Federal Register

Thursday,
September 30, 2004

Part III

Election Assistance Commission

Publication of State Plans Pursuant to the Help America Vote Act; Notice

ELECTION ASSISTANCE COMMISSION

Publication of State Plans Pursuant to the Help America Vote Act

AGENCY: Election Assistance Commission (EAC).

ACTION: Notice.

SUMMARY: Pursuant to section 255(b) of the Help America Vote Act (HAVA), Public Law 107–252, the U.S. Election Assistance Commission (EAC) hereby causes to be published in the **Federal Register** changes to HAVA State plans previously submitted by California, Florida, Kansas, Nevada, Pennsylvania, South Carolina and Tennessee.

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

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

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

SUPPLEMENTARY INFORMATION: On March 24, 2004, the U.S. Election Assistance Commission published in the **Federal Register** the original HAVA State plans filed by the 50 States, the District of Columbia and the Territories of American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands. 69 FR 14002. HAVA anticipated that States, Territories and the District of Columbia would change or update their plans from time to time pursuant to HAVA section 254 (a)(11) through (13). EAC wishes to acknowledge the effort that went into the revising the State plans and encourages public comment. EAC also notes that plans published herein include only those that have already met the notice and comment requirements of HAVA section 256.

Upon the expiration of 30 days from October 30, 2004, the States whose plans are published herein will be eligible to implement any material changes addressed therein, in accordance with HAVA section 254(a)(11)(C). At that time, in accordance with HAVA section 253(d), California, Florida, Kansas and Tennessee also may file a statement of certification to obtain fiscal year 2004 requirements payments for which the State did not previously qualify under HAVA section 253(b)(1). The statement of certification must confirm that the jurisdiction is in compliance with all of the requirements referred to in HAVA section 253(b) and must be provided to the Election Assistance Commission in order for the State to receive a requirements payment under HAVA Title II, Subtitle D.

Chief State Election Officials

California

The Honorable Kevin Shelley, Secretary of State, 1500 11th Street, Sacramento CA 95814–2974, Phone: (916) 653–7244, Fax: (916) 653–4620, e-mail: *hava@ss.ca.gov.*

Florida

The Honorable Glenda E. Hood, Secretary of State, R.A. Gray Building-Room 316, 500 S. Bronough Street, Tallahassee FL 32399–0250, Phone: (850) 245–6500, Fax: (850) 245–6125, e-mail: *secretaryofstate@mail.dos.state.fl.us.*

Kansas

The Honorable Ron Thornburgh, Secretary of State, Memorial Hall—1st Flr., 120 SW., 10th Avenue, Topeka KS 66612–1594, Phone: (785) 296–4575, Fax: (785) 291–3051, e-mail: *election@kssos.org.*

Nevada

The Honorable Dean Heller, Secretary of State, Capitol Building, 101 North Carson Street—Suite. 3, Carson City NV 89701–4786, Phone: (775) 684–5708, Fax: (775) 684–5725, e-mail: *sosmail@govmail.state.nv.us.*

Pennsylvania

The Honorable Pedro A. Cortes, Secretary of the Commonwealth, 302 North Office Building, Harrisburg PA 17120–0029, Phone: (717) 787–6458, Fax: (717) 787–1734, e-mail: *gborger@state.pa.us.*

South Carolina

Ms. Marci Andino, Executive Director, State Election Commission, PO Box 5987, Columbia SC 29250–5987, Phone: (803) 734–9060, Fax: (803) 734–9366, e-mail: *Elections@scsec.state.sc.us.*

Tennessee

Mr. Brook Thompson, Coordinator of Elections, Elections Division, Office of the Secretary of State, 9th Floor, William R. Snodgrass Tower, 312 8th Avenue North, Nashville TN 37243–0309, Phone: (615) 741–7956, Fax: (615) 741–1278, e-mail: *Tennessee.Elections@state.tn.us.*

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

Dated: September 23, 2004.

DeForest B. Soaries, Jr.,

Chairman, U.S. Election Assistance Commission.

BILLING CODE 6820–MP–U

SECRETARY OF STATE **KEVIN SHELLEY**

My Vote Counts: The California Plan for Voting in the 21st Century

HAVA California State Plan 2004 Update

September 2004

Submitted to the Election Assistance Commission After Public Inspection and Comment

Secretary of State Kevin Shelley
hava@ss.ca.gov

myVOTE COUNTS

Help America Vote Act

HAVA CALIFORNIA STATE PLAN 2004 UPDATE

The *HAVA California State Plan 2004 Update* is hereby created as follows:

The *HAVA California State Plan 2003* submitted to the Federal Election Commission, as custodian for the Election Assistance Commission, on August 27, 2003, and thereafter published in the *Federal Register* by the Election Assistance Commission on or about March 24, 2004, entitled *My Vote Counts-California's Plan for Voting in the 21st Century*, is hereby incorporated by reference in its entirety, except the following shall replace the provisions indicated. (The italics are for clarification only.)

1. **Section Six: Budget, beginning on Page 24 of *My Vote Counts-California's Plan for Voting in the 21st Century*, is amended as follows:**

   a. The last paragraph of the portion beginning on Page 24 entitled "Voting Systems Standards" is amended on Page 25 to read as follows:

   Preliminarily, the cost of this component is estimated to be $75,677,843, including costs associated with accessibility for individuals with disabilities and language needs, but actual costs may be less than or more than this amount. In any case, this component shall be the priority in allocating funds.

   b. The last paragraph of the portion beginning on Page 25 entitled "Provisional Voting" is amended on Page 25 to read as follows:

   Preliminarily, the cost of this component is estimated to be $600,000 but actual costs may be less or more, with continuing ongoing costs.

   c. The last paragraph of the portion beginning on Page 25 entitled "Voting Information" is amended on Page 25 to read as follows:

   Preliminarily, the cost of this component is estimated to be $200,000 but actual costs may be less or more with continued ongoing costs.

   d. The last paragraph of the portion beginning on Page 25 entitled "Statewide Database" is amended on Page 26 to read as follows:

Preliminarily, the cost of the statewide database is estimated to be $40 million but actual costs may be less or more, with substantial ongoing costs.

e. The last paragraph of the portion on Page 26 entitled "Requirements for Voters Who Register by Mail" is amended on Page 26 to read as follows:

Preliminarily, the cost of this component is estimated to be $1.1 million but actual costs may be less or more with continued ongoing costs.

f. The last paragraph of the portion beginning on Page 26 entitled "Voter Education" is amended on Page 26 to read as follows:

Preliminarily, the cost of this component is estimated to be $30 million but actual costs may be less or more, with continued ongoing costs.

g. The last paragraph of the portion beginning on Page 26 entitled "Elections Official Education" is amended on Page 26 to read as follows:

Preliminarily, the cost of this component is estimated to be $20 million but actual costs may be less or more, with continued ongoing costs.

h. The last paragraph of the portion beginning on Page 26 entitled "Poll Worker Education" is amended on Page 26 to read as follows:

Preliminarily, the cost of this component is estimated to be $20 million but actual costs may be less or more, with continued ongoing costs.

i. The last paragraph of the portion beginning on Page 26 entitled "Complaint Procedure" is amended on Page 26 to read as follows:

Preliminarily, the cost of this component is estimated to be $300,000 but actual costs may be less or more, with continued ongoing costs.

j. The last paragraph of the portion beginning on Page 27 entitled "Voting Rights of Military And Overseas Citizens is amended on Page 27 to read as follows:

Preliminarily, the cost of this component is estimated to be $200,000 with continued ongoing costs.

k. A paragraph is added on Page 27, following the section titled "Voting Rights of Military And Overseas Citizens" and before the paragraph titled "Summary of Costs And Portions Used to Carry Out Activities," to read as follows:

A "Prudent Reserve Fund" of 25% of the requirements payments for FY 2003 and FY 2004 is created to accommodate uncertainties associated with the costs of complying with HAVA and to provide a minimum level of financial support to fund ongoing federal mandates beyond FY 2005-06.

l. The portion beginning on Page 27 entitled "Summary of Costs and Portions Used to Carry Out Activities," including the chart, is amended to read as follows:

*Based on requirements payments of $94,559,169 for FY 2003 and $169,677,955 for FY 2004 for a total of $264,237,124,[22] the best estimates of the distribution is shown in the chart below, subject to the provisions of the Budget Act of 2004 (Statutes of 2004, Chapter 208), and any appropriate oversight.**

[22] No assumption is made with respect to appropriations made in subsequent years.

ITEM	HAVA MANDATE	HAVA SECTION	COST ESTIMATE	PORTION OF PAYMENT
1	Voting Equipment Modernization	301(a)(2)	$42,577,718	16.11%
2	Voting Equipment Accessibility for Disabled and Language Minorities	301(a)(3)	$32,500,125 (Items 1 + 2= $75,077,843)	12.30% (Items 1 + 2 = 28.41%)
3	Accessibility for Language Minorities	301(a)(4)	$100,000	.04 %
4	Evaluation of Voting Systems	301(a)(5)	$300,000	.11%
5	Definition of Vote	301(a)(6)	$200,000	.08%
6	Provisional Ballots Regulations/Guidelines	302(a)(6)	$100,000	.04%
7	Provisional Ballots Free Access System	302(a)(5)	$500,000	.19%
8	Postings of Information	302(b)	$200,000	.08%
9	Statewide Voter Registration Database	302(a)	$40,000,000	15.14%
10	New Registration Forms	303(a)	$500,000	.19%
11	Soliciting and Processing Registration Forms	303(a)	$500,000	.19%
12	Verification of Information	303(a)	$2,000,000	.76%
13	Identification of Certain Voters Regulations/Guidelines	303(b)	$100,000	.04%
14	Identification Processes	303(b)	$1,000,000	.38%
15	Complaint Procedures	402	Included in Item 32	
16	Assistance in Voting	702	$200,000	.08%
17	Payment Distribution Controls	254(a)(2)	$200,000	.08%
18	Voter Education Unit	254(a)(3)	$3,900,000	1.48%
19	County Education Programs	254(a)(3)	$15,000,000	5.68%
20	Election Official and Poll Worker Education and Training	254(a)(3)	$25,000,000	9.46%
21	Education Outreach through Print and Electronic Media	254(a)(3)	$16,100,000	6.09%
22	Education and Training Grants	254(a)(3)	$10,000,000	3.78%
23	Certification and Decertification of Voting Systems	254(a)(4)	$600,000	.23%
24	Source Code Review	254(a)(4)	$800,000	.30%

ITEM	HAVA MANDATE	HAVA SECTION	COST ESTIMATE	PORTION OF PAYMENT
25	Hearings of Voting Systems and Procedures Panel	254(a)(4)	$200,000	.08%
26	Regulations to Comply with Section 301	254(a)(4)	$200,000	.08%
27	Fiscal and Audit Control Processes	254(a)(5)	$600,000	.23%
28	Fiscal and Audit Controls	254(a)(5)	$3,400,000	1.29%
29	Budget	254(a)(6)	Included in Item 28	
30	Enhancing Rather Than Replacing State Resources	254(a)(7)	Included in Item 28	
31	Performance Goals and Measures	254(a)(8)	$200,000	.08%
32	Complaint Procedures	254(a)(9) and Section 402	$300,000	.11%
33	Managing State Plan	254(a)(11)	$300,000	.11%
34	Poll Monitoring	Other	$600,000	.23%
35	Prudent Reserve Fund of 25%	Other	$66,059,281	25.00%
		TOTALS	**$264,237,124**	**100% of $264, 237,124**

*Note that continued ongoing costs are not included and that the costs and portions indicated are subject to change based on the variables indicated earlier. Such anticipated changes, unknown at this time, are deemed to be included in this Plan as if set forth in detail.

2. Section Twelve: Changes to State [Plan] from Previous Fiscal Year, on Page 33 of *My Vote Counts-California's Plan for Voting in the 21st Century*, is hereby amended to read as follows:

SECTION TWELVE: CHANGES TO STATE PLAN FROM PREVIOUS FISCAL YEAR

Section 254(a)(12) Page 75

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.

Because of the delay in the creation of the United States Election Assistance Commission, no requirements payment was made to California during the 2003 fiscal year. The 2003 State Plan (the prior fiscal year) was, therefore,

not fully operative. It will become operative, as amended by *the HAVA California State Plan 2004 Update*, in the current fiscal year (2004). The amendments included herein reflect the only material changes in the State Plans between 2003 and 2004.