

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.

020950

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.¹ 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

¹ 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*.

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,² 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.

² 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."

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.

020953

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,

020954

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.

020955

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

020956

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.

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:

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.³

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

³ 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.

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

020968

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.

(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

020968

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.

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.

020971

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

020972

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."

020973

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.

020974

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.

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.

020976

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.

020979

HAVA Estimated Budget Funding by Fiscal Year				
	2003-2004	2004-2005	2005-2006	Total
Title I Requirements				
Reimbursement for replacement of punch card and lever machines. (Section 102 HAVA)	11,740,000*			11,740,000
Title III Requirements				
Sec. 303 Statewide Voter Registration System				
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
Sec. 301 Voting System Standards (Section 252 Requirements Payment)				
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
Other Election Reform Activities (Section 101 HAVA funds 2003-2004 activities; Section 101 and Section 252 HAVA fund activities 2004-2005 and beyond)				
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
HAVA Oversight and Reporting				
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
State Management (HAVA Planning Committee)				
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
Total	17,714,814	25,367,171	30,674,730	73,756,715

* 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.

020956

Election Reform Estimated Revenues 2003-2005 Fiscal Years				
	HAVA 101	HAVA 102	HAVA 252	Total Federal Funds
2003 Estimate	\$ 14,720,000	\$ 11,740,000	\$ 47,528,000	\$ 73,988,000
2004 Estimate	0	0	TBD	TBD
2005 Estimate	0	0	TBD	TDB

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"> • Division of Elections certifies eligible voting systems; • Local Supervisors submit recommendations for purchase of certified voting systems; • Legislature or Board of County Commissioners appropriates funds for certified voting systems; • Division of Elections conducts statewide census of one certified machine for persons with disabilities for every polling place; • Local Supervisors certify that one accessible voting system is functioning for every polling place.
Timetable:	Begin August 1, 2003 End December 1, 2005
Accountable Official:	Chief, Bureau of Voting Systems Certification

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.

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.

Section 101. How will Title I payments to Florida be used for activities to improve administration of elections?

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.

(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.

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. 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).

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.

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. 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.

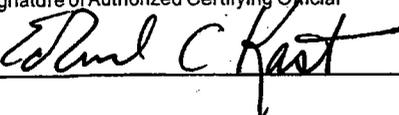
After notice was given in the *Florida Administrative Weekly*, the preliminary version of the HAVA State Plan was posted on the Department of State's and the Governor's websites. A link was available on the Department's website so that public comment could be made electronically. Public comments were 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. 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, 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		9. Period Covered by this Report From: (Month, Day, Year) To: (Month, Day, Year) 6-16-03 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. 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, 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		

**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 <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) 6/16/2003		To: (Month, Day, Year)		9. Period Covered by this Report From: (Month, Day, Year) 6/16/2003	
				To: (Month, Day, Year) 12/31/2005	
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	
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)		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	
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. 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 Dawn K. Roberts, Director, Division of Elections				Telephone (Area code, number and extension) 850-245-6200	
Signature of Authorized Certifying Official <i>Sarah Jane Bradshaw for Dawn Roberts</i>				Date Report Submitted February 28, 2006	

**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: 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 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 <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) 6/16/2003		To: (Month, Day, Year)		9. Period Covered by this Report From: (Month, Day, Year) 6/16/2003	
				To: (Month, Day, Year) 12/31/2005	
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	
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)		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	
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		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 Dawn K. Roberts, Director, Division of Elections				Telephone (Area code, number and extension) 850-245-6200	
Signature of Authorized Certifying Official <i>Sarah Jane Bradshaw for Dawn Roberts</i>				Date Report Submitted February 28, 2006	

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,

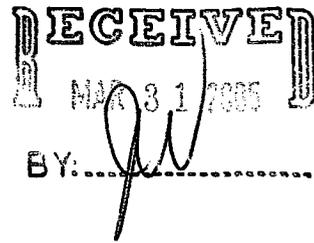
A handwritten signature in cursive script that reads "Deborah J. Schilling".

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

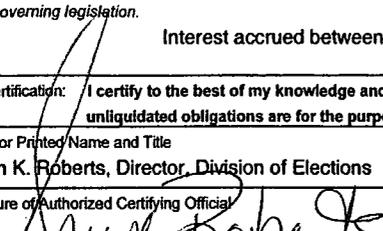
021008

133105.868

**FINANCIAL STATUS REPORT
(Long Form)**

ORIGINAL

(Follow instructions on the back)

1. Federal Agency and Organizational Element to Which Report is Submitted U. S. Election Assistance Commission		2. Federal Grant or Other Identifying Number Assigned By Federal Agency 39.011 - 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																																																																																													
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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																																																																																													
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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">Recipient's share of net outlays, consisting of:</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">Program income, consisting of:</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	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)	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	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
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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 22, 2005																																																																																													

**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)

REVISED

(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) 6/23/2004	
		To: (Month, Day, Year) 9/30/2004			
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
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)		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
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. 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		

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) 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 requirements¹; 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:

¹ 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

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

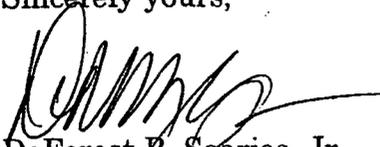
recipient that is deemed pertinent to the payment and stipulates that the provision applies to all recipients of payments under the Act. Such recipients would include local jurisdictions that received funds through the State as a result of the requirements payments.

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 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.

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- 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

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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 or by phone at 1-866-747-1471 (toll free) or 202-566-3100.

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

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DEC 07 2004
BY: PS



JEB BUSH
GOVERNOR

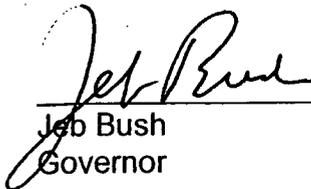
November 17, 2004

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

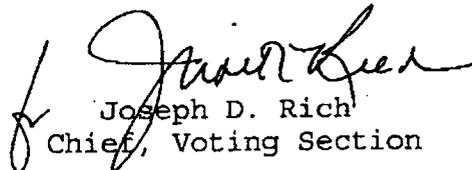
The Honorable Charlie Crist
Attorney General
State of Florida
The Capitol, PL-01
Tallahassee, Florida 32399-1050

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;

021036

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.

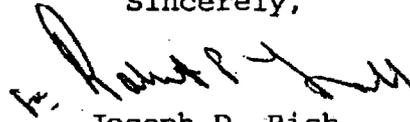
The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. See the Procedures for the Administration 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:

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 requirements¹; 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:

¹ 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

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 or by phone at 1-866-747-1471 (toll free) or 202-566-3100.

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

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.

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 - 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

Recordkeeping and Audits

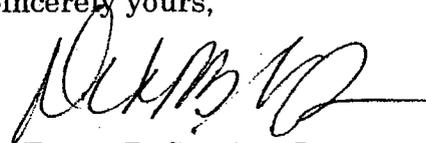
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HAVA also requires that all funds provided under the Act are subject to mandatory audit by the Comptroller General at least once during the lifetime of the program, with the same access to records as the grant-making office. If the Comptroller General 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 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
850-488-7146
850-487-0801 fax

RECEIVED
JUN 10 2004
5:16PM
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



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

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