements phase of the project life cycle
- Performing/executing test plans and validations in unit, system, integration, production readiness, and end user testing for Hogan system
- Using and applying Project Management practices as a junior project manager and moving into a senior project manager's role.



**VICTOR P. DAILY**  
**Senior Software Engineer**

**ciber**

Mr. Daily is a Senior Software Engineer with over 12 years experience specializing in certification, support and deployment of technical software applications. Self-motivated team member possessing excellent interpersonal and communication skills. Familiar with ISO 9000 and CMM methodology.

### **EDUCATION, CERTIFICATIONS & TRAINING**

B.S. in Industrial Operations, Auburn University, Auburn, Alabama, March 1984

Microsoft Certified Professional - 2000

### **TECHNICAL EXPERIENCE**

**Languages:**

**Software/Tools:**

**Systems:**

**Databases:**

### **PROFESSIONAL EXPERIENCE**

**Intergraph Corporation, Huntsville, Alabama**

**1994 – Present**

#### **Senior Software Engineer, 1997 – Present**

Responsible for software certification and validation of Intergraph's SmartPlant 3D application software. Develop and execute formal test plans which correspond to detailed software specifications. Document findings during testing and submit detailed program change requests and trouble reports to software developers. Retest software before deployment to verify conformance to customer's expectations.

Provide support and direct interface with customers to coordinate on-site deployment of complete operating system and application software.

#### **Senior Software Engineer, 1994 – 1997**

System implementation specialist of the U.S. Army's Digital Storage and Retrieval Data System (DSREDS) and Joint Engineering Data Management System (JEDMICS). Responsible for configuring UNIX, Windows NT and IBM PC (DOS / Windows) hardware to various software platforms. Edited vector and digital data utilizing Intergraph application software conforming to MIL-STD-1840B file standards. Provided technical support to MICOM user base in addition to eight additional Army installations.

**Sverdrup Technology, Huntsville, Alabama**  
**Mechanical Designer**

**1989 - 1993**

Utilized Intergraph's Engineering Modeling Software (I/EMS) to support NASA's Marshall Space Flight Center Science & Engineering Directorate. Design tasks ranged from intricate man-rated flight hardware to large structural steel components. Duties included performing conceptual design, three dimensional modeling, two dimensional detailing, interference checking, extracting mass properties, stress analysis, trade studies, producibility and procurement for all design tasks. All final drawings conformed to standards, DOD-D-1000B, DOD-STD-100C, MSFC-STD-555B and ANSI Y14.5M.

DJO (7/06)

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**VICTOR P. DAILY**  
**Senior Software Engineer**

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**ciber**

Recipient of two Extra Miler Awards in 1990 and 1992 for exceptional job performance.

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DJO (7/06)

## NIST HANDBOOK 150 CHECKLIST (Adapted for EAC Interim Accreditation)

**Instructions to the Assessor:** This checklist addresses the general accreditation criteria prescribed in NIST Handbook 150, *NVLAP Procedures and General Requirements* (2006 edition). The checklist items are numbered to correspond to the requirements found in Clauses 4 and 5, and Annexes A and B of the handbook. Items marked with ♦ indicate a change in requirements from the 2001 edition of NIST Handbook 150.

Place an "X" beside each checklist item that represents a nonconformity. Place a "C" beside each item on which you are commenting for other reasons. Record the item number and written nonconformity explanation and/or comment on the comment sheet(s) at the end of the checklist. Write "OK" beside all other items you observed or verified as compliant at the laboratory.

EAC Interim Accreditation This checklist is adapted for use in the EAC Interim Accreditation

### 4 Management requirements for accreditation

#### 4.1 Organization

OK 4.1.1 The laboratory or the organization of which it is part shall be an entity that can be held legally responsible.

Legal name of laboratory ownership: CIBER, Inc \_\_\_\_\_

Format Note: Legal name is all caps for CIBER

CAC 4.1.2 It is the responsibility of the laboratory to carry out its testing and calibration activities in such a way as to meet the requirements of this handbook and to satisfy the needs of the customer, the regulatory authorities or organizations providing recognition.

OK 4.1.3 The management system shall cover work carried out in the laboratory's permanent facilities, at sites away from its permanent facilities, or in associated temporary or mobile facilities.

OK 4.1.4 If the laboratory is part of an organization performing activities other than testing and/or calibration, the responsibilities of key personnel in the organization that have an involvement or influence on the testing and/or calibration activities of the laboratory shall be defined in order to identify potential conflicts of interest.

**NOTE 1** Where a laboratory is part of a larger organization, the organizational arrangements should be such that departments having conflicting interests, such as production, commercial marketing or financing do not adversely influence the laboratory's compliance with the requirements of this handbook.

**NOTE 2** If the laboratory wishes to be recognized as a third-party laboratory, it should be able to demonstrate that it is impartial and that it and its personnel are free from any undue commercial, financial and other pressures which might influence their technical judgment. The third-party testing or calibration laboratory should not engage in any activities that may endanger the trust in its independence of judgment and integrity in relation to its testing or calibration activities.

## 4.1.5 The laboratory shall:

- OK a) have managerial and technical personnel who, irrespective of other responsibilities, have the authority and resources needed to carry out their duties, including the implementation, maintenance and improvement of the management system, and to identify the occurrence of departures from the management system or from the procedures for performing tests and/or calibrations, and to initiate actions to prevent or minimize such departures (see also 5.2);
- OK b) have arrangements to ensure that its management and personnel are free from any undue internal and external commercial, financial and other pressures and influences that may adversely affect the quality of their work;
- OK c) have policies and procedures to ensure the protection of its customers' confidential information and proprietary rights, including procedures for protecting the electronic storage and transmission of results;
- OK d) have <sup>POM 4.1, CIBER Code of Business Conduct and Ethics.</sup> policies and procedures to avoid involvement in any activities that would diminish confidence in its competence, impartiality, judgement or operational integrity;
- OK e) <sup>define</sup> define the organization and management structure of the laboratory, its place in any parent organization, and the relationships between quality management, technical operations and support services; <sup>Corporate Structure & Finance System Manual, (Location in shop/print)</sup>
- f) specify the responsibility, authority and interrelationships of all personnel who manage, perform or verify work affecting the quality of the tests and/or calibrations; <sup>POM 4.2 (also job descriptions)</sup>
- OK g) provide adequate supervision of testing and calibration staff, including trainees, by persons familiar with methods and procedures, purpose of each test and/or calibration, and with the assessment of the test or calibration results; <sup>POM 5.2.1 Training Responsibilities</sup>
- OK h) have technical management which has overall responsibility for the technical operations and the provision of the resources needed to ensure the required quality of laboratory operations;  
 Name of person: see (B 150-2.1 5.2)  
 Area of responsibility:  
 Repeat as necessary:
- OK i) appoint a member of staff as quality manager (however named) who, irrespective of other duties and responsibilities, shall have defined responsibility and authority for ensuring that the management system related to quality is implemented and followed at all times; the quality manager shall have direct access to the highest level of management at which decisions

are made on laboratory policy or resources;

Name of person: Amber Wilton (see 150-22 Checklist item )

C j) <sup>Job description</sup> appoint deputies for key managerial personnel (see Note).

Name(s): Pam Kelly

Name(s): ~~Pam~~ Lead Test Engineer (in Org chart lists as Software Engineer)

Name(s): Pam ← ~~Patricia~~ Fed Gov staffing is needed.

ok k) ensure that its personnel are aware of the relevance and importance of their activities and how they contribute to the achievement of the objectives of the management system.

NOTE Individuals may have more than one function and it may be impractical to appoint deputies for every function. <sup>As part of annual review</sup>

♦ 4.1.6 Top management shall ensure that the appropriate communication processes are established within the laboratory and that communication takes place regarding the effectiveness of the management system.

4.2 Management system

4.2.1

ok a) The laboratory shall establish, implement and maintain a management system appropriate to the scope of its activities. <sup>Pam</sup>

C b) The laboratory shall document its policies, systems, programs, procedures and instructions to the extent necessary to assure the quality of the test and/or calibration results. <sup>Pam & Test Methods Document</sup>

ok c) The system's documentation shall be communicated to, understood by, available to, and implemented by the appropriate personnel. <sup>Pam Training, as is possible to this point</sup>

ok 4.2.2 The laboratory's management system policies related to quality, including a quality policy statement, shall be defined in a quality manual (however named). The overall objectives shall be established, and shall be reviewed during management review. <sup>ITA Non-Perital criteria (PAM, JM, and off to maintain in project books. (because share point is unreliable)</sup>

Date of most recent quality manual: 11.20.2006

The quality policy statement shall be issued under the authority of top management. It shall include at least the following: <sup>CIBER's Quality Commitment to Quality (TQM)</sup>

ok a) the laboratory management's commitment to good professional practice and to the quality of its testing and calibration in servicing its customers;

ok b) the management's statement of the laboratory's standard of service;

ok c) the purpose of the management system related to quality;

- OK d) a requirement that all personnel concerned with testing and calibration activities within the laboratory familiarize themselves with the quality documentation and implement the policies and procedures in their work; and
- OK e) the laboratory management's commitment to comply with this handbook and to continually improve the effectiveness of the management system.

*commented*  
 NOTE The quality policy statement should be concise and may include the requirement that tests and/or calibrations shall always be carried out in accordance with stated methods and customers' requirements. When the test and/or calibration laboratory is part of a larger organization, some quality policy elements may be in other documents.

OK 4.2.3 Top management shall provide evidence of commitment to the development and implementation of the management system and to continually improve its effectiveness.

OK 4.2.4 Top management shall communicate to the organization the importance of meeting customer requirements as well as statutory and regulatory requirements. *Steering Committee, Issue Letter & supporting activities (EMSC) Executive Management Steering Committee*  
*Policy abstract in IQR Portal*

4.2.5

OK a) The quality manual shall include or make reference to the supporting procedures including technical procedures. *POA 1.3, Ciber ITR Test*

OK b) It shall outline the structure of the documentation used in the management system. *POA 1.2 Document overview* *Methods, Review System Software Standard (TR)*

OK 4.2.6 The roles and responsibilities of technical management and the quality manager, including their responsibility for ensuring compliance with this handbook, shall be defined in the quality manual. *POA 4 Organization and 4.2. Roles and Responsibilities*

C 4.2.7 Top management shall ensure that the integrity of the management system is maintained when changes to the management system are planned and implemented. *needs development*

4.3 Document control

4.3.1 General

OK The laboratory shall establish and maintain procedures to control all documents that form part of its management system (internally generated or from external sources), such as regulations, standards, other normative documents, test and/or calibration methods, as well as drawings, software, specifications, instructions and manuals.

*POA 4.3. Document Control (TR table on show position)*  
 NOTE 1 In this context "document" could be policy statements, procedures, specifications, calibration tables, charts, text books, posters, notices, memoranda, software, drawings, plans, etc. These may be on various media, whether hard copy or electronic, and they may be digital, analog, photographic or written. *consider everything except source code which is kept separate for proprietary control reasons.*

NOTE 2 The control of data related to testing and calibration is covered in 5.4.7. The control of records is covered in 4.13.

4.3.2 Document approval and issue

4.3.2.1

OK a) All documents issued to personnel in the laboratory as part of the management system shall be reviewed and approved for use by authorized personnel prior to issue. *Issue (authorized access)*

OK b) A master list or an equivalent document control procedure identifying the current revision status and distribution of documents in the management system shall be established and be readily available to preclude the use of invalid and/or obsolete documents. *Reporting of all ITR documents and reference materials*

4.3.2.2 The procedure(s) adopted shall ensure that:

OK a) authorized editions of appropriate documents are available at all locations where operations essential to the effective functioning of the laboratory are performed; *Share points*

OK b) documents are periodically reviewed and, where necessary, revised to ensure continuing suitability and compliance with applicable requirements; *Point*

OK c) invalid or obsolete documents are promptly removed from all points of issue or use, or otherwise assured against unintended use; *Point 12.4 Management Review G.I. CIBER ITR Point Document Control*

OK d) obsolete documents retained for either legal or knowledge preservation purposes are suitably marked. *Point 6.1 also grants documents have legal that automatically obsolete. Annual or Global*

4.3.2.3 Management system documents generated by the laboratory shall be uniquely identified. Such identification shall include: *Point 6.1 provides for archiving in sharepoint. Obsolete documents are moved to ITR with worksheets*

OK a) the date of issue and/or revision identification, *Point 6.3 Document Standards*

OK b) page numbering,

OK c) the total number of pages or a mark to signify the end of the document, and

OK d) the issuing authority(ies).

4.3.3 Document changes

OK 4.3.3.1 Changes to documents shall be reviewed and approved by the same function that performed the original review unless specifically designated otherwise. The designated personnel shall have access to pertinent background information upon which to base their review and approval. *Point 12 reviews 12.4 Management Review. Sharepoint decisions. Review comments from staff and comments review*

OK 4.3.3.2 Where practicable, the altered or new text shall be identified in the document or the appropriate attachments.

*Track changes (Microsoft) record of change log in sharepoint/ log. change notification (CIBER Corporate)*

4.3.3.3

R/A a) If the laboratory's document control system allows for the amendment of documents by hand pending the reissue of the documents, the procedures and authorities for such amendments shall be defined.

OK b) Amendments shall be clearly marked, initialed and dated. A revised document shall be formally reissued as soon as practicable.

OK 4.3.3.4 Procedures shall be established to describe how changes in documents maintained in computerized systems are made and controlled.

*Point 6 Document Standard*  
*change log*  
*POH 6. 6.1 CIBER ITA Point Control*

4.4 Review of requests, tenders and contracts

OK 4.4.1 The laboratory shall establish and maintain procedures for the review of requests, tenders and contracts. The policies and procedures for these reviews leading to a contract for testing and/or calibration shall ensure that:

OK a) the requirements, including the methods to be used, are adequately defined, documented and understood (see 5.4.2);

OK b) the laboratory has the capability and resources to meet the requirements;

OK c) the appropriate test and/or calibration method is selected and is capable of meeting the customers' requirements (see 5.4.2).

OK d) Any differences between the request or tender and the contract shall be resolved before any work commences. Each contract shall be acceptable both to the laboratory and the customer.

NOTE 1 The request, tender and contract review should be conducted in a practical and efficient manner, and the effect of financial, legal and time schedule aspects should be taken into account. For internal customers, reviews of requests, tenders and contracts can be performed in a simplified way.

NOTE 2 The review of capability should establish that the laboratory possesses the necessary physical, personnel and information resources, and that the laboratory's personnel have the skills and expertise necessary for the performance of the tests and/or calibrations in question. The review may also encompass results of earlier participation in interlaboratory comparisons or proficiency testing and/or the running of trial test or calibration programs using samples or items of known value in order to determine uncertainties of measurement, limits of detection, confidence limits, etc.

NOTE 3 A contract may be any written or oral agreement to provide a customer with testing and/or calibration services.

OK 4.4.2 Records of reviews, including any significant changes, shall be maintained. Records shall also be maintained of pertinent discussions with a customer relating to the customer's requirements or the results of the work during the period of execution of the contract.

*POH 7*

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NOTE For review of routine and other simple tasks, the date and the identification (e.g., the initials) of the person in the laboratory responsible for carrying out the contracted work are considered adequate. For repetitive routine tasks, the review need be made only at the initial enquiry stage or on granting of the contract for ongoing routine work performed under a general agreement with the customer, provided that the customer's requirements remain unchanged. For new, complex or advanced testing and/or calibration tasks, a more comprehensive record should be maintained.

*Project Book examined*

mk 4.4.3 The review shall also cover any work that is subcontracted by the laboratory.

*POM 8 SOW will identify subcontractors (style)*

ek 4.4.4 The customer shall be informed of any deviation from the contract.

*POM 7 TM 2*

4.4.5 If a contract needs to be amended after work has commenced, the same contract review process shall be repeated and any amendments shall be communicated to all affected personnel.

*POM 7 TM 2*

4.5 Subcontracting of tests and calibrations

C 4.5.1 When a laboratory subcontracts work whether because of unforeseen reasons (e.g., workload, need for further expertise or temporary incapacity) or on a continuing basis (e.g., through permanent subcontracting, agency or franchising arrangements), this work shall be placed with a competent subcontractor. A competent subcontractor is one that, for example, complies with this handbook for the work in question.

*POM 8, 7-Subcontracting, see 6.2.2 checklist 5/5/03*

ek 4.5.2 The laboratory shall advise the customer of the arrangement in writing and, when appropriate, gain the approval of the customer, preferably in writing.

*TM 2 Negotiating POM 8*

C 4.5.3 The laboratory is responsible to the customer for the subcontractor's work, except in the case where the customer or a regulatory authority specifies which subcontractor is to be used.

*Sec. 5.4.6. for related topic*

pk 4.5.4 The laboratory shall maintain a register of all subcontractors that it uses for tests and/or calibrations and a record of the evidence of compliance with this handbook for the work in question.

*Approved subcontractors and/or Training Partners.*

4.6 Purchasing services and supplies

pk 4.6.1 The laboratory shall have a policy and procedure(s) for the selection and purchasing of services and supplies it uses that affect the quality of the tests and/or calibrations. Procedures shall exist for the purchase, reception and storage of reagents and laboratory consumable materials relevant for the tests and calibrations.

4.6.2

pk a) The laboratory shall ensure that purchased supplies and reagents and consumable materials that affect the quality of tests and/or calibrations are not used until they have been inspected or otherwise verified as complying with standard specifications or requirements defined in the methods for the tests and/or calibrations concerned. These services and supplies used shall comply

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- NA b) with specified requirements.
- b) Records of actions taken to check compliance shall be maintained.

NA 4.6.3 Purchasing documents for items affecting the quality of laboratory output shall contain data describing the services and supplies ordered. These purchasing documents shall be reviewed and approved for technical content prior to release.

NOTE The description may include type, class, grade, precise identification, specifications, drawings, inspection instructions, other technical data including approval of test results, the quality required and the management system standard under which they were made.

4.6.4

- NA a) The laboratory shall evaluate suppliers of critical consumables, supplies and services which affect the quality of testing and calibration, and
- NA b) shall maintain records of these evaluations and list those approved.

4.7 Service to the customer

NA 4.7.1 The laboratory shall be willing to cooperate with customers or their representatives in clarifying the customer's request and in monitoring the laboratory's performance in relation to the work performed, provided that the laboratory ensures confidentiality to other customers.

*POM 18 Policy & Policy Letter, TM 1 Supp*

NOTE 1 Such cooperation may include:

- a) providing the customer or the customer's representative reasonable access to relevant areas of the laboratory for the witnessing of tests and/or calibrations performed for the customer;
- b) preparation, packaging, and dispatch of test and/or calibration items needed by the customer for verification purposes.

*POM 18 Service to customer - on Solicit Customer Feedback*

*POM 18*

NOTE 2 Customers value the maintenance of good communication, advice and guidance in technical matters, and opinions and interpretations based on results. Communication with the customer, especially in large assignments, should be maintained throughout the work. The laboratory should inform the customer of any delays or major deviations in the performance of the tests and/or calibrations.

OK 4.7.2 The laboratory shall seek feedback, both positive and negative, from its customers. The feedback shall be used and analyzed to improve the management system, testing and calibration activities and customer service.

*Solicit Customer Feedback*

NOTE Examples of the types of feedback include customer satisfaction surveys and review of test or calibration reports with customers.

4.8 Complaints

ok 4.8.1 The laboratory shall have a policy and procedure for the resolution of complaints received from customers or other parties. *Customer Log. This is in Handbook*

C 4.8.2 Records shall be maintained of all complaints and of the investigations and corrective actions taken by the laboratory (see also 4.11). *No records or evidence Procedure (aka) in Customer Complaint Policy. Bul Pressure User books*

4.9 Control of nonconforming testing and/or calibration work

ok 4.9.1 The laboratory shall have a policy and procedures that shall be implemented when any aspect of its testing and/or calibration work, or the results of this work, do not conform to its own procedures or the agreed requirements of the customer. The policy and procedures shall ensure that:

- ok a) *from the HPLC* the responsibilities and authorities for the management of nonconforming work are designated and actions (including halting of work and withholding of test reports and calibration certificates, as necessary) are defined and taken when nonconforming work is identified;
- ok b) *from the HPLC* an evaluation of the significance of the nonconforming work is made;
- ok c) *from the HPLC* correction is taken immediately, together with any decision about the acceptability of the nonconforming work;
- ok d) where necessary, the customer is notified and work is recalled;
- ok e) the responsibility for authorizing the resumption of work is defined.

NOTE Identification of nonconforming work or problems with the management system or with testing and/or calibration activities can occur at various places within the management system and technical operations. Examples are customer complaints, quality control, instrument calibration, checking of consumable materials, staff observations or supervision, test report and calibration certificate checking, management reviews and internal or external audits. *External*

C 4.9.2 Where the evaluation indicates that the nonconforming work could recur or that there is doubt about the compliance of the laboratory's operations with its own policies and procedures, the corrective action procedures given in 4.11 shall be promptly followed.

*14.2 details from 19 Process Improvement. Slight rewording needed to delete references to any audit process*

4.10 Improvement

+ The laboratory shall continually improve the effectiveness of its management system through the use of the quality policy, quality objectives, audit results, analysis of data, corrective and preventive actions and management review.

*from 19 can provide in Management review. Need to work for reference in Audit, Analysis, Corrective action*

4.11 Corrective action

4.11.1 General

OK The laboratory shall establish a policy and a procedure and shall designate appropriate authorities for implementing corrective action when nonconforming work or departures from the policies and procedures in the management system or technical operations have been identified.

NOTE A problem with the management system or with the technical operations of the laboratory may be identified through a variety of activities, such as control of nonconforming work, internal or external audits, management reviews, feedback from customers and from staff observations.

*From 14.3 - Suggestions, Issues, Corrective Action  
CIBER is responsible for analysis of (CA) and corrective action response*

4.11.2 Cause analysis

OK The procedure for corrective action shall start with an investigation to determine the root cause(s) of the problem.

NOTE Cause analysis is the key and sometimes the most difficult part in the corrective action procedure. Often the root cause is not obvious and thus a careful analysis of all potential causes of the problem is required. Potential causes could include customer requirements, the samples, sample specifications, methods and procedures, staff skills and training, consumables, or equipment and its calibration.

*From 14.3, Step 4.5 QM 4.4.1, 6.4.1*

4.11.3 Selection and implementation of corrective actions

OK a) Where corrective action is needed, the laboratory shall identify potential corrective actions. It shall select and implement the action(s) most likely to eliminate the problem and to prevent recurrence.

NA b) Corrective actions shall be to a degree appropriate to the magnitude and the risk of the problem.

OK c) The laboratory shall document and implement any required changes resulting from corrective action investigations.

*From 14.3, Step 6 QM 4.4, 6.4.1  
ditto  
ditto step 7 (CA worksheet)*

4.11.4 Monitoring of corrective actions

C The laboratory shall monitor the results to ensure that the corrective actions taken have been effective.

4.11.5 Additional audits

OK Where the identification of nonconformities or departures casts doubts on the laboratory's compliance with its own policies and procedures, or on its compliance with this handbook, the laboratory shall ensure that the appropriate areas of activity are audited in accordance with 4.14 as soon as possible.

NOTE Such additional audits often follow the implementation of the corrective actions to confirm their effectiveness. An additional audit should be necessary only when a

*From 14.3 QM 4.4.1, 6.4.1  
Review current corrective action log (etc)  
1. audit  
2. performing audit result items*

*From 14.3 within 10-day  
CIBER audit manual*

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serious issue or risk to the business is identified.

4.12 Preventive action

4.12.1

- OK a) Needed improvements and potential sources of nonconformities, either technical or concerning the management system, shall be identified. *Form 19 Process Improvement Prevention Action Process Form*
- OK b) When improvement opportunities are identified or if preventive action is required, action plans shall be developed, implemented and monitored to reduce the likelihood of the occurrence of such nonconformities and to take advantage of the opportunities for improvement.

OK 4.12.2 Procedures for preventive actions shall include the initiation of such actions and application of controls to ensure that they are effective. *Form 19 Process Improvement Prevention Action P.*

NOTE 1 Preventive action is a proactive process to identify opportunities for improvement rather than a reaction to the identification of problems or complaints. *Form 19 Process Improvement Prevention Action Process Form*

NOTE 2 Apart from the review of the operational procedures, the preventive action might involve analysis of data, including trend and risk analyses and proficiency-testing results.

4.13 Control of records

4.13.1 General

OK 4.13.1.1 The laboratory shall establish and maintain procedures for identification, collection, indexing, access, filing, storage, maintenance and disposal of quality and technical records. Quality records shall include reports from internal audits and management reviews as well as records of corrective and preventive actions. *follows CIBER Record Management*

4.13.1.2

OK a) All records shall be legible and shall be stored and retained in such a way that they are readily retrievable in facilities that provide a suitable environment to prevent damage or deterioration and to prevent loss. *Form 15, Record Collection, info information, some retention*

C b) Retention times of records shall be established. *Note customer complaints log is not directly accessible to ITA. Product circuit, R&D customer solicitation, some ITA. (Share point) ITA Portal Form 15 Records Collection criteria Form 6 Document*

NOTE Records may be in any media, such as hard copy or electronic media. *Hand copy stored in QA (in same file) with electronic copy. Note: EAC has general log suggest U.S. of systems & sign.*

OK 4.13.1.3 All records shall be held secure and in confidence. *Form 15, 6 Project EIMSC retains access limits on complaints and records management process (CIBER) some internal.*

4.13.1.4 The laboratory shall have procedures to protect and back up records stored electronically and to prevent unauthorized access to or amendment of these records. *Form 15; 6 backup copies maintain in single location. sharepoint books as daily/weekly to ensure mirroring. Corporate 2006/03/08*

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4.13.2 Technical records

4.13.2.1

- ck a) The laboratory shall retain records of original observations, derived data and sufficient information to establish an audit trail, calibration records, staff records and a copy of each test report or calibration certificate issued, for a defined period. *Form 15, 6*
- ck b) The records for each test or calibration shall contain sufficient information to facilitate, if possible, identification of factors affecting the uncertainty and to enable the test or calibration to be repeated under conditions as close as possible to the original. *Close of package + logs. (see context on earlier calibration) TM 13.1 Step 2 observations, errors and calculations in Observations Log*

C c) The records shall include the identity of personnel responsible for the sampling, performance of each test and/or calibration and checking of results. *checked*

NOTE 1 In certain fields it may be impossible or impracticable to retain records of all original observations. *recorded in electronic hard copy archive*

NOTE 2 Technical records are accumulations of data (see 5.4.7) and information which result from carrying out tests and/or calibrations and which indicate whether specified quality or process parameters are achieved. They may include forms, contracts, work sheets, work books, check sheets, work notes, control graphs, external and internal test reports and calibration certificates, customers' notes, papers and feedback.

ck 4.13.2.2 Observations, data and calculations shall be recorded at the time they are made and shall be identifiable to the specific task.

4.13.2.3 *Procedure IIA Observation Log, to all points and handwritten at time of observation. TM 2.1.2*

C a) When mistakes occur in records, each mistake shall be crossed out, not erased, made illegible or deleted, and the correct value entered alongside. All such alterations to records shall be signed or initialed by the person making the correction. *TM 13, para 6 13.1 Step 13 does specify instructions*

sh b) In the case of records stored electronically, equivalent measures shall be taken to avoid loss or change of original data.

4.14 Internal audits *TM 13.1 Step 3*

4.14.1

ck a) The laboratory shall periodically, and in accordance with a predetermined schedule and procedure, conduct internal audits of its activities to verify that its operations continue to comply with the requirements of the management system and this handbook. The internal audit program shall address all elements of the management system, including the testing and/or calibration activities. It is the responsibility of the quality manager to plan and organize audits as required by the schedule and requested by management.

*Para 4.14.1.2 Para 13.1 Status Reporting*

Dates of most recent internal audit: ~~Nov 15, 2006~~ Nov 15, 2006

Note to assessor: Attach a copy of the full internal audit schedule.

C b)

Such audits shall be carried out by trained and qualified personnel who are, wherever resources permit, independent of the activity to be audited.

File of activities  
11.2 schedule table  
ITP Partia  
ITP-CIBER  
to notes.

NOTE

The cycle for internal auditing should normally be completed in one year.

Form 12. Reviews, performed by Terry Dabel, as possible of ITP Section  
was suggested by

11.4.14.2

When audit findings cast doubt on the effectiveness of the operations or on the correctness or validity of the laboratory's test or calibration results, the laboratory shall take timely corrective action, and shall notify customers in writing if investigations show that the laboratory results may have been affected.

ITP-CIBER  
for independent

Form 14.3 Suggestion Issues; Corrective Action.

11.4.14.3

The area of activity audited, the audit findings and corrective actions that arise from them shall be recorded.

11.4.14.4

Follow-up audit activities shall verify and record the implementation and effectiveness of the corrective action taken.

ITP Partia (ITP Audit) (change period)  
report & indicators  
ITP-CIBER  
Form 14.3  
ACAs show correction addressed as  
for follow-up action through Partia  
for 1 year audit since then process working  
continued review recommended

4.15 Management reviews

X 4.15.1

In accordance with a predetermined schedule and procedure, the laboratory's top management shall periodically conduct a review of the laboratory's management system and testing and/or calibration activities to ensure their continuing suitability and effectiveness, and to introduce necessary changes or improvements.

Submit copy of Form 12.4

Date(s) of most recent management review:

(Frequent), not yet performed)

What is the review schedule?

Quarterly Quality Management Review

The review shall take account of:

(Repeat submission administration and checked to see if following items were addressed)

✓ a)

the suitability of policies and procedures;

✓ b)

reports from managerial and supervisory personnel;

✓ c)

the outcome of recent internal audits;

✓ d)

corrective and preventive actions;

✓ e)

assessments by external bodies;

✓ f)

the results of interlaboratory comparisons or proficiency tests;

✓ g)

changes in the volume and type of the work;

✓ h)

customer feedback;

✓ i)

complaints;

- j) recommendations for improvement;
- k) other relevant factors, such as quality control activities, resources and staff training.

NOTE 1 A typical period for conducting a management review is once every 12 months.

NOTE 2 Results should feed into the laboratory planning system and should include the goals, objectives and action plans for the coming year.

NOTE 3 A management review includes consideration of related subjects at regular management meetings.

4.15.2

- a) Findings from management reviews and the actions that arise from them shall be recorded. *To be forwarded.*
- b) The management shall ensure that those actions are carried out within an appropriate and agreed timescale.

5 Technical requirements for accreditation

5.1 General

5.1.1 Many factors determine the correctness and reliability of the tests and/or calibrations performed by a laboratory. These factors include contributions from:

- i) human factors (5.2);
- ii) accommodation and environmental conditions (5.3); *Part 4.2 Risk & Responsibility*
- iii) test and calibration methods and method validation (5.4); *TM 4 Test Plan*
- iv) equipment (5.5); *TM 2.1 Determining Uncertainty*
- v) measurement traceability (5.6 and Annex B); *TM 3.1 Product submitted, Determining & Validating method for testing*
- vi) sampling (5.7); *non-sterile field*
- vii) the handling of test and calibration items (5.8).

5.1.2 The extent to which the factors contribute to the total uncertainty of measurement differs considerably between (types of) tests and between (types of) calibrations. The laboratory shall take account of these factors in developing test and calibration methods and procedures, in the training and qualification of personnel, and in the selection and calibration of the equipment it uses.

*with us services to not expect to find specific instrument only as some on 10/10/06*

*TM 3.1 Product submitted (Inventory log) Test methods for the Control Plan*

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5.2 Personnel

5.2.1

- sk a) The laboratory management shall ensure the competence of all who operate specific equipment, perform tests and/or calibrations, evaluate results, and sign test reports and calibration certificates. *Per 5.2 Personnel*
- ch b) *5.2.1 Training Responsibilities*  
When using staff who are undergoing training, appropriate supervision shall be provided. Personnel performing specific tasks shall be qualified on the basis of appropriate education, training, experience and/or demonstrated skills, as required. *5.2.1 includes language for personnel whose training are under supervised per 5.2.1*

NOTE 1 In some technical areas (e.g., nondestructive testing) it may be required that the personnel performing certain tasks hold personnel certification. The laboratory is responsible for fulfilling specified personnel certification requirements. The requirements for personnel certification might be regulatory, included in the standards for the specific technical field, or required by the customer.

NOTE 2 The personnel responsible for the opinions and interpretation included in test reports should, in addition to the appropriate qualifications, training, experience and satisfactory knowledge of the testing carried out, also have:

- i) relevant knowledge of the technology used for the manufacturing of the items, materials, products, etc. tested, or the way they are used or intended to be used, and of the defects or degradations which may occur during or in service;
- ii) knowledge of the general requirements expressed in the legislation and standards; and
- iii) an understanding of the significance of deviations found with regard to the normal use of the items, materials, products, etc. concerned.

5.2.2

- sk a) The management of the laboratory shall formulate the goals with respect to the education, training and skills of the laboratory personnel. *in performance appraisal and (5.2.1) assignment to tasks*
- d b) The laboratory shall have a policy and procedures for identifying training needs and providing training of personnel. *From 5.2.1*
- sk c) The training program shall be relevant to the present and anticipated tasks of the laboratory. *5.2.1 Training for IIA personnel includes: ...*
- R d) The effectiveness of the training actions taken shall be evaluated. *Security on all products, from 5.2.1 Training responsibilities*

5.2.3

- sk a) The laboratory shall use personnel who are employed by, or under contract to, the laboratory. *Per 8 Subcontracting management sub-qualification sub-contracting questions*

ok b) Where contracted and additional technical and key support personnel are used, the laboratory shall ensure that such personnel are supervised and competent and that they work in accordance with the laboratory's management system. *contract under subcontractor qualifications.*

5.2.4 The laboratory shall maintain current job descriptions for managerial, technical and key support personnel involved in tests and/or calibrations. *(see PMS 4.2 Roles & Responsibilities, descriptive in Local Business Manual)*

NOTE should be defined: *Job descriptions can be defined in many ways. As a minimum, the following*  
*Review Kelly, Kim, Anne (PMS)* *spirit note: 3th Organizational bucket is temporary for this assessment to review. Documents actually at local office site.*

- i) the responsibilities with respect to performing tests and/or calibrations; *QA: not [PMS] PMS: not-Plan [TE: No] Yes*
- ii) the responsibilities with respect to the planning of tests and/or calibrations and evaluation of results; *QA: not [PMS] PMS: not-Plan [TE: No] Yes*
- iii) the responsibilities for reporting opinions and interpretations; *QA: not [PMS] PMS: not-Plan [TE: No] Yes*
- iv) the responsibilities with respect to method modification and development and validation of new methods; *QA: not [PMS] PMS: not-Plan [TE: No] Yes*
- v) expertise and experience required; *QA: not (New Staff. specific on kb) [PMS: Yes] [TE: Yes]*
- vi) qualifications and training programs; *QA: not (technical work (background) specific [PMS: not-Plan] extension technical skills prior voting system exp. less*
- vii) managerial duties. *QA: not (Supervisor functions) [PMS: No] [TE: No]*

5.2.5

C a) The management shall authorize specific personnel to perform particular types of sampling, test and/or calibration, to issue test reports and calibration certificates, to give opinions and interpretations and to operate particular types of equipment.

ok b) The laboratory shall maintain records of the relevant authorization(s), competence, educational and professional qualifications, training, skills and experience of all technical personnel, including contracted personnel. *Review of records and PMS 5.1.2.*

X c) This information shall be readily available and shall include the date on which authorization and/or competence is confirmed. *used to develop*

*NVLAP Note: This requirement also applies to Approved Signatories (see 1.5.2).*

5.3 Accommodation and environmental conditions

5.3.1

ok a) Laboratory facilities for testing and/or calibration, including but not limited to energy sources, lighting and environmental conditions, shall be

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such as to facilitate correct performance of the tests and/or calibrations.

*TM 3.1 1.3.1 on site security include environmental protection housekeeping.*

The laboratory shall ensure that the environmental conditions do not invalidate the results or adversely affect the required quality of any measurement. Particular care shall be taken when sampling and tests and/or calibrations are undertaken at sites other than a permanent laboratory facility.

OK b)

The technical requirements for accommodation and environmental conditions that can affect the results of tests and calibrations shall be documented.

5.3.2

*From TM 10.1 clean facility. Ensure that floor coverings are suitable for the purpose.*

NA a)

The laboratory shall monitor, control and record environmental conditions as required by the relevant specifications, methods and procedures or where they influence the quality of the results. Due attention shall be paid, for example, to biological sterility, dust, electromagnetic disturbances, radiation, humidity, electrical supply, temperature, and sound and vibration levels, as appropriate to the technical activities concerned.

OK b)

Tests and calibrations shall be stopped when the environmental conditions jeopardize the results of the tests and/or calibrations.

NA 5.3.3

There shall be effective separation between neighboring areas in which there are incompatible activities. Measures shall be taken to prevent cross-contamination.

NA 5.3.4

Access to and use of areas affecting the quality of the tests and/or calibrations shall be controlled. The laboratory shall determine the extent of control based on its particular circumstances.

OK 5.3.5

Measures shall be taken to ensure good housekeeping in the laboratory. Special procedures shall be prepared where necessary.

*IT & Security*

5.4 Test and calibration methods and method validation

5.4.1 General

C a)

The laboratory shall use appropriate methods and procedures for all tests and/or calibrations within its scope. These include sampling, handling, transport, storage and preparation of items to be tested and/or calibrated, and, where appropriate, an estimation of the measurement uncertainty as well as statistical techniques for analysis of test and/or calibration data.

NA b)

The laboratory shall have instructions on the use and operation of all relevant equipment, and on the handling and preparation of items for testing and/or calibration, or both, where the absence of such instructions could jeopardize the results of tests and/or calibrations.

*Not used. Not used*

*1. Not used  
2. TM 3.1  
3.  
4.  
5.*

*TM 9.1  
Requirements for  
handling*

*Sampling TM 9.1 Functionality Coverage Report Form Test Methods are provided in TM document*

OK c) All instructions, standards, manuals and reference data relevant to the work of the laboratory shall be kept up to date and shall be made readily available to personnel (see 4.3).

*Document Content includes instructions & test methods*

OK d) Deviation from test and calibration methods shall occur only if the deviation has been documented, technically justified, authorized, and accepted by the customer.

*See ISO-22, 8, 4.3 example* **NOTE** International, regional or national standards or other recognized specifications that contain sufficient and concise information on how to perform the tests and/or calibrations do not need to be supplemented or rewritten as internal procedures if these standards are written in a way that they can be used as published by the operating staff in a laboratory. It may be necessary to provide additional documentation for optional steps in the method or additional details. *2.1.1. Determining Methods Step to Test Method Deviation for*

5.4.2 Selection of methods

X a) The laboratory shall use test and/or calibration methods, including methods for sampling, which meet the needs of the customer and which are appropriate for the tests and/or calibrations it undertakes. Methods published in international, regional or national standards shall preferably be used. The laboratory shall ensure that it uses the latest valid edition of a standard unless it is not appropriate or possible to do so. *TDP*  
*See also*  
*PCA*  
*System Integrity*

X b) When necessary, the standard shall be supplemented with additional details to ensure consistent application. *The Accuracy & Reliability Test is standard based on ISO/IEC but needs further development on data processing*

OK c) When the customer does not specify the method to be used, the laboratory shall select appropriate methods that have been published either in international, regional or national standards, or by reputable technical organizations, or in relevant scientific texts or journals, or as specified by the manufacturer of the equipment. Laboratory-developed methods or methods adopted by the laboratory may also be used if they are appropriate for the intended use and if they are validated. *TM 2.1.1 Determine Test Method*

OK d) The customer shall be informed as to the method chosen. *may need to add an EAC on site holder in determining method.*  
*TM 2.1.1. Step 9*

C e) The laboratory shall confirm that it can properly operate standard methods before introducing the tests or calibrations. If the standard method changes, the confirmation shall be repeated. *TM 2.1.1. need to add decision point*

OK f) The laboratory shall inform the customer when the method proposed by the customer is considered to be inappropriate or out of date. *TM 2.1.1. Step 9 see also ISO-22 checklist item 5.4.3 support*

5.4.3 Laboratory-developed methods

OK a) The introduction of test and calibration methods developed by the laboratory for its own use shall be a planned activity and shall be assigned to qualified personnel equipped with adequate resources.

OK b) Plans shall be updated as development proceeds and effective communication amongst all personnel involved shall be ensured. *TM 2.1.1. Major Changes to CIBER (TA for Laboratory) on Quality System*

## 5.4.4 Non-standard methods

X a) When it is necessary to use methods not covered by standard methods, these shall be subject to agreement with the customer and shall include a clear specification of the customer's requirements and the purpose of the test and/or calibration.

C b) <sup>Need description. Get confirmation from may be needed</sup>  
<sup>see 5.4.5.2</sup> The method developed shall have been validated appropriately before use. <sup>The 2.2 method validation needs development of validation criteria</sup>

**NOTE** For new test and/or calibration methods, procedures should be developed prior to the tests and/or calibrations being performed and should contain at least the following information:

- a) appropriate identification;
- b) scope;
- c) description of the type of item to be tested or calibrated;
- d) parameters or quantities and ranges to be determined;
- e) apparatus and equipment, including technical performance requirements;
- f) reference standards and reference materials required;
- g) environmental conditions required and any stabilization period needed;
- h) description of the procedure, including:
  - i) affixing of identification marks, handling, transporting, storing and preparation of items,
  - ii) checks to be made before the work is started,
  - iii) checks that the equipment is working properly and, where required, calibration and adjustment of the equipment before each use,
  - iv) the method of recording the observations and results, v) any safety measures to be observed;
- i) criteria and/or requirements for approval/rejection;
- j) data to be recorded and method of analysis and presentation;
- k) the uncertainty or the procedure for estimating uncertainty.

## 5.4.5 Validation of methods

5.4.5.1 Validation is the confirmation by examination and the provision of objective evidence that the particular requirements for a specific

intended use are fulfilled.

5.4.5.2

- C a) The laboratory shall validate non-standard methods, laboratory-designed/developed methods, standard methods used outside their intended scope, and amplifications and modifications of standard methods to confirm that the methods are fit for the intended use. The validation shall be as extensive as is necessary to meet the needs of the given application or field of application.
- ~~X~~ b) <sup>TM 2.1.2 Validation, Sec 5.4.4. b.</sup> The laboratory shall record the results obtained, the procedure used for the validation, and a statement as to whether the method is fit for the intended use.

NOTE 1 Validation may include procedures for sampling, handling and transportation. *does not include documentation & reporting on the validation*

NOTE 2 The techniques used for the determination of the performance of a method should be one of, or a combination of, the following:

- i) calibration using reference standards or reference materials;
- ii) comparison of results achieved with other methods;
- iii) interlaboratory comparisons;
- iv) systematic assessment of the factors influencing the result;
- v) assessment of the uncertainty of the results based on scientific understanding of the theoretical principles of the method and practical experience.

NOTE 3 When some changes are made in the validated non-standard methods, the influence of such changes should be documented and, if appropriate, a new validation should be carried out.

NA 5.4.5.3 The range and accuracy of the values obtainable from validated methods (e.g., the uncertainty of the results, detection limit, selectivity of the method, linearity, limit of repeatability and/or reproducibility, robustness against external influences and/or cross-sensitivity against interference from the matrix of the sample/test object), as assessed for the intended use, shall be relevant to the customers' needs.

*At current time, rotax system do not appear to require details*

NOTE 1 Validation includes specification of the requirements, determination of the characteristics of the methods, a check that the requirements can be fulfilled by using the method, and a statement on the validity.

NOTE 2 As method-development proceeds, regular review should be carried out to verify that the needs of the customer are still being fulfilled. Any change in requirements requiring modifications to the development plan should be approved and authorized.

NOTE 3 Validation is always a balance between costs, risks and technical possibilities. There are many cases in which the range and uncertainty of the values (e.g., accuracy, detection limit, selectivity, linearity, repeatability, reproducibility, robustness and cross-sensitivity) can only be given in a simplified way due to lack of information.

**5.4.6 Estimation of uncertainty of measurement**

5.4.6.1 A calibration laboratory, or a testing laboratory performing its own calibrations, shall have and shall apply a procedure to estimate the uncertainty of measurement for all calibrations and types of calibrations.

5.4.6.2 Testing laboratories shall have and shall apply procedures for estimating uncertainty of measurement. In certain cases the nature of the test method may preclude rigorous, metrologically and statistically valid, calculation of uncertainty of measurement. In these cases the laboratory shall at least attempt to identify all the components of uncertainty and make a reasonable estimation, and shall ensure that the form of reporting of the result does not give a wrong impression of the uncertainty. Reasonable estimation shall be based on knowledge of the performance of the method and on the measurement scope and shall make use of, for example, previous experience and validation data.

**NOTE 1** The degree of rigor needed in an estimation of uncertainty of measurement depends on factors such as:

- i) the requirements of the test method;
- ii) the requirements of the customer;
- iii) the existence of narrow limits on which decisions on conformity to a specification are based.

**NOTE 2** In those cases where a well recognized test method specifies limits to the values of the major sources of uncertainty of measurement and specifies the form of presentation of calculated results, the laboratory is considered to have satisfied this clause by following the test method and reporting instructions (see 5.10).

5.4.6.3 When estimating the uncertainty of measurement, all uncertainty components which are of importance in the given situation shall be taken into account using appropriate methods of analysis.

**NOTE 1** Sources contributing to the uncertainty include, but are not necessarily limited to, the reference standards and reference materials used, methods and equipment used, environmental conditions, properties and condition of the item being tested or calibrated, and the operator.

**NOTE 2** The predicted long-term behavior of the tested and/or calibrated item is not normally taken into account when estimating the measurement uncertainty.

**NOTE 3** For further information, see ISO 5725 and the Guide to the Expression of Uncertainty in Measurement (see 1.4).

**NVLAP Note:** ANSI/NCSL Z540-2-1997 and NIST Technical Note 1297, 1994 edition, are considered to be equivalent to the Guide to the Expression of Uncertainty in Measurement (GUM).

**5.4.7 Control of data**

5.4.7.1 Calculations and data transfers shall be subject to appropriate checks in a

systematic manner.

*Note: Found*

5.4.7.2 When computers or automated equipment are used for the acquisition, processing, recording, reporting, storage or retrieval of test or calibration data, the laboratory shall ensure that:

- NA a) computer software developed by the user is documented in sufficient detail and is suitably validated as being adequate for use;
- OK b) ~~Not found~~ *Port Security* procedures are established and implemented for protecting the data; such procedures shall include, but not be limited to, integrity and confidentiality of data entry or collection, data storage, data transmission and data processing; *Per 17 Security*
- ?     c) computers and automated equipment are maintained to ensure proper functioning and are provided with the environmental and operating conditions necessary to maintain the integrity of test and calibration data.

*Note: use of Ref to 17025 & HDK 150 is covered*

NOTE Commercial off-the-shelf software (e.g., word processing, database and statistical programs) in general use within their designed application range may be considered to be sufficiently validated. However, laboratory software configuration/modifications should be validated as in 5.4.7.2 a).

5.5 Equipment

5.5.1

FA a) The laboratory shall be furnished with ~~all items~~ of sampling, measurement and test equipment ~~required~~ for the correct performance of the tests and/or calibrations (including sampling, preparation of test and/or calibration items, processing and analysis of test and/or calibration data).

    b) In those cases where the laboratory needs to use equipment outside its permanent control, it shall ensure that the requirements of this handbook are met.

5.5.2

    a) Equipment and its software used for testing, calibration and sampling shall be capable of achieving the accuracy required and shall comply with ~~specifications~~ relevant to the tests and/or calibrations concerned.

    b) Calibration programs shall be established for key quantities or values of the instruments where these properties have a significant effect on the results.

    c) Before being placed into service, equipment (including that used for sampling) shall be ~~calibrated or checked~~ to establish that it meets the laboratory's specification requirements and complies with the relevant standard specifications. It shall be checked and/or calibrated before use (see 5.6).

*Tom 3.1.3 Handbook, Test Instruments*

*Procedure: I have Control Procedure*

*Issue*



5.5.3 Equipment shall be operated by authorized personnel. Up-to-date instructions on the use and maintenance of equipment (including any relevant manuals provided by the manufacturer of the equipment) shall be readily available for use by the appropriate laboratory personnel.

5.5.4 Each item of equipment and its software used for testing and calibration and significant to the result shall, when practicable, be uniquely identified.

5.5.5 Records shall be maintained of each item of equipment and its software significant to the tests and/or calibrations performed. The records shall include at least the following:

- a) the identity of the item of equipment and its software;
- b) the manufacturer's name, type identification, and serial number or other unique identification;
- c) checks that equipment complies with the specification (see 5.5.2);
- d) the current location, where appropriate;
- e) the manufacturer's instructions, if available, or reference to their location;
- f) dates, results and copies of reports and certificates of all calibrations, adjustments, acceptance criteria, and the due date of next calibration;
- g) the maintenance plan, where appropriate, and maintenance carried out to date;
- h) any damage, malfunction, modification or repair to the equipment.

5.5.6 The laboratory shall have procedures for safe handling, transport, storage, use and planned maintenance of measuring equipment to ensure proper functioning and in order to prevent contamination or deterioration.

**NOTE** Additional procedures may be necessary when measuring equipment is used outside the permanent laboratory for tests, calibrations or sampling.

5.5.7

a) Equipment that has been subjected to overloading or mishandling, gives suspect results, or has been shown to be defective or outside specified limits, shall be taken out of service. It shall be isolated to prevent its use or clearly labeled or marked as being out of service until it has been repaired and shown by calibration or test to perform correctly.

b) The laboratory shall examine the effect of the defect or departure from specified limits on previous tests and/or calibrations and shall institute the "Control of nonconforming work" procedure (see 4.9).

Reg. 11204 Counter / Precise

*TM 3 Product Submitted Invention Log, Test description, etc.*

*TM 2.1.5.1.1.1 Inventory Log*

*What happens if a GUT is discovered to be damaged?*

*not found*

- 5.5.8 Whenever practicable, all equipment under the control of the laboratory and requiring calibration shall be labeled, coded or otherwise identified to indicate the status of calibration, including the date when last calibrated and the date or expiration criteria when recalibration is due.
- 5.5.9 When, for whatever reason, equipment goes outside the direct control of the laboratory, the laboratory shall ensure that the function and calibration status of the equipment are checked and shown to be satisfactory before the equipment is returned to service.
- 5.5.10 When intermediate checks are needed to maintain confidence in the calibration status of the equipment, these checks shall be carried out according to a defined procedure.
- 5.5.11 Where calibrations give rise to a set of correction factors, the laboratory shall have procedures to ensure that copies (e.g., in computer software) are correctly updated.
- 5.5.12 Test and calibration equipment, including both hardware and software, shall be safeguarded from adjustments which would invalidate the test and/or calibration results.

*Note: 5.5.8 is generally not applicable in terms of equipment requiring calibration but test equipment (software) used commonly w/FA may simulate or load magnetically stored data. This is handled as a separate document, validate (DSC) and subsequent actions.*

*See 180.22*

- 5.6 Measurement traceability
- 5.6.1 General
  - a) All equipment used for tests and/or calibrations, including equipment for subsidiary measurements (e.g., for environmental conditions) having a significant effect on the accuracy or validity of the result of the test, calibration or sampling shall be calibrated before being put into service.
  - b) The laboratory shall have an established program and procedure for the calibration of its equipment.

**NOTE** Such a program should include a system for selecting, using, calibrating, checking, controlling and maintaining measurement standards, reference materials used as measurement standards, and measuring and test equipment used to perform tests and calibrations.

**NVLAP Note:** See Annex B for requirements for the implementation of traceability policy in NVLAP-accredited laboratories.

5.6.2 Specific requirements

5.6.2.1 Calibration

5.6.2.1.1

- a) For calibration laboratories, the program for calibration of equipment shall be designed and operated so as to ensure that calibrations and measurements made by the laboratory are traceable to the International System of Units (SI) (*Système international d'unités*).

A calibration laboratory establishes traceability of its own measurement standards and measuring instruments to the SI by means of an unbroken chain of calibrations or comparisons linking them to relevant primary standards of the SI units of measurement. The link to SI units may be achieved by reference to national measurement standards. National measurement standards may be primary standards, which are primary realizations of the SI units or agreed representations of SI units based on fundamental physical constants, or they may be secondary standards which are standards calibrated by another national metrology institute.

- \_\_\_ b) When using external calibration services, traceability of measurement shall be assured by the use of calibration services from laboratories that can demonstrate competence, measurement capability and traceability.
- \_\_\_ c) The calibration certificates issued by these laboratories shall contain the measurement results, including the measurement uncertainty and/or a statement of compliance with an identified metrological specification (see also 5.10.4.2).

**NOTE 1** Calibration laboratories fulfilling the requirements of this handbook are considered to be competent. A calibration certificate bearing an accreditation body logo from a calibration laboratory accredited to this handbook, for the calibration concerned, is sufficient evidence of traceability of the calibration data reported.

**NOTE 2** Traceability to SI units of measurement may be achieved by reference to an appropriate primary standard (see VIM:1993, 6.4) or by reference to a natural constant, the value of which in terms of the relevant SI unit is known and recommended by the General Conference of Weights and Measures (CGPM) and the International Committee for Weights and Measures (CIPM).

**NOTE 3** Calibration laboratories that maintain their own primary standard or representation of SI units based on fundamental physical constants can claim traceability to the SI system only after these standards have been compared, directly or indirectly, with other similar standards of a national metrology institute.

**NOTE 4** The term "identified metrological specification" means that it must be clear from the calibration certificate which specification the measurements have been compared with, by including the specification or by giving an unambiguous reference to the specification.

**NOTE 5** When the terms "international standard" or "national standard" are used in connection with traceability, it is assumed that these standards fulfill the properties of primary standards for the realization of SI units.

**NOTE 6** Traceability to national measurement standards does not necessarily require the use of the national metrology institute of the country in which the laboratory is located.

**NOTE 7** If a calibration laboratory wishes or needs to obtain traceability from a national metrology institute other than in its own country, this laboratory should select a national metrology institute that actively participates in the activities of BIPM either directly or through regional groups.

**NOTE 8** The unbroken chain of calibrations or comparisons may be achieved in several steps carried out by different laboratories that can demonstrate traceability.

\_\_\_ 5.6.2.1.2 There are certain calibrations that currently cannot be strictly made in SI units. In these cases calibration shall provide confidence in measurements by establishing traceability to appropriate measurement standards such as:

- \_\_\_ a) the use of certified reference materials provided by a competent supplier to give a reliable physical or chemical characterization of a material;
- \_\_\_ b) the use of specified methods and/or consensus standards that are clearly described and agreed by all parties concerned.
- \_\_\_ c) Participation in a suitable program of interlaboratory comparisons is required where possible.

**5.6.2.2 Testing**

\_\_\_ 5.6.2.2.1 For testing laboratories, the requirements given in 5.6.2.1 apply for measuring and test equipment with measuring functions used, unless it has been established that the associated contribution from the calibration contributes little to the total uncertainty of the test result. When this situation arises, the laboratory shall ensure that the equipment used can provide the uncertainty of measurement needed.

**NOTE** The extent to which the requirements in 5.6.2.1 should be followed depends on the relative contribution of the calibration uncertainty to the total uncertainty. If calibration is the dominant factor, the requirements should be strictly followed.

\_\_\_ 5.6.2.2.2 Where traceability of measurements to SI units is not possible and/or not relevant, the same requirements for traceability to, for example, certified reference materials, agreed methods and/or consensus standards, are required as for calibration laboratories (see 5.6.2.1.2).

**5.6.3 Reference standards and reference materials**

**5.6.3.1 Reference standards**

- \_\_\_ a) The laboratory shall have a program and procedure for the calibration of its reference standards.
- \_\_\_ b) Reference standards shall be calibrated by a body that can provide traceability as described in 5.6.2.1.
- \_\_\_ c) Such reference standards of measurement held by the laboratory shall be used for calibration only and for no other purpose, unless it can be shown that their performance as reference standards would not be invalidated. Reference standards shall be calibrated before and after any adjustment.

**5.6.3.2 Reference materials**

\_\_\_ Reference materials shall, where possible, be traceable to SI units of measurement, or to certified reference materials. Internal reference materials shall be checked as far

as is technically and economically practicable.

#### 5.6.3.3 Intermediate checks

Checks needed to maintain confidence in the calibration status of reference, primary, transfer or working standards and reference materials shall be carried out according to defined procedures and schedules.

#### 5.6.3.4 Transport and storage

The laboratory shall have procedures for safe handling, transport, storage and use of reference standards and reference materials in order to prevent contamination or deterioration and in order to protect their integrity.

**NOTE** Additional procedures may be necessary when reference standards and reference materials are used outside the permanent laboratory for tests, calibrations or sampling.

### 5.7 Sampling

#### 5.7.1

- a) The laboratory shall have a sampling plan and procedures for sampling when it carries out sampling of substances, materials or products for subsequent testing or calibration.
- b) The sampling plan as well as the sampling procedure shall be available at the location where sampling is undertaken. Sampling plans shall, whenever reasonable, be based on appropriate statistical methods. The sampling process shall address the factors to be controlled to ensure the validity of the test and calibration results.

**NOTE 1** Sampling is a defined procedure whereby a part of a substance, material or product is taken to provide for testing or calibration of a representative sample of the whole. Sampling may also be required by the appropriate specification for which the substance, material or product is to be tested or calibrated. In certain cases (e.g., forensic analysis), the sample may not be representative but is determined by availability.

**NOTE 2** Sampling procedures should describe the selection, sampling plan, withdrawal and preparation of a sample or samples from a substance, material or product to yield the required information.

5.7.2 Where the customer requires deviations, additions or exclusions from the documented sampling procedure, these shall be recorded in detail with the appropriate sampling data and shall be included in all documents containing test and/or calibration results, and shall be communicated to the appropriate personnel.

5.7.3 The laboratory shall have procedures for recording relevant data and operations relating to sampling that forms part of the testing or calibration that is undertaken. These records shall include the sampling procedure used, the identification of the sampler, environmental conditions (if relevant) and diagrams or other equivalent means to identify the sampling location as necessary and, if appropriate, the statistics the sampling procedures are

based upon.

**5.8 Handling of test and calibration items**

C 5.8.1 The laboratory shall have procedures for the transportation, receipt, handling, protection, storage, retention and/or disposal of test and/or calibration items, including all provisions necessary to protect the integrity of the test or calibration item, and to protect the interests of the laboratory and the customer.

5.8.2 *TM 3. Product Submittal Inventory Log Test Procedures Form  
Item Condition*

\_\_\_ a) The laboratory shall have a system for identifying test and/or calibration items. *TM 3 check*

\_\_\_ b) The identification shall be retained throughout the life of the item in the laboratory. *TM 3 check*

\_\_\_ c) The system shall be designed and operated so as to ensure that items cannot be confused physically or when referred to in records or other documents. *TM 3 check*

\_\_\_ d) The system shall, if appropriate, accommodate a sub-division of groups of items and the transfer of items within and from the laboratory.

5.8.3 *TM 3 check*

\_\_\_ a) Upon receipt of the test or calibration item, abnormalities or departures from normal or specified conditions, as described in the test or calibration method, shall be recorded.

\_\_\_ b) When there is doubt as to the suitability of an item for test or calibration, or when an item does not conform to the description provided, or the test or calibration required is not specified in sufficient detail, the laboratory shall consult the customer for further instructions before proceeding and shall record the discussion. *TM 3 check*

5.8.4

\_\_\_ a) The laboratory shall have procedures and appropriate facilities for avoiding deterioration, loss or damage to the test or calibration item during storage, handling and preparation.

\_\_\_ b) Handling instructions provided with the item shall be followed.

\_\_\_ c) When items have to be stored or conditioned under specified environmental conditions, these conditions shall be maintained, monitored and recorded.

\_\_\_ d) Where a test or calibration item or a portion of an item is to be held secure, the laboratory shall have arrangements for storage and security that protect the condition and integrity of the secured items or portions concerned.

**NOTE 1** Where test items are to be returned into service after testing, special care is required to ensure that they are not damaged or injured during the handling, testing or storing/waiting processes.

**NOTE 2** A sampling procedure and information on storage and transport of samples, including information on sampling factors influencing the test or calibration result, should be provided to those responsible for taking and transporting the samples.

**NOTE 3** Reasons for keeping a test or calibration item secure can be for reasons of record, safety or value, or to enable complementary tests and/or calibrations to be performed later.

**5.9 Assuring the quality of test and calibration results**

**5.9.1**

- \_\_\_ a) The laboratory shall have quality control procedures for monitoring the validity of tests and calibrations undertaken.
- \_\_\_ b) The resulting data shall be recorded in such a way that trends are detectable and, where practicable, statistical techniques shall be applied to the reviewing of the results.
- \_\_\_ c) This monitoring shall be planned and reviewed and may include, but not be limited to, the following:
  - \_\_\_ 1) regular use of certified reference materials and/or internal quality control using secondary reference materials;
  - \_\_\_ 2) participation in interlaboratory comparison or proficiency-testing programs;
  - \_\_\_ 3) replicate tests or calibrations using the same or different methods;
  - \_\_\_ 4) retesting or recalibration of retained items;
  - \_\_\_ 5) correlation of results for different characteristics of an item.

**NOTE** The selected methods should be appropriate for the type and volume of the work undertaken.

- \_\_\_ ♦ 5.9.2 Quality control data shall be analyzed and, where they are found to be outside pre-defined criteria, planned action shall be taken to correct the problem and to prevent incorrect results from being reported.

**5.10 Reporting the results**

**5.10.1 General**

*TM 12 P. ml. Rupa Preparasi NCTA*

- \_\_\_ a) The results of each test, calibration, or series of tests or calibrations carried out by the laboratory shall be reported accurately, clearly, unambiguously and objectively, and in accordance with any specific

instructions in the test or calibration methods.

OK b)

The results shall be reported, usually in a test report or a calibration certificate (see Note 1), and shall include all the information requested by the customer and necessary for the interpretation of the test or calibration results and all information required by the method used. This information is normally that required by 5.10.2, and 5.10.3 or 5.10.4.

*As per office handbook*

OK c)

*150-22*

In the case of tests or calibrations performed for internal customers, or in the case of a written agreement with the customer, the results may be reported in a simplified way. Any information listed in 5.10.2 to 5.10.4 which is not reported to the customer shall be readily available in the laboratory which carried out the tests and/or calibrations.

**NOTE 1** Test reports and calibration certificates are sometimes called test certificates and calibration reports, respectively.

**NOTE 2** The test reports or calibration certificates may be issued as hard copy or by electronic data transfer provided that the requirements of this handbook are met.

### 5.10.2 Test reports and calibration certificates

Each test report or calibration certificate shall include at least the following information, unless the laboratory has valid reasons for not doing so:

OK a)

a title (e.g., "Test Report" or "Calibration Certificate"); *As per*

OK b)

the name and address of the laboratory, and the location where the tests and/or calibrations were carried out, if different from the address of the laboratory;

*PCR James*

OK c)

unique identification of the test report or calibration certificate (such as the serial number), and on each page an identification in order to ensure that the page is recognized as a part of the test report or calibration certificate, and a clear identification of the end of the test report or calibration certificate;

*CIBER part 77  
SEC 2006 CIBER*

OK d)

the name and address of the customer;

OK e)

identification of the method used;

*UCR Date*

OK f)

a description of, the condition of, and unambiguous identification of the item(s) tested or calibrated;

*As per*

*A System Identifier*

*Number CIBER  
CIBER Document*

OK g)

the date of receipt of the test or calibration item(s) where this is critical to the validity and application of the results, and the date(s) of performance of the test or calibration;

*Signature of Test Engineer*

OK h)

reference to the sampling plan and procedures used by the laboratory or other bodies where these are relevant to the validity or application of the results;

OK i)

the test or calibration results with, where appropriate, the units of



measurement;

h i) the name(s), function(s) and signature(s) or equivalent identification of person(s) authorizing the test report or calibration certificate;

g k) where relevant, a statement to the effect that the results relate only to the items tested or calibrated.

**NVLAP Note:** NVLAP defines the person(s) who authorizes the test report or calibration certificate as the Approved Signatory (see 1.5.2).

**NOTE 1** Hard copies of test reports and calibration certificates should also include the page number and total number of pages.

**NOTE 2** It is recommended that laboratories include a statement specifying that the test report or calibration certificate shall not be reproduced except in full, without written approval of the laboratory.

**5.10.3 Test reports**

**5.10.3.1** In addition to the requirements listed in 5.10.2, test reports shall, where necessary for the interpretation of the test results, include the following:

ca a) deviations from, additions to, or exclusions from the test method, and information on specific test conditions, such as environmental conditions;

cl b) where relevant, a statement of compliance/non-compliance with requirements and/or specifications;

HA c) where applicable, a statement on the estimated uncertainty of measurement; information on uncertainty is needed in test reports when it is relevant to the validity or application of the test results, when a customer's instruction so requires, or when the uncertainty affects compliance to a specification limit;

ck d) where appropriate and needed, opinions and interpretations (see 5.10.5);

ch e) additional information which may be required by specific methods, customers or groups of customers.

**5.10.3.2** In addition to the requirements listed in 5.10.2 and 5.10.3.1, test reports containing the results of sampling shall include the following, where necessary for the interpretation of test results:

    a) the date of sampling;

    b) unambiguous identification of the substance, material or product sampled (including the name of the manufacturer, the model or type of designation and serial numbers as appropriate);

    c) the location of sampling, including any diagrams, sketches or photographs;

    d) a reference to the sampling plan and procedures used;

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- \_\_\_ e) details of any environmental conditions during sampling that may affect the interpretation of the test results;
- \_\_\_ f) any standard or other specification for the sampling method or procedure, and deviations, additions to or exclusions from the specification concerned.

**5.10.4 Calibration certificates**

**5.10.4.1** In addition to the requirements listed in 5.10.2, calibration certificates shall include the following, where necessary for the interpretation of calibration results:

- \_\_\_ a) the conditions (e.g., environmental) under which the calibrations were made that have an influence on the measurement results;
- \_\_\_ b) the uncertainty of measurement and/or a statement of compliance with an identified metrological specification or clauses thereof;
- \_\_\_ c) evidence that the measurements are traceable (see Note 2 in 5.6.2.1 .1).

**5.10.4.2**

- \_\_\_ a) The calibration certificate shall relate only to quantities and the results of functional tests.
- \_\_\_ b) If a statement of compliance with a specification is made, this shall identify which clauses of the specification are met or not met.
- \_\_\_ c) When a statement of compliance with a specification is made omitting the measurement results and associated uncertainties, the laboratory shall record those results and maintain them for possible future reference.
- \_\_\_ d) When statements of compliance are made, the uncertainty of measurement shall be taken into account.

\_\_\_ **5.10.4.3** When an instrument for calibration has been adjusted or repaired, the calibration results before and after adjustment or repair, if available, shall be reported.

\_\_\_ **5.10.4.4** A calibration certificate (or calibration label) shall not contain any recommendation on the calibration interval except where this has been agreed with the customer. This requirement may be superseded by legal regulations.

**5.10.5 Opinions and interpretations**

ok When opinions and interpretations are included, the laboratory shall document the basis upon which the opinions and interpretations have been made. Opinions and interpretations shall be clearly marked as such in a test report. *NOTE 5-4*

**NOTE 1** Opinions and interpretations should not be confused with inspections and product certifications as intended in ISO/IEC 17020 and ISO/IEC Guide 65.

**NOTE 2** Opinions and interpretations included in a test report may comprise, but not be limited to, the following:

- i) an opinion on the statement of compliance/noncompliance of the results with requirements;
- ii) fulfillment of contractual requirements;
- iii) recommendations on how to use the results;
- iv) guidance to be used for improvements.

**NOTE 3** In many cases it might be appropriate to communicate the opinions and interpretations by direct dialogue with the customer. Such dialogue should be written down.

**5.10.6 Testing and calibration results obtained from subcontractors**

- c a) When the test report contains results of tests performed by subcontractors, these results shall be clearly identified. *NIST 5.2 will add explicit statement under 5.4.6 for 2 checks*
- etc b) The subcontractor shall report the results in writing or electronically. *NIST 5.2*
- N/A c) When a calibration has been subcontracted, the laboratory performing the work shall issue the calibration certificate to the contracting laboratory.

**5.10.7 Electronic transmission of results**

OK In the case of transmission of test or calibration results by telephone, telex, facsimile or other electronic or electromagnetic means, the requirements of this handbook shall be met (see also 5.4.7). *Para 17 Sec 1*

**5.10.8 Format of reports and certificates**

ok The format shall be designed to accommodate each type of test or calibration carried out and to minimize the possibility of misunderstanding or misuse.

*NIST basic ISS Ag 13 format*  
**NOTE 1** Attention should be given to the layout of the test report or calibration certificate, especially with regard to the presentation of the test or calibration data and ease of assimilation by the reader.

**NOTE 2** The headings should be standardized as far as possible.

**5.10.9 Amendments to test reports and calibration certificates**

- ok a) Material amendments to a test report or calibration certificate after issue shall be made only in the form of a further document, or data transfer, which includes the statement: *TM 12.1*

*Amendment*  
 "Supplement to Test Report [or Calibration Certificate], serial number . . . [or as otherwise identified]," or an equivalent form of wording.

- ok b) Such amendments shall meet all the requirements of this handbook. *TM 12.2*

- \_\_\_ c) **When it is necessary to issue a complete new test report or calibration certificate, this shall be uniquely identified and shall contain a reference to the original that it replaces.**

**Annex A (normative)****Referencing NVLAP accreditation****A.1 Conditions for referencing the NVLAP term, logo, and symbol**

The term *NVLAP* and the NVLAP logo are registered marks of the Federal Government, which retains exclusive rights to control the use thereof. Permission to use the term and symbol (NVLAP logo with approved caption) is granted to NVLAP accredited laboratories for the limited purpose of announcing their accredited status, and for use on reports that describe only testing or calibration within the scope of accreditation. NVLAP reserves the right to control the quality of the use of the NVLAP term, logo, and symbol.

In order to become and remain accredited, laboratories shall comply with the following conditions pertaining to the use of the term *NVLAP*, the NVLAP logo, and NVLAP symbol. Failure to comply with these conditions may result in suspension or revocation of a laboratory's accreditation.

- a) An applicant laboratory that has not yet achieved accreditation may make reference to its applicant status. If the NVLAP Lab Code is used, it shall be accompanied by a statement accurately reflecting the laboratory's status. An applicant laboratory shall not use the NVLAP term, logo or symbol in a manner that implies accreditation.
- b) The laboratory shall have a policy and procedure for controlling the use of the term *NVLAP* and the NVLAP symbol.
- c) The term and/or symbol shall not be used in a manner that brings NVLAP into disrepute or misrepresents a laboratory's scope of accreditation or accredited status.
- d) When the term *NVLAP* is used to reference a laboratory's accredited status, it shall be accompanied by the NVLAP Lab Code.
- e) When the NVLAP symbol used to reference a laboratory's accredited status, it shall be comprised of the NVLAP logo and the NVLAP Lab Code in an approved caption. The caption shall appear below and in close proximity to the logo. The following captions have been approved by NVLAP:
  - "For the scope of accreditation under NVLAP Lab Code 000000-0"
  - "NVLAP Lab Code 000000-0".

See Annex A of NIST Handbook 150 for examples of the logo with captions.

- f) When the NVLAP symbol is used, the form of the NVLAP logo must conform to the following guidelines:
- \_\_\_ 1) The logo shall stand by itself and shall not be combined with any other logo, symbol, or graphic.
  - \_\_\_ 2) The aspect ratio (width to height) shall be 2.25 to 1.
  - \_\_\_ 3) The logo and caption shall be of a size that allows the caption to be easily read. The size of the caption shall not exceed the size of the logo itself.
  - \_\_\_ 4) The logo shall appear in black, blue, or other color approved by NVLAP, and may be filled or unfilled. In the case of a filled logo, the same color shall be used for the outline and the fill.
- \_\_\_ g) The name of at least one Approved Signatory shall appear on a test or calibration report that displays the NVLAP symbol or references NVLAP accreditation. A computer-generated report may have the Approved Signatory's name printed along with the test or calibration results, as long as there is evidence that there is a system in place to ensure that the report cannot be generated without the review and consent of the Approved Signatory. There may be legal or contractual requirements for original signatures to appear on the report.
- h)
- \_\_\_ 1) When the term and/or symbol are used on test or calibration reports, such use shall be limited to reports in which some or all of the data are from tests or calibrations performed by the laboratory under its scope of accreditation.
  - \_\_\_ 2) A test or calibration report that contains both data covered by the accreditation and data not covered by the accreditation shall clearly identify the data that are not covered by the accreditation.
  - \_\_\_ 3) The report must prominently display the following statement at the beginning of the report: "This report contains data that are not covered by the NVLAP accreditation."
- i)
- \_\_\_ 1) When the term and/or symbol are used on test or calibration reports that also include work done by subcontracted laboratories, such use shall be limited to reports in which some or all of the data are from tests or calibrations performed by the laboratory under its scope of accreditation.
  - \_\_\_ 2) A test or calibration report that contains both data covered by the accreditation and data provided by a subcontractor shall clearly identify the data that were provided by the subcontracted laboratory.

- 3) The report must prominently display the following statement at the beginning of the report: "This report contains data that were produced under subcontract by Laboratory X." If the subcontracted laboratory is accredited by NVLAP, then its Lab Code should also be stated.
- 4) If the subcontracted laboratory is accredited by a body other than NVLAP, then the name of the accreditation body and the laboratory's number or other unique identifier should also be stated. If the subcontracted laboratory is not accredited, then this must be stated.
- j) Each test or calibration report bearing the term and/or symbol shall include a statement that the report must not be used by the client to claim product certification, approval, or endorsement by NVLAP, NIST, or any agency of the Federal Government.
- k) When used in a contract or proposal, the term and/or symbol shall be accompanied by a description of the laboratory's scope of accreditation and current accreditation status.
- l) Laboratories shall not use the terms *certified* or *registered* when referencing their NVLAP accreditation or conformance to ISO/IEC 17025 requirements. The correct term is *accredited*.

**Annex B (normative)****Implementation of traceability policy in accredited laboratories****B.1 Policy overview**

It is a fundamental requirement that the results of all accredited calibrations and the results of all calibrations required to support accredited tests shall be traceable to the SI (the International System of Units) through standards maintained by the National Institute of Standards and Technology (NIST) or other internationally recognized national metrology institutes (NMIs). NIST Handbook 150 (and ISO/IEC 17025) details the specific requirements for traceability to be met by testing and calibration laboratories. This annex provides guidance as to how these requirements may be met and how traceability of measurement can be assured by an accredited laboratory.

Internationally recognized NMIs are those that are signatory to the Comité International des Poids et Mesures (CIPM) Mutual Recognition Arrangement (MRA) titled "Mutual recognition of national measurement standards and of calibration and measurement certificates issued by national metrology institutes" and that have the necessary calibration services listed in Appendix C of the MRA, Calibration and Measurement Capabilities (CMC). For more details on the CIPM MRA and the CMC database, please see <http://www.bipm.org/en/convention/mra/> or visit the NVLAP web site.

**B.2 General**

- \_\_\_ a) Laboratories shall be able to demonstrate proper use of traceable standards and test and measurement equipment by competent laboratory personnel in a suitable environment in performing the tests for which accreditation is desired or held. This demonstration will include the determination of the appropriate measurement uncertainty.
- \_\_\_ b) Calibration certificates received by NVLAP-accredited testing and calibration laboratories with new or recalibrated equipment shall meet the requirements of ISO/IEC 17025. The certificates must include the uncertainty of measurement and/or a statement of compliance with an identified metrological specification or clauses thereof.

**Note to assessor:** The NVLAP assessor(s) must, for each measurement parameter, indicate which method the laboratory has employed to achieve traceability. Select from B.3.1, B.3.2, B.3.3, B.3.4, or B.3.5 below. If B.3.4 or B.3.5 is selected, supporting documentation is also required as indicated.



**B.3 Demonstration of traceability**

- B.3.1 NVLAP-accredited laboratories may submit appropriate physical standards and test and measurement equipment directly to NIST or, when appropriate, to another national metrology institute. Accredited laboratories may obtain certified reference materials from NIST (called Standard Reference Materials under copyright) or from another national metrology institute. Use of a national metrology institute other than NIST shall be documented and will be assessed by NVLAP.**
- B.3.2 Testing laboratories that perform calibrations only for themselves do not need to be accredited as calibration laboratories. Calibration laboratories that perform specific calibrations only for themselves to support their accredited services do not need to be accredited for those calibrations. For the purpose of assuring traceability, an accredited laboratory may calibrate its own equipment if the appropriate requirements of NIST Handbook 150 have been met.**
- B.3.3 NVLAP-accredited laboratories that do not demonstrate traceability as described in B.3.1 or B.3.2, shall use accredited calibration laboratory services wherever available. Accredited calibration laboratories are those accredited by NVLAP or by any accrediting body with which NVLAP has a mutual recognition arrangement. A listing of NVLAP-accredited calibration laboratories and of accreditation bodies with which NVLAP currently has agreements is available from NVLAP.**
- B.3.4 If a NVLAP-accredited laboratory submits physical standards or test and measurement equipment to a calibration service provider that is not accredited by NVLAP or by an accrediting body with which NVLAP has a mutual recognition arrangement, the laboratory shall:**
- a) document that an appropriate accredited calibration service provider is not available;**
- b) audit the claim of traceability of the provider of the calibration service and document the following areas related to the calibration and claim of traceability of its standards and test and measurement equipment:**
- 1) information regarding assessment of the quality system used by the calibration service provider,**
- 2) the calibration procedure(s) used by the calibration service provider,**
- 3) the physical standards or other test and measurement equipment used by the calibration service provider (including evidence of traceability to standards maintained by NIST or an appropriate national metrology institute and copies of relevant calibration certificates),**
- 4) information regarding the calibration intervals of relevant standards or other test and measurement equipment.**

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- \_\_\_ 5) the environmental conditions of the laboratory,
  - \_\_\_ 6) the method(s) by which uncertainties are determined (e.g., *Guide to the Expression of Uncertainty in Measurement (GUM)*), and
  - \_\_\_ 7) the relative uncertainties achieved at all steps of the process;
- \_\_\_ c) pursue the traceability chain until traceability to appropriate stated references is completely validated, when a calibration service provider submits physical standards and/or test and measurement equipment used in the calibration to another laboratory(s) not accredited by NVLAP;
- \_\_\_ d) enter the audit documentation, including all findings of nonconformance and resolutions of those findings, into the laboratory's quality management record-keeping system.

**NOTE** An on-site visit to the provider of the calibration service is encouraged, but is not required as long as the information listed above is obtained and otherwise verified. Self-declaration of compliance to ISO/IEC 17025 or other relevant standards by a calibration service provider is not acceptable evidence of verification of traceability. Citation of a NIST Test Number by the calibration service provider likewise is not acceptable evidence of verification of traceability.

- \_\_\_ **B.3.5** If traceable calibration services are not available or appropriate, laboratories may demonstrate comparison to a widely used standard that is clearly specified and mutually agreeable to all parties concerned, particularly in measurements where NIST does not maintain a U.S. national standard. For example, NIST does not maintain a standard for all hardness testing scales. There are several widely used commercial standards available for hardness. However, these standards may not all give equivalent measurement results; therefore, it is important to specify which standard is used and to obtain agreement among all parties involved that the choice made is acceptable.

**NIST HANDBOOK 150 CHECKLIST  
COMMENTS AND NONCONFORMITIES**

**Instructions to the Assessor:** Use this sheet to document comments and nonconformities. For each, identify the appropriate item number from the checklist. Identify comments with a "C" and nonconformities with an "X." If additional space is needed, make copies of this page (or use additional blank sheets).

Item No. C or X	Comments and/or Nonconformities
4.1.18.j 4.2.16)	C C PIM will be tested by someone in QA community with documents based on test plan Qk/19000/19001. Documents use the "PDM & Test method". Test Method
4.2.7	C is a parent course for actual test procedure & methods used. Needs development in terms of being a conscious process but current controls of status of procedure are sufficient of the concept.
4.3.22b)	C The review is to be periodic, but Plan QA Activities 11.2 Plan QA Activities "event" is documented and stored in the ITA Project book... and placed in a calendar. There is no clear table showing a planned schedule for documents but the calendar process fulfills the part. QA does all scheduling for reviews.
4.8.1	C No examples / i.e. could in current log. Check on next visit who shows example of log for another CIBER subunit which shows how entry. The complaint log not accessible via ITA director's "Custom: Complaint Log" title, need further submission forms as well as the log itself. The log items is retained for 1 year & then cleared.
4.11.4	C CIB Log, examples reviewed but this under review in subsequent visits.
4.13.12	C FAC new guidelines (Confidentiality procedures) in specifying life cycle 4.3.4.12. CIBER to look at the procedure which adopted and adjust CIBER retention policy accordingly.
4.13.2.1	C Review on subsequent assessment visits. No testing has been performed under this accreditation so records available & continue. See Test Method from check-list of list. Continued on back





**U.S. ELECTION ASSISTANCE COMMISSION**  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005

September 15, 2006

Mr. Wally Birdseye  
President, Federal Solutions  
CIBER Federal Solutions  
7900 Westpark Drive  
McLean, VA 22102-3105

Dear Mr. Birdseye:

As you know, the accreditation assessment for ITA Practices Ciber, Huntsville, Alabama, was conducted to support the EAC interim testing program pending implementation of the full EAC Testing and Certification and program. The full program will be conducted in cooperation with the National Voluntary Laboratory Accreditation Program (NVLAP) under NIST. The interim program is intended to accredit independent, non-governmental test laboratories formerly authorized under the National Association of State Election Directors (NASED). This will allow these labs to continue voting system testing under a limited EAC accreditation.

The EAC interim accreditation report for Ciber Inc. notes that the voting system operation is a small branch office of corporate Ciber with the official title of ITA Practice, Ciber, Inc. The report finds that the responsibility of managing, defining and implementing Ciber's ISO 9001 compliant corporate quality management system is vested in another branch office of Ciber. Although ITA Practice, Ciber, created processes and procedures in 2005 to follow the management directive, the lab assessor found that processes are not presently implemented or followed. The report further finds that currently, ITA Practice, Ciber is not following their own defined processes and procedures to ensure the quality of their work product. The interim accreditation report notes in its assessment of ITA Practice, Ciber, that:

"CIBER has not shown the resources to provide a reliable product. The current quality management plan requires more time to spend on managing the process than they appear to have available and it was clear during the assessment visit that they had not accepted that they have a responsibility to provide quality reviewed reports that show what was done in testing."

Given the findings of the laboratory assessment, prior to receiving interim accreditation from the EAC, Ciber must implement the cure outlined below.

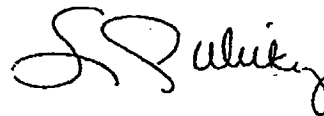
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Ciber or another EAC accredited laboratory taking responsibility for ITA Ciber operations must implement a policy and system of voting system testing and quality assurance that meets ISO/IEC 17025 and NIST handbook 150-2006. Specifically, the following issues must be addressed and the following remedies implemented. The lab must:

- a. Assign resources, adopt policies and implement systems for developing standardized tests to be used in evaluating the functionality of voting systems and voting system software. Neither ITA Practices, Ciber nor any of its partners will be permitted to rely on test plans suggested by a voting system manufacturer.
- b. Assign resources, adopt policies and implement systems for quality review and control of all tests performed on voting systems and the report of results from those tests. This shall include provisions to assure that all required tests have been performed by ITA Practices, Ciber or its accredited partner lab.

After ITA Practices, Ciber has implemented the above requirements it must request a follow-up laboratory assessment. This request shall be made in writing to me. The document should certify that you have met the requirements of this letter. EAC will schedule a one-day reassessment visit by an accredited laboratory assessor to verify that appropriate processes have been implemented to correct the deficiencies noted in the original assessment. This reassessment will take place within 90 days of the EAC's receipt of the documentation from Ciber. Should you have any questions regarding this notification, please contact Brian Hancock in our office at either 202-566-3122 or by email at [BHancock@eac.gov](mailto:BHancock@eac.gov)

Sincerely,



Thomas Wilkey  
Executive Director, EAC

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**Election Assistance Commission (EAC)  
Interim Accreditation  
Independent Test Authorities (ITA)**

**Assessment Report**

**CIBER & Wyle**

**Conducted: Jul 17-22, 2006  
Huntsville, AL**

**Assessor: Steven V. Freeman**

**022273**

## ***Introduction***

This accreditation assessment was conducted to support an interim program pending implementation of the full EAC Accreditation program in cooperation with the National Voluntary Laboratory Accreditation Program (NVLAP) under NIST Handbook 150-2006, NVLAP Procedures and General Requirements and NIST Handbook 150-22- 2005 NVLAP Voting System Testing (HB 150-22). The interim program is designed to accredit ITAs formerly authorized under the National Association of State Election Directors (NASED) accreditation program to continue voting system testing under an EAC accreditation until such time as the NVLAP/EAC joint accreditation has qualified one or more testing laboratories as Voting System Test Laboratory (VSTL).

## ***Summary of Findings***

Under NASED, Wyle Laboratories and CIBER, Inc. were separately accredited as Hardware and Software ITAs. Under those roles, Wyle tested the principle voting devices—those components that received the votes of the voter and performed the basic tally operation. CIBER tested the Election Management System (EMS) and Reporting System components that performed consolidation of voting results from multiple voting devices on a general purpose computer such as a Commercial Off The Shelf (COTS) workstation or server. Wyle and CIBER have since formed an exclusive team agreement to work with each other as a joint testing cooperative to perform the full voting system certification testing. The source code review of software resident to the voting or vote tallying device which had been Wyle's responsibility has actually been performed by CIBER or source code reviewers working with CIBER in the last year or more.

Wyle has a long identity as a voting system testing lab being the first accredited under the NASED program. Wyle brought to the program a strong background in environmental testing of DOD systems and holds separate accreditation such as the American Association for Laboratory Accreditation (A2LA) for the major hardware test methods required for voting system accreditation. Wyle has a well-defined quality management system in the terms of ISO/IEC 17025 which is generally exercised and used. The corporate culture and higher level management support are compatible with and help support quality management practices.

The CIBER ITA operation is actually a small branch office, *ITA Practice, CIBER, Inc.*, operating independently from the corporate CIBER operations. Corporate CIBER's quality management system (which is ISO 9001 compliant) places the responsibility to define and implement the quality program under the ISO/IEC 17025 requirements at the ITA Practice Director's level but places the QA Manager responsible at a branch office (PPQA Group) located remotely from ITA Practice locatoin. ITA Practice's *Process and Project Quality Assurance Plan (PPQAP) [Apr 2005]* policy document and supporting processes and procedures were created last year but critical processes were not implemented nor procedures followed. ITA Practice, CIBER is unable to follow their own defined processes and procedures to ensure the quality of their work.

Although Wyle and CIBER are working together, they have distinctly different quality management programs and different levels of proficiency about following those programs. In the Hardware/Software division, Wyle tests only to the boundaries of the device—they do not, as a rule, perform any operations on the EMS or Reporting system components and limit the interaction with transfer media to the input/output ports of the specific device.. CIBER performs more of the system integration testing by producing variations of election definitions which they either provide to Wyle or operate the voting devices to produce results to use in the Reporting system testing but generally do not exercise a wide function of the voting device, leaving that testing to Wyle. Wyle reports follow ISO/IEC guidelines and tend to be reasonably complete



descriptions of what testing was performed although they don't always indicate where a test was only done in an earlier version. In a number of reports over the last year, Wyle has indicated that CIBER is expected to complete certain tests involving the EMS or Reporting systems. CIBER's reports provide limited or no descriptions of the testing performed so a reader or reviewer can not tell if all the testing was completed. Cross checking between CIBER and Wyle reports has revealed at times that neither ITA has performed certain tests, expecting that the test was done by the other.

Wyle has a demonstrated capability to do well in the limited scope of hardware testing and some related functional testing but does not have the internal resources to perform what is being identified for the new VSTLs as the core requirement testing. With the right partner Wyle could potentially be a full scale test lab but needs to develop the internal resources to be able to take a lead in system integration testing and end-to-end functional testing including more aggressive security testing.

CIBER has not shown the resources to provide a reliable product. The current quality management plan requires more time to spend on managing the process than they appear to have available and it was clear during the assessment visit that they had not accepted that they have a responsibility to provide quality reviewed reports that show what was done in testing. The ITA Practice Director indicated during the assessment that their difficulties were that corporate CIBER did not allow for the personnel resource time for quality management functions but there may be other alternatives for allocating the resources.

In addition, during the review, ITA Practice Director indicated that the testing for a product tends to either use vendor developed tests or new tests developed specifically for the product—they have no standard test methods defined. This makes their testing dependent on the vendor input and vulnerable to unique vendor interpretations rather than a core validated set of internal references for training and testing.

A proposal was made that Wyle take the lead and provide direction on quality management reviews, audits, test planning, and report writing. CIBER would add software review and election definition experience with possibly some security expertise through corporate CIBER. Wyle, under this proposal, would be fully responsible for the coordination of testing and the final report. CIBER/Wyle would need to work out additional criteria to standardized test plans, determine the who and how review of the TDP would be conducted, and the contract oversight relations.

All the ITAs need to complete a review of the VSS 2002 and new VVSG 2005 and update the requirements cross-reference matrix to be used to identify which requirements have been tested and where or when. The former matrix developed jointly between the ITAs is missing significant requirements and variations on requirements. (Note: Shawn Southworth, ITA Practice Director, reports that CIBER does not have that version of the checklist.)

## **Recommendation**

Wyle to continue as a Hardware ITA, eventually serving as a resource lab for environmental hardware testing for new VSTLs or move to becoming a VSTL by taking responsibility for full system testing with possible subcontracting to CIBER or another qualified group.

CIBER ITA Practice continues only with the support of Wyle or a commitment from corporate CIBER to provide management assistance in getting the quality system functioning and fuller reporting of results with a review in 120 days.

(signed)

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**Steven V. Freeman**

**Attachments:**

- 1. CIBER Organization**
  - a. ITA Organization**
  - b. Corporate Organization**

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## EAC Technical Supplement Checklist:

Review test lab procedures/standards for the following elements of the VSS 2002 (and equivalent VVSG 2005).

(W) Wyle

(C) Ciber

Core voting system tests:

- \_\_\_ 1 Technical Data Package review,
  - \_\_\_ a Verify that TDP contains required document content and identify vendor's document meeting requirements.
    - (C) Initial TDP Review
    - (W) Test Procedures, Sect 1.
  - \_\_\_ b Identification of deliverables: Documents or manuals to be delivered to client for operation, maintenance, and training.
    - (C) Not identified.
    - (W) Not identified.
  - \_\_\_ c Terms and references. Unique usage
    - (C) Need to add
    - (W) Need to add
  - \_\_\_ d Review of documents for completeness and consistency
    - (C) Document No. ITA 2002 QTP R1.0 04-15-0, Sec 4
    - (W) Test Procedures No VSS-2002,
  - \_\_\_ e Quality Assurance plan
    - (C) Document No. ITA 2002 QTP R1.0 04-15-0, Sec 4 Step 9
    - (W) Quality Assurance Test Procedure Need reference identification
  - \_\_\_ f Configuration Management
    - (C) Document No. ITA 2002 QTP R1.0 04-15-0, Sec 4 Step 9. May need to add attention to identifying EUT for configuration purposes
    - (W) Configuration Management Test Procedure. Need reference identification
  - \_\_\_ g Review of System release change log
    - (C) Document No. ITA 2002 QTP R1.0 04-15-0, Sec 4 TDP Step 7, 9  
Sec 5 Source Code reviews.
    - (W) Test Procedures. May need to add.
  - \_\_\_ h Review of vendor tests. Includes but not limited to:
    - i Readiness Check
    - ii Operational Status Check
    - (C) Document No. ITA 2002 QTP R1.0 04-15-0, Sec 8.1 Test Data and Procedure Preparation. May need to add specifics for validating Readiness Check and Operational Status Check.
    - (W) Test Procedures 2.0 PreQualification Tests. Verification at the Polling Place Test Procedure (Needs document identification).i May need to add specifics for validating Readiness/Operational Status Check.

*Note: Wyle providing validation of the Readiness/Operational Status Check for Ciber.*
  - \_\_\_ i Review of prior test lab tests
    - (C) Section 7. Qualification Previously Qualified Software. May need to expand
    - (W) Need to add  
-----Deliverables-----
  - \_\_\_ j TDP Document Trace matrix directory. Matching the document requirements to the vendor's document names or titles.
    - (W) Test Procedures, Sec 1

*Use the Requirements of the FECVSS 2002 Trace to Vendor Testing and Technical Data Package.*

(C) Document No. ITA 2002 QTP R1.0 04-15-0, Sec 4  
TDP Inventory (Template)  
Initial TDP Review Checklist.doc

- \_\_\_ k Production of formal Test Plan (VSS 2002-Vol II, App A)  
(C) Document No. ITA 2002 QTP R1.0 04-15-0, Sec 8.1 Test Data and Procedure Preparation.  
(W) Test Procedures, Sec 1 and Appendix A (Volume 1, FEC VSS 2002 Functional Requirements) Note that this does not include Volume II requirements  
QD XI-1, Test Control Program includes development Test Plan.

\_\_\_ 2 Source code review,

Wyle no longer does source code review. All source code review for Wyle testing is done by Ciber. This constitutes a change in the scope of accreditation for Wyle/Ciber.

\_\_\_ a Catalog of source code

(C) Document No. ITA 2002 QTP R1.0 04-15-0, Sec 5. Need to develop and add. Currently produce a master list of all files submitted as part of the source code and provide with some reports. This list includes source code, make files, .dls and other files which may or may not be reviewed or relevant

(W) Defer to Ciber for source code review.

\_\_\_ b Catalog of compilation environment including COTS components of build

(C) Needs to add. Request copy of new procedure for Witnessed Build which is expected to address this.

\_\_\_ c Determination of changes from prior review

(C) Document No. ITA 2002 QTP R1.0 04-15-0, Sec 5, Step 4. Perform a diff comparison on files submitted for a change to verify what has changed and checking with vendor's change log. May need to specify documenting what files (source and installed) are changed.

\_\_\_ d Review for coding conventions and integrity requirements

(C) Document No. ITA 2002 QTP R1.0 04-15-0, Sec 5. Step 6 lists the exceptions currently identified from the VSS standards.

i Demonstrate

\_\_\_ e Review for security

(C) Document No. ITA 2002 QTP R1.0 04-15-0, Sec 5. Only those items currently listed in VSS 2002 and documented in Step 6 are examined. Source code reviewers are expected to report any strange code or process they notice that would be considered a security breach. Current list includes the following with known security implications::

Q: 5.4.2d Unbound area not protected

R: 5.4.2f Case statement with no default area

S: 5.4.2g Possible vote counter overflow Needs attention. This requirement should expect that an overflow condition is prevented or detected and reported for operator action.

FF: 5.4.2v If else operator used more than once. Incorrect. Needs adjustment

HH: 4.2.2 Self modifying, Dynamic Loaded, Interpreted code. Needs development

HH: 4.2.2 Unbound Area, Pointer Values, Dynamic Memory unprotected. Needs development.

Other items under VSS 2002 code review have security implications in terms of features to aid in detection or to prevent hiding unsecure code.

Although not specifically required by VSS 2002, issues such as hardcoded passwords or passphrases or 'backdoors' should be included and provisions specified to client on how such issues will be reported or treated. See topic on reporting anomalies.

*i Demonstrate*

----Deliverables----

- \_\_\_ f Report of results.  
(C) Document No. ITA 2002 QTP R1.0 04-15-0, Sec 5. Note comments about catalogs of file.
- \_\_\_ g Witnessed build from verified source code and COTS  
(C) The procedures in the current document is being superceded by a revision to be provided.
  
- \_\_\_ 3 Physical configuration audit,
  - \_\_\_ a Configuration verification against Configuration Management plan  
(C) Performed during final Functional Configuration Test. ????  
(W) Test Procedures 4.2. Hardware Configuration. See comment in TDP area issue.
  - \_\_\_ b Accessibility standards  
(C) Expect hardware ITA  
(W) Accessibility Test Procedure , VSS Volume I, Section 2.2.7, Common Standards 2.2.7.1 (svf: physical size and position). Needs to provide specification of table height for item b. See Title 29, CFR, 1910.  
Accessibility Test Procedure , VSS Volume I, Section 2.2.7, Common Standards 2.2.7.2 (svf: acoustical and tactile)
  
  - \_\_\_ c Construction  
(W) Design, Construction, and Maintenance Characteristics Test Procedure, VSS Volume I, Section 3.4.1, Materials, Processes, and Parts.  
Section 3.4.2, Durability. This requirement lacks adequate guidance for test method  
Section 3.4.3. Reliability.  
Section 3.4.4 Maintainability  
Section 3.4.4.1 Physical Attributes supporting maintenance.  
Section 3.4.4.2 Additional Attributes.  
Section 3.4.5. Availability. Also, VS Test Procedure 6.9, Need to calculate and report Ai. Under ISO/IEC 17025 procedures this will need to include reporting the basis for the calculation including assumptions made to create proposed values for some of the factors.  
Section 3.4.6. Product Marking.  
Section 3.4.7. Workmanship.  
VS Test Procedure, 6.10 Product Safety under product safety review to ensure compliance with UL 60950-1. This includes review of requirements for features specified under entire section 3.4 in terms of safety concerns excepting possibility Durability. In Design, Construction, and Maintenance Characteristics Test Procedure, need to develop and/or reference test method standard (possibly referencing UL 60950-1)
  - \_\_\_ d Validity of operations provided in deliverable manuals  
(C) During functional test, need specification of procedure for software operation.  
(W) During functional test, need specification of procedure for equipment operation.
  - \_\_\_ e Hardware transportation and storage tests.  
(C)  
(W) Environmental Control – Transit and Storage Test Procedure, VSS Volume I, Section 3.2.2.14. Need to develop reference to Operational Status Test to include validation and repeatability between all the tests. Should reference use of the test for both pre-test and post-test determination of operability.
  - \_\_\_ f Hardware operational environmental test.

Note: The system integration tests for accuracy and reliability (e.1. and 2. below) are conducted in conjunction with this test and the final criteria include all components used to consolidate polling place and jurisdiction results from individual voting machines.

*(W) Wyle considers a system crash or "abend" as a failure. Resetting the machine is not an acceptable recovery. Check against the VSS 2002 shows the section which specified 'acceptable' errors is not in the final version and Wyle's approach is correct. Need to address the issue of including extended operation of the user interface and not use exclusive automated testing.*

- \_\_\_ g EMC and electrical test suit. If test is submitted from a third-party source
  - i *Verify test lab is accredited by MRP body*
  - ii *Verify equipment under test is for same configuration as being certified*
  - iii *Verify that operational status check was appropriate*

*(C) Defer to Wyle*  
*(W) VS Test Procedure 6.5 Test Operations Procedures – Electrical Performance Requirements Test Procedures, Electrical Power Disturbance Electromagnetic Radiation, (CFR Part 15, Class B/FCC Part 15 Class B) Electrostatic Disruption Electromagnetic Susceptibility Electrical Fast Transients Lightning Surge Conducted RF Immunity Magnetic Fields Immunity*
- \_\_\_ h Safety inspection.  
*(Covered under construction)*  
 ---Deliverables---
- \_\_\_ i Reports for the hardware, EMC and electrical, and Safety tests and inspections. If necessary (i.e. from third party source), provide a statement reporting the results of the verification on the applicability of the reports.  
*(C) Need to develop. (Tech Guide #3??)*  
*(W) QD V-1. Instructions, Procedures, and Certification Reports*  
*QD VII-1. Supplier Evaluation and Suppliers List. For third-party report.*
- \_\_\_ j Directory of deliverables, including hardware and software setup and both application and COTS installed files. (Part of witnessed build documentation)  
*(C) Need to develop process. Have form and procedures.*
- \_\_\_ 4 Functional configuration audit,
  - \_\_\_ a Functional Requirement matrix against technical specification and manuals  
*(C) QTP Sec. 4. TDP Review. Step 8 & 9 (second part of the cross-reference matrix between the VSS designated documents and the vendor identification).*  
*(W) Test Procedures, Sec 1*  
*Use the second part of the Requirements of the FECVSS 2002 Trace to Vendor Testing and Technical Data Package.*
  - \_\_\_ b Test Specifications for functional requirements  
*(C) QTP Section 9*  
 Need to develop specific test methods. Ciber has common practices/test case for most of the functional requirements but needs to document for consistency and repeatability.

- (W) VS Test Procedures, Sec 4.4.4  
Appendix Functional Qualification Checklist  
(topic) Test Procedure which specifically reference functional requirement.
- \_\_\_ c Verify functional operation against requirements of Vol I, §2 thru §8 (See Requirements Checklist)  
(C) QTP Section 9 Step 10.  
Final Report Template.doc, Appendix C. FEC Requirements Relevant to Software Functional Testing. (undated and not currently used)  
Update and use  
(W) VS Test Procedure Section 1. Uses checklist (Needs to be updated against official version VSS).
- \_\_\_ d Verify functional operation against requirements of vendors technical specification and manuals  
(C) QTP Section 9 Step 10. modify checklist (App C) to include vendor specific requirements  
  
(W) VS Test Procedures, Sect 1 and slightly Sect 4.4.4, part of TDP review
- \_\_\_ e Verify HAVA functional requirements.  
(C) Primarily covered under Wyle testing. Need to use as part of system integration test.  
(W) Casting a Ballot, Vol I, Sec 2.4.3.3  
Post-voting functions,  
--- Deliverables ---
- \_\_\_ f Provide a Requirement matrix showing which tests performed and requirement satisfied.  
(C) Section 9, App C  
(W)
- \_\_\_ g Report deficiencies encountered and resolutions of deficiencies.  
*Note: not all deficiencies will result in a recommendation to not certify.*  
(C) Sect 9 & 10, App C, comment section *Verify against official VSS 2002 and use*  
(W) QD XV-2. *Notice of Anomaly.*
- \_\_\_ 5 System integration tests,
  - \_\_\_ a Accuracy. For non-COTS systems, includes 48 environmental operating test.  
(C) QTP 13 COTS Functional and Volume Hardware Testing. Step 3
  - \_\_\_ b ~~Reliability.~~ For non-COTS systems, includes 48 environmental operating test. For COTS  
(C) including testing for multi-feed as part of accuracy test. Need to specify/reference
  - \_\_\_ c Volume & Stress tests  
(C) Need to document. Ciber does perform tests to exercise maximum limits of system but do not have procedure identified or documented.
  - \_\_\_ d Security tests.  
(C) Need to document
  - \_\_\_ e (VVSG 2005) Cryptographic
  - \_\_\_ f Telecommunication, as applicable to system design.  
(C) Need to document
  - \_\_\_ g System end-to-end of EMS, vote recording, vote tabulation, consolidation, and canvass reporting.  
(C) QTP Sect 12. Final System Level Testing

## ---Deliverables---

- h Report on tests performed and their results.
    - (C) QTP Sect 12, Step 7 Prepare anomaly list. May need to include specifics for HAVA provisional balloting, absentee ballot consolidation, and write-in resolution.
- 6 Qualification Test Report
  - (C) QTR Template (not uniquely identified/ versioned under document control)
  - (W) QD V-1 Instructions, Procedures, and Certification Reports
    - a Introduction.
      - (C) QTR Template Sec 1 (copied supplied is not current.need update).
        - 1.1 Test Agency History and Capability
        - 1.2 Document Overview
      - (W) Have an electronic copy that is "cut and paste" but not controlled master. This has been a source of error in the past. Need to develop.
    - b Qualification Test Background (B2)
      - i General Information about the qualification test process. (For outside readers not familiar with the ITA testing).
        - (C) standard boilerplate text.
        - (W) standard boilerplate
      - ii A list and definition of all terms and nomenclature peculiar to the hardware, the software, or the test report.
        - (W) QD V-1. Sec 4.0 Terms and Definitions.
    - c System Identification (B3). This is the test hardware and software used in this test.
      - (C) QTR Sec 5.4
      - (W) QD V-1 Sec 4.9 Test Hardware/Software description Sec 4.
        - i System name and major subcomponents. Sec 3
        - ii System Version. Sec 3
        - iii Test support hardware.
          - (W) Materials required for testing QTR Sec 5.0 (ISO/IEC 17025 5.10.2 f)
          - (C) QTR Sec 3. Hardware Support
        - iv Specific documents (deliverables) from the TDP used to support testing
          - (W) QTR Sec 5.3.
          - (C) QTR Sec 3 Documentation provided to support testing. Need to specify which are part of the vendor deliverables.
    - d System Overview (B4). Describes the voting system in terms of
      - i its overall design structure,
      - ii technologies used,
      - iii processing capacity claimed by the vendor and
      - iv modes of operation.
      - v (May) include other products that interface with the voting system. *Note: Shall include components necessary to consolidate and produce final results including telecommunications.*
        - (C) QTR Sec 4
        - (W) QTR Sec 4
  - e Qualification Test Results (B5). "This section provides a summary of the results of the testing process, and indicates any special considerations that affect the conclusions derived from the test results. This summary includes:
    - i Acceptability of the system design and construction based on the performance and software source code review.
      - (C) QTR Sect 5
      - (W) QTR Sect 6



- ii The degree to which the hardware and software meet the vendor's specifications and the standards, and the acceptability of the vendor's technical and user documentation
  - (C) QTR Sect 5 by subsection
  - (W) QTR 1.3 Summary
- iii General findings on maintainability
  - (1) Includes notation of specific procedures or activities that are difficult to perform.
  - (C) Need to add to template in System Overview
  - (W) Attach A as a note.
- iv Identification and description of any deficiencies that remain uncorrected after completion of the qualification test
  - (1) that has caused or is judged to be capable of causing the loss or corruption of voting data, providing sufficient detail to support a recommendation to reject the system being tested.
  - (2) deficiency in compliance with the security requirements,
  - (3) deficiency in compliance with the accuracy requirements,
  - (4) deficiency in data retention, and
  - (5) deficiency audit requirements are fully described);
  - Note: In practice, vendors will not allow reports to be published if it has this level of deficiency.*
  - (C) At end of each Appendice. Need to add to QTR Template/procedure
  - (W) Located after body of report using a standard Notice of Anomaly (NOA)
- v Recommendations to EAC for approval or rejection
  - (C) QTR 5.4, Includes summary description of the system configuration to be certified
  - (W) QTR 1.3 (Executive Summary) including system configuration to be certified.
- vi Note: Deficiencies that do not result in a loss or corruption of voting data shall not necessarily be a cause for rejection. (Identified as "anomaly")

— f Appendix Test Operations and Findings (B6)

- i Additional details of test results needed to enable understanding of the conclusions. B. b. Organized to reflect the Qualification Test Plan.
- ii Summaries of the results of
  - (1) hardware examinations,
  - (2) operating and non-operating hardware tests,
  - (3) software module tests,
  - (4) software function tests, and
  - (5) system-level tests (including
  - (6) security and
  - (7) telecommunications tests, and
  - (8) the results of the Physical and
  - (9) Functional Configuration Audits)

— g Appendix Test Data Analysis (B7)

- i summary records of the test data and
- ii the details of the analysis. The analysis includes
  - (1) a comparison of the vendor's hardware and software specifications to the test data, together with
  - (2) any mathematical or statistical procedure used for data reduction and processing.

(W) In attachments B through ---, based on relevant standards appropriate for the specific tests.

(C) No known requirements under current scope of operation. Will need to adopt/ensure as part of including specific hardware tests.

1 Purpose and Application.

1.1 Purpose. The following checklist was developed for use in the Election Assistance Commission (EAC) Interim Accreditation for Independent Test Authority Labs (ITAs). This program is an interim program pending implementation of the full EAC Accreditation program in cooperation with the National Voluntary Laboratory Accreditation Program (NVLAP) under NIST Handbook 150-2006, NVLAP Procedures and General Requirements and NIST Handbook 150-22- 2005 NVLAP Voting System Testing (HB 150-22). The interim program is designed to accredit ITAs formerly authorized under the National Association of State Election Directors (NASED) accreditation program to continue voting system testing under an EAC accreditation until such time as the NVLAP/EAC joint accreditation has qualified at least one testing laboratory as Voting System Test Laboratory (VSTL).

1.2 Background. The NASED ITAs were accredited under the NASED Program Handbook 9201, Accreditation of Independent Testing Authorities for Voting System Qualification Testing, (Rev A), 7 Apr 2001. (HB 9201). The HB 9201 was based on Department of Defense standards such as MILSTD-490A and MIL-STD-2167A which had been deleted or superceded by the time of the Rev A release. Rev A was to have been a temporary revision pending the completion of the new voting system standards in 2002 (which was to add a much larger scope of accreditation to include the election management software integration with vote tallying equipment as a voting system.) The Help America Vote Act (HAVA) provisions took the responsibility from NASED and the revision was cancelled pending the development of a new program under EAC and NIST.

1.3 Usage. For the purpose of this accreditation, the management documents provided by the candidate lab were developed under the NASED HBK but will be assessed using ISO/IEC 17025 criteria. As such, it is expected that the documented policy and procedures may not explicitly follow the language and procedures recommended under ISO/IEC 17025 but that the underlying program may support a quality management program that meets the intent of ISO/IEC 17025. On the items below, the assessor will place a

- "X" on substantive discrepancies to be considered in the accreditation decision.
  - "C" on items where some work is needed to bring the program into compliance with ISO/IEC 17025 but procedures used support the integrity of the testing process.
  - "OK" where published procedures and policies are supported by evidence of implementation/
- A technical supplement checklist will include Voting System Standards/HAVA requirements for specific review, assessment, or testing.

Note: In general, the Voting System testing is not a calibration activity as intended under ISO/IEC 17025. Calibrated instruments are used in the environmental testing.

(The number in parenthesis is a back reference to page reference to ISO/IEC 17025)

2 Reference Documents

2.1 Normative

2.2 ISO/IEC 17025(2005). *General requirements for the competence of testing and calibration laboratories*, dated 2005-5-15.

2.3 FEC VSS-2002, *General requirements for the competence of testing and calibration laboratories*, dated May 2002 (Note: official version posted on EAC web site and available since 2004)

2.4 FEC VVSG-2005,

2.5 Internal

2.5.1 Parent organization

2.5.1.1 CIBER's Custom Solution Division Quality Management Manual (CQMM) (ISO 9001 compliant)

2.5.2 QA Program for ITA Practices

2.5.2.1 Process and Project Quality Assurance Plan (PPQAP), Ver 3.0, Apr 30, 2005. Parent document (note: document labeling which says Version 2.0 and Version Release History shows Apr 2004 both are typo errors)

- 2.5.2.2 Project Quality Assurance Process (PQAP) ITA Practices quality document
- 2.5.3 ITA Testing Process
- 2.5.3.1 Quality Test Process for Voting System Software (QTP), 4/15/05 Governs testing process

**3 Terms and definitions (2)**

- 3.1 Election Assistance Commission (EAC).
- 3.2 Federal Election Commission (FEC).

**4 Management requirements (2)**

**4.1 Organization (2)**

- 4.1.1 The laboratory or the organization of which it is part shall be an entity that can be held legally responsible

Legal Name:  CIBER, Inc.  Format Note: Legal name is all caps for CIBER

- 4.1.2 It is the responsibility of the laboratory to carry out its testing and calibration activities in such a way as to meet the requirements of this International Standard and to satisfy the needs of the customer, the regulatory authorities or organizations providing recognition.

The EAC shall be identified as the organization providing recognition and as the governing regulatory authority.

Need to make change

Currently, QTP Sec 17. As part of the Test Complaint Procedure.

Sec 1.3.

- 4.1.3 The management system shall cover work carried out in the laboratory's permanent facilities, at site away from its permanent facilities, or in associated temporary or mobile facilities.

*CQMM 1. Indicated that the ITA Practice, CIBER, Inc. shall to define and use their quality program independently but compliant to the parent CIBER's Custom Solution Division's program within the terms of the ISO/IEC 17025 requirements. The actual QA Manager is specified in the QA policies and procedures as ?*

- 4.1.4 If the laboratory is part of an organization performing activities other than testing and/or calibration, the responsibilities of key personnel in the organization that have an involvement or influence on the testing and/or calibration activities of the laboratory shall be defined in order to identify potential conflicts of interest.

**NOTE 1** Where a laboratory is part of a larger organization, the organizational arrangements should be such that departments having conflicting interests, such as production, commercial marketing or financing do not adversely influence the laboratory's compliance with the requirements of this International Standard.

**NOTE 2** If the laboratory wishes to be recognized as a third-party laboratory, it should be able to demonstrate that it is impartial and that it and its personnel are free from any undue commercial, financial and other pressures which might influence their technical judgment. The third-party testing or calibration laboratory should not engage in any activities that may endanger the trust in its independence of judgment and integrity in relation to its testing or calibration activities.

See organization charts:  
Overall CIBER, Inc.

**ITA Practice.**

*QTPVS Para 1, Introduction  
PQAP, Sec 3, pg 4*

*(VS 4.1.1) Employee can not develop and test a product or otherwise consult for a client and then test as ITA the client. Need to develop or confirm from CIBER corporate policy.*

**4.1.5 The laboratory shall**

**a) have managerial and technical personnel who, irrespective of other responsibilities, have the authority and resources needed to carry out their duties, including the implementation, maintenance and improvement of the management system, and to identify the occurrence of departures from the management system or from the procedures for performing tests and/or calibrations, and to initiate actions to prevent or minimize such departures (see also 5.2);**

*PQAP, Sec 3, pg 4*

**b) have arrangements to ensure that its management and personnel are free from any undue internal and external commercial, financial and other pressures and influences that may adversely affect the quality of their work;**

*Need to add. Billing and contracting are done outside ITA Practices and ITA Practices Director.*

**c) have policies and procedures to ensure the protection of its customers' confidential information and proprietary rights, including procedures for protecting the electronic storage and transmission of results;**

*PQAP, Sec 3 geographically separated office with their own filing network and file system  
(VS-4.1.2) Covered.*

**d) have policies and procedures to avoid involvement in any activities that would diminish confidence in its competence, impartiality, judgement or operational integrity;**

*Certification of Laboratory Conditions and Practices for EAC. 12 Jan 05.  
QTP Sec 1*

**e) define the organization and management structure of the laboratory, its place in any parent organization, and the relationships between quality management, technical operations and support services;**

*See organization chart*

**f) specify the responsibility, authority and interrelationships of all personnel who manage, perform or verify work affecting the quality of the tests and/or calibrations;**

*(See also 5.2)  
PQAP, ITA organization and the table of Roles and Responsibilities*

**g) provide adequate supervision of testing and calibration staff, including trainees, by persons familiar with methods and procedures, purpose of each test and/or calibration, and with the assessment of the test or calibration results;**

*(See also 5.2)*

*Need to add. ITA Practices is using processes to make sure personnel are qualified before working independently but do not have a statement of policy to cover supervision while new hires are being qualified or changes of position to a function where not previously qualified.*

**h) have technical management which has overall responsibility for the technical operations and the provision of the resources needed to ensure the required quality of laboratory operations;**

*ITA Practice Director. See QTAP, Sec 3. Currently there are only three full time employees so many positions will overlap.*

**i) appoint a member of staff as quality manager (however named) who, irrespective of other duties and responsibilities, shall have defined responsibility and authority for ensuring that the management system related to quality is implemented and followed at all times; the quality manager shall have direct access to the highest level of management at which decisions are made on laboratory policy or resources;**

*PQAP, pg 6 & 7 ITA QA Representatives are assigned to advise the ITA Practices Director directly on QA issues. Currently these are T. Dunn and J. Price (independent subcontractors)*

**j) appoint deputies for key managerial personnel (see Note);**

*Not documented. Currently Jack Cobb but not reflected in organizational chart.*

**k) (New) ensure that its personnel are aware of the relevance and importance of their activities and how they contribute to the achievement of the objectives of the management system.**

*With three people sitting down at some table.*

**NOTE** Individuals may have more than one function and it may be impractical to appoint deputies for every function.

**4.1.6 (New) Top management shall ensure that appropriate communication processes are established within the laboratory and that communication takes place regarding the effectiveness of the management system.**

*Emails and conversations. Small organization.*

**4.2 Management system (3)**

**4.2.1 The laboratory shall establish, implement and maintain a management system appropriate to the scope of its activities. The laboratory shall document its policies, systems, programmes, procedures and instructions to the extent necessary to assure the quality of the test and/or calibration results. The system's documentation shall be communicated to, understood by, available to, and implemented by the appropriate personnel.**

*See Documents/Internal for a list of Quality manuals and documents. Basic organization is the QA program plans for the administration of the QA program with a separate set of documents for the QA for the testing activity.*

*(VS-4.2.1) See Document Control for master copies.*

- 4.2.2 **The laboratory's management system policies related to quality, including a quality policy statement, shall be defined in a quality manual (however named). The overall objectives shall be established, and shall be reviewed during management review. The quality policy statement shall be issued under the authority of top management. It shall include at least the following:**

*PPQA, Apr 2005 Sec 1 Purpose, authorized under ITA Practices Director and Director of Federal Systems*

*PQAP, Sec 1. Purpose*

**a) the laboratory management's commitment to good professional practice and to the quality of its testing and calibration in servicing its customers;**

**b) the management's statement of the laboratory's standard of service;**

*Should consider strengthening this part of statement more explicitly.*

**c) the purpose of the management system related to quality;**

**d) a requirement that all personnel concerned with testing and calibration activities within the laboratory familiarize themselves with the quality documentation and implement the policies and procedures in their work; and**

*Need to add to ITA Practices QA document. All in office are involved in working with the QA procedures. Currently, CIBER corporate requires each employee to receive and sign off on a statement.*

**e) (New) the laboratory management's commitment to comply with this International Standard and to continually improve the effectiveness of the management system.**

*Need to add.*

- 4.2.3 (New) Top management shall provide evidence of commitment to the development and implementation of the management system and to continually improving its effectiveness.

*Need to add or document from corporate*

- 4.2.4 (New) Top management shall communicate to the organization the importance of meeting customer requirements as well as statutory and regulatory requirements.

*Need to add or document from corporate*

- 4.2.5 -a) The quality manual shall include or make reference to the supporting procedures including technical procedures.

*PPQAP does identify and reference both PPQA and QTP.*

-b) It shall outline the structure of the documentation used in the management system.

*PPQAP 1.3*

4.2.6 The roles and responsibilities of technical management and the quality manager, including their responsibility for ensuring compliance with this International Standard, shall be defined in the quality manual.  
*PPQAP 3.1 Explains the roles and separation of QA Representatives to the testing activity.*

4.2.7 (New) Top management shall ensure that the integrity of the management system is maintained when changes to the management system are planned and implemented.  
Need reference from corporate

(VS-4.2.2- ensuring QA Manual considers topics)

a) internal audits and management review;

PPQA 8.2.3

b) writing and implementing system procedures;

PPQA, 8.2.2.

c) writing and implementing system instructions;

Do not currently have instructions at this level.

d) staff training and individual development plans;

CIBER Policies and Procedures Training Ver 2.3

e) contract review;

Need to develop

f) staff members who work at home and at alternate work sites outside the laboratory (e.g., telecommuting);

Need to specify

g) referencing EAC accreditation and use of the EAC branding.

Modify for reflect EAC rather than NASBD. EAC will need to provide further guidance.

(VS-4.2.3) The following program-specific procedures shall be included with the quality manual when it is submitted as part of the application package:

a) review of the vendor Technical Data Package (VSS-2002, Volume II, Section 2). This procedure shall include:

QTP, Sec 4 TDP Review. Need to review and update to include the following.

Use in preparing Qualification/National Certification Test Plan. (Ref VSS Vol II, 2.1, See also VI, 9.)

Format. Table of content, abstracts, and cross-index against the VSS/VVSG documentation requirements (Ref: VSS Vol II, 2.1.1.3)

Provisions for placing the TDP in escrow for reference in state certification and acceptance testing. (Ref: VSS Vol II, 2.1.2)

Note: Completion of the TDP Review includes the validation of user procedures and operation manuals against the actual equipment.

Note: vendor diagnostics and simulations must be validated.

b) selecting the laboratory staff for a Qualification/National Certification test team;



Need to develop.

c) writing a Qualification/National Certification Test Plan for first-time testing and testing of modified systems (Ref VSS-2002, Volume II, Appendix A);  
QTP, Sec 8 Qualification Test Plan.

d) writing Test Operation Procedure (Ref VSS-2002, Volume II, Appendix A.6.4);  
*Need to develop. Currently, CIBER performs the customized tests from knowledge and information from the TDP review but does not have a reference copy that defines the common process used in all test campaigns.*

e) conducting testing at a customer's site (if the laboratory offers such services);

NOTE: Reference NASED Tech Guide 3

Need to develop.

f) writing a Qualification/National Certification Test Report (VSS-2002, Volume II, Appendix B);  
*QTP Sect. 14. Need to review and develop.*

g) reviewing the Configuration Management Plan (VSS-2002, Volume II, Section 2.11);  
*QTP Sec 1.5 Configuration Management During Qualification.*

h) ensuring the protection of proprietary information against threat from persons outside the laboratory, from visitors to the laboratory, from laboratory personnel without a need to know, and from other unauthorized persons;  
(contained elsewhere in ISO/IEC 17025)

i) cooperating with the EAC during test campaigns;

Need to update.

j) witnessing of system build and installation. (Vol-2002, Volume I, 9.2.6.4, NASED Tech Guide 3)  
Have created a draft form and need to complete and validate. Needs acceptance review and possible further expansion based on review.

#### 4.3 Document control (4)

##### 4.3.1 General (4)

*Under CIBER corporate policies, approved master copies of the QA policies and manuals are stored under a corporate server Sharepoint subdirectory for the individual divisions. Personnel within the appropriate division and corporate QA management responsibility have access.*

*For internal to ITA Practices, they have a process but have not documented the process. The samples of documents shown lack identification, version identification and other required features. Need to document and develop further.*

##### 4.3.2 Document approval and issue. (4)

4.3.2.1 a) Have a working process requiring approval by ITA Practices Director. Need to document and develop further.

b) Master List. Using the 'Roadmap' but the 'Roadmap' is limited to product testing documents and does not include QA and others. Need to develop

**4.3.2.2** The procedure(s) adopted shall ensure that:

- a) authorized editions Need to develop
- b) periodically reviewed Need to develop
- c) invalid or obsolete removed/assured against intended use Need to develop
- d) obsolete documents retained Need to develop

**4.3.2.3** Uniquely identified Not being done, need to develop

- a) date of issue/revision
- b) page numbering
- c) the total number of pages or mark for end of document
- d) issuing authority

**4.3.3** Document changes (5)

**4.3.3.1** Review and Approval process. Only for the Qualification Test process but not for all controlled documents. PPQA, Sec 7-8.2 for covered documents. Need to be expanded.

**4.3.3.2** New or altered text marked or identified. Document and do.

- 4.3.3.3** a) *If permitted to amend by hand, document and authorize*  
b) *clearly marked, initialed and date. If authorized, document.*

**4.3.3.4** Making changes to electronic records.

**4.4** Review of requests, tenders and contracts (5)

**4.4.1** Procedures for ibid.

QQTP, Sec 3 TDP Review.

QTP, Sec 1.4

Need to develop

a). *Requirements known and understood*

*(VS-4.4.1) Consider HAVA, VSS/VVSG, EAC directives, and,*

*(VS-4.4.3) if required, specific state requirements and does not circumvent the Federal standards.*

*(VS-4.4.4) If involved, check that state requirements are current.*



*(VS-4.9.1) Where necessary, EAC—especially if for accepted report and certified system.*

*e) Responsibility for authorizing resuming of work, if halted.*

**4.9.2 Where non-conforming work could recur or doubt exists of laboratory compliance with own policies and procedures, corrective action in 4.11 shall be promptly followed. Need to develop**

**4.10 Improvement (7)**

**►The laboratory shall continually improve the effectiveness of its management system through the use of the quality policy, quality objectives, audit results, analysis of data, corrective and preventive actions and management review.**

**4.11 Corrective action. (8)**

**4.11.1 General (8)**

*PPQAP, Sec 8.2 Suggestions, Issues and Corrective Action Requests (CARs)*

*PQAP, requires ITA Practices to create Corrective Action Log. Not created. Need procedures*

**4.11.2 Cause analysis (8)**

**4.11.3 Selection and implementation of corrective actions. (8)**

**4.11.4 Monitoring of corrective actions (8)**

**4.11.5 Additional audits (8)**

**4.12 Preventive action (8)**

**4.12.1 a) Handled as discussions within office. Need to develop procedure and management tracking process.**

*b) (New) Action plan for identified preventative action*

**4.12.2 Procedures to initiate and application of controls**

**4.13 Control of records (9)**

**4.13.1 General (9)**

**4.13.1.1 QTP, Sec 15 Archive and Qualification Test Artifacts. Observed checkout log and directory**

**4.13.1.2**

*—a Storage of files. Not seen were QA records such as audit reports which are stored with corporate QA.*

-b Retention times. Implied kept forever. Open question of what retention should be required but this is a conservative choice.

#### 4.13.2 Technical records (9)

4.13.2.1 a) QTP, Sec 15 Archive and Qualification Test Artifacts. Observed checkout log and directory.

b) Found vendor manuals, sample ballots, test ballots, test voting results, hand written notes, CDs, scripts, weekly status reports and communication with customer. Have not accumulated enough to exceed available, local storage.

c) Not noticed. Handwritten copies marked but printed copies did not have

4.13.2.2 No test log requirements defined or practices that shows records are complete and identifiable. May need to develop better practice.

4.13.2.3 a) Very little handwritten/ hardcopy notes.

b) TDP reviews, spreadsheet makes new entries but don't lock entries to prevent later changes. Need develop

#### 4.14 Internal audits (9)

4.14.1 a) PQAP 8.2.3 Internal audits are performed by a separate corporate office Process and Product Quality Audit(s) (PPQA Group) with specific training, independence, from observed activity, and direct top management access.

PPQA, Sec 7.2 PPQA Reviews When: ITA Practice Director requests a project review by the PPQA at least once each calendar year and the event of changes in staff, scope of accreditation, facilities, or equipment.

PQAP, 8.1.2 Plan Quality Assurance Events lists ITA Project Audit (yearly), Quality Assurance Training on staff change, and Accreditation Audit by ITA Accreditation Committee

Date of last internal audit: (2005)

This program is actually managed outside of the ITA Practice responsibilities. Copies of the report were not available to the ITA Practice Director. PQAP defines that any recommendations are reported in CARs. However, ITA Director does not have a log and reports there were no previous CARs (procedure was created last year and may not have been in place for last action). May need to request contact with PPQA group. Terry Debell, Manager Internal Audit and Compliance. 303-267-3820.

X Also have project oriented internal audits by the ITA QA Representatives which perform a Process Conformance Audit at the end of each Qualification Test. A report is to be provided to the ITA Director and CARs for any recommendations for deficiencies. There have been no Process Performance Audits. The Representatives were assigned last year.

b) *The CIBER corporate program ensures training of audit personnel. The ITA QA Representatives*

*PQAP provides for creation of CARs which the ITA Director must provide for reviews to include monitor the actions from the CARs.*

4.14.2 *PQAP 8.2.2 2<sup>nd</sup> paragraph. The CARs created are to trigger corrective action including involvement of the ITA Practice Director. Need to add notification of customers in writing if investigations show that laboratory results may have been affected.*

4.14.3 *The PQAP CARs procedure would appear to satisfy requirement for recorded.*

4.14.4 *Need to identify procedures for follow up of CARs or, if not defined, develop.*

4.15 **Management reviews (10)**

4.15.1 *May be in Corporate*

X **Date of most recent management review:** *(the review last year may qualify as a management review)*

- **Actions from previous review (CARs)**
- **Reports from third party assessment groups**
- **Customer Audit (feedback) reports**
- **Internal audit reports, including any associated corrective action**
- **Documented problems arising from lack of procedural adherence**
- **Results of proficiency testing and any inter-laboratory comparisons.**
- **Corrective action requests and any preventative actions taken**
- **Details of customer complaints and feedback**
- **Staff training**
- **Current adequacy of staff, equipment, and facility resources**
- **Future plans and projections for new work, staff, equipment, and other requirements.**
- **Summary of annual review and revision activity for all controlled generic**

5 **Technical requirements (10)**

5.1 **General (10)**

5.1.1 **(no comment)**

5.1.2

**i) human factors. QTP Sect 3.2.2 Job Description for ITA Practice Director**

*Software Analyst*

*TD Specialist*

*ITA QA Representatives*

*Configuration Mgr*

*Test Engineer*

**ii) accommodation and environmental QTP, Sec 15.1 Archiving.**

*PPQAP Sec 3.2.1 Facilities and Equipment*

**iii) test ... methods and method validation. QTP Sec 3 through 17**

**iv) equipment. Not prepared**

**v) measurement traceability N/A except as applies to calibrated equipment**

**vi) sampling N/A except as applies to calibrated equipment**

**vii) the handling of test and calibration items. QTP, Sec 3 for TDP, 6 for equipment**

**5.2 Personnel (11)**

**5.2.1 a) Ensuring qualification of personnel. CIBER Policies & Procedures Training, Ver 2.2 1/1/06. (on Corporate server) general policy.**

*Source Code Review Qualification Test. Consists of spreadsheet with sample code and list of items to find. A partial copy of Vol I 4.2.3, and edited Vol II coding convention standards. Does not include issues about problem such as integrity and security issues. Just used to see if basic competency exists*

*All other is based on experience performing the tests. No training for security, testing procedures. Corporate training requirements for corporate procedures and quality program. No formal training on voting requirements such as the VSS, state laws variations. Such information is acquired through discussion and vendor designs. May result in problems in critical evaluation of vendor design.*

**b) Providing supervision during activity where personnel are becoming qualified.**

*Only one person has been added since creation of office so training has been informal. He observed and participated with experienced technical staff until deemed ready. Need documented policy or procedure*

**5.2.2 a) Documented goals in the form of formal Position Description containing requirements for Educational Requirements, Professional Certificates, work related experience and other requirements.**

*b) CIBER Training also establishes corporate required training. No supplemental training is defined for the differences required for the ITA Practices under ISO/IEC 17025 based standards (new) or division specific.*

c) *The training program as it exists based on corporate training is not completely relevant.*

d) *(new).*

**(VS-4.5.2) Positions assigned**

**Laboratory Director: Shawn Southworth, ITA Practices Director**

**Technical Director: Shawn Southworth, ITA Practices Director**

**Authorized Representative: Shawn Southworth, ITA Practices Director**

**Approved Signatory Personnel: Shawn Southworth, ITA Practices Director**

**Team Leaders: Shawn Southworth, ITA Practices Director**

**Jack Cobb, Systems Software Analyst,**  
*training record available and reviewed Does not verify J. Cobb is qualified to test.*

**Comment [SVF1]: Business card says 'System'**

**Quality Manager: Paul Rainville, Director of Delivery.**

[prainville@ciber.com](mailto:prainville@ciber.com)

**703-610-6400 x 6475**

**Not listed on Org chart. External to ITA Practices office.**

**ITA QA Representatives: (defined as local staff/employees with responsibilities to monitor QA requirements, assigned in org chart and PD)**

**Tom Dunn**            **No training records or record of designated as qualification**

**Jennifer Price**       **No training records or record of designated as qualification**

**5.2.3 Personnel,**

**a) employed and/or contracted personnel. All personnel assigned qualify under this requirement**

**b) CIBER Policy and Procedure. Subcontractor Monitoring, Feed back from client of manager is collected and a performance assessment is made. Records held at divisional office. No policy/procedure for training or qualifying for competency. Corporate training appears to be irrelevant for them.**

**5.2.4 Job descriptions. Available and complete. Individuals identified as assigned to position in QTP Organization Chart in Sect 3. Recommended that the names be removed from the QTP Org Chart and the information be provided in other forms.**

**5.2.5 Authorizations for testing.**

**a). Authorize specific personnel to perform specific processes. Informal.**

**b). Training record reviewed for Jack Cobb. Does not include record of authorization for performing tests. No record exists for subcontracted employees.**



**(VS-5.2.3).** The laboratory shall notify both accreditation agency and the EAC within 30 days of any change in key personnel. When key personnel are added to the staff, the notification of changes shall include a current resume for each new staff member. *This requirement is based on direction given under the initial NASED accreditation and is to be transferred to EAC. Need to develop/update.*

*Note 1: 'Key Personnel' is considered here to be the personnel identified in VS-4.5.2 above.*

*Note 2: 'both accreditation agency' is a residue from NASED as accreditation agency. It has not been confirmed that the future accreditation agency will require this but this was statement is extracted and updated from a draft for that agency. For this accreditation, the accreditation body is EAC.*

**5.3 Accommodation and environmental conditions (12)**

**5.3.1 a).** Laboratory facilities for testing and/or calibration, including but not limited to energy sources, lighting and environmental conditions, shall be such as to facilitate correct performance of the tests and/or calibrations. *The office is a basic administrative office with adequate lighting and support. No special needs outside of environmental testing requirement performed by other labs.*

**b)** The laboratory shall ensure that the environmental conditions do not invalidate the results or adversely affect the required quality of any measurement. *N/A for base office.*

**Note:** Particular care shall be taken when sampling and tests and/or calibrations are undertaken at sites other than a permanent laboratory facility.

**c)** The technical requirements for accommodation and environmental conditions that can affect the results of tests and calibrations shall be documented. *N/A.*

**(VS-5.3.1) a)** The laboratory shall have adequate facilities to conduct the voting system testing that it offers. This includes facilities for staff training, record keeping, document storage, and software storage.

**b)** If testing activities are conducted at more than one location, all locations shall meet the EAC requirements, and mechanisms shall be in place to ensure secure communication between all locations.

*(VS-5.3.2)*

*(VS-5.3.3)*

**5.3.2**

**a)** The laboratory shall monitor, control and record environmental conditions as required by the relevant specifications, methods and procedures or where they influence the quality of the results.

**b)** Tests and calibrations shall be stopped when the environmental conditions jeopardize the results of the tests and/or calibrations.

**5.3.3**

5.3.4 Access to and use of areas affecting the quality of the tests and/or calibrations shall be controlled. The laboratory shall determine the extent of control based on its particular conditions.

**(VS-5.3.6) If the laboratory is conducting its tests at a customer site or other location outside the laboratory facility, the environment shall conform, as appropriate, to the requirements for a laboratory environment. If a customer's system on which a test is conducted is potentially open to access by unauthorized entities during test, the ITA shall control the test environment. This is to ensure that the systems are in a defined state compliant with the requirements for the test before starting to perform testing work and that the systems ensure that unauthorized entities do not gain access during testing. Ref NASED Technical Guideline #4. Draft procedures exist and are awaiting approval.**

5.3.5 *Good housekeeping. Observed reasonable office house-keeping.*

**5.4 Test and calibration methods and method validation (12)**

**5.4.1 General (12)**

*QTP, Sec 1.4 through 10.*

a) The laboratory shall use appropriate methods and procedures for all tests and/or calibrations within its scope.

b) The laboratory shall have instructions on the use and operation of all relevant equipment, and on the handling and preparation of items for testing and/or calibration, or both, where the absence of such instructions could jeopardize the results of tests and/or calibrations. Not widely needed at Ciber. May need to look at such an instruction to provide the control of operating system setup as an example.

c) All instructions, standards, manuals and reference data relevant to the work of the laboratory shall be kept up to date and shall be made readily available to personnel (see 4.3).

d) Deviation from test and calibration methods shall occur only if the deviation has been documented, technically justified, authorized, and accepted by the customer.  
*Need to develop.*

**5.4.2 Selection of methods (13)**

*Currently limited to broad based QTP for test areas such as TDP Review, Source Code Review, Functional Testing. Need to develop more specific test procedures that provide a standard base for testing between vendors.*

a) Preferred test methods from international, regional, or national standards. (VS 5.4.1) methods required in VSS/VVSG shall be used.

b) Additional details to supplement standard method.

d) Customer informed and agrees.

e) Shall confirm that it can properly be performed. (See under review of tenders, etc.)

**(VS-5.4.2) Validation of the test method will be included in documentation.**

**5.4.3 Laboratory-developed methods (13)**

a)

**5.4.4 Non-standard methods (13).**

**5.4.5 Validation of methods (14).**

**5.4.5.1 Validation definition**

Validation is the confirmation by examination and the provision of objective evidence that the particular requirements for a specific intended use are fulfilled.

**5.4.5.2** The laboratory shall validate non-standard methods, laboratory-designed/developed methods, standard methods used outside their intended scope, and amplifications and modifications of standard methods to confirm that the methods are fit for the intended use. The validation shall be as extensive as is necessary to meet the needs of the given application or field of application. The laboratory shall record the results obtained, the procedure used for the validation, and a statement as to whether the method is fit for the intended use.

Need to develop

**5.4.6 Estimation of uncertainty of measurement (14) N/A** May need to develop in the future.

**5.4.7 Control of data (15)**

**5.4.7.1 Calculation and data transfers.**

Calculations and data transfers shall be subject to appropriate checks in a systematic manner.

**5.4.7.2**

When computers or automated equipment are used for the acquisition, processing, recording, reporting, storage or retrieval of test or calibration data, the laboratory shall ensure that:

a) computer software developed by the user is documented in sufficient detail and is suitably validated as being adequate for use;

Will need to develop for test tools and utilities used for testing provided by a vendor.

b) procedures are established and implemented for protecting the data; such procedures shall include, but not be limited to, integrity and confidentiality of data entry or collection, data storage, data transmission and data processing;

May need to develop.

c). computers and automated equipment are maintained to ensure proper functioning and are provided with the environmental and operating conditions necessary to maintain the integrity of test and calibration data

5.5 **Equipment (15).** *N/A However, review these requirements because they may apply and give guidance for some concerns and issues for working with the vendor supplied equipment refer 5.5.5. May need to apply to actual equipment under test.*

5.6 **Measurement traceability (17).** *N/A except as applies to calibrated equipment*

5.7 **Sampling (19).** *N/A. Program currently does not deal with sampling from manufacturing production.*

5.8 **Handling of test and calibration items (19).**

5.8.1

The laboratory shall have procedures for the transportation, receipt, handling, protection, storage, retention and/or disposal of test and/or calibration items, including all provisions necessary to protect the integrity of the test or calibration item, and to protect the interests of the laboratory and the customer.

5.8.2 a-d)

5.8.3 a-b).

5.8.4 a-d)

5.9 **Assuring the quality of test and calibration results (20)**

5.9.1

5.9.2 *(New) Quality control data analyzed.*

5.10 **Reporting the results (20)**

5.10.1 **General (20)**

5.10.2 **Test reports and calibration certificates (20)**

--a) *title*

--b) *name and address of laboratory*

*(W) QD V-1, Cover page,*

*if testing elsewhere, Need to add provisions for test location if different than company address in scope*

*(C) QTR template, cover page,*

*if testing elsewhere, Need to add provisions for test location if different than company address*

--c) **unique identification of test report and identification of end of report**

*(W) QD V-1 job number and use 'page x of y' to identify end of report*

(C) Need to develop. Current standard identification is only title and version number on cover page.

--d) name and address of customer.

(W) QD V-1 Sect 3 and cover page

(C) QTR template, name is in Sec 3 Need to provide address.

--e) Identification of the method used (VS in requirement matrix)

(W) QD V-1 Sect 4.9

(C) Need to develop. Currently do not have a set of test methods/procedures which can be referenced.

--f) description of equipment under test

(W) QD V-1 Sec 4.9, QTR Sec 4.

(C) QTR Sec 3 Test Support Hardware

--g) date of receipt (N/A to voting system)

--h) sampling plan (N/A to voting system)

--i) test results (VSS Vol II, App B5 Test Result Summary), and B6 Appendix of Test Results and Findings)

(C) QTR Sect 5 Qualification Test Results and subdivided TDP, Source Code Review, Functional Test. Where are PCA. Appendices divided into TDP (A), Source Code Review (B), Functional Test (C) including system integration results and should include security and should include telecommunications. Where is Witnessed Build?

(W) QTR Sect 6.1 Summary and Attachment A (Functional Req, Matrix includes Sect 2-8 of functional requirements).

Specific Data in Appendices B- (required) for specific tests

--j) names, functions, and signature or person(s) authorizing test report.

(C) "Prepared by" line on QTR cover page. Authority to assign is designated in Project Quality Assurance Process Tailored for ITA Practice. (Page 6 of 16) as Approved Signatory as specified in Position Description

(W) Listed on cover page per QD V-1 and includes:

Prepared

Approved

Quality Assurance Manager

Release (Department Manager)

--k) Statement that the results relate only to the items tested or calibrated.

(W) In QTR Sec 1.3 Summary with standard defined language. Also includes recommendation about restricted reproduction

(C) Need to add.

**5.10.3 Test reports (21)**

**5.10.3.1**

a) deviations from test methods

(C) Needs to establish reference test method

(W) QTR Sec 6 and QD V-1

b) compliance/non-compliance with requirements (covered under QTR standard App B5 item e).i.

c) N/A except under referenced test standards outside the scope of accreditation

d) (See 5.10.5)

e) additional information required (such as additional tests or information for a requested

**5.10.3.2 Sampling (N/A to voting system testing)**

**5.10.4 Calibration certificates (22) (N/A)**

**5.10.5 Opinions and interpretations (22)**

(C) Need to develop

(W) If accepting prior results without retesting in QTR Sect 6. May need expand criteria.

**5.10.6 Testing and calibration results obtained from subcontractors (23)**

a) identify test was done by a sub-contractor

(W) QTR Sect 6. and App A. Procedure defined in QD VII-1 Approved Vendor list.

(C) Need to specify

**5.10.7 Electronic transmission of results (23) (refers to Control of Data in electronic media)**

(C) Need to give results

(W) QD VII-1. Document Control (reference 5.4.7)

**5.10.8 Format of reports and certificates (23) (covered by VSS II, App B requirements)**

**5.10.9 Amendments to test reports and calibration certificates (23)**

(W) QD V-1, 5.4. Publish as full revision with changes marked.

(C) QTP Sec 14. Point 2. Needs to review to include requirements of this checklist  
Section 5.10

**Election Assistance Commission (EAC)  
Interim Accreditation  
Independent Test Authorities (ITA)**

**Assessment Report**

**SysTest Labs, L.C.C.  
with  
Percept Technology Labs**

**Conducted: Jul 10-12, 2006  
Denver, CO**

**Assessor: Steven V. Freeman**

**022306**



## ***Introduction***

This accreditation assessment was conducted to support an interim program pending implementation of the full EAC Accreditation program in cooperation with the National Voluntary Laboratory Accreditation Program (NVLAP) under NIST Handbook 150-2006, NVLAP Procedures and General Requirements and NIST Handbook 150-22- 2005 NVLAP Voting System Testing (HB 150-22). The interim program is designed to accredit ITAs formerly authorized under the National Association of State Election Directors (NASSED) accreditation program to continue voting system testing under an EAC accreditation until such time as the NVLAP/EAC joint accreditation has qualified one or more testing laboratories as Voting System Test Laboratory (VSTL).

## ***Summary of Findings***

SysTest Labs with Percept Technology has the basic capability to perform a full range of voting system tests under the Federal Election Commission (FEC) Voting System Standards (VSS-2002). Their quality management system was written to the earlier NASSED Handbook 9201-A, 2001. They are in the process of converting their system to NIST Handbook 150-2006 but currently have a mix between the two. There was evidence through reviews, edits, and approval processes that they are actively engaged in developing and improving their processes and their personnel and top management are fully involved in a quality system and the necessary adaptations to respond to new requirements.

To perform this assessment, an interim checklist was created to implement the requirements of ISO/IEC 17025 as the NVLAP standards and checklists could not be used. This same checklist is being used for all three ITAs to check compliance and a work copy is being delivered to the labs for their reference on meeting unsatisfied requirements.

Deficiencies found in SysTest Labs/Precept assessment are classed as:

- ❖ on-going work which is expected to show progress and follow-up at the next assessment review but may not necessarily be fully completed as a continuous process of improvement,
- ❖ minor deficiencies whose correction are to available for review to EAC within 120 days or an alternative date set between the lab and EAC.
- ❖ major deficiencies which the lab needs to respond to within 30 days with a plan of corrective action and scheduled return visit.

(A successful assessment and recommendation for accreditation by NVLAP as a VSTL may, with EAC approval, may satisfy the requirement for a scheduled return assessment.)

**On-going work.** All the deficiencies in this category are due to the drafting and rewriting of the new procedures to the ISO/IEC standards. The process of reviewing, rewriting, and approving new procedures is an on-going process and should show evidence of the underlying quality management process is being used. This area also includes the process of adapting new EAC procedures which have not yet been approved.

**Minor deficiencies:**

1. The internal audits were against specific procedures or issues and did not encompass the review of management quality processes required under the accreditation guidelines. This is ameliorated by the fact the review and revision on going with the change over to the new Quality System Manual is performing the same function, only lacking the formal record keeping of issues and corrective action plans needed to support the annual management review.

2. There is no record of a formal management review during the past year that could be presented for the assessment. Top management involvement with the change over to the new Quality System Manual, like the internal audits, is performing much of the same function with weekly management reviews but lacks formal record and the overall review of progress over the longer time period of an annual review.
3. There is no formal recording of complaints and reports of non-compliance for review and analysis. Complaints are being handled immediately and through weekly management reviews but there is not the formal record of the complaints that would support analysis of trends or follow-up review through later audits or management reviews.
4. Test methods exist as templates and test scripts but need to be placed under the controlled document system and their validation, where required, documented. The new SLPs planned or in draft are providing the mechanism to do this but do not include the validation component.
5. The copy of the VSS-2002 used was not current and the checklist used to trace completion of requirements derived from that VSS-2002 version was not complete. A new checklist to correct this problem should include adoption of the VVSG-2005 changes where appropriate. Note: this problem exists for all the labs as the checklist involved; was initially created and intended to be used as a common reference; the correction and replacement should involve a similar common document.

Major deficiencies.

1. Several of the labs used as subcontracted labs are not accredited by an IOC/IEC 17025 based accreditation body. This problem is partially a problem within the standards and EAC draft policies themselves as 17025 accreditation is not necessarily the appropriate method for validating labs performing the tests under quality standards (for example, the safety and accessibility standards). However, an accreditation program does exist for the Mil-Std 810 standards but is not held by the subcontracted lab, APT, performing the related tests.

## ***Recommendation***

Accreditation should be continued as a full service ITA provisionally based on continued development and follow through on the reported deficiencies, to be reviewed in 120 days or at such time as directed by the EAC. Some issues are dependent on clarification of procedures through the EAC.

(signed)

Steven V. Freeman

Attachments:

- A. Laboratory Identification and Contacts.
- B. Organization Chart as/of 7/10/06.
- C. EAC Interim Checklist Summary of Findings. (In draft)
- D. Core Voting System Tech Supplemental Checklist.doc (In draft)

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## **Laboratory Identification and Contacts**

### **Lead Laboratory:**

**Legal Name:** SysTest Labs, L.C.C.

**Address:** 216 16th Street  
Suite 700  
Denver, CO 80202  
USA

**Telephone:** (303) 575-6881  
**Fax:** (303) 575-6882  
**Internet:** www.systest.com

**Key Contacts:** See Organization Structure 10 July 2006 (Attach A)

<b>President</b>	Brian Phillips	BrianP@Systest.com
<b>Chief Operating Officer</b>	Glenn Truglio	
<b>Director, Qualification Test Services</b>	James Nilius	jnilius@systest.com
<b>Qualify Assurance Director</b>	Jeff Knutson	jknutson@asystest.com
<b>Hardware Manager</b>	Darrick E. Forester	
<b>Source Code Review Manager</b>	Jo Johnson	
<b>Managers, Voting Test Specialists</b>	Jennifer Garcia	
	Jeff Knutson	
<b>Delivery Manager</b>	Lesley Hoppert	

### ***Environmental Hardware Team Partner:***

**Legal Name:** Percept Technology Labs, Inc.  
**Address:** 4888 Pearl East Cir. #110  
Boulder, Colorado 80301  
**Telephone** (303) 444-7480  
www.percept.com

### **Key Contacts:**

Brian G. Cleveland, President & CEO  
John J. Mozeliak, Chief Operating Officer  
Al Backlund, Director of Global Compliance Business Unit

022309

## Technical Supplement:

Review test lab procedures/standards for the following elements of the VSS 2002 (and VVSG 2005).

## Core voting system tests:

- \_\_\_ 1 Technical Data Package review,
- OK/C SLP-VC-07 PCA Documentation Review  
PCA Document Review.
- \_\_\_ a Verify that TDP contains required document content and identify vendor's document meeting requirements.
- OK Vendor provides document trace and SysTest uses the trace to complete the PCA Doc Develops one for each configuration component and the 12 required documents from the VSS/VVSG
- \_\_\_ b Identification of deliverables: Documents or manuals to be delivered to client for operation, maintenance, and training.
- C Task vendor to provide a list of deliverable documents or manuals. Supported in QTR, Section 3. "The TDP User/Owner manuals that would be part of the certified system delivered to a purchaser of the system are as follows:
- \_\_\_ c Terms and references.
- OK Entry in QTP/QTR Template to include items needing identification
- \_\_\_ d Review of documents for completeness and consistency
- OK SLP-VC-07 5.1.3.  
Documents are examined by subject expert, e.g., Software Specification is reviewed by Source Code team, against VSS requirements in that area.
- \_\_\_ e Quality Assurance plan
- OK SLP-VC-07, PCA Doc-  
Performed as part of PCA review.
- \_\_\_ f Configuration Management
- OK SLP-VC-07, PCA Doc-Quality Assurance  
Performed as part of PCA review  
Also examined and exercised in the Witnessed Build
- \_\_\_ g Review of System release change log  
SLP-VC-07, PCA Doc-Change Notes
- \_\_\_ h Review of vendor tests. *Includes but not limited to:*
  - \_\_\_ i Readiness Check
  - \_\_\_ ii Operational Status Check
- \_\_\_ SLP-VC-08, FCA  
FCA Doc . Have separate template for Software, Hardware, Hardware/Software  
No sampling of vendor tests (perform test method validation)
- \_\_\_ i Review of prior test lab tests  
See comments under PCA on accepting reports from other labs.  
If using other ITA reports on earlier product tests, need to validate and report the justification for acceptance of the report.  
----Deliverables----
- \_\_\_ j TDP Document Trace matrix directory. Matching the document requirements to the vendor's document names or titles.
- OK See above, In application package, exhibit 1.6
- \_\_\_ k Production of formal Test Plan  
SLP-VC-05, Qualification Test Plan (Original qualification or modified system)  
Template QTP included in application package Exhibit 1.10

SysTest produced a Pre-Qualification Test Report (QAM 4.1.2) which summarized the results for the test and verification documentation, System Operation, Software, and Hardware Specification reviews. It provides a method to document and report discrepancies in the TDP/PCA document reviews to be resolved and document resolutions. SysTest has replaced this with the production of actual Test Plan to include the discrepancy report. This discrepancy report is carried through and provided as part of the Qualification Test Report.

2 Source code review,

QAM 4.1.3

QSM 4.1.1.9 This is mainly a reference to identifying and assigning personnel to the source code review

SLP-VC-11, PCA Source Code Review provides the procedures

SysTest has created a set of 'definitions' for different languages: C, C++, C#, Cobol, Delphi, HTML, Java, Oracle SQL, Perl, Powerbuilder, (MS) SQL, Visual Basic, XML. These 'definitions' are tables for reporting against the VSS/VVSG requirements and are used to identify requirements that may not apply.

a Catalog of source code

The SLP-VC-11 does not describe use of Module-Finder. Needs instructions for use.

b Catalog of compilation environment including COTS components of build

SLP-VC-13 Rev 03, 5.1.2 Verify environment to identify components of the build. If changed components are identified or are revealed, the vendor is required to resolve. SysTest requiring copies of the licensed versions to verify use of valid COTS and to assist in detecting modified components but not listed in procedures. Procedures update to include

c Determination of changes from prior review.

SLP-VC-11, Rev 05. 5.3.1. Working off the vendor supplied change documentation but also performing code differences against the components supplied for the Witnessed Build.

d Review for coding conventions and integrity requirements

SysTest has created a set of 'definitions' for different languages: C, C++, C#, Cobol, Delphi, HTML, Java, Oracle SQL, Perl, Powerbuilder, (MS) SQL, Visual Basic, XML. These 'definitions' are tables for reporting against the VSS/VVSG requirements and are used to identify requirements that may not apply. The Module-Finder utility runs a check against some of the requirements to highlight and identify modules requiring specific attention but all modules are subject to a human review by at least two and sometimes more reviewers. This procedure was witnessed. Needs to be recorded in procedures.

e Review for security.

Need documentation of specific features and practices used to review for security. This is being performed by knowledgeable human reviewers. Specific issues currently under review are unbound arrays, pointers, and dynamic structures. SysTest has also, in the past, detected and reported on 'race track' vulnerabilities. Needed for future development is an active process to recognize and adapt reviews to pick up on new vulnerabilities.

i *Demonstrate*

----Deliverables-----

f Report of results

SLP-VC-11 PCA Source Code Review, 5.4.2 This process is basically include the source code review forms into the report following code statistics such as line counts provided by the Module-Finder. It is organized by functionality and language. Detailed module by module reports are not provided in the Qualification report but are available through archived test documentation.

- g Witnessed build from verified source code and COTS.  
SLP-VC-13.  
Discussed need to identify modules which were reviewed and which executables are changed. Changes in executables may occur due to build procedure changes or COTS library changes rather than reviewed source code changes. Need to review Guideline 3 on Witnessed Build for documentation required with the Witnessed Build. Specifically missing currently is the report to include observed anomalies from the source code review.
- 3 Physical configuration audit,  
QAM 3.27 Performing Accuracy and Reliability Testing  
QSM (refers to SLP)  
SLP-VC-09 PCA Software and Hardware Configuration Audit  
SLP-VC-23 Hardware Test Management  
PC Configuraton Checklist  
Organization:  
Percept handles test cases against hardware requirements  
Derek handles System configuration and environmental description  
Jennifer handles System configuration-functional  
TC-history provides document change history.  
Includes VSS requirement for each item.
  - a Configuration verification against Configuration Management plan  
SLP-VC-09, 5.2.2 Verify the test environment. Verifies the equipment under test, manuals, and supplies presented for testing match the equipment/documentation reviewed in TDP. Should include physical inspection of components and parts to see that the equipment design is as defined in documentation include the APL. After any mitigation, the equipment is audited to ensure configuration is defined and consistent with documentation. Need to update SLP to reflect the mitigation audit. Procedures include pictures and physical descriptions of changes and to confirm any Engineering Changes (EC) are complete. Also discussed issue of component marking to reflect version control and identification. May need to include diagrams or pictures where a marking change is required.
  - b Accessibility standards  
SLP-VC-23, 5.2 includes provisions for the Common Standards portion of the Accessibility Checklist (a tab in the PCA checklist). SysTest performs the physical measurements; Percept performs the other checks.  
Minor note: VSS 2002/VVSG 2005 do not specify the table height involving a access limits for someone in a wheel chair. 28 CFR Ch. I (7-1-94) under Americans Disability Act, identifies the max height as 34 inches for table mounted or elevated equipment. Recommended to SysTest to include the reference and use in their test method.
  - c Construction, including safety  
SLP-VC-23/VSS Vol I 3.2.8. (Note: Typo in VSS 2002. Section 3.2.8 refers to 29 CFR where App B references 20 CFR. VVSG 2005 corrects to 29 CFR).  
Test is performed in Safety Lab under standard methods for 29 CFR.
  - d Validity of operations provided in deliverable manuals  
SLP-VC-23/09. Need to update to include reference to maintainability test case.  
Percept, under Maintainability Test Case, reviews maintenance manuals  
SysTest, under SLP-VC-12 Preparing Test Cases, 5.1.4 to include testing of the vendor's manuals. Recommendation to include a statement in the Deliverable section of the report to recognize these manuals have been reviewed.

- e Hardware transportation and storage tests.  
SLP-VC-23, Table 1, Environmental Hardware.  
Issues to consider is ensuring the equipment tested is the same configuration used in final certification and that the operational status check has been validated. Need to include details for operational status check to ensure full verification of components and design. Will involve changes to several SLP. SysTest has been working with ensuring the operational status test is comprehensive and been revising test cases to allow for more comprehensive check.
    - f Hardware operational environmental test.  
Note: The system integration tests for accuracy and reliability (e.1. and 2. below) are conducted in conjunction with this test and the final criteria include all components used to consolidate polling place and jurisdiction results from individual voting machines.  
See below e1 and 2..
    - g EMC and electrical test suit.  
SLP-VC-23, Table 1, Environmental Hardware.  
Criterion performs this test with oversight by Percept. Criterion is fully accredited for these test under NVLAP. Issue may occur if the vendor brings in reports from other test labs. Need to add procedures to provide review/acceptance criteria for third party reports based on the following three criteria:
      - i *Verify test lab is accredited by MRP body*
      - ii *Verify equipment under test is for same configuration as being certified*
      - iii *Verify that operational status check/operations was applicable to a voting system operation.*
    - h Safety inspection.  
SLP-VC-23. See item c above. In addition, consider the issue of the third party reports.
      - i *Verify test lab is accredited by MRP body*
      - ii *Verify equipment under test is for same configuration as being certified*
      - iii *Verify that operational status check was appropriate*

---Deliverables---
    - i Reports for the hardware, EMC and electrical, and Safety tests and inspections.  
If necessary, provide a statement reporting the results of the verification on the applicability of the reports.  
SLP-VC-23, 5.6. Need to add procedures to when requested to accept third party reports to document validation of the report for acceptability.
    - j Directory of deliverables, including hardware and software setup and both application and COTS installed files. (Part of witnessed build documentation)  
Qualification Report Template Rev 1.00 , 7.4 Appendix for qualification configuration and as a element in the Witnessed Build package. Need to add specifics about designating COTS components that are necessary for certified configuration.
- 4 Functional configuration audit,  
QAM 4.1.1 through 4.21.8 Qualification Review and Test Documents.  
QSM (references into SLP) May need to provide overview of test structures and requirements. Needs to provide a section with the generic voting system requirements provided in QAM 4.1.1 through 4.21.8.  
SLP-VC-08 Vendor Test Review  
SLP-VC-05 Qualification Test Plan  
SLP-VC-15 FCA Test Execution – Functional Integrated System  
SLP-VC-16 FCA Test Execution - Regression  
Form FCA 2002 Document Review

- \_\_\_ a Functional Requirement matrix against technical specification and manuals  
Form FCA 2002 Vendor Testing and TDP Trace  
Form FCA 2002 Document Review.
- \_\_\_ b Test Specifications for functional requirements  
Form FCA 2002 Vendor Testing and TDP Trace  
Form FCA 2002 Document Review. Includes vendor tests reviewed.
- \_\_\_ c Verify functional operation against requirements of Vol I, §2 thru §6 (See Requirements Checklist)  
SLP-VC-12 FCA Preparing Test Cases  
Core set of test cases  
Accuracy Test Case  
System Gen01  
System Gen03-Rotation  
System Gen04-Addl Languages  
System Gen02-Straight Party  
System Pri01- Open Primary  
System Pri02 – Closed Primary  
System Pri03 – Blanket Primary  
Security Test cases  
Baseline Test Case  
Telecom Test Case
- \_\_\_ d Verify functional operation against requirements of vendors technical specification and manuals  
Form Supported Functionality Declaration Rev 02 (sales reps provides and vendor submits as part of application) used as a basis for developing test cases for these additional functionality
- \_\_\_ e Verify HAVA functional requirements.  
Included in Supported Functionality Declaration to include Provisional, Addl Languages.  
Need to review for other items in 3.01.  
---- Deliverables ----
- \_\_\_ f Provide a Requirement matrix showing which tests performed and requirement satisfied.  
Prior version is incomplete. Proposing to use the Hardware & Software FCA Document Review of Testing to include reference of actual tested versus accepted earlier tests. May require reporting justification for accepting outside/older test reports.
- \_\_\_ g Report deficiencies encountered and resolutions of deficiencies.  
*Note: not all deficiencies will result in a recommendation to not certify.*  
*SLP-VC-18 Discrepancy report and Test/Review Corrections.*
- \_\_\_ 5 System integration tests,
  - \_\_\_ a Accuracy. For non-COTS systems, includes 48 hr environmental operating test.  
SLP-VC-23. Table 1 (Need to add accuracy under Environmental Hardware Test table)  
Earlier had not been doing this test under the 48 hr environment. They have revised procedure.  
Need to ensure that the accuracy test includes the transfer of results and accumulation to the consolidated reporting.
  - \_\_\_ b Reliability. For non-COTS systems, includes 48 hr environmental operating test.  
SLP-VC-23. Table 1.  
Need to ensure that the reliability test includes the transfer of results and accumulation to the consolidated reporting.
  - \_\_\_ c Volume tests, and
  - \_\_\_ d Security tests.



- \_\_\_ e (VVSG 2005) Cryptographic
- \_\_\_ f Telecommunication, as applicable to system design.
- \_\_\_ g System end-to-end of EMS, vote recording, vote tabulation, consolidation, and canvass reporting.  
----Deliverables----
- \_\_\_ h Report on tests performed and their results.

## § 5.

- \_\_\_ 6 Qualification Test Report
  - \_\_\_ a Introduction.
  - \_\_\_ b Qualification Test Background (B2)
    - i General Information about the qualification test process. (For outside readers not familiar with the ITA testing).
    - ii A list and definition of all terms and nomenclature peculiar to the hardware, the software, or the test report
  - \_\_\_ c System Identification (B3). This is the test hardware and software used in this test.
    - i System name and major subcomponents.
    - ii System Version.
    - iii Test support hardware and
    - iv Specific documents (deliverables) from the TDP used to support testing
  - \_\_\_ d System Overview (B4). Describes the voting system in terms of
    - i its overall design structure,
    - ii technologies used,
    - iii processing capacity claimed by the vendor and
    - iv modes of operation.
    - v (May) include other products that interface with the voting system. *Note: Shall include components necessary to consolidate and produce final results including telecommunications.*
  - \_\_\_ e Qualification Test Results (B5). "This section provides a summary of the results of the testing process, and indicates any special considerations that affect the conclusions derived from the test results. This summary includes:
    - i Acceptability of the system design and construction based on the performance and software source code review.
    - ii The degree to which the hardware and software meet the vendor's specifications and the standards, and the acceptability of the vendor's technical and user documentation
    - iii General findings on maintainability
      - (1) Includes notation of specific procedures or activities that are difficult to perform.
    - iv d. Identification and description of any deficiencies that remain uncorrected after completion of the qualification test
      - (1) that has caused or is judged to be capable of causing the loss or corruption of voting data, providing sufficient detail to support a recommendation to reject the system being tested.
      - (2) deficiency in compliance with the security requirements,
      - (3) deficiency in compliance with the accuracy requirements,
      - (4) deficiency in data retention, and
      - (5) deficiency audit requirements are fully described); and
    - v. Recommendations to NASED ITA committee for approval or rejection
    - vi Note: Deficiencies that do not result in a loss or corruption of voting data shall not necessarily be a cause for rejection.

- f Appendix Test Operations and Findings (B6)
  - i Additional details of test results needed to enable understanding of the conclusions. B. b. Organized to reflect the Qualification Test Plan.
  - ii Summaries of the results of
    - (1) hardware examinations,
    - (2) operating and non-operating hardware tests,
    - (3) software module tests,
    - (4) software function tests, and
    - (5) system-level tests (including
    - (6) security and
    - (7) telecommunications tests, and
    - (8) the results of the Physical and
    - (9) Functional Configuration Audits)
- g Appendix Test Data Analysis (B7)
  - i summary records of the test data and
  - ii the details of the analysis. The analysis includes
    - (1) a comparison of the vendor's hardware and software specifications to the test data, together with
    - (2) any mathematical or statistical procedure used for data reduction and processing.