

III. HAVA § 102 FUNDS. Read the statements below and initial the items that you certify as true and accurate. If you are not able to certify to either response "a" or "b" in statement 1 or statement 2, below, you must line through the statement and attach a signed document explaining why you could not make a certification. The explanation (attachment) should provide all necessary facts and concisely explain the conditions that make certification a problem. The explanation shall be labeled "Attachment C, HAVA §102 Funds."

1. **Status of HAVA §102 Funds.** Please check the statement below that applies to your state. (Check only one statement).

(a) The state had none of the \$11,581,377 it received pursuant to HAVA §102 remaining in its election fund after November 2, 2004. This means that as of this date, all 102 funds were expended. Funds are expended when finally transferred to another party (manufacturer or vendor) for consideration (voting system).

(b) The state had only obligated funds remaining in its election fund after November 2, 2004. This means that as of this date, all funds were either expended or obligated. Funds are expended when finally transferred to another party (manufacturer or vendor) for consideration (voting system). Funds are properly obligated when the state has incurred a legally enforceable liability (such as a grant agreement, contract or lease) to another party (such as a local government or contractor) for a specific portion of the 102 funds. If the state had only obligated funds in its election funds after the above date, attach a statement explaining the obligation(s). This statement must clearly explain and state the value of the obligated funds remaining and the nature of the obligation. Documentation regarding the obligation should also be attached and explained (e.g. documents from vendor contracts or agreements with local governments). This explanation and supporting documentation shall be labeled "Attachment D, Obligated Funds."

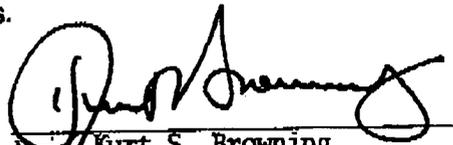
Initials: *KB*

2. **Use of HAVA §102 Funds.** All HAVA §102 funds expended or obligated by the state were used to replace punch card or lever machines in qualifying precincts per 42 U.S.C. §15302(a)(2).

Initials: *KB*

I, by signing my name below, certify, affirm and acknowledge, under penalty of Federal law, that each of the above numbered paragraphs initialed above accurately represent the operations, conditions and practices of Florida as they related to the use and status of HAVA Section 102 Funds and the replacement of punch card or lever machines.

Signed this day, 1/12/07 :
Date


Name: Kurt S. Browning
Secretary of State
Title

021546



CERTIFICATION: USE OF HAVA SECTION 102 FUNDS AND REPLACEMENT OF PUNCH CARD AND LEVER MACHINES

I, the undersigned, having investigated or caused to be investigated each matter, below; certify, affirm and acknowledge that each of the following numbered statements, and any attachments to this certification document, are true and accurately reflect the status, condition and operations of Florida (hereinafter "state") as they related to the use and status of Help America Vote Act (HAVA) Section 102 Funds and the replacement of punch card or lever machines.

I understand that by certifying the information below, I am making a statement or representation to the U.S. Election Assistance Commission, an independent Federal Agency, necessary for the agency to determine Florida's required compliance with HAVA Section 102. (42 U.S.C. §15302). Compliance with HAVA Section 102 is required by the state as a result of its accepting Federal funds under that provision. As a condition of receiving 102 funds, the state certified that it would "use the payment... to replace punch card voting systems or lever voting systems (as the case may be) in the qualifying precincts within the state by the deadline prescribed... [regularly scheduled general election for Federal office to be held in November 2004]." (42 U.S.C. §15302(b)).

I further understand that to the extent any of the below (or attached) representations or certifications are found to be materially false, the Federal funds received by the state will be subject to audit and possible recoupment. Further, such false statements may subject the undersigned to criminal prosecution under 18 U.S.C. §1001 or other Federal Statutes.

I. BACKGROUND. *Read the statements below and initial the items that you certify as true and accurate. If you are not able to certify one or more of the following statements, you must line through the statement at issue and attach a signed explanation identifying it and explaining why it may not be certified. The statement (attachment) should provide all necessary facts and concisely explain the conditions that make certification a problem. The explanation shall be labeled "Attachment A, Background."*

1. **Signing Official.** I hereby certify that I am the Chief State Election Official for Florida, per 42 U.S.C. 1973gg-8 (National Voter Registration Act).

Initials: 

2. **Triggering Election.** The regularly scheduled general election for Federal Office in November 2004 (triggering the deadline noted in 42 U.S.C. 15302 (a)(3)(A)) for the state was held on November 2, 2004.

Initials: 

3. **Funds Received.** The State received \$11,581,377.00 in Federal Funds pursuant to HAVA section 102.

Initials: 

021547

II. PUNCH CARD OR LEVER MACHINE REPLACEMENT. *Read the statements below and initial the items that you certify as true and accurate. If you are not able to certify one or more of the below statements, you must line through the statement at issue and attach a signed explanation identifying it and explaining why it may not be certified. The statement (attachment) should provide all necessary facts and concisely explain the conditions that make certification a problem. The explanation shall be labeled "Attachment B, Punch Card or Lever Machine Replacement."*

1. **Qualified Precincts.** The State had 3,628 total qualified precincts (precincts which used punch card or lever machines to administer the regularly scheduled general election for Federal office held in November of 2000).

Initials: *[Signature]*

2. **Qualified Precincts: No Punch Card or Lever Machine Used.** None of the qualifying precincts, noted in statement 1 above, used a lever or punch card machine in an election for Federal office on or after November 2, 2004.

Initials: *[Signature]*

3. **No Punch Card or Lever Machine Used in State.** No precinct in the state used a punch card or lever machine for an election for Federal office on or after November 2, 2004.

Initials: *[Signature]*

4. **Replacement Machines.** All machines purchased, leased or otherwise procured to replace punch card or lever machines in qualifying precincts meet the requirements of HAVA section 301 (42 U.S.C. §15481) and comply with all other relevant Federal statutory requirements (noted in 42 U.S.C. §15545). This includes the requirement that each polling place have at least one voting system equipped for individuals with disabilities. *Please provide (below) a complete list of all voting systems procured, leased or otherwise obtained to replace the state's punch card or lever machines.*

Manufacturer	Model	Version	Quantity
1. ES&S	iVotronic	6.1.3.1	19,416
2. ES&S	iVotronic 15"	6.2.0.3	37
3. ES&S	M100	4.5.5	146
4. Sequoia	Edge 1	3.1	11,220
5. Global (Diebold)	Accuvote	1.94	511
6.			
7.			

If you need additional space, please continue this table on a separate, signed attachment.

Initials: *[Signature]*

5. **Voting Systems in Place.** All voting systems procured to replace punch card or lever machines were in place and used in the state's November 2, 2004 Federal election.

Initials: *[Signature]*

III. HAVA § 102 FUNDS. Read the statements below and initial the items that you certify as true and accurate. If you are not able to certify to either response "a" or "b" in statement 1 or statement 2, below, you must line through the statement and attach a signed document explaining why you could not make a certification. The explanation (attachment) should provide all necessary facts and concisely explain the conditions that make certification a problem. The explanation shall be labeled "Attachment C, HAVA §102 Funds."

1. **Status of HAVA §102 Funds.** Please check the statement below that applies to your state. (Check only one statement).

(a) The state had none of the \$11,581,377 it received pursuant to HAVA §102 remaining in its election fund after November 2, 2004. This means that as of this date, all 102 funds were expended. Funds are expended when finally transferred to another party (manufacturer or vendor) for consideration (voting system).

(b) The state had only obligated funds remaining in its election fund after November 2, 2004. This means that as of this date, all funds were either expended or obligated. Funds are expended when finally transferred to another party (manufacturer or vendor) for consideration (voting system). Funds are properly obligated when the state has incurred a legally enforceable liability (such as a grant agreement, contract or lease) to another party (such as a local government or contractor) for a specific portion of the 102 funds. *If the state had only obligated funds in its election funds after the above date, attach a statement explaining the obligation(s). This statement must clearly explain and state the value of the obligated funds remaining and the nature of the obligation. Documentation regarding the obligation should also be attached and explained (e.g. documents from vendor contracts or agreements with local governments). This explanation and supporting documentation shall be labeled "Attachment D, Obligated Funds."*

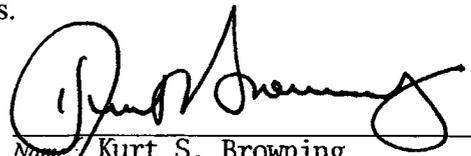
Initials: *AB*

2. **Use of HAVA §102 Funds.** All HAVA §102 funds expended or obligated by the state were used to replace punch card or lever machines in qualifying precincts per 42 U.S.C. §15302(a)(2).

Initials: *AB*

I, by signing my name below, certify, affirm and acknowledge, under penalty of Federal law, that each of the above numbered paragraphs initialed above accurately represent the operations, conditions and practices of Florida as they related to the use and status of HAVA Section 102 Funds and the replacement of punch card or lever machines.

Signed this day, 1/12/07 :
Date


Name: Kurt S. Browning
Secretary of State
Title

21549



U. S. ELECTION ASSISTANCE COMMISSION
 OFFICE OF THE EXECUTIVE DIRECTOR
 1225 New York Avenue, NW, Suite 1100
 Washington, DC. 20005

FILE COPY

December 14, 2006

Sue Cobb
 Secretary of State
 R. A. Gray Building
 500 S. Bronough Street, Room 316
 Tallahassee, Florida 32399-0250

RE: Certification—HAVA 102 Funding

Dear Secretary Cobb,

The purpose of this letter is to obtain a certification from you, as Florida's Chief State Election Official, regarding the state's use of funds provided under section 102 of the Help America Vote Act (HAVA). These funds were granted to the state for the replacement of punch card or lever voting machines (42 U.S.C. §15302). The U.S. Election Assistance Commission (EAC or Commission) is the Federal agency responsible for administering HAVA §102 funds. The regularly scheduled general election for Federal office in November 2004 was held on November 2, 2004. The date of this election represents the deadline for the state's use of the Federal funds it received pursuant to HAVA section 102. (42 USC §15302(a)(3)) Now that this deadline has passed, the state must demonstrate that the funds it received were used for the purpose and by the deadlines set forth in HAVA (42 U.S.C. §15302 (a) & (b)). A certification document has been enclosed for this purpose. If Florida cannot certify the proper and timely use of the 102 funds, HAVA requires that they are returned to the EAC to be dispersed as requirements payments. (42 U.S.C. §§ 15304 & 15401).

Replacement of Voting Systems. In order to avoid repayment of funds, Florida will be required to certify the total number of qualified precincts⁵ which replaced **all** punch card or lever machines in time for the regularly scheduled general election for Federal office in November 2004 that took place on November 2, 2004. This means that **no** punch card or lever voting systems were used in the qualified precinct.⁶ The replacement systems must (1) not use punch cards or levers, (2) meet the requirements of HAVA section 301 (42 U.S.C. §15481) and (3) comply with all other relevant Federal statutory requirements (noted in 42 U.S.C. §15545). Failure to demonstrate compliance will require repayment. The repayment provisions of HAVA require repayment of funds on a prorated basis. The rate is established by taking the total

⁵ Those precincts which used punch card or lever machines to administer the regularly scheduled general election for Federal office held in November of 2000.

⁶ Replaced punch card or lever voting systems may not be transferred for use in a different precinct.

021550

number of qualifying precincts which have **fully** met the requirements of HAVA, as a function of the total number of qualifying precincts within the State. (See 42 USC §15302(d)).

Timely Expenditure of Funds. To avoid repayment, Florida must also show that all HAVA 102 funds received were used for their designated purpose prior to the November 2, 2004 HAVA deadline. This means that all 102 funds were either expended (finally transferred to another party for consideration) and/or obligated in such a way that the state incurred a legally enforceable liability to another party (such as a local government or contractor) for the full value of its 102 funding. Florida must be able to document and certify the status of the 102 funding it received. In the event Florida possesses unobligated 102 funds after the deadline, the state will be required to return either an amount equal to the noncompliant precinct percentage, as discussed above, or the total amount of unobligated 102 funds, whichever is greater.

Certification. As Chief State Election Official, we ask that you carefully review the enclosed certification and its instructions. The document shall be filled out by initialing each statement that is true and accurate. If a statement may not be certified as true and accurate it must be lined through and a written and signed explanation attached (see instructions in italics). **The certification must be completed and received by the Commission no later than January 15, 2007. Failure to timely file the enclosed certification will result in the Commission's forwarding of this matter to the EAC's Office of the Inspector General for action.**

Thank you for your attention to this matter. All questions or correspondence should be directed to Edgardo Cortes, Election Assistance Commission, 102 Funds Certification, 1225 New York Ave., NW, Suite 1100, Washington, D.C. 20005 [(202) 566-3100].

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Wilkey', with a large, stylized flourish at the end.

Thomas R. Wilkey
Executive Director

Enclosure

021551



CERTIFICATION: USE OF HAVA SECTION 102 FUNDS AND REPLACEMENT OF PUNCH CARD AND LEVER MACHINES

I, the undersigned, having investigated or caused to be investigated each matter, below; certify, affirm and acknowledge that each of the following numbered statements, and any attachments to this certification document, are true and accurately reflect the status, condition and operations of Florida (hereinafter "state") as they related to the use and status of Help America Vote Act (HAVA) Section 102 Funds and the replacement of punch card or lever machines.

I understand that by certifying the information below, I am making a statement or representation to the U.S. Election Assistance Commission, an independent Federal Agency, necessary for the agency to determine Florida's required compliance with HAVA Section 102. (42 U.S.C. §15302). Compliance with HAVA Section 102 is required by the state as a result of its accepting Federal funds under that provision. As a condition of receiving 102 funds, the state certified that it would "use the payment... to replace punch card voting systems or lever voting systems (as the case may be) in the qualifying precincts within the state by the deadline prescribed... [regularly scheduled general election for Federal office to be held in November 2004]." (42 U.S.C. §15302(b)).

I further understand that to the extent any of the below (or attached) representations or certifications are found to be materially false, the Federal funds received by the state will be subject to audit and possible recoupment. Further, such false statements may subject the undersigned to criminal prosecution under 18 U.S.C. §1001 or other Federal Statutes.

I. BACKGROUND. *Read the statements below and initial the items that you certify as true and accurate. If you are not able to certify one or more of the following statements, you must line through the statement at issue and attach a signed explanation identifying it and explaining why it may not be certified. The statement (attachment) should provide all necessary facts and concisely explain the conditions that make certification a problem. The explanation shall be labeled "Attachment A, Background."*

1. **Signing Official.** I hereby certify that I am the Chief State Election Official for Florida, per 42 U.S.C. 1973gg-8 (National Voter Registration Act).

Initials: _____

2. **Triggering Election.** The regularly scheduled general election for Federal Office in November 2004 (triggering the deadline noted in 42 U.S.C. 15302 (a)(3)(A)) for the state was held on November 2, 2004.

Initials: _____

3. **Funds Received.** The State received \$11,581,377.00 in Federal Funds pursuant to HAVA section 102.

Initials: _____

021552

II. PUNCH CARD OR LEVER MACHINE REPLACEMENT. *Read the statements below and initial the items that you certify as true and accurate. If you are not able to certify one or more of the below statements, you must line through the statement at issue and attach a signed explanation identifying it and explaining why it may not be certified. The statement (attachment) should provide all necessary facts and concisely explain the conditions that make certification a problem. The explanation shall be labeled "Attachment B, Punch Card or Lever Machine Replacement."*

1. Qualified Precincts. The State had 3,628 total qualified precincts (precincts which used punch card or lever machines to administer the regularly scheduled general election for Federal office held in November of 2000).

Initials: _____

2. Qualified Precincts: No Punch Card or Lever Machine Used. None of the qualifying precincts, noted in statement 1 above, used a lever or punch card machine in an election for Federal office on or after November 2, 2004.

Initials: _____

3. No Punch Card or Lever Machine Used in State. No precinct in the state used a punch card or lever machine for an election for Federal office on or after November 2, 2004.

Initials: _____

4. Replacement Machines. All machines purchased, leased or otherwise procured to replace punch card or lever machines in qualifying precincts meet the requirements of HAVA section 301 (42 U.S.C. §15481) and comply with all other relevant Federal statutory requirements (noted in 42 U.S.C. §15545). This includes the requirement that each polling place have at least one voting system equipped for individuals with disabilities. *Please provide (below) a complete list of all voting systems procured, leased or otherwise obtained to replace the state's punch card or lever machines.*

	Manufacturer	Model	Version	Quantity
1.				
2.				
3.				
4.				
5.				
6.				
7.				

If you need additional space, please continue this table on a separate, signed attachment.

Initials: _____

5. Voting Systems in Place. All voting systems procured to replace punch card or lever machines were in place and used in the state's November 2, 2004 Federal election.

Initials: _____

III. HAVA § 102 FUNDS. *Read the statements below and initial the items that you certify as true and accurate. If you are not able to certify to either response "a" or "b" in statement 1 or statement 2, below, you must line through the statement and attach a signed document explaining why you could not make a certification. The explanation (attachment) should provide all necessary facts and concisely explain the conditions that make certification a problem. The explanation shall be labeled "Attachment C, HAVA §102 Funds."*

1. **Status of HAVA §102 Funds.** Please check the statement below that applies to your state. (*Check only one statement*).

___ (a) The state had none of the \$11,581,377 it received pursuant to HAVA §102 remaining in its election fund after November 2, 2004. This means that as of this date, all 102 funds were expended. Funds are expended when finally transferred to another party (manufacturer or vendor) for consideration (voting system).

___ (b) The state had **only** obligated funds remaining in its election fund after November 2, 2004. This means that as of this date, all funds were either expended or obligated. Funds are expended when finally transferred to another party (manufacturer or vendor) for consideration (voting system). Funds are properly obligated when the state has incurred a legally enforceable liability (such as a grant agreement, contract or lease) to another party (such as a local government or contractor) for a specific portion of the 102 funds. *If the state had only obligated funds in its election funds after the above date, attach a statement explaining the obligation(s). This statement must clearly explain and state the value of the obligated funds remaining and the nature of the obligation. Documentation regarding the obligation should also be attached and explained (e.g. documents from vendor contracts or agreements with local governments). This explanation and supporting documentation shall be labeled "Attachment D, Obligated Funds."*

Initials: _____

2. **Use of HAVA §102 Funds.** All HAVA §102 funds expended or obligated by the state were used to replace punch card or lever machines in qualifying precincts per 42 U.S.C. §15302(a)(2).

Initials: _____

I, by signing my name below, certify, affirm and acknowledge, under penalty of Federal law, that each of the above numbered paragraphs initialed above accurately represent the operations, conditions and practices of Florida as they related to the use and status of HAVA Section 102 Funds and the replacement of punch card or lever machines.

Signed this day, _____:

Date

Name

Title

021554

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to: Sue Cobb R.A. Gray Bldg 500 S. Bronough St Rm. 316 Tallahassee FL 32399	B. Received by (Printed Name) C. Date of Delivery D. Is delivery address different from that of the sender? If YES, enter delivery address below: DEPT OF STATE <input type="checkbox"/> Yes <input type="checkbox"/> No DEC 20 2006
2. Article Number (Transfer from service label) 7005 0390 0002 5027 6914	CLEARED 3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

7005 0390 0002 5027 6914



UNITED STATES POSTAGE
 02 1A \$ 00.00⁰⁰
 0004354297 DEC 14 2006
 MAILED FROM ZIP CODE 20005

Sent To	Sue Cobb, Sec. of State RA Gray Bldg
Street, Apt. No., or PO Box No.	500 S. Bronough St Rm 316
City, State, ZIP+4	Tallahassee, FL 32399-0250

PS Form 3800, June 2002
See Reverse for Instructions

021555



**STATE OF FLORIDA
DEPARTMENT OF STATE**

JEB BUSH
Governor

SUE M. COBB
Secretary of State

28 August 2006

Thomas R. Wilkey
Executive Director
U.S. Election Assistance Commission
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005

Dear Mr. Wilkey:

On behalf of Secretary of State, Sue M. Cobb, the chief elections official for the State of Florida, we hereby submit this certification to the U.S. Elections Assistance Commission that the State of Florida has fully implemented the requirements of Title III of the Help America Vote Act of 2002. Pursuant to section 251(b)(2) of the Title II of the Help America Vote Act of 2002 (HAVA), such certification permits the State to use HAVA requirements funds for other activities to improve the administration of elections for Federal office.

If you have any comments or questions regarding this certification, please do not hesitate to contact us at 850-245-6500.

Sincerely,

A handwritten signature in cursive script that reads "Dawn K. Roberts".

Dawn K. Roberts, Director, Division of Elections

Cc: Sue M. Cobb, Secretary of State
Heidi Hughes, Chief of Staff and General Counsel
Barbara Leonard, HAVA Funds Coordinator
Maria Matthews, designated staff attorney for HAVA

021556



STATE OF FLORIDA
DEPARTMENT OF STATE

JEB BUSH
Governor

SUE M. COBB
Secretary of State

13 March 2006

Thomas R. Wilkey
Executive Director
U.S. Election Assistance Commission
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005

Dear Mr. Wilkey:

On behalf of Secretary of State, Sue M. Cobb, the chief elections official for the State of Florida, we hereby submit this certification to the U.S. Elections Assistance Commission regarding our state's intended use of the requirements payments to carry out other activities to improve election administration for Federal office.

Pursuant to section 251(b)(2) of the Title II of the Help America Vote Act of 2002(HAVA), the State of Florida certifies that it intends to use \$4,000,000.00 of the requirements payment for improving election administration. More specifically, these funds will be used to complete major poll worker recruitment and training efforts statewide that primarily begin in June 2006 and end by August 2006, before the primary election scheduled for September 5, 2006. Three million dollars will be distributed to the counties for their recruitment and training activities. The county must provide a 15% match. The remaining one million dollars will be used by the Department of State to develop a statewide poll worker curriculum to be used by all counties to assure uniform poll worker training.

We also certify that the \$4,000,000.00 is an amount that does not exceed the amount equal to the total minimum requirements payment amount applicable to Florida under section 252(c) if Title II of HAVA which has been determined to be \$11,596,803.00.

If you have any comments or questions regarding this certification, please do not hesitate to contact us at 850-245-6500.

Sincerely,

Dawn K. Roberts, Director, Division of Elections

Cc: Sue M. Cobb, Secretary of State
Heidi Hughes, Chief of Staff and General Counsel
Barbara Leonard, HAVA Funds Coordinator
Maria Matthews, designated staff attorney for HAVA

Office of the Secretary

R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
Telephone: (850) 245-6500 • Facsimile: (850) 245-6125 • <http://www.dos.state.fl.us>

021557



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW – Suite 1100
Washington, DC 20005

January 11, 2007

MEMORANDUM

TO: State HAVA Coordinators

FROM: Edgardo Cortés, Election Research Specialist 

SUBJECT: Request for Amended Reports on Help America Vote Act Expenditures from Chief State Election Officials, due January 26, 2007

This is to inform you that the U.S. Election Assistance Commission (EAC) has requested that your Chief State Election Official provide amended (corrected) reports on the use of funds provided to your State under the Help America Vote Act of 2002 (HAVA) Title I and Title II, Section 251. Copies of all letters sent regarding this request are enclosed with this Memorandum. Each letter details the corrections and clarifications required for the Standard Form (SF) 269s and accompanying narratives now on file with the EAC. As your State's designated HAVA coordinator, we ask your help to ensure that the amended reports are filed by the deadline.

Enclosed in this packet is a color-coded illustration of the SF 269 form to assist you in filling out the form correctly. Two sample narratives are also enclosed that show different, acceptable styles of documenting HAVA activities and expenditures during the reporting period. Please review these models carefully as they are designed to help you meet your State's reporting obligations. A PDF copy of SF 269 may be found at <http://www.whitehouse.gov/omb/grants/sf269.pdf>.

All amended reports and narratives are due by January 26, 2007. If your state will not be able to meet this deadline, you need to request an extension in writing and provide a reason for the delay and the expected completion date. The necessary reports or requests for extensions should be mailed to my attention at the address above. Please let me know if you have any questions about this process. You can reach me at ecortes@eac.gov, (202) 566-3126, or (866) 747-1471.

021558



U. S. ELECTION ASSISTANCE COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR
1225 New York Avenue, NW, Suite 1100
Washington, DC. 20005
(202) 566-3100

January 10, 2007

Secretary Kurt Browning
Secretary of State
R. A. Gray Building
500 S. Bronough Street, Room 316
Tallahassee, Florida 32399-0250

Reference: Amended HAVA Reports Title I, Section 102 for Calendar Years 2004 and 2005

Response Due Date:
January 26, 2007

Dear Secretary Browning:

The purpose of this letter is to obtain corrected (amended) reports for your state's use of funds under Title I, Section 102 of the *Help America Vote Act of 2002 (HAVA)* for the Calendar Years (CY) 2004 and 2005. The amended SF 269 reports are essential as the U.S. Election Assistance Commission (EAC) prepares its *Annual Report to Congress* which will summarize HAVA funds expenditures, as reported by Florida.

Below is an itemization of the information required in your Amended SF 269 report(s) for Title I, Section 102:

- The State's report dated 1/20/04 for the period beginning 6/16/03 to 12/31/03 indicates that it is a FINAL report. However, a seceding report dated 2/28/06 for the period 6/16/03 to 12/31/05 is Amended to show interest on those funds for three years. Please submit Amended reports indicating whether or not the fund has been fully expended or the correct interest on the remainder.

Please review the guidance provided in the color-coded Model SF 269 *Long Form* and the Model Narratives enclosed for more information about how to prepare the Amended Title I, Section 102 report(s). A blank copy of the auto-fill form can be found at www.whitehouse.gov/omb/grants/sf269.pdf.

There is also a list of Frequently Asked Questions and other information under the Funding for States section on the EAC website at <http://www.eac.gov/>. Contact Edgardo Cortes by e-mail at ecortes@eac.gov, by phone at 1-866-747-1471 (toll free) or 202-566-3116 (direct) should you have additional questions.

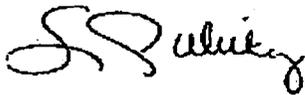
021559

The requested Amended report(s) for Title I, Section 102 must be completed and received by the Commission no later than January 26, 2007. If you fail to respond by that time, EAC will have no choice but to forward this matter to the EAC's Office of the Inspector General for review and investigation.

Amended reports should be mailed to the Election Assistance Commission, Amended 102 Reports, 1225 New York Ave., NW, Suite 1100, Washington, D.C. 20005.

Thank you for your attention to this matter.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "T. Wilkey".

Thomas R. Wilkey
Executive Director

Enclosures:

Model SF 269 *Long Form*
Model Narratives

U.S. Postal Service™ Delivery Confirmation™ Receipt

Ms. Barbara Leonard
HAVA Coordinator
Office of the Secretary of State
R. A. Gray Building
500 S. Bronough Street, Room 316
Tallahassee, Florida 32399-0250

re mailing.

DELIVERY CONFIRMATION NUMBER:
1 5531 9902



PS Form 152, May 2002

(See Reverse)

U.S. Postal Service™ Delivery Confirmation™ Receipt

Ms. Deborah Garrison
Accounting Services Supervisor
Department of State
Tallahassee, Florida

iling.

DELIVERY CONFIRMATION NUMBER:
0306 2400 0001 6536 9911

POSTAL CUSTOMER:



PS Form 152, May 2002

021561



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW – Suite 1100
Washington, DC 20005

January 11, 2007

MEMORANDUM

TO: State HAVA Coordinators

FROM: Edgardo Cortés, Election Research Specialist 

SUBJECT: Request for Amended Reports on Help America Vote Act Expenditures from Chief State Election Officials, due January 26, 2007

This is to inform you that the U.S. Election Assistance Commission (EAC) has requested that your Chief State Election Official provide amended (corrected) reports on the use of funds provided to your State under the Help America Vote Act of 2002 (HAVA) Title I and Title II, Section 251. Copies of all letters sent regarding this request are enclosed with this Memorandum. Each letter details the corrections and clarifications required for the Standard Form (SF) 269s and accompanying narratives now on file with the EAC. As your State's designated HAVA coordinator, we ask your help to ensure that the amended reports are filed by the deadline.

Enclosed in this packet is a color-coded illustration of the SF 269 form to assist you in filling out the form correctly. Two sample narratives are also enclosed that show different, acceptable styles of documenting HAVA activities and expenditures during the reporting period. Please review these models carefully as they are designed to help you meet your State's reporting obligations. A PDF copy of SF 269 may be found at <http://www.whitehouse.gov/omb/grants/sf269.pdf>.

All amended reports and narratives are due by January 26, 2007. If your state will not be able to meet this deadline, you need to request an extension in writing and provide a reason for the delay and the expected completion date. The necessary reports or requests for extensions should be mailed to my attention at the address above. Please let me know if you have any questions about this process. You can reach me at ecortes@eac.gov, (202) 566-3126, or (866) 747-1471.

021562



U. S. ELECTION ASSISTANCE COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR
1225 New York Avenue, NW, Suite 1100
Washington, DC. 20005
(202) 566-3100

January 10, 2007

Secretary Kurt Browning
Secretary of State
R. A. Gray Building
500 S. Bronough Street, Room 316
Tallahassee, Florida 32399-0250

Reference: Amended HAVA Reports Title I, Section 102 for Calendar Years 2004 and 2005

Response Due Date:
January 26, 2007

Dear Secretary Browning:

The purpose of this letter is to obtain corrected (amended) reports for your state's use of funds under Title I, Section 102 of the *Help America Vote Act of 2002 (HAVA)* for the Calendar Years (CY) 2004 and 2005. The amended SF 269 reports are essential as the U.S. Election Assistance Commission (EAC) prepares its *Annual Report to Congress* which will summarize HAVA funds expenditures, as reported by Florida.

Below is an itemization of the information required in your Amended SF 269 report(s) for Title I, Section 102:

- The State's report dated 1/20/04 for the period beginning 6/16/03 to 12/31/03 indicates that it is a FINAL report. However, a seceding report dated 2/28/06 for the period 6/16/03 to 12/31/05 is Amended to show interest on those funds for three years. Please submit Amended reports indicating whether or not the fund has been fully expended or the correct interest on the remainder.

Please review the guidance provided in the color-coded Model SF 269 *Long Form* and the Model Narratives enclosed for more information about how to prepare the Amended Title I, Section 102 report(s). A blank copy of the auto-fill form can be found at www.whitehouse.gov/omb/grants/sf269.pdf.

There is also a list of Frequently Asked Questions and other information under the Funding for States section on the EAC website at <http://www.eac.gov/>. Contact Edgardo Cortes by e-mail at ecortes@eac.gov, by phone at 1-866-747-1471 (toll free) or 202-566-3116 (direct) should you have additional questions.

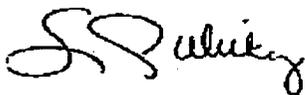
021563

The requested Amended report(s) for Title I, Section 102 must be completed and received by the Commission no later than January 26, 2007. If you fail to respond by that time, EAC will have no choice but to forward this matter to the EAC's Office of the Inspector General for review and investigation.

Amended reports should be mailed to the Election Assistance Commission, Amended 102 Reports, 1225 New York Ave., NW, Suite 1100, Washington, D.C. 20005.

Thank you for your attention to this matter.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "T. Wilkey".

Thomas R. Wilkey
Executive Director

Enclosures:

Model SF 269 *Long Form*
Model Narratives



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

KURT S. BROWNING
Secretary of State

March 29, 2007

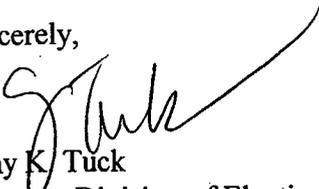
Mr. Thomas R. Wilkey
Executive Director
U. S. Election Assistance Commission
1225 New York Avenue, NW – Suite 1100
Washington, DC 20005

Dear Mr. Wilkey:

Enclosed is Florida's narrative report regarding HAVA, Title II, Section 251 funds for the period from October 1, 2005 through September 30, 2006. Form SF 269 regarding Title II, Section 251 funds is also included.

If you have any questions or would like additional information, please let us know.

Sincerely,

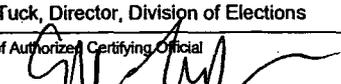

Amy K. Tuck
Director, Division of Elections

Enclosures

AKT/BL/aj

FINANCIAL STATUS REPORT
(Long Form)

(Follow instructions on the back)

1. Federal Agency and Organizational Element to Which Report is Submitted U. S. Election Assistance Commission		2. Federal Grant or Other Identifying Number Assigned By Federal Agency Title II, 251		OMB Approval No. 0348-0039	Page of 1 of 1 pages
3. Recipient Organization (Name and complete address, including ZIP code) Florida Department of State 500 South Bronough Street Tallahassee, FL 32399-0250					
4. Employer Identification Number F593466865		5. Recipient Account Number or Identifying Number CFDA 90.401		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) Until disbursed		9. Period Covered by this Report From: (Month, Day, Year) 10/1/2005	
To: (Month, Day, Year) 9/30/2006					
10. Transactions:					
				I	II
				Previously Reported	This Period
				III	Cumulative
a. Total outlays		23,156,764.78	29,021,508.00	52,178,272.78	
b. Refunds, rebates, etc.			615,316.09	615,316.09	
c. Program income used in accordance with the deduction alternative				0.00	
d. Net outlays (Line a, less the sum of lines b and c)		23,156,764.78	28,406,191.91	51,562,956.69	
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 State Matching Funds		385,000.00	1,484,094.35	1,869,094.35	
i. Total recipient share of net outlays (Sum of lines e, f, g and h)		385,000.00	1,484,094.35	1,869,094.35	
j. Federal share of net outlays (line d less line i)		22,771,764.78	26,922,097.56	49,693,862.34	
k. Total unliquidated obligations				212,999.89	
l. Recipient's share of unliquidated obligations				56,300.00	
m. Federal share of unliquidated obligations				156,699.89	
n. Total Federal share (sum of lines j and m)				49,850,562.23	
o. Total Federal funds authorized for this funding period				140,414,512.85	
p. Unobligated balance of Federal funds (Line o minus line n)				90,563,950.62	
Program Income, consisting of:					
q. Disbursed program income shown on lines c and/or g above				0.00	
r. Disbursed program income using the addition alternative				0.00	
s. Undisbursed program income				0.00	
t. Total program income realized (Sum of lines q, r and s)				0.00	
11. Indirect Expense					
a. Type of Rate (Place "X" in appropriate box)					
<input checked="" type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed					
b. Rate 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. Line O - Sec. 251 cumulative interest thru 9-30-2006 - \$7,912,421.85. Sec. 251 interest accrued current reporting period - \$3,758,921.01. Total appropriation for State Match - \$6,628,018. State Match cumulative interest - \$439,618.54. FY 2005-06 MOE expend. - \$3,570,408. See Attachment.					
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.					
Typed or Printed Name and Title Amy K. Tuck, Director, Division of Elections				Telephone (Area code, number and extension) 850-245-6200	
Signature of Authorized Certifying Official 				Date Report Submitted March 28, 2007	

FLORIDA DEPARTMENT OF STATE
DIVISION OF ELECTIONS

ATTACHMENT TO FINANCIAL STATUS REPORT, SF 269
REPORTING PERIOD FROM OCTOBER 1, 2005 THROUGH SEPTEMBER 30, 2006

Line 12, Remarks:

The instructions for completing SF 269 Form, Section 12 include a request for states to report the total Maintenance of Effort appropriated for the next state fiscal year.

Florida does not appropriate funds based on Maintenance of Effort. Although the required Maintenance of Effort is considered during the appropriation process, funds are appropriated at a higher aggregate level. Florida fully anticipates meeting its required Maintenance of Effort level although actual expenditures will not be available until the end of the state's fiscal year.

021567

**FLORIDA DEPARTMENT OF STATE
REPORT ON EXPENDITURE OF TITLE II, SECTION 251 FUNDS
OCTOBER 2005 THROUGH SEPTEMBER 2006**

As requested by the U.S. Election Assistance Commission, listed below is a detailed list of expenditures and a description of the related activities conducted by the Florida Department of State utilizing Help America Vote Act (HAVA) Title II, Section 251 funds during the period from October 1, 2005 through September 30, 2006.

VOTING SYSTEMS ASSISTANCE – \$12,576,798

During the current reporting period, Florida provided funds to sixteen county supervisors of elections to reimburse them for disability-accessible voting systems that had been purchased prior to July 1, 2004. Distribution of funds was based on the same formula used to distribute funds in FY 2004-05 to fifty-one counties that were required to purchase accessible voting systems in order to have one accessible voting system for each polling place by January 1, 2006. In addition to the sixteen counties, an additional eight counties received reimbursement for existing DRE's for which funding was not previously provided.

In addition to the Section 251 funds used for this purpose, Florida used state matching funds for a portion of the expenditures made to supervisors of elections to assist with accessible voting systems. Please see the section "State Matching Funds" at the end of this report.

The HAVA State Plan includes references to acquiring accessible voting equipment for individuals with disabilities on pages 13 through 15 and on page 61.

STATEWIDE VOTER REGISTRATION LIST - \$11,960,615

During the current reporting period, Florida completed development of the statewide voter registration system and moved into the operational phase of the project. The Florida Voter Registration System (FVRS) is a real-time system that contains the name and voter registration information of all voters in the state. The system allows counties to continue to use their existing systems with modifications to interface with the FVRS.

Expenditures for this activity included payments to the vendor that served as Prime Contractor in developing the system as well as the vendor that provided quality assurance and oversight during the developmental phase of the project. Other costs incurred included servers, software and related license fees, network fees to establish the statewide frame relay network for the FVRS, a risk assessment study for the FVRS, training for Department of State employees related to software systems being utilized to operate the FVRS, and costs associated with establishing and operating a bureau to handle voter registration services at the state level for Florida's 67 counties. The bureau is responsible for processing voter registration applications as well as reviewing and verifying potential matches in the FVRS for felons, persons declared mentally incompetent and deceased persons.

Other expenditures included salaries and related expenses for thirty-three positions associated with operating and maintaining voter registration services provided through the FVRS. These include thirty-one positions in the Department of State and two positions at the Florida Department of Highway Safety and Motor Vehicles. These positions provide support for the various hardware and software systems being utilized to operate the system, legal expertise, and voter registration services for Florida's counties.

Reference to the statewide voter registration system can be found in the HAVA State Plan on pages 26-31, 56-57 and 61.

POLL WORKER RECRUITMENT AND TRAINING - \$3,000,000

In March 2006 Florida submitted a certification to the Election Assistance Commission regarding Florida's intention to use a portion of the requirements payment to assist with poll worker recruitment and training efforts. Funds were distributed to Florida's 67 supervisors of elections in order to provide funds statewide to assist with recruiting and training poll workers. Prior to receiving the funds, supervisors of elections were required to submit a plan to the Department of State describing the intended use of the funds. In addition, each county was required to provide 15% matching funds to be used exclusively for activities associated with recruiting and training poll workers.

Reference to poll worker recruitment and training is included in the HAVA State Plan on pages 49-51 and page 61.

INTEREST ACCRUED - \$3,758,921.01

During the current reporting period the Department of State invested Title II, Section 251 funds and accrued Interest in the amount of \$3,758,921.01.

STATE MATCHING FUNDS - \$1,484,094

During the current reporting period, Florida spent \$1,484,094.35 in State Matching funds.



ORIGINAL

FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

KURT S. BROWNING
Secretary of State

February 23, 2007

Mr. Thomas R. Wilkey
Executive Director
U. S. Election Assistance Commission
1225 New York Avenue, NW – Suite 1100
Washington, DC 20005

RECEIVED
U.S. ELECTION ASSISTANCE
COMMISSION
2007 FEB 26 PM 4:02

Dear Mr. Wilkey:

Enclosed are Florida's narrative reports regarding HAVA, Title I, Section 101 and 102 funds for the period from January 1, 2006 through December 31, 2006. A separate SF 269 form is included for Section 101 and 102 funds.

If you have any questions or would like additional information, please let us know.

Sincerely,

Amy R. Tuck
Director, Division of Elections

Enclosures

AKT/BL/aj

Division of Elections
R. A. Gray Building, Room 316 • 500 South Bronough Street • Tallahassee, Florida 32399-0250

Telephone: (850) 245-6200 • Facsimile: (850) 245-6217
election.dos.state.fl.us

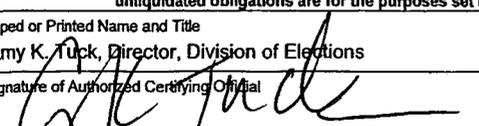
021570

FINANCIAL STATUS REPORT

(Long Form)

(Follow instructions on the back)

ORIGINAL

1. Federal Agency and Organizational Element to Which Report is Submitted U. S. Election Assistance Commission		2. Federal Grant or Other Identifying Number Assigned By Federal Agency Title I, 101		OMB Approval No. 0348-0039	Page of 1 1 pages
3. Recipient Organization (Name and complete address, including ZIP code) Florida Department of State 500 South Bronough Street Tallahassee, FL 32399-0250					
4. Employer Identification Number F593466865		5. Recipient Account Number or Identifying Number CFDA 39.011		6. Final Report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. Basis <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual					
8. Funding/Grant Period (See instructions) From: (Month, Day, Year) 4/23/2003		To: (Month, Day, Year) Until disbursed		9. Period Covered by this Report From: (Month, Day, Year) 1/1/2006	
				To: (Month, Day, Year) 12/31/2006	
10. Transactions:				I	II
				Previously Reported	This Period
				Cumulative	
a. Total outlays				10,846,401.97	1,425,146.79
b. Refunds, rebates, etc.					0.00
c. Program income used in accordance with the deduction alternative					0.00
d. Net outlays (Line a, less the sum of lines b and c)				10,846,401.97	1,425,146.79
					12,271,548.76
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 State Matching Funds				508,662.50	0.00
i. Total recipient share of net outlays (Sum of lines e, f, g and h)				508,662.50	0.00
					508,662.50
j. Federal share of net outlays (line d less line i)				10,337,739.47	1,425,146.79
					11,762,886.26
k. Total unliquidated obligations					109,456.00
l. Recipient's share of unliquidated obligations					0.00
m. Federal share of unliquidated obligations					109,456.00
n. Total Federal share (sum of lines j and m)					11,872,342.26
o. Total Federal funds authorized for this funding period					15,517,295.67
p. Unobligated balance of Federal funds (Line o minus line n)					3,644,953.41
Program income, consisting of:					
q. Disbursed program income shown on lines c and/or g above					0.00
r. Disbursed program income using the addition alternative					0.00
s. Undisbursed program income					0.00
t. Total program income realized (Sum of lines q, r and s)					0.00
11. Indirect Expense		a. Type of Rate (Place "X" in appropriate box) <input checked="" type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed			
		b. Rate 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. Line O includes total interest accrued through 2006 in the amount of \$1,069,715.67. 2003 = \$286,380.60; 2004 = \$347,160.86; 2005 = \$250,596.63; 2006 = \$185,577.58					
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.					
Typed or Printed Name and Title Amy K. Tuck, Director, Division of Elections				Telephone (Area code, number and extension) 850-245-6200	
Signature of Authorized Certifying Official 				Date Report Submitted February 20, 2007	

RECEIVED
U.S. ELECTION ASSISTANCE
COMMISSION

2007 FEB 26 PM 4:03

**FLORIDA DEPARTMENT OF STATE
REPORT ON EXPENDITURE OF TITLE I, SECTION 101 FUNDS DURING 2006**

As requested by the U.S. Election Assistance Commission, listed below is a detailed list of expenditures and a description of the related activities conducted by the Florida Department of State during calendar year 2006 utilizing Help America Vote Act (HAVA) Title I, Section 101 funds.

VOTER EDUCATION - \$1,073,923

During calendar year 2006, Florida distributed \$1,073,923 to the 67 county supervisors of elections to be utilized for voter education purposes. In order to receive the funds each supervisor of elections was required to submit a detailed plan outlining the anticipated uses of the funds. In addition to the plan, each local Board of County Commissioners was required to provide fifteen percent in matching funds to be used exclusively for voter education purposes.

County supervisors of elections are required to submit a report to the Department of State on an annual basis regarding voter education programs conducted in the counties until the funds distributed by the state are depleted. Based on the latest reports from supervisors of elections, counties continue to employ numerous voter education activities in an effort to involve citizens in the elections process.

These activities include printing and mailing sample ballots to registered voters, conducting voter registration drives at various locations and events throughout the county, disseminating information regarding election dates and related deadlines through a variety of media sources, and conducting demonstrations on the use of voting systems equipment.

Florida's voter education program is discussed in the HAVA State Plan on pages 37 through 47 and on page 58.

ELECTION ADMINISTRATION - \$193,434

Florida established three positions in the Department of State to provide administrative oversight and coordination for HAVA-related activities. Employees in these positions are responsible for monitoring HAVA expenditures to ensure compliance with federal requirements. The positions administer several contract programs that provide funds to county supervisors of elections for HAVA-related activities including voter education, voting systems assistance as well as poll worker recruitment and training programs. In addition, the positions are responsible for administering grant funds awarded by the U. S. Department of Health and Human Services under the Voting Access for Individuals with Disability (VOTE) grant program.

Recommendations regarding establishment of positions associated with HAVA Oversight and Reporting can be found on page 59 in the HAVA State Plan.

STATE PLAN - \$2,991

The HAVA State Planning Committee held two meetings in order to update the HAVA State Plan. The meetings were held in Pensacola and Miami in an effort to provide an opportunity for participation by citizens in various locations throughout the state. Expenditures included travel expenses for HAVA State Planning Committee members as well as Department of State staff who participated in the meetings.

Reference to managing the State Plan is included on pages 82-83 in the HAVA State Plan.

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COMMISSION

2007 FEB 26 PM 4:04

TRAINING ELECTION OFFICIALS, POLL WORKERS AND ELECTION VOLUNTEERS – \$154,800

The Florida Division of Elections contracted with a video production company to produce two videos that could be used in conducting training for poll workers. The videos were distributed to Florida's 67 county supervisors of elections to use in poll worker training sessions. One of the videos covered sensitivity issues when dealing with individuals with disabilities and the other video provided conflict management training skills for poll workers.

The Florida Department of State contracted with one of Florida's universities to develop a statewide poll worker curriculum to be used by Florida's 67 county supervisors of elections. The curriculum is intended to provide uniformity in poll worker training efforts throughout the state.

Florida's efforts to assist supervisors of elections in conducting training for poll workers can be found in the HAVA State Plan on pages 49 through 51, pages 58 through 61.

INTEREST ACCRUED - \$185,577.58

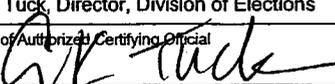
During 2006, the Department of State invested Title I, Section 101 funds and accrued interest in the amount of \$185,577.58.

RECEIVED
U.S. ELECTION ASSISTANCE
COMMISSION
2007 FEB 26 PM 4:04

**FINANCIAL STATUS REPORT
(Long Form)**

ORIGINAL

(Follow instructions on the back)

1. Federal Agency and Organizational Element to Which Report is Submitted U. S. Election Assistance Commission		2. Federal Grant or Other Identifying Number Assigned By Federal Agency 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 CFDA #39.011		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		9. Period Covered by this Report From: (Month, Day, Year) 1/1/2006	
		To: (Month, Day, Year) *State deadline for Section 102*		To: (Month, Day, Year) 12/31/2006	
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		0.00	
f. Other Federal awards authorized to be used to match this award		0.00		0.00	
g. Program income used in accordance with the matching or cost sharing alternative		0.00		0.00	
h. All other recipient outlays not shown on lines e, f or g		0.00		0.00	
i. Total recipient share of net outlays (Sum of lines e, f, g and h)		0.00	0.00	0.00	
j. Federal share of net outlays (line d less line i)		11,581,377.00	0.00	11,581,377.00	
k. Total unliquidated obligations				0.00	
l. Recipient's share of unliquidated obligations				0.00	
m. Federal share of unliquidated obligations				0.00	
n. Total Federal share (sum of lines j and m)				11,581,377.00	
o. Total Federal funds authorized for this funding period				11,617,405.56	
p. Unobligated balance of Federal funds (Line o minus line n)				36,028.56	
Program income, consisting of:					
q. Disbursed program income shown on lines c and/or g above				0.00	
r. Disbursed program income using the addition alternative				0.00	
s. Undisbursed program income				0.00	
t. Total program income realized (Sum of lines q, r and s)				0.00	
11. Indirect Expense	a. Type of Rate (Place "X" in appropriate box) <input checked="" type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed				
	b. Rate 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. Total interest earned through 12-31-2006 is \$36,028.56. Interest accrued in 2006 - \$1,583.19					
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.					
Typed or Printed Name and Title Amy K. Tuck, Director, Division of Elections			Telephone (Area code, number and extension) 850-245-6200		
Signature of Authorized Certifying Official 			Date Report Submitted February 20, 2007		

RECEIVED
U.S. ELECTION ASSISTANCE
COMMISSION

2007 FEB 26 PM 4:04

021574

**FLORIDA DEPARTMENT OF STATE
REPORT ON TITLE I, SECTION 102 FUNDS**

Florida received \$11,581,377 from Title I, Section 102 funds. The funds were invested pending transfer to Florida's Working Capital Fund to reimburse the state for funding provided to Florida's 67 counties in FY 2001-02 and FY 2002-03 to purchase voting systems equipment.

Interest on the initial investment has continued to accrue with earnings in the amount of \$1,583.19 reported for calendar year 2006.

RECEIVED
U.S. ELECTION ASSISTANCE
COMMISSION
2007 FEB 26 PM 4:04

021575



U. S. ELECTION ASSISTANCE COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR
1225 New York Avenue, NW, Suite 1100
Washington, DC. 20005
(202) 566-3100

January 10, 2007

Secretary Kurt Browning
Secretary of State
R. A. Gray Building
500 S. Bronough Street, Room 316
Tallahassee, Florida 32399-0250

Reference: Amended HAVA Reports Title I, Section 102 for Calendar Years 2004 and 2005

Response Due Date:
January 26, 2007

Dear Secretary Browning:

The purpose of this letter is to obtain corrected (amended) reports for your state's use of funds under Title I, Section 102 of the *Help America Vote Act of 2002 (HAVA)* for the Calendar Years (CY) 2004 and 2005. The amended SF 269 reports are essential as the U.S. Election Assistance Commission (EAC) prepares its *Annual Report to Congress* which will summarize HAVA funds expenditures, as reported by Florida.

Below is an itemization of the information required in your Amended SF 269 report(s) for Title I, Section 102:

- The State's report dated 1/20/04 for the period beginning 6/16/03 to 12/31/03 indicates that it is a FINAL report. However, a seceding report dated 2/28/06 for the period 6/16/03 to 12/31/05 is Amended to show interest on those funds for three years. Please submit Amended reports indicating whether or not the fund has been fully expended or the correct interest on the remainder.

Please review the guidance provided in the color-coded Model SF 269 *Long Form* and the Model Narratives enclosed for more information about how to prepare the Amended Title I, Section 102 report(s). A blank copy of the auto-fill form can be found at www.whitehouse.gov/omb/grants/sf269.pdf.

There is also a list of Frequently Asked Questions and other information under the Funding for States section on the EAC website at <http://www.eac.gov/>. Contact Edgardo Cortes by e-mail at ecortes@eac.gov, by phone at 1-866-747-1471 (toll free) or 202-566-3116 (direct) should you have additional questions.

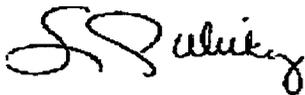
021576

The requested Amended report(s) for Title I, Section 102 must be completed and received by the Commission no later than January 26, 2007. If you fail to respond by that time, EAC will have no choice but to forward this matter to the EAC's Office of the Inspector General for review and investigation.

Amended reports should be mailed to the Election Assistance Commission, Amended 102 Reports, 1225 New York Ave., NW, Suite 1100, Washington, D.C. 20005.

Thank you for your attention to this matter.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "T. Wilkey".

Thomas R. Wilkey
Executive Director

Enclosures:

Model SF 269 Long Form
Model Narratives

7005 3110 0002 9823 5222

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at usps.com



UNITED STATES POSTAGE
02 1A
0004354297
MAILED FROM ZIP CODE 20005
PITNEY BOWES
\$ 00.00⁰⁰
JAN 10 2007

Sent To
Street, Ap
or PO Box
City, State
PS Form 3811
Secretary Sue Cobb
Secretary of State
R. A. Gray Building
500 S. Bronough Street, Room 316
Tallahassee, Florida 32399-0250

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee	
1. Article Addressed to: [Redacted]ning R. A. Cobb 500 S. Bronough Street, Room 316 Tallahassee, Florida 32399-0250	B. Received by (Printed Name)	C. Date of Delivery
	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No DEPT. OF STATE JAN 16 2007 CLEARED	
	3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number 7005 3110 0002 9823 5222 (Transfer from ser		
PS Form 3811, February 2004	Domestic Return Receipt	102595-02-M-1540

021578



REVISED

FLORIDA DEPARTMENT OF STATE

CHARLIE CRIST
Governor

KURT S. BROWNING
Secretary of State

January 25, 2007

Mr. Thomas R. Wilkey
Executive Director
Election Assistance Commission
1225 New York Ave., N.W., Suite 1100
Washington, D.C. 20005

RECEIVED
U.S. ELECTION ASSISTANCE
COMMISSION
2007 JAN 26 PM 5:02

Dear Mr. Wilkey:

As requested in your letter of January 10, 2007 enclosed are amended financial reports (SF 269) regarding Florida's use of HAVA Title I, Section 102 funds. If you have any questions or would like additional information, please let us know.

Sincerely,


Amy K. Tuck
Director, Division of Elections

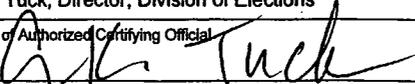
Enclosures

021579

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 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 CFDA #39.011		6. Final Report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. Basis <input type="checkbox"/> Cash <input checked="" type="checkbox"/> Accrual					
8. Funding/Grant Period (See instructions) From: (Month, Day, Year) 6/16/2003		9. Period Covered by this Report From: (Month, Day, Year) 6/16/2003		To: (Month, Day, Year) 12/31/2003	
		To: (Month, Day, Year) <small>*State deadline for Section 102*</small>			
10. Transactions:					
		I Previously Reported	II This Period	III Cumulative	
a. Total outlays			11,581,377.00	11,581,377.00	
b. Refunds, rebates, etc.				0.00	
c. Program income used in accordance with the deduction alternative				0.00	
d. Net outlays (Line a, less the sum of lines b and c)		0.00	11,581,377.00	11,581,377.00	
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	11,581,377.00	11,581,377.00	
k. Total unliquidated obligations				0.00	
l. Recipient's share of unliquidated obligations				0.00	
m. Federal share of unliquidated obligations				0.00	
n. Total Federal share (sum of lines j and m)				11,581,377.00	
o. Total Federal funds authorized for this funding period				11,613,597.26	
p. Unobligated balance of Federal funds (Line o minus line n)				32,220.26	
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. Note: This is an amended report to include interest earned during 2003. Line o includes interest in the amount of \$32,220.26.					
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.					
Typed or Printed Name and Title Amy K. Tuck, Director, Division of Elections				Telephone (Area code, number and extension) 850-245-6200	
Signature of Authorized Certifying Official 				Date Report Submitted January 25, 2007	

RECEIVED
U.S. ELECTION ASSISTANCE
COMMISSION

021580

REVISED

FINANCIAL STATUS REPORT (Long Form)

(Follow instructions on the back)

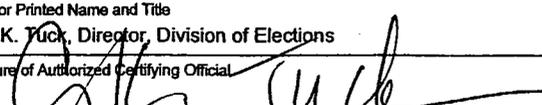
1. Federal Agency and Organizational Element to Which Report is Submitted: U. S. Election Assistance Commission
2. Federal Grant or Other Identifying Number Assigned By Federal Agency: Title I, Section 102
OMB Approval No. 0348-0039
Page of pages
3. Recipient Organization (Name and complete address, 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: CFDA #39.011
6. Final Report: Yes No
7. Basis: Cash Accrual
8. Funding/Grant Period (See instructions): From: 6/16/2003 To: 12/31/2004
9. Period Covered by this Report: From: 1/1/2004 To: 12/31/2004
10. Transactions: Table with columns I Previously Reported, II This Period, III Cumulative. Rows include Total outlays, Refunds, etc., Program income used, Net outlays, Recipient's share of net outlays, Federal share of net outlays, Total unliquidated obligations, Recipient's share of unliquidated obligations, Federal share of unliquidated obligations, Total Federal share, Total Federal funds authorized, Unobligated balance of Federal funds, Program income, Disbursed program income, Undisbursed program income, Total program income realized.
11. Indirect Expense: a. Type of Rate (Provisional, Predetermined, Final, Fixed), b. Rate (N/A), c. Base, d. Total Amount, e. Federal Share
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. Note: This is an amended report to include Interest earned during 2004 in the amount of \$1,049.99. Total interest earned through 12-31-2004 is \$33,270.25
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.
Typed or Printed Name and Title: Amy K. Tuck, Director, Division of Elections
Telephone (Area code, number and extension): 850-245-6200
Signature of Authorized Certifying Official: [Signature]
Date Report Submitted: January 25, 2007

RECEIVED U.S. ELECTION ASSISTANCE COMMISSION

024581 021587

FINANCIAL STATUS REPORT
(Long Form)
(Follow instructions on the back)

REVISED
[]

1. Federal Agency and Organizational Element to Which Report is Submitted U. S. Election Assistance Commission		2. Federal Grant or Other Identifying Number Assigned By Federal Agency 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 CFDA #39.011		6. Final Report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. Basis <input type="checkbox"/> Cash <input checked="" type="checkbox"/> Accrual					
8. Funding/Grant Period (See instructions) From: (Month, Day, Year) 6/16/2003		To: (Month, Day, Year) *State deadline for Section 102*		9. Period Covered by this Report From: (Month, Day, Year) 1/1/2005	
				To: (Month, Day, Year) 12/31/2005	
10. Transactions:					
				I	II
				Previously Reported	This Period
				III	Cumulative
a. Total outlays				11,581,377.00	0.00
b. Refunds, rebates, etc.					0.00
c. Program income used in accordance with the deduction alternative					0.00
d. Net outlays (Line a, less the sum of lines b and c)				11,581,377.00	0.00
Recipient's share of net outlays, consisting of:					
e. Third party (in-kind) contributions				0.00	0.00
f. Other Federal awards authorized to be used to match this award				0.00	0.00
g. Program income used in accordance with the matching or cost sharing alternative				0.00	0.00
h. All other recipient outlays not shown on lines e, f or g				0.00	0.00
i. Total recipient share of net outlays (Sum of lines e, f, g and h)				0.00	0.00
j. Federal share of net outlays (line d less line i)				11,581,377.00	0.00
k. Total unliquidated obligations					0.00
l. Recipient's share of unliquidated obligations					0.00
m. Federal share of unliquidated obligations					0.00
n. Total Federal share (sum of lines j and m)					11,581,377.00
o. Total Federal funds authorized for this funding period					11,615,822.37
p. Unobligated balance of Federal funds (Line o minus line n)					34,445.37
Program Income, consisting of:					
q. Disbursed program income shown on lines c and/or g above					0.00
r. Disbursed program income using the addition alternative					0.00
s. Undisbursed program income					0.00
t. Total program income realized (Sum of lines q, r and s)					0.00
11. Indirect Expense		a. Type of Rate (Place "X" in appropriate box) <input checked="" type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed			
		b. Rate N/A	c. Base	d. Total Amount	e. Federal Share
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. Note: This is an amended report to include Interest earned during 2005 in the amount of \$1,175.12. Total Interest earned through 12-31-2005 is \$34,445.37.					
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.					
Typed or Printed Name and Title Amy K. Tuck, Director, Division of Elections				Telephone (Area code, number and extension) 850-245-6200	
Signature of Authorized Certifying Official 				Date Report Submitted January 25, 2007	

RECEIVED
U.S. ELECTION ASSISTANCE
COMMISSION

021582

FOIA File



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW - Suite 1100
Washington, DC 20005

October 6, 2006

Mr. Michael Montgomery
Baker & Hostetler LLP
3200 National City Center
1900 East 9th Street
Cleveland, Ohio 44114-3485

Dear Mr. Montgomery:

This letter is in response to your Freedom of Information Act (FOIA) request for: 1) all materials submitted by the Ohio Secretary of State that pertain to Ohio's expenditure of funds allocated under the Help America Vote Act; 2) all communications between the U.S. Election Assistance Commission and the Ohio Secretary of State concerning HAVA-related matters; and 3) any materials setting forth guidelines for spending HAVA funds.

Responsive records. The responsive documents regarding items # 1 and # 2 are attached. The materials requested in item number 3 are available at www.eac.gov by clicking on "EAC Advisories and Guidance," "Funding for States," and "HAVA Funding FAQs."

Withheld records. The EAC is withholding documents held by the agency's Office of Inspector General. The Inspector General's office is presently engaged in an audit of the State of Ohio. The audit and report are not yet complete. The documents at issue are pre-decisional and protected from release under Section (b) (5) of FOIA. When the report is complete, it will be available at www.eac.gov.

The EAC has decided to waive the processing fees for your request. If you interpret any portion of this response as an adverse action, you may appeal it to the Election Assistance Commission. Your appeal must be in writing and sent to the address noted on the above letterhead. Any appeal submitted, must be postmarked no later than 60 calendar days from the date of this letter. Please include your reasons for reconsideration and attach a copy of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeannie Layson", with a long horizontal flourish extending to the right.

Jeannie Layson
Director of Communications
U.S. Election Assistance Commission

Attachments:

1. Your Request Letter (August 24, 2006);
2. Responsive Documents

RECEIVED
U.S. ELECTION ASSISTANCE
COMMISSION

Baker Hostetler 2005 AUG 28 PM 4: 20

Baker & Hostetler LLP

3200 National City Center
1900 East 9th Street
Cleveland, OH 44114-3485

T 216.621.0200
F 216.696.0740
www.bakerlaw.com

August 24, 2006

United States Election Assistance Commission
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005

Michael J. Montgomery
direct dial: 216.861.6101
mmontgomery@bakerlaw.com

Re: Freedom of Information Act Request

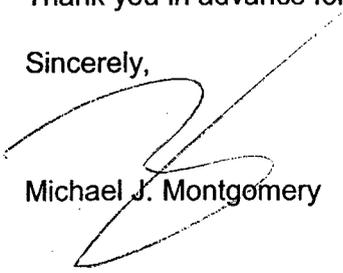
To Whom It May Concern:

I am writing to make a formal request for materials pursuant to the Freedom of Information Act. In particular, I am interested in receiving the following items:

- (1) All materials submitted by the Ohio Secretary of State that pertain to Ohio's expenditure of funds allocated under the Help America Vote Act ("HAVA").
- (2) All communications between the U.S. Election Assistance Commission and the Ohio Secretary of State concerning HAVA-related matters.
- (3) Any materials setting forth guidelines for spending HAVA funds.

Thank you in advance for your attention to my request.

Sincerely,


Michael J. Montgomery



"Scott, Keith"
<kscott@sos.state.oh.us>
08/11/2005 02:57 PM

To "bwhitener@eac.gov" <bwhitener@eac.gov>
cc
bcc
Subject 2002 FEC Voting System Standards

Brian:

Thanks for looking into this for me. I am trying to find out if the 2002 FEC standards went into effect prior to the date that HAVA passed or went into effect. If you have the actual effective date of the standards, that would be great. If not, just confirmation that it was in effect at the time HAVA passed is fine.

Keith A. Scott

HAVA Attorney
Office of J. Kenneth Blackwell
Ohio Secretary of State
180 East Broad Street, 15th Floor
Columbus, Ohio 43215
(614) 995-2170
(614) 485-7682 (fax)

CONFIDENTIALITY STATEMENT

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021585

Bryan Whitener /EAC/GOV
08/11/2005 03:04 PM

To "Scott, Keith" <kscott@sos.state.oh.us>@GSAEXTERNAL
cc
bcc
Subject Re: 2002 FEC Voting System Standards 

Keith,
If you're fine with it, in order to better assist you, I would need to send your request to the appropriate EAC staff members. Please let me know.
Bryan Whitener

"Scott, Keith" <kscott@sos.state.oh.us>



"Scott, Keith"
<kscott@sos.state.oh.us>
08/11/2005 02:57 PM

To "bwhitener@eac.gov" <bwhitener@eac.gov>
cc
Subject 2002 FEC Voting System Standards

Brian:

Thanks for looking into this for me. I am trying to find out if the 2002 FEC standards went into effect prior to the date that HAVA passed or went into effect. If you have the actual effective date of the standards, that would be great. If not, just confirmation that it was in effect at the time HAVA passed is fine.

Keith A. Scott

HAVA Attorney
Office of J. Kenneth Blackwell
Ohio Secretary of State
180 East Broad Street, 15th Floor
Columbus, Ohio 43215
(614) 995-2170
(614) 485-7682 (fax)

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021586



"Scott, Keith"
<kscott@sos.state.oh.us>
08/11/2005 03:07 PM

To "'Bryan Whitener'" <bwhitener@eac.gov>
cc
bcc
Subject RE: 2002 FEC Voting System Standards

Thats fine. Whatever is the quickest way. Thanks again.

Keith

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

From: Bryan Whitener [mailto:bwhitener@eac.gov]
Sent: Thursday, August 11, 2005 3:05 PM
To: kscott@sos.state.oh.us
Subject: Re: 2002 FEC Voting System Standards

Keith,
If you're fine with it, in order to better assist you, I would need to send your request to the appropriate EAC staff members. Please let me know.
Bryan Whitener

"Scott, Keith" <kscott@sos.state.oh.us>

08/11/2005 02:57 PM

To "'bwhitener@eac.gov'" <bwhitener@eac.gov>
cc
Subject 2002 FEC Voting System Standards

Brian:

Thanks for looking into this for me. I am trying to find out if the 2002 FEC standards went into effect prior to the date that HAVA passed or went into effect. If you have the actual effective date of the standards, that would be great. If not, just confirmation that it was in effect at the time HAVA passed is fine.

Keith A. Scott

HAVA Attorney
Office of J. Kenneth Blackwell
Ohio Secretary of State
180 East Broad Street, 15th Floor
Columbus, Ohio 43215
(614) 995-2170

021587

(614) 485-7682 (fax)

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021588



RECEIVED
OCT 04 2004
BY: *JW*

J. KENNETH BLACKWELL
Ohio Secretary of State

180 E. Broad Street, 16th Floor, Columbus OH 43215
614.466.2655 / Toll Free: 877.767.6446 / Fax: 614.644.0649
e-mail: blackwell@sos.state.oh.us
www.state.oh.us/sos/

September 24, 2004

Ms. Juliet E. Thompson
General Counsel
US Election Assistance Commission
1225 New York Avenue, NW
Suite 1100
Washington, DC 20005

RE: Directive 2004-31 and EAC Best Practices Tool Kit

Dear Ms. Thompson:

This response is to acknowledge that I am in receipt of your letter and take exception to your mischaracterizations of inaccuracies in my Directive 2004-31. Upon reviewing my Directive and the US Election Assistance Commission Best Practices Tool Kit issued July 30, 2004, both documents essentially state the same fact: "[t]he state may choose to honor the affirmation of citizenship and age that goes with the signing of the registration form and register a person who did not check the "yes" box." So, based upon the EAC's opinion presented in the "Best Practices Tool Kit," I cannot comprehend your rationale for allowing me to adopt the policy in my Directive but without attributing it to the EAC.

It is quite apparent that after the Commissioners touted the benefits of uniformity in the jurisdictions by following the "Best Practices Tool Kit" as stated at the NASS and NASED conferences, they were expressing an opinion on the information contained in the document. Even by naming the document, "Best Practices Tool Kit" the Commission expresses an opinion in the purpose by providing the document to the states. At the major annual conference of Election Administrators, NASED, held in August, the attendees, who are state election administrators from all over the country, were given a copy of the "Best Practices Tool Kit" and were asked to use it for the implementation of HAVA. I believe you cannot now accurately state that the Commission has no opinion on the information in the "Best Practices Tool Kit" when we clearly followed the direction of the Commission in using the information as presented. Once you have the opportunity to review the EAC's "Best Practices Tool Kit" you will realize that I am correct in my instruction to the Boards.

021539

7100404.303

If you now choose to have the Department of Justice review the "Best Practices Tool Kit" after having officially distributed it to all jurisdictions, I consider that you were derelict in not doing this before you distributed the information to the states and jurisdictions.

Therefore, it is within my legal purview to administer Directives with regard to processing voter registration applications as applicable to the laws of Ohio and federal law. My Directive stands as originally released on September 7, 2004.

Sincerely,


J. Kenneth Blackwell
Secretary of State

cc: DeForest B. Soaries, Jr., Chairman
Gracia Hillman, Vice-Chair
Paul DeGregorio, Commissioner
Ray Martinez, Commissioner
Cassandra Hicks, General Counsel, Ohio Secretary of State
Pat Wolfe, Director of Elections, Ohio Secretary of State
Judy Grady, Director of Election Reform, Ohio Secretary of State



U.S. ELECTION ASSISTANCE COMMISSION
1225 NEW YORK AVENUE, N.W., SUITE 1100
WASHINGTON, D.C. 20005

OFFICE OF THE CHAIRMAN

February 7, 2005

Honorable Kenneth J. Blackwell
Secretary of State
180 East Broad Street, 16th Floor
Columbus, OH 43215

Via Facsimile Transmission
614-644-0649

ATTENTION: Rose

RE: Invitation to speak at February 23, 2005
Public Hearing on Provisional Voting

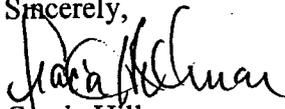
Dear Secretary Blackwell:

On February 23, 2005, the United States Election Assistance Commission (EAC) will be conducting a public hearing regarding provisional voting. The hearing will take place in Columbus, Ohio at the Moritz School of Law on February 23, 2005 from 1:00 to 5:00 p.m. This hearing is an information gathering session that is intended to begin the research process for the EAC's work in developing voluntary guidance on provisional voting. The hearing involves receiving testimony from three panels of speakers. The first panel will include election professionals from the state and local level. The second panel will include representatives of non-government sector organizations that are interested in election reform issues. The third panel will include academicians who have researched the issue of provisional voting.

The Commission would like to invite you to participate on the panel of election professionals. The Commission would ask that you limit your comments to no more than 10 minutes on the experiences in your state regarding the implementation and use of provisional voting during the elections of 2004. If you are able to attend, the Commission would ask that you submit written comments by Wednesday, February 16, 2005. Those comments can be sent via email to testimony@eac.gov.

Thank you for your consideration of this request. We look forward to hearing from you.

Sincerely,


Gracia Hillman
Chair



U.S. ELECTION ASSISTANCE COMMISSION
1225 NEW YORK AVENUE, N.W., SUITE 1100
WASHINGTON, D.C. 20005

February 11, 2005

Honorable Kenneth J. Blackwell
Secretary of State
180 East Broad Street, 16th Floor
Columbus, OH 43215

Via Facsimile Transmission
614-644-0649

ATTENTION: Rose

RE: Invitation to speak at February 23, 2005
Public Hearing on Provisional Voting

Dear Secretary Blackwell:

We appreciate your consideration of speaking at the public hearing on provisional voting to be held on Wednesday, February 23, 2005 in Columbus, Ohio. We must quickly finalize our arrangements and panelists for this hearing. As such, we would appreciate confirmation that you will or will not be able to speak at this event by 10:00 a.m. on Monday, February 14, 2005. If we have not received confirmation at that point, we will have to select another speaker.

Thank you in advance for your consideration and timely response.

Sincerely,

A handwritten signature in black ink that reads "Gracia M. Hillman". The signature is written in a cursive style.

Gracia Hillman
Chair



U.S. ELECTION ASSISTANCE COMMISSION
1225 NEW YORK AVENUE, N.W., SUITE 1100
WASHINGTON, D.C. 20005

OFFICE OF THE CHAIR

March 9, 2005

Honorable J. Kenneth Blackwell
Secretary of State
180 East Broad Street, 16th Floor
Columbus, OH 43215

RE: Participation in February 23, 2005
Public hearing on provisional voting

Dear Secretary Blackwell:

Thank you for participating in the United States Election Assistance Commission's public hearing on provisional voting. Initial responses indicate that the hearing was a great success, providing needed light to an issue that has been a source of confusion for many voters and election administrators alike.

Your testimony regarding the experience of Ohio in implementing provisional voting was insightful and helpful to EAC as it begins its work on provisional voting. We were particularly interested in the effect of litigation on the efforts of the state and local election officials to implement provisional voting.

Again, thank you for your time and assistance in beginning EAC's research and guidance work on provisional voting.

Sincerely,

A handwritten signature in black ink, appearing to read "Gracia Hillman".

Gracia Hillman
Chair

021593



J. Kenneth Blackwell
J. KENNETH BLACKWELL
Ohio Secretary of State

180 E. BROAD STREET / 16TH FLOOR / COLUMBUS, OH 43215
614.466.2655 / TOLL FREE: 877.767.6446 / FAX: 614.644.0649
e-mail: blackwell@sos.state.oh.us www.state.oh.us/sos/

February 14, 2006

The Honorable Ray Martinez
U.S. Election Assistance Commission
1225 New York Avenue, NW
Suite 1100
Washington, DC 20005

Dear Commissioner Martinez:

I am formally requesting the appointment of Mr. Steve Harsman to the EAC Standards Board under section 213 of the Help America Vote Act (HAVA) of 2002. Mr. Harsman will fill the current county level vacancy for Ohio. Michael Sciortino formerly held this position.

Steve is the current Director of the Montgomery County Board of Elections, which is one of Ohio's largest counties. In his capacity as Director, he will bring added wealth and expertise to the Standards Boards.

If you require additional information regarding my request, please contact Judy Grady, my Director of Elections, at 614-466-2585.

Thank you for your attention in this matter.

Sincerely,

A handwritten signature in cursive script that reads "J. Kenneth Blackwell".

J. Kenneth Blackwell

cc: Steve Harsman, Director, Montgomery County Board of Elections

021594

Curtis Crider/EAC/GOV
06/27/2006 12:26 PM

To jgrady@sos.state.oh.us
cc Joseph Ansnick/CONTRACTOR/EAC/GOV@EAC
bcc
Subject engagement letter

Attached is the engagement letter for our upcoming audit. If you have any questions please do not hesitate to contact me.

Curtis Crider
Office of Inspector General, Election Assistance Commission
Phone - (202) 566-3125
Fax - (202) 566-3127



Ohio Letter.pdf

Important: This electronic transmission is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected from disclosure under applicable law.

021595



U.S. ELECTION ASSISTANCE COMMISSION
OFFICE OF INSPECTOR GENERAL
1225 New York Ave. NW - Suite 1100
Washington, DC 20005

June 27, 2006

The Honorable J. Kenneth Blackwell
Ohio Secretary of State
180 E. Broad Street
Columbus, Ohio 43215

Dear Secretary of State Blackwell:

The Office of Inspector General has scheduled an audit of the administration of Help America Vote Act (HAVA) funds by the State of Ohio. The objectives of the audit are to determine whether Ohio (1) expended HAVA payments in accordance with the Act and related administrative requirements and (2) complied with the HAVA requirements for replacing punch card or lever voting machines, for appropriating a 5 percent match for requirements payments, for establishing an election fund, and for maintaining state expenditures for elections at a level not less than expended in fiscal year 2000. The audit will cover Ohio's expenditure and obligation of HAVA funds from fiscal year 2003 through fiscal year 2006, and will include the following activities:

- Accumulating the financial information reported to the Election Assistance Commission on Standard Forms 269.
- Accounting for salaries.
- Purchasing goods and services
- Accounting for property.
- Charging indirect costs.
- Spending by counties.
- Maintaining the election fund.
- Accounting for interest and program income.
- Sustaining the State's level of expenditures for elections.

In our telephone conversation with Ms. Judy Grady of your office, we agreed to start our audit on or about July 10, 2006. Mr. Joseph Ansnick and Mr. Gary Gunderson will conduct the review. To complete our audit, we anticipate examining the following information:

1. All audit reports and other reviews related to the financial management systems and the HAVA program for the last 2 years.
2. Policies, procedures and regulations for Ohio's management and accounting systems as they relate to the administration of HAVA programs.

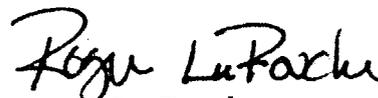
021596

3. An organizational chart and a list of all full and part-time employees indicating those employees whose salary is financed with HAVA funds. (If applicable, also identify other employees from the State whose salary is paid in full or in part with HAVA funds).
4. Inventory list of all equipment purchased with HAVA funds.
5. Contract files for major procurements (i.e. voter registration system and election systems).
6. Information regarding what source/supporting documents are maintained in the accounting system for payments made with HAVA funds.
7. List of all sub-grant or other agreements providing HAVA funds to counties or other political subdivisions of the state.
8. County financial reports.
9. Ohio laws that impact the election fund.
10. Description of Ohio's methods of accounting for any income, such as revenue from equipment leases, generated by HAVA programs.
11. Appropriations and expenditure reports for State funds used to maintain the level of expenses for elections at least equal to the amount expended in fiscal year 2000 and to meet the five percent matching requirement for section 251 requirements payments.
12. Information regarding what source/supporting documents are kept for maintenance of effort and matching contributions.

To perform the review, we will need your help with: (1) facilities to accommodate two auditors, (2) access to a telephone, a copier, a printer, and a fax machine, and (3) data lines for our laptop computers.

We appreciate your assistance. If you have any questions regarding this letter, please contact me at (202) 566-3121.

Sincerely,



Roger La Rouche
Acting Inspector General

cc: Director of Elections, Ohio
Secretary of State's Office
Chief Financial Officer, Ohio
Secretary of State's Office
Chairman, U.S. Election Assistance
Commission
Executive Director, U.S. Election
Assistance Commission

021597

Curtis Crider/EAC/GOV
08/30/2006 07:18 AM

To
cc
bcc
Subject Fw: Extension to Travel Authorization Date

Joseph
Ansnick/CONTRACTOR/
EAC/GOV

08/28/2006 07:42 AM

To rlarouche@eac.gov
cc

Subject Fw: RE: Draft NFR No. OH-3 on Cash
Management

Roger,

I received the message below from the CFO in Ohio. I guess I will be going to Ohio next week.

Thank you,

Joe

-----Forwarded by Joseph Ansnick/CONTRACTOR/EAC/GOV on 08/28/2006 07:41AM -----

To: jansnick@eac.gov
From: "Mehta, Dilip" <dmehta@sos.state.oh.us>
Date: 08/25/2006 02:20PM
Subject: RE: Draft NFR No. OH-3 on Cash Management

Joe ? Monday is not an option. As a matter of fact, the entire week is booked. However, I am willing to do an initial phone conversation for a few minutes. At that time we can set up an appointment for you to come to Columbus for one day. I need a few days to think about it. Hence, I will call you sometime the middle of next week and we will have our initial conversation on the phone. Please provide me the phone number to get in touch with you then.

Thank you.

Dilip

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

From: jansnick@eac.gov [mailto:jansnick@eac.gov]
Sent: Friday, August 25, 2006 11:19 AM
To: Mehta, Dilip
Subject: RE: Draft NFR No. OH-3 on Cash Management

021598

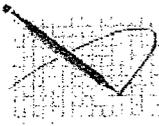
Dilip,

I will come to Columbus. Will you be ready for me on Monday? I can fly to Columbus Monday morning and return to DC Monday evening. Do you think that will give us enough time to discuss the cash management issue and for me to review the payroll distribution for the resolution of NFR OH-1 and see the inventory lists for the three counties we mentioned? If necessary I can return to DC Tuesday.

Thank you,

Joe Ansnick

021599



Joseph
Ansnick/CONTRACTOR/EAC/
GOV

08/30/2006 06:17 AM

To ccrider@eac.gov

cc

bcc

Subject Fw: Ohio audit

Curtis,

Here is an email re: FOIA

-----Forwarded by Joseph Ansnick/CONTRACTOR/EAC/GOV on 08/30/2006 06:17AM -----

To: garry_gunderson@oig.doi.gov
From: Joseph Ansnick/CONTRACTOR/EAC/GOV
Date: 08/10/2006 08:33AM
Subject: Fw: Ohio audit

----- Forwarded by Joseph Ansnick/CONTRACTOR/EAC/GOV on 08/10/2006 08:33 AM -----

Joseph
Ansnick/CONTRACTO
R/EAC/GOV

08/09/2006 01:07 PM

Togarry_gunderson@doi.oig.gov

cc

SubjectFw: Ohio audit

----- Forwarded by Joseph Ansnick/CONTRACTOR/EAC/GOV on 08/09/2006 01:07 PM -----

"Jordan, Lori"
<ljordan@sos.state.oh.
us>

08/08/2006 08:03 AM

Tojansnick@eac.gov

ccggunderson@eac.gov

SubjectOhio audit

Hi Joe and Garry,

Sorry I wasn't here on Thursday. If you need any other assistance please let me know. I appreciated your input for the Ohio HAVA program and I enjoyed helping you both with the financial disc.

Take care,

Lori Jordan
Finance Grants Manager
Ohio Secretary of State's Office
180 E. Broad St. 17th Fl.
Columbus, OH 43215
phone 614-466-6232
fax 614-485-7677
HAVA nice day! :)

021600



Joseph
Ansnick/CONTRACTOR/EAC/
GOV

08/30/2006 06:15 AM

To ccrider@eac.gov

cc

bcc

Subject Fw: re: Status of Ohio Audit

Curtis,

Here is an email re: FOIA.

-----Forwarded by Joseph Ansnick/CONTRACTOR/EAC/GOV on 08/30/2006 06:15AM -----

To: rlarouche@eac.gov
From: Joseph Ansnick/CONTRACTOR/EAC/GOV
Date: 08/02/2006 10:24AM
Subject: re: Status of Ohio Audit

Roger,

We plan on holding the exit conference tomorrow afternoon, Thursday, August 3, because of the unavailability of management on Friday. We will mention at the exit conference that additional issues may surface as continue our work on Friday and we finalize our working papers and send them through the review process during the week of August 7.

Thank you,

Joe

021601



Joseph
Ansnick/CONTRACTOR/EAC/
GOV
08/30/2006 06:13 AM

To ccrider@eac.gov
cc
bcc
Subject Fw: Re: Touch Base with Ohio

Curtis,

Here is an email re: FOIA request.

-----Forwarded by Joseph Ansnick/CONTRACTOR/EAC/GOV on 08/30/2006 06:13AM -----

To: Roger Larouche/CONTRACTOR/EAC/GOV@EAC
From: Joseph Ansnick/CONTRACTOR/EAC/GOV
Date: 06/28/2006 09:30AM
Subject: Re: Touch Base with Ohio

Roger,

I'll check out the airline schedules for Garry Gunderson and myself before I call him and then try to arrange the entrance conference for Monday afternoon.

Thank you,

Joe

Roger Larouche/CONTRACTOR/EAC/GOV

Roger
Larouche/CONTRACT
OR/EAC/GOV

06/28/2006 09:22 AM

To Joseph
Ansnick/CONTRACTOR/EAC/GOV@EAC

cc Garry_Gunderson@oig.doi.gov

Subject Touch Base with Ohio

Joe,

I got a call from a Mr. Keith Scott from Ohio. (not sure of his title). He wanted to confirm that the audit team would be arriving on July 10. I told him that the team would be traveling on July 10 and that I was not sure if they would be in the offices on the 10th or 11th. I also told him that you would call today to confirm the date and time of your arrival. Mr. Scott's telephone number is (614) 995-2170.

021602



"Jordan, Lori"
<ljordan@sos.state.oh.us>
09/30/2005 03:29 PM

To psims@eac.gov
cc
bcc

Subject RE: CFDA Numbers for HAVA Funding Programs

Hi Peggy,

Our original report filed last year for the requirements payments used the CFDA 39.011. Do we need to attach a corrected report to this year's report? Also, I checked the CFDA website when we received our requirement payments and did not see that CFDA number. There was no mention of it in the award letter either. When did that information become available?

Just curious so I will know how to proceed.

Thanks and have a great weekend!

Lori Jordan
Finance Grants Manager
Ohio Secretary of State's Office
180 E. Broad St. 17th Fl.
Columbus, OH 43215
phone 614-466-6232
fax 614-485-7677
HAVA nice day! :)

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

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

Sent: Thursday, September 22, 2005 4:26 PM

To: cguidry@sos.louisiana.gov; jholjes@state.pa.us; judye.schneider@sos.state.co.us; lguerrero@secstate.wa.gov; lshea@secstate.wa.gov; jennifer.jacobson@state.sd.us; dglotzer@sos.state.tx.us; Cara.Harr@state.tn.us; Jordan, Lori; longj1@michigan.gov; jim_shine@gov.state.ak.us; Lynda.Anderson@sbe.virginia.gov; james.graham@sos.arkansas.gov; RLParker@sos.nv.gov; Robynn.Yokooji@hawaii.gov; hkgrimm@sosmail.state.ar.us; BrianH@kssos.org; pharrington@sos.nv.gov; Scott.Logan@ncmail.net; don.wright@ncmail.net; Valerie.Holman@lps.state.nj.us; john.t.smith@maine.gov; plaso@viaccess.net; CStender@azsos.gov; mbeirne@sec.state.ri.us; Asgelect@samoatelco.com; jreynolds@elections.sc.gov; steven.talpas@lps.state.nj.us; mjohnson@sos.state.ms.us; rondamoore@sos.nv.gov; kdewolfe@sec.state.vt.us; MRoate@elections.state.il.us; jcasto@wvsos.com; SMacDonald@utah.gov; lauri_allred@gov.state.ak.us; ptracey@elections.state.ny.us; nmgorbea@ec.state.ri.us; dkohel@sos.state.ne.us; BGlazier@elections.state.il.us; Virginia.Lane@state.de.us; rhonda.jones@sos.mo.gov; jwilliams@wvsos.com; jjordan@elections.state.md.us; Kathy.Sibbel@state.mn.us; jmairs@idsos.state.id.us; jsilrum@state.nd.us; pdaley@sec.state.vt.us; astevens@sos.state.nh.us; roach@oklaosf.state.ok.us; SimonC1@michigan.gov; smyers@azsos.gov; egraveley@state.mt.us; secstate@state.nm.us; frank.garcia-jr@state.or.us; bryan.rusciano@lps.state.nj.us; lklass@state.wy.us; Faith.EAC@gsa.gov; Edgren@sbe.wi.us; martina.cdebaca@state.nm.us; creynold@ss.ca.gov; eswedenburg@sos.al.gov; gec@ite.net; pkosinski@elections.state.ny.us; jadurbin@dos.state.fl.us; kevin.kennedy@sbe.state.wi.us; patriwili@state.pa.us; havaadministrator@sos.in.gov; Lynda.Anderson@sbe.virginia.gov; johnbower@juno.com; dsabaril@sos.ca.gov; maria.hernandez@lbb.state.tx.us; ccaldwell@lpo.state.ar.us

021683

Cc: reynolds@sso.org; mglazer@csg.org
Subject: CFDA Numbers for HAVA Funding Programs

Hello, HAVA Administrators and Financial Officers:

This is to confirm that a Catalogue of Federal Domestic Assistance (CFDA) number has been assigned to the "requirements payments" distributed by the U.S. Election Assistance Commission (EAC) under Title II of the Help America Vote Act. CFDA numbers reflect the government agency providing the funds and the program under which the monies were distributed. The CFDA numbers assigned thus far to HAVA programs are:

- **39.011** - Title I, sections 101 and 102 - election reform payments [distributed by the General Services Administration (GSA) in 2003].
- **93.617** - Title II, section 261 - grants to States for voting access for individuals with disabilities [aka EAID, distributed by the U.S. Department of Health and Human Services (HHS) in 2003, 2004, and 2005].
- **93.618** - Title II, section 291 - grants to State protection and advocacy systems to promote voting access for individuals with disabilities [distributed by HHS in 2003, 2004, and 2005; authorized for distribution in 2006].
- **90.400** - Help America Vote College Program - grants to promote the participation of college students as nonpartisan poll workers [distributed by EAC in 2004; may be distributed in future years].
- **90.401** - Title II, section 251 - "requirements payments" [provided by EAC, beginning in 2004].

Some confusion has been caused by the removal of the HAVA Title I listing from the CFDA website (<http://12.46.245.173/cfda/cfda.html>). This was done without consulting with EAC. I suspect that the entry was removed by GSA for the following reasons:

- The CFDA number for the Title I funds has a GSA designation;
- No more funds are to be distributed under this program; and
- In accordance with HAVA Section 902(b)(4), EAC is responsible for auditing these funds.

I have discussed the matter with EAC's General Counsel, Julie Thompson. It is our position that, for tracking purposes, States and local jurisdictions should continue to use the GSA number originally assigned to the Title I funds. EAC cannot seek a new number for these funds because HAVA does not authorize EAC to make Title I payments.

I hope this information helps. Let me know if you need further assistance.

Sincerely,

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

021604

Margaret Sims /EAC/GOV
04/07/2005 09:55 AM

To "Grady, Judy" <JGrady@sos.state.oh.us>@GSAEXTERNAL
cc
bcc
Subject RE: Ohio Revised State Plan 

Good Morning, Judy:

The material changes to Ohio's State plan were published in today's *Federal Register*. (See <http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/pdf/05-6750.pdf>.) Today counts as the first of the 30 days required for publication, after which the State can implement the material changes. Please let me know if you have any questions.

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

021605

Margaret Sims /EAC/GOV
10/03/2005 09:22 AM

To "Jordan, Lori" <ljordan@sos.state.oh.us>@GSAEXTERNAL
cc
bcc
Subject RE: CFDA Numbers for HAVA Funding Programs

Lori:

The requirements payments award notice did not include a CFDA number because we did not have the number at that time. We were told that we did not need one because the payments did not qualify as discretionary grants. Nevertheless, many States called to ask for a number because they use the number to track the funds. Consequently, we began jumping through the hoops necessary to obtain the number. The CFDA number for the requirements payments was confirmed earlier in the same week that I sent the message to you. It is on the web at http://12.46.245.173/pls/portal30/CATALOG.PROGRAM_TEXT_RPT.SHOW?p_arg_names=prog_nbr&p_arg_values=90.401.

Regarding the number you put on the first requirements payments report, I'll just place a copy of your email in the report folder, for now. Hope all is well with you.

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

"Jordan, Lori" <ljordan@sos.state.oh.us>



"Jordan, Lori"
<ljordan@sos.state.oh.us>
09/30/2005 03:29 PM

To psims@eac.gov
cc
Subject RE: CFDA Numbers for HAVA Funding Programs

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Just curious so I will know how to proceed.
Thanks and have a great weekend!

Lori Jordan
Finance Grants Manager

021606

Ohio Secretary of State's Office
180 E. Broad St. 17th Fl.
Columbus, OH 43215
phone 614-466-6232
fax 614-485-7677
HAVA nice day! :)

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

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

Sent: Thursday, September 22, 2005 4:26 PM

To: cguidry@sos.louisiana.gov; jholjes@state.pa.us; judye.schneider@sos.state.co.us; lguerrero@secstate.wa.gov; lshea@secstate.wa.gov; jennifer.jacobson@state.sd.us; dglotzer@sos.state.tx.us; Cara.Harr@state.tn.us; Jordan, Lori; longj1@michigan.gov; jim_shine@gov.state.ak.us; Lynda.Anderson@sbe.virginia.gov; james.graham@sos.arkansas.gov; RLParker@sos.nv.gov; Robynn.Yokooji@hawaii.gov; hkgrimm@sosmail.state.ar.us; BrianH@kssos.org; pharrington@sos.nv.gov; Scott.Logan@ncmail.net; don.wright@ncmail.net; Valerie.Holman@lps.state.nj.us; john.t.smith@maine.gov; plaso@viaccess.net; CStender@azsos.gov; mbeirne@sec.state.ri.us; Asgelect@samoatelco.com; jreynolds@elections.sc.gov; steven.talpas@lps.state.nj.us; mjohnson@sos.state.ms.us; rondamoore@sos.nv.gov; kdewolfe@sec.state.vt.us; MRoate@elections.state.il.us; jcasto@wvsos.com; SMacDonald@utah.gov; lauri_allred@gov.state.ak.us; ptracey@elections.state.ny.us; nmgorbea@ec.state.ri.us; dkohel@sos.state.ne.us; BGlazier@elections.state.il.us; Virginia.Lane@state.de.us; rhonda.jones@sos.mo.gov; jwilliams@wvsos.com; jjordan@elections.state.md.us; Kathy.Sibbel@state.mn.us; jmairs@idsos.state.id.us; jsilrum@state.nd.us; pdaley@sec.state.vt.us; astevens@sos.state.nh.us; roach@oklaosf.state.ok.us; SimonC1@michigan.gov; smyers@azsos.gov; egraveley@state.mt.us; secstate@state.nm.us; frank.garcia-jr@state.or.us; bryan.rusciano@lps.state.nj.us; lklass@state.wy.us; Faith.EAC@gsa.gov; Edgren@sbe.wi.us; martina.cdeBaca@state.nm.us; creynold@ss.ca.gov; eswedenburg@sos.al.gov; gec@ite.net; pkosinski@elections.state.ny.us; jadurbin@dos.state.fl.us; kevin.kennedy@sbe.state.wi.us; patriwili@state.pa.us; havaadministrator@sos.in.gov; Lynda.Anderson@sbe.virginia.gov; johnbower@juno.com; dsabaryl@sos.ca.gov; maria.hernandez@lbb.state.tx.us; ccaldwell@lapo.state.ar.us

Cc: reynolds@sso.org; mglazer@csg.org

Subject: CFDA Numbers for HAVA Funding Programs

Hello, HAVA Administrators and Financial Officers:

This is to confirm that a Catalogue of Federal Domestic Assistance (CFDA) number has been assigned to the "requirements payments" distributed by the U.S. Election Assistance Commission (EAC) under Title II of the Help America Vote Act. CFDA numbers reflect the government agency providing the funds and the program under which the monies were distributed. The CFDA numbers assigned thus far to HAVA programs are:

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- 90.400 - Help America Vote College Program - grants to promote the participation of college students as nonpartisan poll workers [distributed by EAC in 2004; may be

021807

- distributed in future years].
- 90.401 - Title II, section 251 - "requirements payments" [provided by EAC, beginning in 2004].

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Sincerely,

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

021608

Margaret Sims /EAC/GOV
03/22/2005 08:50 AM

To "Grady, Judy" <JGrady@sos.state.oh.us>@GSAEXTERNAL
cc
bcc
Subject RE: Ohio Revised State Plan 

Thanks, Judy! I'll keep you posted on my progress.

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

"Grady, Judy" <JGrady@sos.state.oh.us>



"Grady, Judy"
<JGrady@sos.state.oh.us>
03/22/2005 08:46 AM

To "psims@eac.gov" <psims@eac.gov>
cc
Subject RE: Ohio Revised State Plan

Peggy,

I have reviewed the attached pages of excerpts from the Ohio revised State Plan and have added text to item 12 in section XIX. I am fine with the layout and especially fine with saving the taxpayers \$8000!! Let me know if you need anything else from me. Thanks for your assistance with our revised plan.

Judy Grady
Director of Election Reform
Ohio Secretary of State
180 E Broad Street
Columbus, OH 43215
614-466-5515

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

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

021609

Sent: Friday, March 18, 2005 12:08 PM
To: JGrady@sos.state.oh.us
Subject: Re: Ohio Revised State Plan

Judy:

I have to meet with the subcommittee that deals with requirements payments about the upcoming publication of State plans. My first opportunity since March 2 (and last for the next 3 weeks) will be next week. At that time, I can present the draft Federal Register Notice that will accompany the excerpts or your State's plan and another State's plan. Once the two Commissioners on this subcommittee sign off on the notice, it has to be circulated to all four Commissioners for a 48-hour tally vote.

After I receive certification of a tally vote to approve the notice, I can submit the notice and State plans to the Office of Federal Register. After that, it is anyone's guess as to when the plans will be published. (The quickest we have seen has been one week.) I will send an email to you when I have confirmed the publication date.

In the interim, I need you to review the attached 18 pages of excerpts from Ohio's revised State plan. (If we publish just these and your cover letter instead of the full 51-page revised plan you submitted, we can save the taxpayers almost \$8,000.) Have I picked up all of the sections that contained material changes? Do you want to make any adjustments to the format or page breaks?

I would also like to draw your attention to item 12 and the last statement before the Secretary's signature in the excerpted section XIX. Do you really want to leave these as is for publication as part of the *revised* State plan?

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

"Grady, Judy" <JGrady@sos.state.oh.us>

03/17/2005 04:31 PM

To "Psims@eac.gov" <Psims@eac.gov>
cc
SubjectFW: Ohio Revised State Plan

021610

Peggy,

Per our telephone conversation earlier this week, can you please tell me the status of when you will have Ohio's revised plan placed in the *Federal Register* ? Please let me know if you need additional information from me. Thank you, I may be reached at 614-466-5515.

Thank you,

Judy Grady

Director of Election Reform

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

From: Grady, Judy

Sent: Friday, February 25, 2005 5:21 PM

To: 'psims@eac.gov'

Subject: Ohio Revised State Plan

Peggy,

Attached is the Ohio revised state plan and letter from Secretary Blackwell. A hard copy has been sent via Federal Express and should arrive Monday morning. Please call me if you have any questions or concerns. I left the yellow highlight in your copy to show the changes. I can take them off and resend it if you prefer.

021611

Also please advise when the revised plan will appear in the *Federal Register* .

Thanks,

Judy



614-466-5515 OH State Plan Excerpts.doc

021612



"Grady, Judy"
<JGrady@sos.state.oh.us>
03/22/2005 08:46 AM

To "'psims@eac.gov'" <psims@eac.gov>
cc
bcc
Subject RE: Ohio Revised State Plan

Peggy,

I have reviewed the attached pages of excerpts from the Ohio revised State Plan and have added text to item 12 in section XIX. I am fine with the layout and especially fine with saving the taxpayers \$8000!! Let me know if you need anything else from me. Thanks for your assistance with our revised plan.

Judy Grady

Director of Election Reform

Ohio Secretary of State

180 E Broad Street

Columbus, OH 43215

614-466-5515

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021613

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"Grady, Judy" <JGrady@sos.state.oh.us>

03/17/2005 04:31 PM

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021614

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Director of Election Reform

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Also please advise when the revised plan will appear in the *Federal Register* .

Thanks,

Judy



614-466-5515 OH State Plan Excerpts.doc

021615

The Ohio Secretary of State gratefully acknowledges the State Plan Committee for their participation and assistance in the preparation and development of this plan for the strategic implementation of election reforms in the State of Ohio, pursuant to the Help America Vote Act of 2002.

HELP AMERICA VOTE ACT

The State Plan Committee

Chairwoman Judy Grady, *Director of Election Reform, Office of the Secretary of State (replaces Dana Walch)*

Ms. Donna Alvarado, *Commissioner, Ohio Commission on Hispanic/Latino Affairs*

Ms. Linda Carr, *Director of Institutional Initiatives, University of Toledo*

Mr. Michael Vu, *Director, Cuyahoga County Board of Elections (replaces Tom Coyne)*

Mr. Eric Duffy, *Director of Field Services, National Federation of the Blind*

Ms. Daisy Duncan Foster, *Coordinator of Academic Services, University of Dayton*

State Rep. Nancy Hollister, *R-Marietta*

Mr. Larry Long, *Executive Director, County Commissioners Association of Ohio*

State Sen. Mark Mallory, *D-Cincinnati*

Mr. Keith Cunningham, *Director, Allen County Board of Elections and President, Ohio Association of Election Officials (replaces Jeff Matthews, Stark County Board)*

Mr. Matthew Damschroder, *Director, Franklin County Board of Election (replaces Guy Reece)*

Ms. Catherine Turcer, *Legislative Director, Ohio Citizen Action*

Pastor Aaron Wheeler, *Chairman, Ohio Civil Rights Commission*

IV. State of Ohio Elections Systems

Deleted: IV

Ohio is, pervasively, a punch-card voting state. In total, 69 of Ohio's 88 counties use punch-card voting. Those 69 counties represent 72.5 percent of all the registered voters in Ohio and 74 percent of the 11,756 voting precincts in the state.

Among the 19 counties that use voting devices other than punch-card ballots, two use automatic voting machines, six have electronic voting devices, and 11 use optical scanning equipment.

The table below (that continues on the following pages) shows a county-by-county listing of the types of voting devices in each of Ohio's 88 counties. The table also reflects the number of precincts and registered voters in each of those counties as reflected in the November, 2002 General Election, which we use as base data throughout this report (unless otherwise indicated.)

COUNTY	PRECINCTS	REGISTERED VOTERS	TYPE DEVICE
ADAMS	35	15,446	PUNHCARD
ALLEN	139	65,382	SCAN
ASHLAND	65	31,735	SCAN
ASHTABULA	127	58,022	PUNHCARD
ATHENS	69	39,813	PUNHCARD
AUGLAIZE	43	29,656	PUNHCARD
BELMONT	84	42,800	PUNHCARD
BROWN	55	25,415	PUNHCARD
BUTLER	289	210,920	PUNHCARD
CARROLL	26	18,799	PUNHCARD
CHAMPAIGN	53	26,900	PUNHCARD
CLARK	112	82,889	PUNHCARD
CLERMONT	191	117,207	SCAN
CLINTON	32	23,529	PUNHCARD
COLUMBIANA	103	73,355	PUNHCARD
COSHOCTON	43	20,623	SCAN
CRAWFORD	67	28,992	PUNHCARD
CUYAHOGA	1464	861,113	PUNHCARD
DARKE	53	36,176	PUNHCARD
DEFIANCE	46	24,536	PUNHCARD

DELAWARE	122	82,215	PUNHCARD
ERIE	101	51,523	SCAN
FAIRFIELD	118	76,212	PUNHCARD
FAYETTE	38	13,676	PUNHCARD
FRANKLIN	780	706,668	ELECTRONIC
FULTON	36	26,740	PUNHCARD
GALLIA	36	21,646	PUNHCARD
GEAUGA	96	57,087	SCAN
GREENE	142	93,742	PUNHCARD
GUERNSEY	71	22,149	PUNHCARD
HAMILTON	1025	522,307	PUNHCARD
HANCOCK	62	44,603	SCAN
HARDIN	38	17,764	AVM
HARRISON	24	10,861	PUNHCARD
HENRY	33	18,529	PUNHCARD
HIGHLAND	46	25,360	PUNHCARD
HOCKING	32	16,889	PUNHCARD
HOLMES	27	16,638	PUNHCARD
HURON	69	35,103	PUNHCARD
JACKSON	40	23,431	PUNHCARD
JEFFERSON	93	52,971	PUNHCARD
KNOX	53	31,630	ELECTRONIC
LAKE	217	150,137	ELECTRONIC
LAWRENCE	84	38,636	PUNHCARD
LICKING	125	99,182	PUNHCARD
LOGAN	52	28,698	PUNHCARD
LORAIN	246	166,092	PUNHCARD
LUCAS	518	281,500	AVM
MADISON	44	23,288	PUNHCARD
MAHONING	312	177,445	ELECTRONIC
MARION	84	39,580	PUNHCARD

1/12/2005

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MEDINA	145	101,054	PUNCHCARD
MEIGS	27	14,685	PUNCHCARD
MERCER	40	26,724	PUNCHCARD
MIAMI	82	66,743	SCAN
MONROE	29	9,866	PUNCHCARD
MONTGOMERY	593	334,787	PUNCHCARD
MORGAN	22	8,600	PUNCHCARD
MORROW	36	21,354	PUNCHCARD
MUSKINGUM	85	48,175	PUNCHCARD
NOBLE	27	8,173	PUNCHCARD
OTTAWA	78	26,905	SCAN
PAULDING	30	13,374	PUNCHCARD
PERRY	46	20,815	PUNCHCARD
PICKAWAY	53	27,505	ELECTRONIC
PIKE	24	17,849	PUNCHCARD
PORTAGE	129	94,711	PUNCHCARD
PREBLE	46	28,108	PUNCHCARD
PUTNAM	51	24,360	PUNCHCARD
RICHLAND	133	83,151	PUNCHCARD
ROSS	76	37,478	ELECTRONIC
SANDUSKY	73	39,768	SCAN
SCIOTO	107	43,062	PUNCHCARD
SENECA	73	35,707	PUNCHCARD
SHELBY	45	29,776	PUNCHCARD
STARK	364	246,562	PUNCHCARD
SUMMIT	507	334,515	PUNCHCARD
TRUMBULL	274	132,957	PUNCHCARD
TUSCARAWAS	81	53,930	PUNCHCARD
UNION	47	25,880	PUNCHCARD

VAN WERT	39	19,525	PUNCHCARD
VINTON	20	7,770	PUNCHCARD
WARREN	148	101,207	PUNCHCARD
WASHINGTON	81	37,705	SCAN
WAYNE	97	60,048	PUNCHCARD
WILLIAMS	44	24,670	PUNCHCARD
WOOD	104	75,660	PUNCHCARD
WYANDOT	40	14,780	PUNCHCARD
TOTAL	11,756	7,104,549	

Of note, two of Ohio's largest counties – Cuyahoga and Hamilton counties – currently use punch-card ballot devices, as do two other large urban centers in Ohio, Montgomery and Summit counties. Those four counties, alone, account for nearly 3,600 of Ohio's 11,756 precincts, and more than 2 million of the state's 7.1 million registered voters. Another large urban center in Ohio, Lucas County, is a lever-machine county. NOTE: In 2004, the number of registered voters grew to over 7.9 million and the number of precincts was reduced to 11,360.

In February 2001, the Secretary of State conducted an "Elections Summit."¹ Participants included academics, members of the media, local election officials, legislators, and community groups. The group reported the following:

1. Public confidence in the accuracy of punch card voting systems has been seriously undermined.
2. Boards of elections should upgrade their voting systems to new, more trustworthy technology.
3. Comprehensive voter education is critical to successful election operations.
4. A combination of federal, state, and local dollars may be appropriate to fund these technological improvements.
5. Ohio's current elections standards, based on a combination of secretary of state directives, advisory opinions and rulings, should be codified by the General Assembly.
6. These goals demand immediate attention, or our state runs the risk of repeating the problems of our nation's most recent presidential election – and suffering irreparable damage to the most important and basic concepts of democracy.

Subsequent to the Summit, a separate committee met to study Ohio's election systems. They concluded (by a 6-5 committee vote) that because of the safeguards and procedures in Ohio election law, the punch-card voting method was adequate and there

¹ *Ohio Elections Summit Report*, Office of the Secretary of State, published May 2001.

was no overwhelming need for a statewide overhaul, particularly without available funding.

While the Secretary of State notes that punch-card voting is not explicitly prohibited under the Help America Vote Act, other requirements of the Act make it impractical to use punch-card voting as a primary voting device in the state.

In a study of "over" and "under" voting in Ohio, it was clearly demonstrated that punch-card voting was unreliable to the extent votes cast by thousands of Ohioans were not being counted in the final election tabulation.

Over-voting occurs when a voter casts a vote for more than one candidate in an election and thus disqualifies their vote in that election. Under-voting occurs when a voter fails to mark a ballot in a particular race or votes for fewer than the number of candidates to be elected.

The following table tracks the combined under/over vote phenomenon in the 2000 presidential election in Ohio's 88 counties:

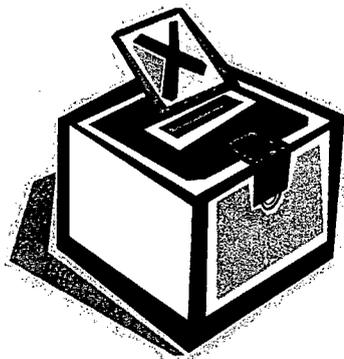
County	2000 Voting System	Total Votes Cast	Total Votes Counted	Difference	Percent Difference
Holmes	PUNHCARD	9,937	9,145	792	7.97%
Pike	PUNHCARD	11,084	10,560	524	4.73%
Vinton	PUNHCARD	5,184	4,946	238	4.59%
Adams	PUNHCARD	10,727	10,235	492	4.59%
Meigs	PUNHCARD	10,228	9,795	433	4.23%
Noble	PUNHCARD	6,210	5,988	222	3.57%
Monroe	PUNHCARD	7,377	7,115	262	3.55%
Jackson	PUNHCARD	12,918	12,490	428	3.31%
Gallia	PUNHCARD	13,203	12,776	427	3.23%
Summit	PUNHCARD	232,252	224,839	7,413	3.19%
Harrison	PUNHCARD	7,380	7,161	219	2.97%
Tuscarawas	PUNHCARD	38,246	37,118	1,128	2.95%
Mercer	PUNHCARD	18,848	18,294	554	2.94%
Paulding	PUNHCARD	9,214	8,946	268	2.91%
Belmont	PUNHCARD	31,039	30,141	898	2.89%
Lawrence	PUNHCARD	25,180	24,452	728	2.89%
Montgomery	PUNHCARD	237,580	230,987	6,593	2.78%
Scioto	PUNHCARD	30,786	29,945	841	2.73%
Guernsey	PUNHCARD	15,855	15,430	425	2.68%
Morgan	PUNHCARD	6,158	5,993	165	2.68%
Muskingum	PUNHCARD	33,520	32,624	896	2.67%
Cuyahoga	PUNHCARD	590,473	574,782	15,691	2.66%
Sandusky	PUNHCARD	26,441	25,744	697	2.64%
Brown	PUNHCARD	16,862	16,429	433	2.57%
Highland	PUNHCARD	15,854	15,447	407	2.57%
Hocking	PUNHCARD	11,034	10,756	278	2.52%
Carroll	PUNHCARD	12,576	12,261	315	2.50%

Perry	PUNHCARD	13,147	12,828	319	2.43%
Richland	PUNHCARD	54,088	52,779	1,309	2.42%
Mahoning	SCAN	116,889	114,119	2,770	2.37%
Morrow	PUNHCARD	13,145	12,839	306	2.33%
Seneca	PUNHCARD	24,931	24,351	580	2.33%
Wyandot	PUNHCARD	10,059	9,827	232	2.31%
Jefferson	PUNHCARD	35,449	34,636	813	2.29%
Erie	SCAN	35,836	35,015	821	2.29%
Crawford	PUNHCARD	19,622	19,176	446	2.27%
Putnam	PUNHCARD	17,743	17,344	399	2.25%
Ashtabula	PUNHCARD	40,378	39,472	906	2.24%
Clark	PUNHCARD	58,876	57,559	1,317	2.24%
Trumbull	PUNHCARD	98,440	96,239	2,201	2.24%
Defiance	PUNHCARD	16,610	16,242	368	2.22%
Champaign	PUNHCARD	16,035	15,680	355	2.21%
Marion	PUNHCARD	25,371	24,815	556	2.19%
Darke	PUNHCARD	23,784	23,267	517	2.17%
Fayette	PUNHCARD	9,484	9,278	206	2.17%
Washington	SCAN	27,080	26,515	565	2.09%
Lorain	PUNHCARD	114,480	112,180	2,300	2.01%
Greene	PUNHCARD	66,524	65,204	1,320	1.98%
Stark	PUNHCARD	163,061	159,844	3,217	1.97%
Huron	PUNHCARD	21,788	21,360	428	1.96%
Madison	PUNHCARD	14,960	14,667	293	1.96%
Logan	PUNHCARD	18,823	18,455	368	1.96%
Clinton	PUNHCARD	15,366	15,070	296	1.93%
Clermont	SCAN	71,242	69,877	1,365	1.92%
Columbiana	PUNHCARD	45,294	44,427	867	1.91%
Van Wert	PUNHCARD	13,471	13,219	252	1.87%
Preble	PUNHCARD	18,506	18,166	340	1.84%
Portage	PUNHCARD	64,026	62,899	1,127	1.76%
Henry	PUNHCARD	13,484	13,252	232	1.72%
Athens	PUNHCARD	25,888	25,447	441	1.70%
Hamilton	PUNHCARD	384,336	377,899	6,437	1.67%
Wayne	PUNHCARD	43,151	42,436	715	1.66%
Miami	SCAN	43,555	42,841	714	1.64%
Butler	PUNHCARD	138,992	136,737	2,255	1.62%
Licking	PUNHCARD	63,490	62,466	1,024	1.61%
Auglaize	PUNHCARD	20,212	19,892	320	1.58%
Coshocton	SCAN	14,493	14,268	225	1.55%
Williams	PUNHCARD	16,170	15,919	251	1.55%
Union	PUNHCARD	17,288	17,024	264	1.53%
Fairfield	PUNHCARD	54,913	54,094	819	1.49%
Warren	PUNHCARD	70,109	69,078	1,031	1.47%
Medina	PUNHCARD	67,850	66,883	967	1.43%
Fulton	PUNHCARD	19,161	18,896	265	1.38%
Ashland	SCAN	21,535	21,258	277	1.29%

Ross	ELECTRONIC AVB: scan	26,348	26,016	332	1.26%
Wood	PUNCHCARD	52,832	52,194	638	1.21%
Hancock	SCAN	30,958	30,617	341	1.10%
Ottawa	SCAN	20,185	19,968	217	1.08%
Knox	ELECTRONIC AVB: scan	21,488	21,260	228	1.06%
Delaware	PUNCHCARD	55,959	55,403	556	0.99%
Pickaway	ELECTRONIC AVB: scan	17,912	17,740	172	0.96%
Allen	SCAN	44,207	43,795	412	0.93%
Franklin	ELECTRONIC AVB: Punchcard	417,800	414,074	3,726	0.89%
Geauga	SCAN	42,963	42,600	363	0.84%
Lake	ELECTRONIC AVB: Punchcard	103,347	102,564	783	0.76%
Hardin	Precinct: AVM AVB: Punchcard	12,159	12,068	91	0.75%
Lucas	Precinct: AVM AVB: Punchcard	188,419	187,350	1,069	0.57%
Shelby ²	PUNCHCARD	19,670	19,670	0	0.00%
TOTALS		4,795,989	4,705,457	90,532	1.89%

The data shows 29 counties with the highest over/under vote percentage in the 2000 election were all counties that use the punch-card method of voting. The seven counties with the lowest over/under vote percentage in the 2000 election were all counties that did not use punch cards as their primary voting system.

The Ohio challenge in meeting the voter and election reforms envisioned by the Help America Vote Act is obvious. In simplest terms, Ohio is a large and populous state with a diverse mix of urban and rural voters that predominantly relies on punch-card voting as its prevailing voting mode. Modernizing the state's election systems will require widespread change throughout the state and in its most populous counties.



The transition will require a solution that must consider large and small counties, rural and urban areas, and adjustments that will affect an overwhelming majority of Ohio voters. The obvious corollary challenge is selecting a system configuration that meets the needs of all those counties, training election officials and poll workers to use new voting systems, and familiarizing Ohio voters with new voting devices.

While on its face, this appears to be a daunting challenge, we are confident Ohio's State Plan logically anticipates those factors and will meet the guidelines, demands, timetables and expectations of the Help America Vote Act.

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² Shelby County, a punch-card county, reported no over/under vote in the county's vote tabulation in the 2000 presidential election cycle. This would appear to be a reporting error.

V. Voter Trends: the Context for Change and Reform

We pause only for a moment in this report to reflect on voter turnout in Ohio. We do so for several reasons, not the least of which Ohio contemplates election reform and system modernization to take place in a presidential election year when voter turnout is higher and demand on the election system is greatest.

We also explore voter turnout and trends as context for meeting the most desirable benefit and objective of the Act: to restore public confidence in the election system and, subsequently, increase voter participation. While new, more technologically proficient systems, increased voter registration, accessibility and accuracy are hallmarks of Help America Vote, the more encompassing aim of the Act is to invite more voters into the process to exercise their rights and responsibilities as qualified electors.

In developing the State Plan, we must anticipate that voter participation will increase, voter turnout percentages will climb, and demand on the election system will be greater. We can only gauge those factors based on Ohio's experience in past elections and the historical trends that will serve as a predictor of future trends.

The following table tracks Ohio voter turnout in both gubernatorial elections and presidential elections during the past 24 years.

Gubernatorial Election Years			Presidential Election Years		
Year	No. of Electors Voting	Turnout Percentage	Year	No. of Electors Voting	Turnout Percentage
1978	3,017,326	58.23%	1980	4,378,937	73.87%
1982	3,551,995	62.36%	1984	4,664,223	73.65%
1986	3,261,870	54.38%	1988	4,505,264	71.79%
1990	3,620,469	61.23%	1992	5,043,094	77.15%
1994	3,570,391	57.29%	1996	4,638,108	67.83%
1998	3,534,782	49.81%	2000	4,800,009	63.73%
2002	3,356,285	47.24%	2004	5,574,476	69.86%

The chart shows that during the course of the past six gubernatorial elections, voter turnout has averaged about 55.79 percent. During the past six presidential elections, voter turnout in Ohio has averaged 71.33 percent. Based on this historical data, Ohio can generally anticipate about 1.25 million more voters in a presidential election year than in a gubernatorial election cycle.

Even a modest 5 percent gain in that average means 62,500 more voters. Subsequently, based on projected population growth and increased voter participation as a result of election reforms and modernization, our State Plan assumes 150,000 new voters during peak presidential elections growing at an annual rate, after initial implementation of new systems and election reforms, of 3 percent per annum.

As a result, our Plan assumes that growth rate and the recommended voting systems design model proposed in this report anticipates that growth and demand on the state's election system in future peak presidential voting years. We use the presidential voting cycle as a base for our plan because that assumes the heaviest potential voter turnout and the busiest times for local boards of elections.

Since 1978, voter participation in the state's gubernatorial elections has grown from 3 million voters to about 3.3 million voters. Since 1980, voter participation in presidential elections has grown from about 4.3 million voters to about 4.8 million voters. Factoring population growth during those decades, those statistics would imply that voter participation has remained relatively flat and, in all likelihood, is trending lower.

We have a high confidence level that the election reforms of the Help America Vote Act will produce more voter activity and a greater number of voters. Ohio doesn't view the Act as a final effort to produce greater voter participation, but the beginning of an expanded effort to entice more voters to exercise their rights and responsibilities to participate in the election process.

We believe modernization and reform require us to actively engage in voter education and to continue to evaluate programs that will produce greater participation in the democratic process. We pledge our effort to continue to explore new and innovative programs that will achieve those objectives.

VIII. Distribution of Resources to Local Governments

We first explore our proposed distribution of aid to local government under Title I. Under guidelines of the Act, these funds must be used assuming the following criteria:

- These funds may be used as a reimbursement for costs associated with punch-card or lever machine replacement incurred after Jan. 1, 2001.
- There is a presumption states must ensure compliance in time for the November, 2004 Federal Election.
- Within six months after the date of enactment, Ohio must certify that the state will use the money for punch-card/lever machine replacement, the state will comply with federal laws, and the voting system will meet new voting system standards.

We anticipate that no change in state law or new legislation will be required to carry out the activities required for certification.

At the initial writing, the Congressional Research Service (CRS) estimated that full-funding under the Act, for both Title I and Title II receipts, would total \$155,251,155. CRS estimates \$116,423,155 of that amount represents Title II funding under the Requirements Payments component of the Act. However, as of this revision date, the Congress has not appropriated the full funding as prescribed in Public Law 107-252.

In addition, the state has appropriated \$5.8 million in matching funds for Title II payments, as required by the Act, which means total available funds for implementation of the State Plan in Ohio will be approximately \$132 million.

All money in Title II is based on the state's portion of the nation's voting age population. The most recent estimate is that Ohio's 8.5million voting-age population represents 3.97 percent of the nation's voting age population of 215.1 million.

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Distribution of Resources to Local Governments¶

Because of the prevalence of punch-card voters in Ohio, we are keenly focused on the distribution of funds under Title I and, more precisely, the buy-out program. The Act stipulates the funds will be distributed to states by multiplying the number of qualifying precincts by \$4,000. However, based on available federal funds for this purpose and the number of punch-card and lever-machine jurisdictions in the U.S., it now appears that number likely will be about \$3,354 per precinct. As previously mentioned, Ohio has 69 counties designated as punch-card counties.

In addition, two Ohio jurisdictions – Hardin and Lucas counties – feature lever voting machines and would be eligible for funding under the guidelines.

In total, under the formula, the 69 punch-card counties and two lever-machine counties in Ohio means the state would be eligible for about \$31 million in federal funds under the buyout program.

However, we know \$31 million is insufficient for the counties to purchase modern, reliable voting systems capable of meeting requirements of the Act. Subsequently, our budget for voter and election reforms in Ohio presumes the state will require about \$24.2 million to establish a centralized voter registration database and related support for voter education and poll worker training. Our plan calls for the remainder of the Title funds to be allocated to Ohio's 88 counties to help subsidize installation of new systems and implement other required activities under the Act.

Following is the budget we envision for distribution of the \$161 million in funds in Ohio to meet requirements of the Help America Vote Act:

Activity	Fund Distribution	Jurisdiction	Purpose
Voter Registration Database	\$5 million	State and Counties	Develop statewide voter registration database
Voter Education	\$5 million	State and Counties	Administered by the State in coordination with the counties
Poll Worker Training	\$5 million	State	To be distributed as grants to counties
Administrative Expenses	\$2 million	State	For state personnel to administer and monitor HAVA implementation
Provisional Voter Hotline	\$250,000	State	To establish a state hotline for provisional voters
Miscellaneous	\$2 million	State	For associated costs of implementing HAVA

Voting Equipment and other Activities	\$116 million	State on behalf of Counties	For new voting equipment and to meet other HAVA requirements
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In simplest terms, this allocates Help America Vote funds where the money is needed most: in Ohio counties. While it is the responsibility of the Ohio Secretary of State to monitor performance and ensure implementation of the Act, the execution of the Ohio plan, ultimately, will take place at the county level. On that basis, we believe it prudent to maximize resources for election reform in the counties where election reform will occur.

While much of the focus is on the counties with punch card and lever-machine voting systems, in reality, all 88 Ohio counties will be expected to conduct some form of system modification and upgrade to make the system in Ohio uniform and compliant with the Act. Subsequently, the premise of the Ohio Plan is to look at the voter and election system statewide, based on the distribution of registered voters in each of the 88 counties.

Viewed in that context, the \$116 million to be allocated to the counties will be distributed in the following priority order, as federal funds become available:

- Replacement of punch-card and lever-machine voting equipment to the extent that new voting systems would be installed immediately in the 71 affected counties;
- Installation of voting devices compliant with the disability requirements of the Act in all 88 counties;
- Bringing remaining counties into compliance with Section 301 of the Act by funding necessary upgrades and refinements of all other existing systems and equipment.

The Secretary of State reserves the right to distribute the funds to counties based on need and special circumstances.

The Secretary of State defines "need and special circumstances" to mean that it is possible some counties will need less funding and others more funding to meet the compliance standards of the Help America Vote Act. On that basis, the Secretary of State will shift funds as he deems necessary to bring all counties into compliance.

The Secretary of State acknowledges that one county, Mahoning County, took the initiative to convert their voting system to electronic voting after Jan. 1, 2001. Funding consideration will be given to all six Ohio counties using electronic voting equipment to bring those counties into compliance with HAVA.

We think this model provides us with great flexibility to allocate Title I and Title II funds in a way that assures full compliance with the requirements of the Act. Invariably some funds would be shifted away from counties that demonstrate a lesser need and reallocated to counties that demonstrate a greater need. But the allocation method is a fair method that will further assure all counties that adequate funds will be available to fully fund the requirements of the Act at the local level.

The Ohio Secretary of State will establish guidelines as part of the performance measurement for county compliance. When compliant systems are purchased for the counties, the Secretary of State will require transition to new voting systems by all punch-card and lever-machine counties by May 2, 2006. The Secretary of State will provide counties with a list of acceptable vendors to supply the new voting equipment and counties must choose from that approved list by no later than Sept. 1, 2003.

Since the Secretary of State will centralize and oversee this process, the Secretary will ensure compliance with all requirements of the Help America Vote Act. The performance timeline requires the Secretary to establish the list of approved vendors by Aug. 1, 2003, providing county boards of elections with ample time to review the list, choose the vendor and establish transition to the new voting systems.

To ensure uniformity and compliance, the Secretary of State will stipulate design specifications for voting equipment. If a county fails to select a vendor by Sept. 1, 2003, the Secretary of State will designate a vendor for that county and order installation of new voting equipment in that jurisdiction.

Although the Act required the replacement of punch-cards and lever machines by the General Election in 2004, the Secretary of State wanted these new systems in place in Ohio for the Primary Election to ensure a smooth, seamless transition and full operational capability in time for the presidential election. Due to extenuating circumstances, a waiver was granted in December 2003 giving the Secretary of State until the Primary Election in 2006 to replace punch-card and lever machines.

On May 7, 2004, Governor Taft signed into law Substitute House Bill 262. The Act requires all direct recording electronic voting machines used in Ohio to include a voter verified paper audit trail and changes the process for counties to acquire voting systems using funds made available pursuant to the Help America Vote Act (HAVA) of 2002. As the result of this additional legislative requirement, the Secretary of State was forced to revisit the original decision to allow counties to select between Direct Recording Electronic (DRE) and Precinct Count Optical Scan (PCOS) voting systems. A logical analysis of the requirements of both HAVA and SHB262 showed that in order for the state of Ohio to be in compliance with both federal and state law, meeting both time, costs and certification constraints, the Secretary of State must purchase Precinct Count Optical Scan voting systems through existing contracts already approved by the Controlling Board to satisfy HAVA requirements. While this change limits the flexibility previously offered to the counties when selecting between voting systems, the use of Precinct Count Optical Scan voting systems introduces a new opportunity for counties in the form of improved operational processes. Furthermore, the Secretary of State will allow counties to re-select their vendor based upon the additional mandated requirements of Substitute House Bill 262. All counties must submit in writing to the Secretary of State their vendor selection by February 9, 2005.

The Secretary of State has already established a fund account for all federal monies designated for Ohio under the Act and those funds, as applicable, will be disbursed from that account as our plan is implemented. This account is segregated to reflect federal funds designated for county buy-outs, election administration and Requirements payments.

Reports will be generated to show the allocation and distribution of these funds and that report will be forwarded to the Election Assistance Commission along with a performance report to show the state's progress and performance in implementing provisions of the Act.

X. Voter Education, Election Official and Poll Worker Training

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Achieving the mechanical and technological change of the Help America Vote Act of 2002 is only part of the challenge of enacting true modernization and reform of Ohio's voting system. While devices will enhance the efficiency of Ohio's voting and

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We are mindful of an exciting objective of the Help America Vote Act: to engage high school and college students in the process. Several State Plan Committee members noted the desire to better engage young Ohioans in the election process as both a means to recruit bright, knowledgeable students as poll workers and as an opportunity to make more young people stakeholders in the process.

election process, voter education and training of election officials and poll workers is critical to full implementation of the reforms to the benefit of Ohio voters.

Earlier in this report, we alluded to research currently being conducted by the Secretary of State's office to improve poll worker recruitment, training, education and retention. That effort addresses the reality that many of our current poll workers are from a generation that places a premium on voting, elections and the democratic process. Many of our poll workers are senior citizens who very much value freedom and free election processes as a result of their experiences in growing up in the World War II and Korea era.

To these marvelous citizens, voting isn't just a right it's an obligation and a precious American birthright that has been paid

for with the blood, sweat and tears of those who sacrificed their lives on foreign soil. As these citizen patriots retire from the poll worker ranks in Ohio's election system, we are looking to the future to determine how best we can recruit the next generation of poll workers who will embrace this important Election Day service with the same degree of commitment, enthusiasm and competence of our older poll workers.

We are mindful of an exciting objective of the Help America Vote Act: to engage high school and college students in the process. Several State Plan Committee members noted the desire to better engage young Ohioans in the election process as both a means to recruit bright, knowledgeable students as poll workers and as an opportunity to make more young people stakeholders in the process. Our research is exploring that challenge and opportunity to pass the torch to the next generation. But the research is also looking at other creative options to ensure Ohio has a ready, able and competent corps of poll workers.

Obviously, these poll workers must be adequately trained to render assistance to voters in a competent and knowledgeable way, not only in terms of helping them understand and use the new technology that accompanies election reform, but also by applying the laws and addressing the myriad of Election Day issues that invariably arise.

Provisional voting, for example, was a challenge for many of our poll workers during past election cycles as Ohio aggressively implemented new procedures to accommodate provisional voters. Our poll workers have successfully navigated provisional voting and have successfully met the needs of provisional voters.

But to adequately train poll workers, we must first train election officials. The Secretary of State will meet that challenge with a number of programs and initiatives. New training seminars will precede each election in Ohio where election directors and their staff will be given an opportunity to learn about new procedures and changes.

The Secretary of State also will enhance its electronic communication with election officials by providing updates and advisories about changes in state and federal election law. Our goal is to provide this information as soon as we have the information in hand.

Additionally, the Secretary of State will conduct an inventory of current training materials and produce new information and guidelines in both written and video formats. The Secretary also has asked his staff to provide election directors with new materials that can supplement the training of poll workers.

To ensure seamless transition to new voting systems, we are asking system vendors to partner with us in the production of clear, graphically-driven pamphlets and brochures that tell voters how the voting devices work. Earlier we mentioned the use of simulators and internet-based simulation of new voting devices to provide voters with an opportunity to try out the new technology even before they enter the voting booth to cast their official ballot.

We think these enhancements and initiatives will advance our implementation of the Help America Vote Act in Ohio and pave the way for a smooth transition to new voting devices and election processes. Some of our preparation for new election processes in Ohio includes some structural changes. We are asking each county board of elections, for example, to designate a training coordinator who will communicate directly with an election training coordinator in the Secretary of State's office.

It is our aim for these coordinators to meet frequently throughout the year, exchange information and help us think about ways to improve the election system in Ohio.

After the election, we will gather from all 88 counties a report from these coordinators detailing issues, questions and problems they encountered and how they addressed the situation. From these reports, the Secretary of State will use that data and information to respond to election issues and disseminate that information to election directors so they can make refinements at the local level in subsequent elections.

But to glean a voters-eye view of the process and how we can improve the election system, we will distribute to a selected sample of voters in every county a short survey device that will track their voting experience and give them an opportunity to provide us with feedback on how we can improve the process. The survey will be

distributed to a pre-determined number sample of voters throughout the state as they exit the voting booth.

We think this innovation is important to better understand voter needs and to view our election process through the eyes of the "consumer." Information we collect from both coordinators and the sample voters will guide us in developing relevant and meaningful training materials for both election officials and poll workers in future elections.

The Secretary of State also will develop a new "get-out-the-vote" program in Ohio that will encourage more voters to participate in the election process. While such programs currently exist in the Secretary of State's office, personnel will be dedicated to conducting research and learning more about voter behavior in Ohio.

In early 2004, the Secretary of State launched "Your Vote Counts," a comprehensive voter education program aimed at better preparing voters for the November 2, 2004 election. The goal was to provide all Ohio voters with the information they need to vote so that we can reduce the opportunity for difficulties on Election Day. This effort entails ensuring every voter gets the same consideration.

The program's Web site, www.YourVoteCountsOhio.org, features educational materials and instructional videos showing how to vote using punch card, optical scan and DRE (electronic) voting machines. Also included in the program printed material and public service messages for television and radio.

In addition, the Secretary of State has made a special effort to reach out to students with his "Xpect More" campaign. The "Xpect More" advertising campaign is aimed at inviting young voters between the age of 18 and 24 into the democratic process. To date, more than 623,000 "Xpect More" brochures have been distributed to students through schools and across Ohio.

In many states, the appeal is often directed at those who are registered to vote, were registered to vote or who have voted in the past. The Secretary of State would like to target potential new first-time voters by coordinating voter recruitment with civics and government teachers in high schools throughout Ohio where there is a captive audience of potential new voters. Additionally, the Secretary would like to initiate research that targets Ohioans who have never voted to learn more about their decision not to

Understanding more about voter behavior and non-voter behavior, we believe, is a proactive step we must take to fully embrace the spirit, intent, principles and objectives of the Help America Vote Act.

participate in the election process and to determine if there are programs and initiatives that can be implemented to address their concerns and entice them to the polls.

Understanding more about voter behavior and non-voter behavior, we believe, is a proactive step we must take to fully embrace the spirit, intent, principles and objectives of the Help America Vote Act.

The proposed budget for these activities is \$2.5 million earmarked for voter education, and \$5 million set aside for election official and poll-worker training. We propose making election official and poll-

worker training funds available as state grants to the counties to supplement local activities and initiatives of the county boards of elections.

As counties deliberate equipment and voting systems, we will encourage them to consider appropriation of available residual funds to voter education and poll worker training. In crafting local budgets to achieve the objectives of the Help America Vote Act, we believe counties must give consideration to these initiatives to supplement state efforts for education and training.

In order to qualify for these funds, counties must submit to the Secretary of State a detailed plan that identifies proposed programs and initiatives and how the funds would be used. After each General Election, counties would be required to report on the deployment of these programs and their assessment of the value of the education and training.

XVI. Estimated Timelines for Implementation of the State Plan

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Following are key dates and the proposed timetable for implementation of our State Plan:

- March 18, 2003: State Plan Advisory Committee named, public input process defined.
- April 3-4, 2003: State Plan Advisory Committee conducts public hearings.
- April 9, 2003: RFP released for statewide voter registration system.
- April 17, 2003: State Plan Advisory Committee reconvenes to review draft State Plan.
- May 7, 2003: Competitive bids due for voter registration system.
- May 13, 2003: State Plan finalized and published for 30-day review.
- May 16, 2003: RFP released for voting system vendors.
- June 2, 2003: Secretary of State awards bids for voter registration system.
- June 16, 2003: State Plan submitted to federal Elections Assistance Commission for publication in the Federal Register. Competitive bids due for election system.
- Aug. 1, 2003: Secretary of State awards bids for election systems. County boards of elections notified of eligible system vendors.
- Sept. 2, 2003: County boards of elections must notify Secretary of State which vendor they have chosen for election system improvements.
- November 21, 2003: Direct Recording Electronic (DRE) Technical Security Assessment Report prepared by Compuware submitted to Secretary of State.
- Dec. 1, 2003: Statewide voter registration system installed and fully operational.
- Dec. 19, 2003: Requested a waiver from the Federal Government on deployment of the computerized voter registration system.
- March 2, 2004: Primary Election. (Ohio General Assembly considering change of Primary to May, 2004.)

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- April 29, 2004: Clinton County first to establish Centralized Voter Registration File processes between the county and the Secretary of State.
- May 7, 2004: Substitute House Bill 262 enacted.
- August 18, 2004: Diebold Direct Recording Electronic (DRE) Technical Security Re-Assessment Report prepared by Compuware submitted to Secretary of State.
- Nov. 2, 2004: General Election
- November 17, 2004: VVPAT requirements distributed for comments.
- January 3, 2005: Diebold Direct Recording Electronic (DRE) Technical Security Re-Assessment Report Addendum prepared by Compuware submitted to Secretary of State.
- January 3, 2005: VVPAT rules filed with JCARR.
- January 1, 2006: Centralized Statewide Voter Registration File fully implemented.
- May 2, 2006: Replacement of punch-card and lever machine complete.

XVIII. The State Plan Committee: HAVA and Beyond

We reserve this section of the report to capture the comments and thoughts of our State Plan Committee. While many of the committee's recommendations and much of their input is reflected in preceding sections of the report, it was clear this panel of distinguished Ohioans went beyond merely thinking about minimum requirements of the Help America Vote Act and insisted on expanding their mission to address issues that will produce broad and meaningful election reform in our state.

That kind of visionary thinking is precisely what the Secretary of State had in mind when he impaneled the State Plan Committee.

If there was a universal theme that resonated from the committee's deliberations, it was consensus that Ohio must aggressively engage the next generation of voters and make young people in our state understand their role as stakeholders in the democratic process. It is insufficient, the panel said, to merely invite high school and college students into the election process. Ohio, the State Plan Committee said, must be proactive in educating young people about the election process and instill a deeper commitment to engendering student participation in the election process.

State Rep. Nancy Hollister noted that this report should underscore for Ohioans that implementation of the Help America Vote Act in Ohio signals a "change in the governance of the election system" in the state. HAVA, she said, places more responsibility on the Secretary of State to assure a fair, equitable and inclusive election process in Ohio.

Linda Carr, Daisy Duncan Foster and Pastor Aaron Wheeler were particularly passionate in their remarks about this issue and said Ohio should be creative in developing new programs and initiatives to bring young voters into the process. The Committee urged the Secretary of State to aggressively seek available funds under Title V and Title VI funding of the Help America Vote Act to accomplish this critical task.

Additionally, some committee members recommended working with the Ohio Department of Education and the Ohio Board of Regents to explore ways to better educate and encourage political participation by high school and college students. Pastor Wheeler suggested Ohio public schools should ponder curriculum requirements that focus exclusively on voting and election processes.

State Rep. Nancy Hollister noted that this report should underscore for Ohioans that implementation of the Help America Vote Act in Ohio signals a “change in the governance of the election system” in the state. HAVA, she said, places more responsibility on the Secretary of State to assure a fair, equitable and inclusive election process in Ohio. “We need to acknowledge that,” she said.

But Rep. Hollister and other committee members said that shift in governance does not minimize the necessary independence, ongoing role or responsibility of counties to execute election policies within the new governing framework created by the Help America Vote Act.

Committee member Jeff Matthews said county boards of elections must be independent to effectively achieve the objectives of the Help America Vote Act, and Ms. Duncan Foster said boards of elections must feel “some ownership of the process.” In that context, it was the consensus of the State Plan Committee that full compliance with the Help America Vote Act requires critical coordination and a strong working relationship between the Secretary of State’s office and local boards of elections.

Election officials Guy Reece and Tom Coyne, along with Mr. Matthews, agreed that innovation doesn’t end with the Help America Vote Act. They said Ohio must constantly be looking for new methods, new procedures and new ideas to keep the election process viable and invite more Ohioans to exercise their right to vote.

Ms. Alvarado noted the projected growth of Hispanic populations both nationally and in the State of Ohio. Several committee members agreed that rather than addressing this issue later and incurring cost for conforming equipment, the RFP should anticipate the language requirement and it should be purchased now while federal funds are available to help Ohio make the transition to new voting equipment.

Mr. Reece invited future exploration of election innovations being tested in other states such as open voting, early voting, ballot on demand and expanded availability and use of absentee ballots. Catherine Turcer asked that the Secretary of State consider the flexibility of voting devices that would allow for concepts such as instant runoff voting and proportional representation.

Ms. Turcer also recommended the Secretary of State ensure that the RFP for new voting equipment carefully consider the necessity for strong auditing capability that would provide a spot-check feature for pre-testing. Ms. Turcer and Donna Alvarado said alternative language capability also should be included in the RFP in anticipation of changing future demographics in the state.

Ms. Alvarado noted the projected growth of Hispanic populations both nationally and in the State of Ohio. Several committee

members agreed that rather than addressing this issue later and incurring cost for conforming equipment, the RFP should anticipate the language requirement and it should be purchased now while federal funds are available to help Ohio make the transition to new voting equipment.

She said language requirements also need to be considered in education products produced by vendors and election officials in how to use the new voting equipment, as well as in training of poll workers and election officials. She said alternative language issues need to be considered in creation and execution of the grievance process and procedures.

She suggested the Secretary of State consider alternative language policies that exceed the 5 percent threshold.

While preceding sections of the report address monitoring procedures for implementation of the Help America Vote Act in Ohio, Ms. Alvarado said compliance monitoring should be "futuristic" and focus on outcomes. While measuring accomplishments, she said the state and local jurisdictions also should be forward looking and report, for example, where the state expects to be in the next five years and beyond.

She said monitoring and compliance should address issues such as where Ohio wants to be as a state, how we achieve those objectives, who is responsible for implementing these plans, what the funding sources will be for implementation and what will be different when changes, modifications or new procedures are implemented in the election process.

Rep. Hollister agreed there needs to be periodic evaluation of Ohio's progress in meeting voting and election reforms. She

Mr. Long acknowledged that there might be offsetting costs and efficiencies that could be realized from conversion to electronic voting systems, but he stressed the necessity for full funding of the plan and timely allocation of federal payments to the state to avoid financial burdens on counties already adversely affected by the economy and cuts imposed by the State Legislature.

suggested a need to pause from time to time to reflect on what has been accomplished, what future reforms need to be considered, and what revenues are available to achieve those objectives.

A primary focus in the deliberation of the State Plan Committee was how Ohio could best address disability issues related to implementation of the Help America Vote Act. Eric Duffy said the issue of physical barriers is a real and pressing issue that calls for creative solutions in Ohio. He emphasized that Ohio must consider not only what takes place inside the voting place, but what physical barriers exist that hinder access outside the building.

Pastor Wheeler, chairman of the Ohio Civil Rights Commission, offered the assistance of that agency in working with the Secretary of State in exploring solutions to that issue.

As expected, much of the panel's deliberation was focused on funding and whether the federal allocation to Ohio was adequate to effect the wholesale change in

voting systems in the state. A key voice in that discussion was Larry Long, executive director of the County Commissioners Association of Ohio.

Mr. Long noted that there is concern among county commissioners about whether the federal funding anticipated for implementation of the Help America Vote Act is sufficient to purchase the voting equipment needed to make Ohio HAVA compliant. But a comparable concern, he said, is consideration of future maintenance and replacement costs, as well as related cost issues such as storage requirements for the new equipment.

He acknowledged that there might be offsetting costs and efficiencies that could be realized from conversion to electronic voting systems, but he stressed the necessity for full funding of the plan and timely allocation of federal payments to the state to avoid financial burdens on counties already adversely affected by the economy and cuts imposed by the State Legislature.

Rep. Hollister also discussed the funding issue, suggesting the state, at some future date, might consider bonding options to assist in paying for ongoing costs associated with implementation of the Act, as well as making funds available for voter education, system upgrades and youth participation in the election process.

Further, she said that although there appears to be no immediate need for sweeping changes in state election laws, the state should constantly evaluate that need and enact legislative change as required.

Mr. Coyne emphasized the need for the Secretary of State and local boards of elections to fashion voter system reforms in a way that keeps the process from becoming "vendor-driven." He said county boards need time to assess and evaluate the unique demands in each jurisdiction and recommended the Secretary of State consider meeting the disability requirements of HAVA in time for the 2004 election, but proceed more deliberately on installment of new voting equipment.

In May 2004, Substitute House Bill 262 was enacted into law by Governor Taft which requires all direct recording electronic voting machines used in the State of Ohio to include a voter verified paper audit trail (VVPAT). Substitute House Bill 262 mandates the Secretary of State shall establish by rule standards for the certification of the VVPAT. In addition, the bill created a county electronic voting machine maintenance fund.

XIX. Summary of the State Plan

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Section 254 of the Help America Vote Act of 2002 lists the required components of the State Plan and this document fulfills those requirements.

This report demonstrates that Ohio, because of its widespread use of punch-card voting, is perhaps challenged more than other states to reform its election methods and modernize its voting systems. The size of the state, ranking seventh among the 50 states in total population, and the mix of rural and urban population makes the transition even more challenging.

Ohio, the Secretary of State believes, must be a full participant in the election process and every eligible voter must be afforded the opportunity to be counted as we ponder the critical decisions affecting our local communities, state and nation.

Recognizing the enormity of the task confronting Ohio, some members of the State Plan Committee and witnesses who testified before the committee counseled the Secretary of State to invoke waivers that would allow the state to delay its full implementation of the plan until the 2006 election cycle.

The Secretary of State, however, believes Ohio cannot afford to delay its implementation of the plan because every election cycle that passes is another election where voters are potentially disenfranchised

and Ohio votes are lost or miscounted. Ohio, the Secretary of State believes, must be a full participant in the election process and every eligible voter must be afforded the opportunity to be counted as we ponder the critical decisions affecting our local communities, state and nation.

As election officials, if we know voters are disenfranchised and that legitimately cast ballots are being discounted, we have not only a moral obligation to immediately embrace a solution, but a legal obligation to find a remedy and enact measures to prevent that from happening. If even one voter is denied the right to vote, we are obligated, by law, to determine the cause and forge a solution. The evidence is overwhelming that thousands of Ohio voters have been disenfranchised by antiquated voting equipment and that many thousands more have lost confidence in the reliability and accuracy of voting devices currently in use in most of Ohio's 88 counties.

The Secretary of State has confidence in the election professionals who conduct and administer elections in the State of Ohio, and believes Ohio has the capability to enact reforms that have already taken place in other states.

We are emboldened in our decision to press forward with implementation of this plan based on the experience of Knox and Lake counties in executing successful elections after implementing new systems only weeks before the General Election. The Knox County Board of Elections, which has only four employees, received delivery of new electronic voting devices in October, 1996, a presidential election year, and deployed them in the November General Election.

Lake County issued a request for proposal in April 1999, awarded bids in July of that year, took delivery of a new voting system the following September, and conducted a successful election weeks later in the November General Election.

Under the timetable established in this plan, new voting systems would be installed and operational in time for the Primary Election in 2004, providing local boards of elections with an opportunity to test the new systems before fully engaging them in the 2004 presidential election cycle.

However, we refer to the preceding section of this plan. Full implementation of this plan presumes full funding by the federal government. If the Secretary of State determines that federal funding for implementation of this plan is not forthcoming from the federal government in a timely manner, we will notify the Elections Assistance Commission of our intent to revise this plan and adjust the timetable for implementation.

Since the Federal Government has not appropriated the remaining funding for HAVA, it was necessary for the Secretary of State to modify our state plan and adjust the timetable for implementation. Initially, we had set an aggressive and ambitious full implementation for November 2004. Unfortunately, due to the delays in receiving funding and the establishment of the Elections Assistance Commission, we project full implementation of all HAVA requirements by May 2006.

Boards of Elections should be assured that the Secretary of State will focus all of its available personnel and resources to assist counties in enacting these reforms and meeting the requirements of the Help America Vote Act.

Boards should also be assured the Secretary of State will work with county officials and elections administrators to ensure available resources are distributed as quickly as possible and that cost containment efforts will be undertaken to minimize implementation costs to counties. Based on our analysis, which was reinforced in the testimony of Doug Lewis of The Election Center, we believe conversion of the state's punch-card voting system to direct recording electronic (DRE) voting devices will generate certain cost efficiencies we believe will minimize cost and expenses to counties, or at least offset some of the implementation costs.

We include in this definition of electronic voting devices the option for some counties to choose optical scanning devices that are HAVA compliant. In counties which have invested in this equipment and prefer these optional voting devices, the Secretary of State will consider deployment of this equipment as acceptable if certain modifications are made to ensure compliance with statewide voting standards. These counties, however, would be required to feature at voting locations electronic voting equipment that

accommodates the needs of people with disabilities.

We presume the transition to electronic voting equipment will, at minimum, reduce printing costs in most counties. We believe there are further savings and efficiencies that will be derived from electronic voting that will reduce personnel and labor costs.

The DRE option also will introduce added efficiencies in the election process that will eliminate issues related to "over-votes," recounts and ensuring full voter participation by persons with disabilities. We also believe an electronic-based voting system will enhance training

Based on our analysis, which was reinforced in the testimony of Doug Lewis of The Election Center, we believe conversion of the state's punch-card voting system to direct recording electronic (DRE) voting devices will generate certain cost efficiencies we believe will minimize cost and expenses to counties, or at least offset some of the implementation costs.

and education across the spectrum for election officials, voters and poll workers if the system is sufficiently user-friendly.

Based on the foregoing, following is a summary of the State Plan for Ohio based on the requirements delineated in Section 254 of Public Law 107-252:

(1) How the State will use the requirement payment to meet the requirements of Title III, and, if applicable under section 251(a)(2), to carry out other activities to improve the administration of elections.

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Ohio will implement new voting systems and procedures that meet the general requirements of Title III ensuring the systems have audit capacity, disability access, and alternative language accessibility, where applicable, and that the systems meet error rate thresholds established by the Federal Elections Commission.

(2) How the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in paragraph (1).

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Ohio anticipated federal funding and state matching funds would be about \$161 million. Unfortunately full federal funding was not appropriated and the total federal funding and state matching funding is approximately \$137 million. The Secretary of State will allocate about \$106 million of that amount for installation of new voting equipment and upgrades of existing voting equipment in Ohio counties, and use the remaining portion to implement statewide voter registration and establish a provisional voting hotline. Disbursements in the amount of \$5 million will be available to Ohio's 88 counties for election official and poll worker training. Additionally, the Secretary of State will make \$5 million available for administration of a statewide voter education program. The Secretary of State will draft guidelines and reporting requirements to monitor distribution of these funds and to ensure county compliance with the Help America Vote Act of 2002.

(3) How the State will provide for programs for voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of title III.

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See response to No. 2. Additionally, the Secretary of State, in establishing an authorized vendor list for deployment of new voting equipment, will require vendors to include, as part of their bid proposal, fund allocation that includes voter education, election official education and training, and poll worker training. The Secretary of State also will implement new programs and procedures to supplement these vendor requirements and efforts at the county level to address these issues.

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(4) How the State will adopt voting system guidelines and processes which are consistent with the requirements of section 301.

See preceding responses. Ohio will replace punch-card voting in the State and require deployment and installation of electronic-based voting devices that meet the requirements of the Act. The request for proposal for new voting equipment will be crafted to presume required features and safeguards that ensure a uniform voting standard and compliance in all Ohio counties with specific requirements of the Act.

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

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Such a fund has already been established by the Secretary of State and will be monitored by both the Secretary of State and the Auditor of State, as Ohio law applies to state auditing requirements and reporting procedures. Fund management procedures include quarterly reports to the Election Assistance Commission to detail receipt and expenditure of funds, and how those funds were used to meet the objectives of the Act.

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

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See response to No. 2 and the fund distribution table on page 23 of the State Plan. The Secretary of State believes full implementation of the plan will require all available federal funding and state matching funds to meet the requirements of the Act.

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

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(See Section XV. Requirements Payments: Maintenance of Effort.) Attached to this State Plan are budget materials that show the level of spending for election services by the Secretary of State in FY 2000 and projected levels of spending for FY 2004-05. The Secretary certifies that no federal funds for Requirements payments earmarked for voter reforms and system modernization will be used to supplement the state budget for operation and administration of the office.

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

The Secretary of State assumes full responsibility for ensuring compliance with the Act. Specific timetables are included in this plan which requires all punch-card and lever machine counties to install and deploy new voting equipment that meets the uniform standards of the Act by May 2, 2006. The plan also calls for a statewide voter registration system to be in place and fully operational by January 1, 2006. See Section XIV for ongoing performance measurement.

(9) A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under section 402.

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See attached procedure and refer to Section XIII of the State Plan, Administrative Complaint Procedures and Grievances.

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

See response to No. 2. Ohio will use funds from Title I for antiquated systems buyout and to improve election administration activities and procedures. See the fund distribution table on page 23 of the State Plan and allocation and distribution formula described on page 24.

(11) How the State will conduct ongoing management of the plan.

See Section XIV, Ongoing Performance Measurement. Throughout this State Plan is a description of the management practices and procedures outlined by the Secretary of State to ensure compliance with the Act. Any material change in this plan will result in a resubmission of the Plan in accordance with Sections 255 and 256 of the Act.

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

This State Plan represents Ohio's initial submission of a State Plan to the Elections Assistance Commission. The changes reflected in the revised State Plan did not have any financial impact for the previous fiscal year.

(13) A description of the committee which participated in the development of the State Plan in accordance with section 255 and the procedures followed by the committee under such section and section 256.

See page 3, The State Plan Committee, and Section VI, How Ohio Developed its State Plan.

This State Plan respectfully submitted to the Elections Assistance Commission, in accordance with U.S. Public Law 107-252, this 16th day of June, 2003.



J. KENNETH BLACKWELL
Secretary of State

Margaret Sims /EAC/GOV
03/18/2005 12:07 PM

To "Grady, Judy" <JGrady@sos.state.oh.us>@GSAEXTERNAL
cc
bcc
Subject Re: Ohio Revised State Plan 

Judy:

I have to meet with the subcommittee that deals with requirements payments about the upcoming publication of State plans. My first opportunity since March 2 (and last for the next 3 weeks) will be next week. At that time, I can present the draft Federal Register Notice that will accompany the excerpts or your State's plan and another State's plan. Once the two Commissioners on this subcommittee sign off on the notice, it has to be circulated to all four Commissioners for a 48-hour tally vote.

After I receive certification of a tally vote to approve the notice, I can submit the notice and State plans to the Office of Federal Register. After that, it is anyone's guess as to when the plans will be published. (The quickest we have seen has been one week.) I will send an email to you when I have confirmed the publication date.

In the interim, I need you to review the attached 18 pages of excerpts from Ohio's revised State plan. (If we publish just these and your cover letter instead of the full 51-page revised plan you submitted, we can save the taxpayers almost \$8,000.) Have I picked up all of the sections that contained material changes? Do you want to make any adjustments to the format or page breaks?

I would also like to draw your attention to item 12 and the last statement before the Secretary's signature in the excerpted section XIX. Do you really want to leave these as is for publication as part of the *revised* State plan?

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



OH State Plan Excerpts.doc

"Grady, Judy" <JGrady@sos.state.oh.us>



"Grady, Judy"
<JGrady@sos.state.oh.us>
03/17/2005 04:31 PM

To "Psims@eac.gov" <Psims@eac.gov>
cc
Subject FW: Ohio Revised State Plan

Peggy,

021643

Per our telephone conversation earlier this week, can you please tell me the status of when you will have Ohio's revised plan placed in the *Federal Register* ? Please let me know if you need additional information from me. Thank you, I may be reached at 614-466-5515.

Thank you,

Judy Grady

Director of Election Reform

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

From: Grady, Judy

Sent: Friday, February 25, 2005 5:21 PM

To: 'psims@eac.gov'

Subject: Ohio Revised State Plan

Peggy,

Attached is the Ohio revised state plan and letter from Secretary Blackwell. A hard copy has been sent via Federal Express and should arrive Monday morning. Please call me if you have any questions or concerns. I left the yellow highlight in your copy to show the changes. I can take them off and resend it if you prefer.

Also please advise when the revised plan will appear in the *Federal Register* .

Thanks,

Judy



614-466-5515 Blackwell Ltr to EAC.pdf Final Revised State Plan EAC.doc

021644