

This proposed plan will be available for public inspection and comment for 30 days between May 13, 2009 and June 12, 2009.

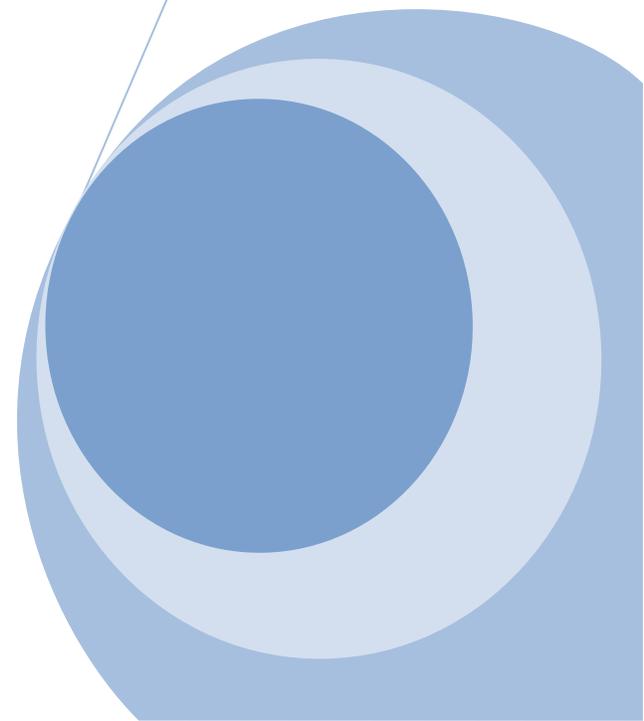
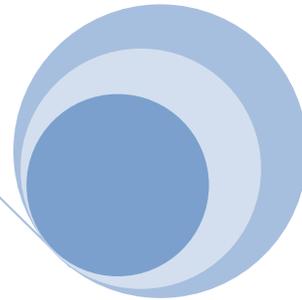
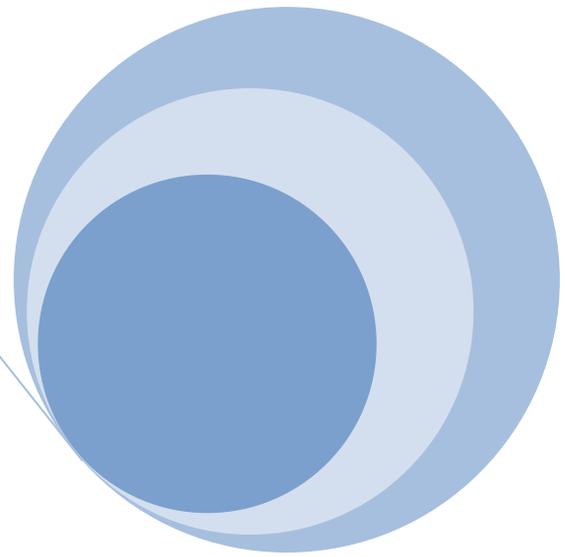
Please send comments to Lori Guerrero at Post Office Box 40229, Olympia, Washington 98504. Or email her at lguerrero@secstate.wa.gov.

Washington State Plan

2009 Amendment

**As required by the
HELP AMERICA VOTE ACT of 2002 (HAVA)**

**THE OFFICE OF THE SECRETARY OF STATE
5/13/2009**



This is the first amendment to the original 2003 Washington State Plan to implement the Help America Vote Act of 2002 (HAVA). As of September 2006, Washington State was fully compliant with all requirements of HAVA. This amendment outlines the successes of the original plan and sets forth future goals and activities for use of additional HAVA funds.

In accordance with HAVA Section 255 the Office of the Secretary of State is pleased to file this amendment to sections 2, 3, 4, 7, 8, 9, 11, 12 and 13 of the original Washington State plan. In addition this amendment adds section 14 as required by HAVA.

2. How the State will use the requirements payment to meet the requirements of Title III, and, if applicable under Section 251(a)(2), to carry out other activities to improve the administration of elections. (Sec. 254, (a)(1))

Status as of this amendment: Requirements under Title III have been fully met.

Since Washington State is HAVA compliant, all remaining HAVA funds, future interest earned and any additional requirements payments given to Washington State will be spent on training election officials, educating voters, improving the accessibility of elections for individuals with disabilities, and making improvements to the administration of federal elections.

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

Status as of this amendment:

The Secretary of State will manage activities and projects funded by the HAVA requirements payments, and the state will account for all expenditures, funding levels, program controls and outcomes in accordance with state and federal laws.

The Secretary of State established a local government grant program to assist county auditors in complying with HAVA requirements. Only County Auditors are eligible for local grant funding. Because our state is HAVA compliant, a portion of the requirements payments authorized in Title III will be allocated for local government grants.

The Secretary of State established a HAVA Grant Advisory Board (HGAB), consisting of three County Auditors, the director of elections, a former County Auditor and two members from the disability community. The HGAB is mainly responsible for developing, reviewing and making recommendations to the Secretary in all matters pertaining to the local county grant program. Experts on disability issues will continue to be consulted in developing grant criteria.

The Secretary of State will administer the grant program and will be responsible for meeting federal auditing requirements.

Examples of activities eligible for local government grant funding are listed below:

- Replacing or upgrading voting equipment;
- Purchasing additional voting equipment;
- Developing voter education programs;
- Producing local voters' pamphlets;
- Purchasing or leasing election management system hardware and software;
- Training local election officials; and
- Purchasing or leasing equipment that will improve the administration of federal elections.

This list is not comprehensive and the state may fund grant applications for activities not listed as long as the activities are eligible under HAVA.

4. 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. (Sec. 254, (a)(3))

Status as of this amendment: Requirements under Title III have been fully met.

Since the adoption of the State Plan in 2003, Washington State has almost completely transitioned to vote by mail. For many voters with disabilities, this change increases the accessibility of voting because there is no need to travel to a polling place to cast a ballot. However, voters who cannot read or mark a printed ballot, continue to need an accessible voting unit in order to vote privately and independently.

Washington State has taken several steps to address this difficulty. These include funding of outreach efforts directed at voters with disabilities, support for county disability accessibility election advisory committees, and a twenty-day "early voting" period. The OSOS and counties have partnered with disability service organizations and advocates to get the word out about accessible voting. The OSOS will continue

to use HAVA funding to support these and other efforts to improve the accessibility of elections for Washington voters with disabilities.

7. The State’s proposed budget for activities under this part, based on the State’s best estimates of the costs for such activities and the amount of funds to be made available, including specific information on—A. the costs of the activities required to be carried out to meet the requirements of Title III; B. the portion of the requirements payments which will be used to carry out activities to meet such requirements; and C. the portion of the requirements payment which will be used to carry out other activities. (Sec. 254, (a)(6))

Status as of this amendment: See charts below

HAVA Funding Available through December 31, 2008	
Section 101	\$6,098,449
Section 102	\$6,799,430
Section 251	\$47,195,971
State Match	\$2,494,442
Interest through 12/2008	\$5,772,108
Total	\$68,360,400

The chart below reflects how Washington State spent and/or committed Sections 101, 102 and the 2004 Requirements Payments:

Category of expenditures and/or commitments through December 31, 2008	Budget
Developing the statewide voter registration database	\$6,014,203
Maintaining the voter registration database	\$3,290,591
Replacing punch card voting equipment	\$6,313,881
Purchasing or leasing accessible voting units	\$8,886,375
Purchasing or leasing county election management systems	\$6,568,526
Establishing a voting systems program	\$237,892
Providing provisional notification	\$11,545
Administering HAVA and establishing complaint procedures	\$1,035,809
Improving accessibility for voters with disabilities	\$2,349,392
Improving minority language election information	\$500,000
Educating voters	\$8,711,793
Training election officials	\$722,213
Enhancing the statewide voter registration database	\$8,793,442
Improving the administration of federal elections	\$14,147,681
Total expenditures and/or commitments	\$67,583,343

In accordance with the EAC calculations, Washington State is eligible for \$2,312,945 under the 2008 Requirements Payment and \$2,011,256 under the 2009 Requirements Payment. The Washington State Legislature has appropriated \$228,000 to cover the required state match.

2008 Requirements Payment	
Section 251	\$2,312,945
State Match	\$122,000
Total	\$2,434,945

2009 Requirements Payment	
Section 251	\$2,011,256
State Match	\$106,000
Total	\$2,117,256

Since Washington State is HAVA compliant, all remaining HAVA funds, future interest earned and any additional requirements payments given to Washington State will be spent on training election officials, educating voters, improving the accessibility of election for individuals with disabilities, and making improvements to the administration of federal elections.

8. How the State, in using the requirements payments, 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. (Sec. 254, (a)(7))

Status as of this amendment:

The Washington State Secretary of State's Office has maintained expenditure levels set by the state fiscal year ending prior to the November 2000, election. The 2003 state plan incorrectly listed the entire election budget as the maintenance of effort level. This was due to a misunderstanding when the plan was written. The only Title III related activity that the state was funding prior to the November 2000 election was a small voting systems program that only included one third of an employee's time, which amounted to \$27,557.90.

Washington will continue to maintain expenditures of the state for activities funded by the requirements payment at a level equal to or greater than \$27,557.90.

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

Status as of this amendment: Requirements under Title III have been fully met.

The original state plan laid out clear, time-bound, and measurable objectives for each element of HAVA. This amendment to the state plan specifically details how and when each objective was met, thus satisfying the intent and requirement of HAVA, Section 254, (a)(8).

a. Elimination of punch card voting equipment

- i. Timetable: January 1, 2006
- ii. Criteria: Replacement of punch card voting equipment and compliance with Title III HAVA requirements for the 16 counties that utilized punch card equipment in the 2000 General Election.
- iii. How Criteria is Judged: Success of meeting this performance goal is based on the number of punch card voting systems still in use after January 1, 2006.
- iv. Responsible Official: Secretary of State with the cooperation of County Auditors.

HAVA Section 102 (a)(3)(B) specifies that equipment needs to be replaced by the first election for Federal office held after January 1, 2006. Additionally, vendor supply and demand could not accommodate replacement of all punch card voting equipment by January 1, 2006.

Washington State met the legally required deadline of having the punch card voting equipment in place in all 16 counties by the first federal election that was held in September 2006.

The counties were responsible to procure their own equipment through aid from grant cycles provided by the Office of the Secretary of State.

b. Voter education program on how to correctly cast a ballot for each type of voting system

- i. Timetable: January 1, 2006
- ii. Criteria: Establishment and implementation of a voter education program specific to each type of voting system that clearly explains to voters how to correctly cast a ballot, correct an error, how to obtain a replacement ballot, and the effect of casting multiple votes for an office.
- iii. How Criteria is Judged: Success of meeting this performance goal is based on the establishment and implementation of a voter education program developed in cooperation with County Auditors that is specific to each type of voting system used in Washington.
- iv. Responsible Official: Secretary of State with the cooperation of County Auditors.

State supported the local effort by offering voter education campaigns. However, many counties established and implemented their own education programs specific to their newly acquired voting systems with the help of HAVA grants provided by the Office of the Secretary of State.

c. Accessibility for individuals with disabilities

- i. Timetable: January 1, 2006
- ii. Criteria: Implementation of at least one Direct Recording Electronic voting device (referred to in Washington State as Accessible Voting Units or AVUs) that meets the accessibility standards in each polling place in the state and adequate placement of this equipment throughout counties that have adopted vote by mail, and significant involvement by individuals with disabilities and other stakeholders in implementation of this equipment.
- iii. How Criteria is Judged: Success of meeting this performance goal is based on the placement of at least one accessible Direct Recording Electronic voting device in each polling place in the state and adequate placement of this equipment throughout counties that have adopted vote by mail, and evidenced by increased participation on the part of individuals with disabilities in the voting process.
- iv. Responsible Official: Secretary of State with the cooperation of County Auditors.

Section 301 of HAVA states that each jurisdiction shall be required to comply with this requirement of this section on and after January 1, 2006. Vendor supply and demand could not accommodate Washington State's demand for AVU equipment by January 1, 2006.

Washington State was in compliance with this requirement by the first Federal election in September 2006. The counties were responsible for determining the number of AVUs needed and procured the equipment with HAVA funds from a local government grant program provided by the Office of the Secretary of State.

d. Provisional Voting

- i. Timetable: January 1, 2004
- ii. Criteria: Implementation of a free access system in each county so that the voters can determine if their provisional ballot was counted.
- iii. How Criteria is Judged: Success of meeting this performance goal is based on the establishment of a free access system in each county so that the voters can determine if their provisional ballot was counted.
- iv. Responsible Official: Secretary of State with the cooperation of County Auditors.

Timeline per State plan: January 1, 2004 *extended to September 2006

Washington State met its goal of establishing and implementing a free access system by the first federal election in 2006. The counties were responsible to establish and implement their own free access systems with the help of grants provided by the Office of the Secretary of State.

e. Posting of voting information

- i. Timetable: January 1, 2004
- ii. Criteria: Posting of the required information in each polling location.
- iii. How Criteria is Judged: Success of meeting this performance goal is based on the posting of the required information in each polling location in the state.
- iv. Responsible Official: Secretary of State with the cooperation of County Auditors.

Washington State met the deadline for posting voting information at polling locations by the first federal election for the determined year, September 2004. The Office of the Secretary of State created, printed, and distributed a "HAVA Poster" with required information to all counties. The Counties were responsible to distribute the posters appropriately within their jurisdictions.

Additionally, as laws in Washington State changed, the poster has been updated and sent to all counties for further distribution.

f. Statewide Voter Registration Database

- i. Timetable: January 1, 2006
- ii. Criteria: Implementation of a “single, uniform, official, centralized, interactive, computerized statewide voter registration list that is defined, maintained, and administered at the state level”.
- iii. How Criteria is Judged: Success of meeting this performance goal is based on the implementation of a statewide voter registration system that meets the requirement of HAVA.
- iv. Responsible Official: Secretary of State with the cooperation of County Auditors.

Washington State met the deadline of January 1, 2006, for implementing a “single, uniform, official, centralized, interactive, computerized state wide voter registration list that is defined, maintained, and administered at the state level”. The counties work in conjunction with the Office of the Secretary of State by providing data from their county registration lists on a consistent basis.

11. 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. (Sec. 254, (a)(10))

Status as of this amendment:

Additional Title I funds were not part of the 2008 Requirements payment. All Section 101 funds from the original 2003 payment have been expended. All punch card voting equipment has been replaced; however, Washington State did not use all of the Section 102 funds. If allowed by the EAC, the remainder of these funds will be used to assist counties with increased maintenance and warranty costs associated with punch card replacement equipment.

12. How the state will conduct ongoing management of the plan, except that the state may not make any material change in the administration of the plan unless the change:

A. is developed and published in the Federal Register in accordance with section 255 in the same manner as the State plan;

B. is subject to public notice and comment in accordance with section 256 in the same manner as the State plan; and

C. takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A). (Sec. 254, (a)(11))

Status as of this amendment:

Washington State has a long history of being a national leader in both innovation and quality of election services provided to its citizens. The development of a very high level of trust and coordination between local election officials and the Secretary of State has created fertile ground for original ideas and fresh ways to solve problems and improve service. New ideas receive clear and thorough discussions and, when implemented, are administered with the highest level of professionalism. By actively seeking local election official input, Washington State is able to take advantage of further opportunities provided by HAVA.

The Secretary of State established a HAVA Grant Advisory Board, consisting of three County Auditors, the director of elections, a former County Auditor and two members from the disability community. Experts on disability issues will continue to be consulted in developing the grant criteria for accessibility for individuals with disabilities.

Ongoing management of the state plan is ultimately the responsibility of the Secretary of State as the Chief Election Officer. The state understands and agrees to comply with HAVA requirements related to the ongoing management of the state plan. Specifically, the State agrees not to make any material change in the administration of the state plan unless the change:

- Is developed and published in the Federal Register in accordance with HAVA Section 255 in the same manner as the State plan,
- Is subject to public notice and comment in accordance with HAVA Section 256 in the same manner as the State plan, and
- Takes effect only after the expiration of the 30-day comment period that begins on the date the change is published in the Federal Register in accordance with subparagraph (A)).

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. (Sec. 254, (a)(13))

Status as of this amendment:

Section 255 (a) of HAVA states that the chief State election official shall develop the state plan under this subtitle through a committee of appropriate individuals, including the chief election officials of the two most populous jurisdictions within the states, other local election officials, stakeholders (including representatives of groups of individuals with disabilities), and other citizens, appointed for such purpose by the chief state election official.

The Secretary of State appointed the following persons or their designee to assist in the development of this amended state plan:

Office of the Secretary of State Sam Reed, Secretary of State	League of Women Voters Barbara Seitle, President
Douglas County Auditor's Office Thad Duvall, Douglas County Auditor	Washington Assistive Technology Alliance Deborah Cook, Project Director
Cowlitz County Auditor's Office Kris Swanson, Cowlitz County Auditor	Washington State Republican Party Luke Esser, Chairman
Spokane County Auditor's Office Vicky Dalton, Spokane County Auditor	Washington Democratic Party Bertha McDaniel, Office Manager
Pierce County Auditor's Office Lori Augino, Elections Manager	Office of the Secretary of State Nick Handy, Director of Elections
King County Elections Sherril Huff, Director	Office of the Secretary of State Sheryl Moss, Certification and Training Unit Manager
Washington Association of County Auditors Kim Wyman, Thurston County Auditor	Office of the Secretary of State Paul Miller, VRDB
Governor's Committee on Disability Issues and Employment Denise Colley, Program Coordinator III	Office of the Secretary of State Lori Guerrero, HAVA Coordinator

Legal assistance was provided by Jeff Even, Assistant Attorney General.

14. In the case of a State with a State plan in effect under this subtitle during the previous fiscal year, a description of how the plan reflects changes from the State plan for the previous fiscal year and of how the State succeeded in carrying out the State plan for such previous fiscal year (Sec. 254, (a)(12))

Status as of this amendment:

The spirit and intent of the original state plan was fully implemented. Specifics of those achievements and future activities are given in the narrative under each section above. Changes from the original state plan are reflected in actual budget categories as outlined in #7 above. When the plan was drafted in 2002 and 2003, costs could not be accurately calculated and estimates were listed. The original state plan noted that the estimates were subject to change based on funding and alteration of variables.

This is Washington's 2009 State Plan Amendment, addressing Fiscal Years 2008 and beyond. As of the first update of the state plan following five years of implementation, every element of this plan reflects the achievement of HAVA requirements and planned objectives in the original 2003 plan. All HAVA requirements have been fully met. Funding permitting, future work through HAVA will address training election officials, educating voters, improving the accessibility of election for individuals with disabilities, and making improvements to the administration of federal elections.