

District of Columbia Board of Elections and Ethics

**MOVING ELECTIONS FORWARD
IN THE DISTRICT OF COLUMBIA**



*A Plan
for Implementing the Help America Vote Act
in the District of Columbia*

AUGUST 2003

District of Columbia Board of Elections and Ethics

**A PLAN FOR IMPLEMENTING
THE HELP AMERICA VOTE ACT
IN THE DISTRICT OF COLUMBIA**

TABLE OF CONTENTS

Introduction.....1

I. Unique Characteristics of the District of Columbia.....4

**II. A Plan for Meeting New Requirements of the
Help America Vote Act in the District of Columbia**

 Meeting New Voting System Requirements6

 Implementing New Polling Place Procedures12

 Meeting New Registration Requirements17

 Activities To Enhance Implementation of
 the District of Columbia Plan29

III. The Future of Elections in the District of Columbia.....32

IV. Funding Election Reform

 Projected Available Funds for Implementation34

 Maintenance of Effort36

 Use of Title I Funds36

 Projected Expenditures for Meeting HAVA Requirements
 and Other Activities38

 Management of HAVA Funds42

V. Ensuring Accountability to the Voters

 Performance Goals and Measures43

 Ongoing Management of the Plan49

 Enforcing HAVA49

Appendix A – Planning Committee members

Appendix B – Protecting the Voting Rights of Military Members
 and Overseas Citizens

Appendix C – Glossary of Terms

INTRODUCTION

In 2002, Congress passed the Help America Vote Act (“HAVA”), Public Law No. 107-252, 116 Stat. 1666 (2002), landmark legislation to improve the administration of elections in the United States. According to the authors of this legislation, the purpose of HAVA is to ensure that all eligible voters are able to cast a vote and have that vote counted. The District of Columbia Board of Elections and Ethics is proud to say the District of Columbia is already substantially in compliance with the new federal standards – much to the credit of citizen advocates, previous and current Board members and staff.

When it passed HAVA, Congress also authorized federal funds to assist states and localities to meet these new standards. To receive these funds, states – including, as in this case, a federal district – are required to solicit public advice and recommendations in developing a plan for meeting the new standards. In March of 2003, the Board of Elections and Ethics (“the Board”) established the District of Columbia State Planning Committee and charged the committee with producing a roadmap for the future of elections in the District of Columbia (see Appendix A for a list of the Planning Committee members).

The Plan that follows builds on the recommendations of the Planning Committee. Following publication of the Preliminary Plan in the *District of Columbia Register*, the Board solicited and received public comments both in writing and at a public hearing held on July 5th. The Preliminary Plan was also posted on the Board’s website. Following the one-month comment period, the Board reviewed all comments and incorporated suggested changes. A final version of the Plan will be published in the *Federal Register*, as required in § 256 of HAVA.

The Board is grateful to the members of the Planning Committee for the energy, time and expertise they devoted to this effort. All voters in the District of Columbia will benefit from the hard work of this committee.

After a review of the current election system, the Planning Committee agreed that HAVA funds should go to modernizing the existing statewide computerized registration system, improving pollworker recruitment and training, expanding voter education, promoting barrier-free voting for persons with disabilities, and strengthening the infrastructure of the elections process over the long term.

The 2000 Presidential Election shone a spotlight on weaknesses in the nation’s election system, and in particular on problems with antiquated voting equipment. Prior to this election, the Board had already acted to modernize its election system and ensure that every eligible voter is able to cast a vote and have that vote counted. Under this



initiative, the Board made the decision to replace its aging punch card voting system with voting systems that reduced the likelihood of voter error and allowed for second-chance voting.

In September of 2001, five District of Columbia voters, the Disability Rights Council and the American Association for People with Disabilities, filed suit against the District of Columbia claiming that inaccessible voting systems and polling places were violations of the Americans with Disabilities Act. The suit was eventually settled pursuant to an agreement that requires the city to purchase at least one accessible voting system for every polling place by the 2004 primary and sets a goal that “best efforts” will be made to ensure that all polling sites will be accessible by the same date. The Board expects these voting machines to be in place for the Presidential Primary in 2004, bringing the city into full compliance with the new federal voting systems standards prior to the November 2006 deadline specified in HAVA.

District of Columbia voters are already given the protection of provisional ballots now required by HAVA; only minor changes are necessary to comply with the process set forth in the federal law. Actions to comply with the new requirement to post voter information at the polling place will be one component in a larger program of vigorous voter outreach and education.

Ten years prior to the National Voter Registration Act (“NVRA”)¹ in 1993, the Board created a computerized registration list. Consequently, the District of Columbia already complies with one of the most significant changes mandated by the new federal law – the requirement that every state have a single, statewide, computerized voter registration list. Budget constraints have prevented the Board from updating this system and taking advantage of changes in information technology that can make it more efficient, more accurate and more secure.

The Board is drafting legislation and rules to modify current registration processes to conform to new federal requirements. In the process, the Board will strive to design procedures that keep the voter list accurate, verify eligibility and secure voter information without placing an undue burden on the voter or increasing the possibility of erroneously removing eligible voters.

The new funds appropriated under HAVA will allow the Board to update its registration system by creating interactive links with other agencies, giving pollworkers access to the list at the polling place on Election Day, and improving security.

Elections depend on technology, but they also depend on the army of temporary workers brought in on Election Day to manage the polls. Up-to-date technology and voting systems cannot compensate for weaknesses in the polling place operations. Accordingly,

¹ 42 U.S.C. § 1973gg et seq.



the Board will use HAVA funds to address vulnerabilities in the current system of pollworker recruitment and training. The Board will also use funds to increase voter education and facilitate broader participation in the election, particularly among voters with low English proficiency.

Finally, the Board plans to use HAVA funds to make improvements in the infrastructure of the elections system that will reap long-term benefits for District of Columbia voters.

Sound elections require public confidence. The Board puts a high premium on openness and accountability to the public. In addition to bringing election laws and procedures into compliance with HAVA, the Board will institute procedures to enhance accountability and transparency. As required by HAVA, the Board is creating an administrative dispute resolution process for handling voter complaints relative to HAVA compliance. The expenditure of HAVA funds will adhere to federal and city reporting and accounting requirements.

I. UNIQUE CHARACTERISTICS OF THE DISTRICT OF COLUMBIA

In title III, “Uniform and Non-Discriminatory Voting Technology and Election Administration Requirements,” HAVA sets forth important new federal requirements for voting systems, for polling place operations and for voter registration. States are required in their plans to provide an account of how they will use the new federal funds to meet these requirements. Several provisions within the new requirements, however, do not apply to the District of Columbia as they are intended to shift accountability for elections from localities to the state and promote more centralized administration. The District of Columbia is a single jurisdiction with only one election authority, the District of Columbia Board of Elections and Ethics. Accountability for elections in the District of Columbia resides with the Board. This section enumerates and explains both those components of the plan required under § 254 (a) of HAVA that do not apply to the District of Columbia and those components that must be redefined in order to apply to the characteristics of this unique jurisdiction.

According to HAVA, the state’s plan must discuss “how the State will monitor distribution of the requirements payment to units of local government”². There are no applicable units of local government in the District of Columbia; the Board will be the sole government agency to receive funds under HAVA and the sole agency with authority to spend HAVA funds. The Plan includes a detailed description of how the Board will work to ensure the highest standards of public accountability in the use of these funds.

² See Help America Vote Act of 2002, Public Law No. 107-252, § 254 (a)(2) (2002) (advising that state plans must describe “[h]ow the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State....”).



HAVA requires states to describe how they will “provide for programs for election official education and training”³. Again, the District of Columbia is a single entity with only one election authority; the Board’s only responsibility is to train its staff and pollworkers. As described elsewhere in this Plan, the Board will train relevant staff and poll workers on election administration requirements.

HAVA also requires that states adopt performance goals and measures to “determine the success of local government in carrying out the plan.”⁴ For the purposes of this provision, the District of Columbia must function in effect as both a state and local entity. In other words, applied to the District, the Board is required to devise the goals and measures by which the Board itself will be judged. To ensure the evaluation is objective and has the confidence of the public, the Board will ensure it is a public and independent process.

Finally, § 702 of HAVA requires states to create a single office within the state for carrying out responsibilities under the Uniformed and Overseas Citizens Absentee Voter Act. The Board, the sole agency responsible for administering these requirements, already complies with this new requirement.

While provisions in HAVA seek to address a problem that the District of Columbia does not experience, namely, centralizing authority at the state level, the Board, like every other state election authority, faces a challenge in ensuring uniform application of the law. Within the context of elections in the District of Columbia, uniformity of election administration will be defined as uniformity across the jurisdiction. The Board will seek to ensure the new requirements are applied uniformly in every polling place.

II. A PLAN FOR MEETING NEW REQUIREMENTS OF THE HELP AMERICA VOTE ACT IN THE DISTRICT OF COLUMBIA

The heart of the Help America Vote Act lies in the “Uniform and Nondiscriminatory Election Technology and Administration Requirements” set forth under title III. These requirements establish minimum standards for voting systems, polling place procedures, and voter registration. The following outlines how the Board will meet – and surpass – these new requirements.

³ See Help America Vote Act of 2002, Public Law No. 107-252, §§ 254 (a)(3) (2002) (advising that state plans must describe “[h]ow the State will provide for programs for ... election official education and training ... which will assist the State in meeting the requirements of title III”).

⁴ See HAVA, Public Law No. 107-252, § 254(a)(8) (2002) (advising that the plan include a description of “[h]ow 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....”).



Meeting New Voting System Requirements under HAVA⁵

In passing HAVA, Congress established a set of minimum standards for all voting systems used in federal elections. The standards, set out in § 301, require voting systems to do the following: notify voters of errors, including over-voting; provide voters with the opportunity to review their ballot and correct errors; provide a paper record for audit purposes; provide voters with disabilities the opportunity to cast a private ballot independently; provide ballots in multiple languages; and not exceed the machine error rate set by the Federal Election Commission. States are also required to provide a definition of what constitutes a vote for each type of system used.

Prior to the 2000 Presidential Election, the District of Columbia had already begun an overhaul of its voting systems consistent with the goals outlined in the federal bill. By the 2002 elections, the punch card voting system had been replaced with the Optech Eagle P III optical scan voting system. This system allows voters to review their ballots, notifies the voter of an over-vote and allows voters to correct the ballot in case of an error. The city will continue and expand its efforts to educate voters on the use of the optical scan system for its upcoming elections. In addition, by 2004 the Board will have added one machine per precinct that is accessible to persons who are visually and mobility impaired – the Sequoia Edge Direct Recording Equipment (“DRE”) machine – in all of the city’s 142 precincts. The optical scan and the DRE system meet the federal standards for auditability and acceptable machine error rate required under § 301.

The Board has drafted legislation requiring voting systems in the District of Columbia to meet the standards specified in § 301 of HAVA. These requirements are minimum standards and will not prevent the Board from procuring systems that offer additional features and safeguards. In addition to purchasing systems that meet the new requirements, the Board will, consistent with its former practice, abide by the voluntary standards issued by the Election Assistance Commission.

As explained more fully below, the Board expects to be in full compliance with the new HAVA voting system standards by the Presidential Primary in 2004. The Board plans to use HAVA funding to take additional steps that will ensure the transition to new voting systems is completed successfully.

Over-vote notification, ballot review and ballot correction

With its purchase of new optical scan systems and DREs, the Board significantly improved the process by which voters in the District of Columbia cast ballots. Both systems have safeguards to ensure the voter is able to express his or her intent accurately. The optical scan systems accomplish this goal by means of an in-precinct scanner.

⁵ See Help America Vote Act of 2002, Pub. L. No. 107-252, §§ 254 (a)(1), 254(a)(4) (2002) (advising that state plans must indicate “[h]ow the state will use the requirements payment to meet the requirements of title III,” and [h]ow the State will adopt voting system guidelines and processes which are consistent with the requirements of section 301.”).



Voters insert their ballots into the scanner, which rejects ballots with errors, including over-votes, thus confirming for the voter that he or she has produced a ballot that can be machine-read. The touch-screen DRE systems prevent voters from making errors and provide an automatic review of the ballot prior to its being cast.

Since the cost of these new technologies has proved prohibitive in the past, the Board phased in improvements gradually. After the 2000 election, the Board replaced its punch card voting system with the optical scan system. The Optech Eagle optical scan system now in use in every precinct permits voters casting their ballot in person to review their ballots. The system also allows for private and independent correction, as well as replacement of damaged or over-voted ballots. The Board will develop instructions for all voters, including absentee voters, explaining the effect of an over-vote and procedures for obtaining a replacement ballot – including procedures for replacing absentee ballots.

The Sequoia Edge DREs purchased by the Board (described more fully below) for use in 2004 are in full compliance with this provision of § 301 of HAVA. They do not permit over-voting; they provide automatic ballot review; and they notify the voter of errors and how to correct those errors.

Accessibility to persons with disabilities

Prior to passage of the HAVA, five District of Columbia voters, the American Association of People With Disabilities, and the Disability Rights Council of Greater Washington filed suit in the U.S. District Court claiming that the purchase of the new optical scan voting system, which is not accessible to voters with disabilities, violated the Americans with Disabilities Act of 1990.

In settling the case, the District of Columbia government and the Board agreed to provide at least one accessible DRE voting machine in every polling place in the city by the May Presidential Primary election. During the September 2002 primary election, the Sequoia Edge DREs were on display at 70 polling places. For a blind voter, the machines produce an audio reading of the ballot to which a voter listens using headphones. The voter moves through the ballot using arrow keys and pushes the “select” button for his or her choice. Each button has a distinctive shape, such as an “up” arrow, and is identified in Braille. People who cannot use their hands to hold a pencil can use the touch screen feature of the machine. The voter sees the ballot on the screen and touches the screen with any part of the hand or a wand held in the mouth. All voters can also use the machines to write in a candidate by spelling the candidate’s name either on a keyboard on the touch-screen or by selecting letters recited orally.

The Board anticipates having all of the machines ready for use in polling places by the 2004 Presidential Primary.



Auditability

The Board places a high premium on an open vote-casting and tabulation process that merits the trust and confidence of the voters. The voting systems procured by the Board have already been tested and certified by the Independent Testing Authority under the auspices of the National Association of State Election Directors. All ITA-certified systems meet established federal standards for auditability and security. The Board provides additional safeguards to ensure the integrity of these systems:

The DRE Edge is capable of providing a paper audit trail that can serve as an official record in the event of a recount. The system requests the voter to review his or her choices prior to submitting the ballot, at which time the system creates the permanent record.

The Optech Eagle uses paper ballots that can be used as an official record in the event of a recount.

Alternative Language Accessibility

The District of Columbia is home to an increasingly diverse population. Although the District of Columbia was not included on the Bureau of the Census list of jurisdictions required to provide multi-lingual ballots under the Voting Rights Act of 1965 (“VRA”)⁶, certain wards certainly meet the threshold percentage of voters with low English proficiency. The Board is therefore providing ballots and election materials in Spanish at every precinct in the 2004 elections.

The Sequoia Edge DREs can be programmed to produce ballots in multiple languages and are therefore compliant with this provision.

Error rates

HAVA requires that no voting systems exceed the acceptable machine error rate established in the Federal Election Commission’s voluntary Voting System Standards. As a matter of practice, the Board only purchases voting systems that meet these federal standards. Systems now in use – both the Optech Eagle and the Sequoia Edge DRE – have been tested and qualified by the Independent Testing Authority under the auspices of the National Association of State Election Directors.

Standards for what constitutes a vote

The Board’s administrative regulations, set forth in § 809 of title 3 of the District of Columbia Municipal Regulations contain clear guidelines on what constitutes a vote on the optical scan ballots. These standards are applied only in the event of a recount. The DRE systems define what constitutes a vote as part of the interface with the voter and so require no such guidelines.

⁶ 42 U.S.C. § 1971 (1965).



In addition to the steps outlined above, the Board plans to adopt the following measures to facilitate a smooth transition to new voting systems in the 2004 Presidential Primary and general election:

- Review and modify polling place signage, materials and procedures to ensure that both pollworkers and voters understand the process for casting a ballot that accurately reflects the voter’s intent and that will be counted. At a minimum, the Board will: (1) post an easily legible sign near the scanners instructing voters to review their ballots carefully to ensure they have clearly voted in pencil for the candidate(s) of their choice, that there are no stray marks on the ballot, and that they have not over-voted; and (2) instruct voters to watch the completed ballot being fed into the scanner.
- Conduct an educational campaign in cooperation with political parties, civic organizations and groups representing voters with disabilities using a wide range of media to familiarize the public with new voting systems, as well as new procedures. At the polling place, an additional pollworker will be dedicated to providing information to voters. Instructions on how to cast a ballot will be included with sample ballots.
- Develop instructional video and audio programs in English and Spanish on the use of the optical scan and DRE voting systems, and develop an outreach plan for educating District of Columbia voters, including voters with disabilities.
- To assure private and independent voting on the optical scan system, the Board will, cost permitting, replace the old punch card stations with new, simpler and more flexible privacy areas.
- Make DREs available in at least two locations during the in-person absentee voting period for voters with disabilities or voters who may need extra time for assistance in voting.

Table 1 – Compliance with § 301 Voting System Requirements	Compliant	Not Compliant	Actions Needed for Compliance
(a) (1)(A) The voting system shall permit private and independent voter verification before the ballot is cast and counted; shall provide the voter with the opportunity (in a private and independent manner) to correct the ballot; and shall notify the voter in the case of an over-vote and allow the voter to correct the ballot.	X		
(a)(1)(B) A State or jurisdiction that uses a paper ballot voting system (including mail-			The Board is



Table 1 – Compliance with § 301 Voting System Requirements	Compliant	Not Compliant	Actions Needed for Compliance
<p>in absentee ballots and mail-in ballots), may meet these requirements by establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office and providing the voter with instructions on how to correct and replace the ballot.</p>		X	<p>developing a program and materials to educate absentee and other voters on the use of optical scan system.</p>
<p>(a) (1)(C) The voting system shall ensure that any notification required under this paragraph preserves the privacy of the voter and the confidentiality of the ballot.</p>	X		
<p>(a)(2) The voting system shall produce a record with an audit capacity. The voting system shall produce a permanent paper record with a manual audit capacity. The voting system shall provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced. The paper record shall be available as an official record for any recount conducted with respect to any election in which the system is used.</p>	X		
<p>(a)(3) The voting system shall be accessible for individuals with disabilities, including non-visual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters. The voting system shall satisfy this requirement through the use of at least 1 direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place.</p>		X	<p>The District of Columbia is contracting with Sequoia for the purchase of a sufficient number of DREs to meet this requirement.</p>
<p>(a)(4) The voting system shall provide</p>			



Table 1 – Compliance with § 301 Voting System Requirements	Compliant	Not Compliant	Actions Needed for Compliance
alternative language accessibility pursuant to the requirements of section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa-1a).	X		
(a)(5) The error rate of the voting system in counting ballots (taking into account only those errors which are attributable to the voting system and not attributable to an act of the voter) shall comply with the error rate standards established under section 3.2.1 of the voting systems standards issued by the Federal Election Commission.	X		
(a)(6) Each State shall adopt uniform and nondiscriminatory standards that define what constitutes a vote and what will be counted as a vote for each category of voting system used in the State.	X		
<p>(b) The term "voting system" means--</p> <p>(1) the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used--</p> <p>(A) to define ballots;</p> <p>(B) to cast and count votes;</p> <p>(C) to report or display election results;</p> <p>and</p> <p>(D) to maintain and produce any audit trail information; and</p> <p>(2) the practices and associated documentation used--</p> <p>(A) to identify system components and versions of such components;</p> <p>(B) to test the system during its development and maintenance;</p> <p>(C) to maintain records of system errors and defects;</p> <p>(D) to determine specific system changes to be made to a system after the initial qualification of the system; and</p> <p>(E) to make available any materials to</p>		X	Legislation is pending to adopt this definition.



Table 1 – Compliance with § 301 Voting System Requirements	Compliant	Not Compliant	Actions Needed for Compliance
the voter (such as notices, instructions, forms, or paper ballots).			

Implementing the New Polling Place Procedures

In addition to establishing new standards for voting systems, HAVA also institutes new safeguards for voters on Election Day. In § 302, the law requires that voters whose eligibility is questioned be allowed to cast a ballot that will be counted if the election officials later determine the voter is eligible. In HAVA, this contingent ballot is called a “provisional ballot.” The law also requires that following the election voters have the means, using a free-access system, to find out if their ballot was counted, further stipulating that only the voter who cast the ballot shall have access to that information.

The new polling place procedures also include posting at every polling place the following information: a sample ballot; the polling place hours of operation; instructions for first-time, mail-in registrants; instructions for casting a provisional ballot; information on the voter’s rights under federal and state law; and the penalties for voter fraud.

Finally, § 302 requires that should a polling place be kept open past the established closing time, all voters casting ballots during the extended period will cast provisional ballots that will be segregated from other provisional ballots.

Provisional voting

Under current law in the District of Columbia, voters whose names do not appear in the precinct register may vote a provisional or, as it is termed in the District of Columbia Official Code, a “special ballot.” Voters whose names do not appear because they may have moved fill out an Election Day Change of Address form and vote a provisional ballot. In practice, the special ballot process ensures that every person desiring to vote on Election Day and claiming to be registered may cast a ballot. All such voters are instructed verbally and in writing about how to find out if their vote will be counted. After Election Day, the Board investigates the eligibility of the voters and makes a preliminary determination. A list of voters whose ballots are not deemed valid is made public. Voters and challengers may request a public hearing to appeal the preliminary decision.

Changes needed to bring the polling place administration of special ballots into compliance with HAVA are minimal. The Board has drafted legislation specifying the new uses of special ballots: (1) as a fail-safe mechanism for first-time mail-in registrants



whose eligibility has not been verified prior to voting, and (2) the required method for voters casting their ballots after regular voting hours in the event of a court order to keep the polls open.

As noted above, the new DRE system will be programmed to segregate special ballots so that voters with disabilities may cast provisional ballots on accessible machines.

Because the Board interprets HAVA to include challenged ballots within § 302 of HAVA, the current procedures for publishing the results of challenges must be revised to restrict access to information about the disposition of special ballots to the voter who cast the ballot. The Board is drafting legislation to make the necessary revisions. The Board will set up a toll-free telephone number that will allow voters to access information on the disposition of their special ballots. In addition, the Board is adding safeguards so that only the voter who cast the ballot has access to the information.

The Board will take the following additional steps to assure effective implementation of special ballot process:

- Since voters casting special ballots in the District of Columbia are required to cast these ballots in their assigned precinct, the Board will act to inform all voters of their assigned precinct in an election mailing prior to Election Day. As in the past, a trained pollworker will be designated to help a voter determine his or her assigned precinct and direct them to the appropriate polling place.
- DREs will be programmed to allow for segregating special ballots.
- The Board will work to devise administrative procedures that are simple and straightforward, and will conduct training to ensure pollworkers understand the new process.

Posting of voter information

The Board currently posts at the polling place the following information: qualifications for voting, a sample ballot, instructions for casting a special ballot, and the penalty for perjury. The Board has drafted legislation and regulations to bring the District of Columbia into compliance with this provision by adding a requirement to post the following:

- information regarding the date of the election and the hours during which polling places will be open;
- instructions for mail-in registrants and first-time voters under § 303(b);



- information on voting rights under applicable Federal and District laws (the District of Columbia Voter’s Rights Notice), including information on the right of an individual to cast a provisional (special) ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and
- general information on Federal and District laws regarding prohibitions on acts of fraud and misrepresentation.

Voters voting after the polls close

HAVA requires that voters casting their ballots after regular voting hours in the event of a court order to keep the polls open cast a special ballot. The law further requires that such ballots be kept separate from other provisional ballots.

The Board has drafted legislation specifying the use of special ballots in this circumstance. The Board will modify its procedures to accommodate this new use of special ballots and to allow these ballots to be segregated prior to a determination of their validity.

Table 2 – Compliance with § 302 Provisional Voting and Voting Information Requirements	Compliant	Not Compliant	Actions Needed for Compliance
(a) Provisional voting requirements. If an individual declares that he or she is a registered voter in the jurisdiction and that he or she is eligible to vote in a Federal election, but the name of the individual does not appear on the official list of eligible voters for the polling place or an election official asserts that the individual is not eligible to vote, such individual shall be permitted to cast a provisional ballot as follows	X		
(a)(1) An election official at the polling place shall notify the individual that the individual may cast a provisional ballot in that election.	X		
(a) (2) The individual shall be permitted to cast a provisional ballot at that polling place upon the execution of a written	X		



Table 2 – Compliance with § 302 Provisional Voting and Voting Information Requirements	Compliant	Not Compliant	Actions Needed for Compliance
affirmation by the individual before an election official at the polling place stating that the individual is-- (A) a registered voter in the jurisdiction in which the individual desires to vote; and (B) eligible to vote in that election.			
(a)(3) An election official at the polling place shall transmit the ballot cast by the individual to an appropriate election official for prompt verification.	X		
(a)(4) If the election official to whom the ballot or voter information is transmitted determines that the individual is eligible under State law to vote, the individual's provisional ballot shall be counted as a vote in that election in accordance with State law.	X		
(a)(5)(A) At the time that an individual casts a provisional ballot, the appropriate election official shall give the individual written information that states that any individual who casts a provisional ballot will be able to ascertain under the system established under subparagraph (B) whether the vote was counted, and, if the vote was not counted, the reason that the vote was not counted.	X		
(a) (5)(B) The appropriate election official shall establish a free access system (such as a toll-free telephone number or an Internet website) that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted.		X	Legislation and proposed rulemaking are pending to meet this requirement.



Table 2 – Compliance with § 302 Provisional Voting and Voting Information Requirements	Compliant	Not Compliant	Actions Needed for Compliance
<p>(a) ...The appropriate State or local official shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by the free access system established under paragraph (5)(B). Access to information about an individual provisional ballot shall be restricted to the individual who cast the ballot.</p>		X	Legislation and proposed rulemaking are pending to meet this requirement.
<p>(b) Voting information requirements. The appropriate election official shall cause voting information to be publicly posted at each polling place on the day of each election for Federal office.</p>		X	Legislation and proposed rulemaking are pending to meet this requirement.
<p>(b)(2)(A) a sample version of the ballot that will be used for that election;</p>	X		
<p>(b)(2) (B) information regarding the date of the election and the hours during which polling places will be open;</p>		X	Legislation and proposed rulemaking are pending to meet this requirement.
<p>(b)(2)(C) instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;</p>		X	Legislation and proposed rulemaking are pending to meet this requirement.
<p>(b)(2)(D) instructions for mail-in registrants and first-time voters whose identity has not been verified prior to Election Day;</p>		X	Legislation and proposed rulemaking are pending to meet this requirement.
<p>(b)(2)(E) general information on voting rights under applicable Federal and State laws, including information on the right of</p>		X	Legislation and proposed rulemaking are



Table 2 – Compliance with § 302 Provisional Voting and Voting Information Requirements	Compliant	Not Compliant	Actions Needed for Compliance
an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated;			pending to meet this requirement.
(b)(2)(F) general information on Federal and State laws regarding prohibitions on acts of fraud and misrepresentation.		X	Legislation and proposed rulemaking are pending to meet this requirement.
(c) Voters who vote after the polls close. Any individual who votes in a Federal election as a result of a court order or any other order extending the time established for closing the polls by a State law in effect 10 days before the date of that election may only vote in that election by casting a provisional ballot. Any such ballot cast under the preceding sentence shall be separated and held apart from other provisional ballots cast by those not affected by the order.		X	Legislation and proposed rulemaking are pending to meet this requirement.

Meeting New Registration Requirements

For all voters, applying to register is the first contact with the Board and the elections process. The District of Columbia has been energetic in its outreach to voters, offering registration opportunities at six city agencies and working in partnership with civic organizations, political campaigns, and media outlets to increase the number of registered voters. These efforts have been successful: 78.7 percent of the city’s voting age population is registered to vote. New funds available under HAVA for improving and modernizing the registration process will allow the Board to increase the efficiency of the registration system.

The authors of HAVA understood that standards regulating the voter registration process are just as important as standards regulating the voting process; accordingly, in §303 HAVA establishes new requirements not only for the voter registration process but also for how election officials will verify and manage voter registration information.



Most significantly, the law requires that every state maintain a single, uniform, centralized, computerized statewide voter registration list and in so doing shifts responsibility for voter registration from localities to states. The District of Columbia administers a single, computerized voter registration list that is, as noted earlier, already in compliance with this requirement.

Many of the list-cleaning provisions set forth in § 303 of HAVA serve to reinforce those established ten years ago in the National Voter Registration Act (NVRA); HAVA authorizes the resources necessary to meet these requirements. In a departure from the NVRA, which merely recommended that registration agencies coordinate and share information with other agencies to increase accuracy, HAVA mandates election officials to match voter records against the records of driver's license agencies and the Social Security Administration. To this end, HAVA requires that voters provide their driver's license number, if they have one, or the last four digits of their Social Security number (SSN) in order for their application to be processed. If the voter has neither a driver's license nor an SSN, the voter will be assigned a unique identifier. At the same time, the law mandates safeguards to protect the privacy of this information.

The law also spells out new procedures for handling voters registering for the first-time who register by mail. If the election authority is unable to match the records of these voters against other records prior to Election Day, these voters will be required to present ID at the polling place or send copies of ID with their absentee ballot. If the voter lacks the forms of identification called for under this provision, the vote will be considered a special ballot and counted according to state law.

Computerized voter registration list

The District of Columbia is in the enviable position of being in full compliance with § 303 (a)(1) of HAVA. The Board currently administers a single, uniform, computerized list that is used as the official list in all precincts. As the District of Columbia is a single jurisdiction, the requirements pertaining to the transmission of data and voter information from the county to the state do not apply.

The Board currently complies with all HAVA list maintenance requirements, as well as with all requirements in the NVRA. Records from the U.S. District and D.C. Superior Courts and the Department of Vital Statistics are matched against Board records to identify incarcerated felony convicts, deceased voters and other individuals who are no longer eligible to vote.

The Board also matches its computerized list against records received from the National Change of Address biannually. Information indicating that a voter has moved prompts a mailing to the voter for confirmation. Consistent with procedures established in the NVRA, the Board conducts a citywide canvass and removes those voters whose mail is returned as undeliverable and who have not voted in two federal elections. The District of Columbia regulations stipulate that the Board must confirm that a voter is ineligible



before removing the record from the rolls. These procedures will not change under HAVA; rather, the money appropriated under HAVA will allow the Board to make improvements and reduce the administrative burden of such list-cleaning measures.

HAVA requires that the official list used in the conduct of elections contain the names of all legally registered voters. Since inactive voters, that is, voters who have moved within the District and who have not responded to a mailing, are legally registered, Board will include the names of inactive voters on the list used at the precinct on Election Day.

The Board's Chief Technology Officer has responsibility for maintaining the integrity and security of the list of registered voters. Under the current system, access to voter registration information requires both a user ID and a password. The chief technology officer will strengthen the security of the list by creating a hierarchy of access to data.

Although compliant with all HAVA requirements, the voter registration database system does not take full advantage of contemporary information technology. Currently, all voter registration applications filled out at voter registration sites other than that of the Board office are transmitted in paper form. The Board intends to move to a system of electronic transmission between agencies. The Board plans to make the following improvements to reduce the administrative burden in managing the system (which will reduce costs over the long term) and ensure that the voter registration list is current, accurate, secure and reliable:

- secure agreements with voter registration agencies, including the Medical Assistance Administration, the Office on Aging, Income Maintenance Administration, Mental Retardation and Developmental Disabilities Administration, Recreation and Parks Senior Citizens' Branch, Rehabilitation Services Administration and the Supplemental Program for Women, Infants and Children to create interactive links that allow for the electronic transmission of voter information and registration applications;
- facilitate access to the entire registration list at each polling place; and
- establish new security measures to ensure that voter information remains private and protected.

Verification of registration information

The Board has designed its registration process on the principle that registration should not be a barrier to voting – indeed, by maintaining an accurate list of registered voters, the registration process allows the communication with voters vital to fostering healthy and full participation in elections. To ensure registration does not inhibit participation, procedures to verify voter information should be as transparent to the voter as possible.



Currently, the Board requests but does not require applicants to provide their SSNs. The voters are assigned a unique identifier that is random and specific to the Board's list (this system requires no modification). To comply with the new requirement under HAVA, the Board is revising registration forms to include a request for the applicant's driver's license number or the last four digits of the Social Security Number and modifying the database to store the new information.

The Board currently does not regularly match voter information with Department of Motor Vehicles ("DMV") records. As required by HAVA, the Chief Election Official will work with the appropriate official at the DMV to enter into an agreement authorizing the sharing of information between the two agencies. The Board will develop mechanisms for sharing data that will allow for verification of voter information. (Prior to linking the two systems, this match will be accomplished through file downloads from the DMV to the Board.) The Board will simultaneously institute safeguards to ensure that voters are not denied registration because of erroneous or out-of-date information contained on either database.

Requirements for first-time, mail-in registrants

Under HAVA, citizens registering to vote for the first time in the District of Columbia who submit their registration application by mail – specifically, applications sent to the Board via the United States Postal Service – are required to present at the polling place documents verifying identity. The acceptable forms of documentation specified in HAVA are: a copy of a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. If such voters vote absentee, they are required to submit copies of ID or the other verifying documents with their absentee ballot. The Board has drafted legislation that will bring the District of Columbia into compliance with this requirement and is modifying the voter registration system to track such voters.

The Board is concerned, however, that instituting special procedures at the polling place for certain voters may lead to the perception that some voters are being treated differently. In addition, special procedures inevitably add to possible confusion at the polling place. For this reason, the Board plans to incorporate procedures into the new registration process for verifying the voter's eligibility prior to their voting and thereby reduce the burden on both pollworkers and voters.

The Board will take the following additional steps to ensure effective implementation of new registration and first-time voter requirements:

- In designing the new registration applications, the Board will consult a literacy expert to ensure that each request for information on the voter registration form is readily understandable and can be satisfied with a concise answer or mark.
- In processing registration applications received by mail, the Board will make every effort to obtain missing registration information prior to the next election. This provision may require the Board to send multiple mailings to the registrant.



- The Board will work with city agencies that issue identification and encourage them to include both name and address on all government-issued ID.
- Develop training, including an instructional video, on the new requirements of HAVA for citizens and other community groups who conduct voter registration drives and register other citizens.

Table 3 – Compliance with § 303 Computerized Voter Registration List Requirements and Requirements for Voters Who Register by Mail	Compliant	Not Compliant	Actions Needed for Compliance
(a) (1)(A) Computerized statewide registration list requirements. Each State, acting through the chief State election official, shall implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive, computerized statewide voter registration list defined, maintained, and administered at the State level that contains the name and registration information of every legally registered voter in the State (in this subsection referred to as the computerized list), and includes the following:	X		
(a)(1)(A)(i) The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the state.	X		
(a)(1)(A)(ii) The list contains the name and registration information of every legally registered voter in the State.		X	The Board will merge active and inactive voters on the official list.
(a)(1)(A)(iii) Under the computerized list, a unique identifier is assigned to each legally registered voter in the State.	X		
(a)(1)(A)(iv) The computerized list shall be			



Table 3 – Compliance with § 303 Computerized Voter Registration List Requirements and Requirements for Voters Who Register by Mail	Compliant	Not Compliant	Actions Needed for Compliance
coordinated with other agency databases in the State.	X		
(a)(1)(A)(v) Any election official in the State, including any local election official, may obtain immediate electronic access to the information contained in the computerized list.	N/A		
(a)(1)(A)(vi) All voter information obtained by any local election official shall be electronically entered into the computerized list on an expedited basis at the time the information is provided to the local official.	N/A		
(a)(1)(A)(vii) The chief State election official shall provide such support as may be required so that local election officials are able to enter information.	N/A		
(a)(1)(A)(viii) The computerized list shall serve as the official voter registration list for the conduct of all elections for Federal office in the State.	X		
(a)(2) Computerized list maintenance. The appropriate election official shall perform list maintenance with respect to the computerized list on a regular basis as follows: (a)(2)(A)(i) If an individual is to be removed from the computerized list, such individual shall be removed in accordance with the provisions of the National Voter Registration Act of 1993 (42 U.S.C 1973gg et seq.).	X		
(a)(2)(A)(ii) For purposes of removing			



Table 3 – Compliance with § 303 Computerized Voter Registration List Requirements and Requirements for Voters Who Register by Mail	Compliant	Not Compliant	Actions Needed for Compliance
<p>names of ineligible voters, from the official list of eligible voters –</p> <p>(I) under section 8(a)(3)(B) of such Act (42 U.S.C 1973gg-6(a)(3)(B)), the State shall coordinate with State agency records on felony status; and</p> <p>(II) by reason of the death of the registrant under section 8(a)(4)(A) of such Act (42 U.S.C 1973gg-6(a)(4)(A)), the State shall coordinate the computerized list with State agency records on death.</p>	X		
<p>(a)(2)(B) The list maintenance performed under subparagraph (A) shall be conducted in a manner that ensures that –</p> <p>(i) the name of each registered voter appears in the computerized list;</p>	X		
<p>(a)(2)(B) (ii) only voters who are not registered or who are not eligible to vote are removed from the computerized list; and</p>	X		
<p>(a)(2)(B)(iii) duplicate names are eliminated from the computerized list.</p>	X		
<p>(a)(3) Technological security. The appropriate official shall provide adequate technological security measures to prevent the unauthorized access to the computerized list established under this section.</p>	X		
<p>(a)(4) Minimum standard of accuracy for state records. – The State election system shall include provisions to ensure that voter registration records in the State are accurate and are updated regularly, including the following:</p>	X		



Table 3 – Compliance with § 303 Computerized Voter Registration List Requirements and Requirements for Voters Who Register by Mail	Compliant	Not Compliant	Actions Needed for Compliance
(a)(4)(A) A system of file maintenance that makes a reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters. Under such system, consistent with the National Voter Registration Act of 1993 (42 U.S.C 1973gg et seq.), registrants who have not responded to a notice and who have not voted in 2 consecutive general elections for Federal office shall be removed from the official list of eligible voters, except that no registrant may be removed solely by reason of a failure to vote.			
(a)(4)(B) Safeguards to ensure that eligible voters are not removed in error from the official list of eligible voters.	X		
(a)(5) Verification of voter registration information. (a)(5)(A)(i) Except as provided in clause (ii), notwithstanding any other provision of law, an application for voter registration for an election for Federal office may not be accepted or processed unless the application includes— (I) in the case of an applicant who has been issued a current and valid driver's license, the applicant's driver's license number; or (II) in the case of any other applicant (other than an applicant to whom clause (ii) applies), the last 4 digits of the applicant's social security number.		X	Legislation and proposed rulemaking to meet this requirement are pending. Application form and computerized registration list are being revised to accommodate this requirement.
(a)(5)(A)(ii) Special rule for applicants without driver's license or Social Security Numbers. If an applicant for voter registration for an election for Federal office has not been issued a current and valid driver's license or a social security number, the State shall assign the applicant a number which will serve to identify the applicant for voter registration		X	Legislation and proposed rulemaking are pending to meet this requirement.



Table 3 – Compliance with § 303 Computerized Voter Registration List Requirements and Requirements for Voters Who Register by Mail	Compliant	Not Compliant	Actions Needed for Compliance
<p>purposes. To the extent that the State has a computerized list in effect under this subsection and the list assigns unique identifying numbers to registrants, the number assigned under this clause shall be the unique identifying number assigned under the list.</p>			
<p>(a)(5)(A) (iii) The State shall determine whether the information provided by an individual is sufficient to meet the requirements of this subparagraph, in accordance with State law.</p>	X		
<p>(a)(5)(B) Requirements for state officials.— (i) The chief State election official and the official responsible for the State motor vehicle authority of a State shall enter into an agreement to match information in the database of the statewide voter registration system with information in the database of the motor vehicle authority to the extent required to enable each such official to verify the accuracy of the information provided on applications for voter registration.</p>		X	<p>The chief election official is working with appropriate officials at the DMV to reach an agreement on sharing information.</p>
<p>(b) Requirements for voters who register by mail.— (b)(1) Notwithstanding section 6(c) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4(c)) and subject to paragraph (3), a State shall, in a uniform and nondiscriminatory manner, require an individual to meet the requirements of paragraph (2) if— (A) the individual registered to vote in a jurisdiction by mail; and (B)(i) the individual has not previously voted in an election for Federal office in the State; or (ii) the individual has not previously voted in such an election in the jurisdiction and the jurisdiction is</p>		X	<p>Legislation and proposed rulemaking to meet this requirement are pending.</p>



Table 3 – Compliance with § 303 Computerized Voter Registration List Requirements and Requirements for Voters Who Register by Mail	Compliant	Not Compliant	Actions Needed for Compliance
located in a State that does not have a computerized list that complies with the requirements of subsection (a).			
<p>(b)(2) Requirements --</p> <p>(b)(2)(A) An individual meets the requirements of this paragraph if the individual--</p> <p>(b)(2)(A)(i) in the case of an individual who votes in person--</p> <p>(I) presents to the appropriate State or local election official a current and valid photo identification; or</p> <p>(II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or</p>		X	Legislation and proposed rulemaking to meet this requirement are pending.
<p>(b)(2)(A)(ii) in the case of an individual who votes by mail, submits with the ballot--</p> <p>(I) a copy of a current and valid photo identification; or</p> <p>(II) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.</p>		X	Legislation and proposed rulemaking to meet this requirement are pending.
<p>(b)(2)(B) Fail-Safe Voting</p> <p>(b)(2)(B)(i) An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 302(a).</p>		X	Legislation and proposed rulemaking to meet this requirement are pending.
<p>(b)(2)(B)(ii) An individual who desires to vote by mail but who does not meet the requirements of subparagraph (A)(ii) may cast such a ballot by mail and the ballot shall be counted as a provisional ballot in accordance with section 302(a).</p>		X	Legislation and proposed rulemaking to meet this requirement are pending.



Table 3 – Compliance with § 303 Computerized Voter Registration List Requirements and Requirements for Voters Who Register by Mail	Compliant	Not Compliant	Actions Needed for Compliance
<p>(b)(3) Inapplicability Paragraph (1) shall not apply in the case of a person –</p> <p>(b)(3)(A) --who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) and submits as part of such registration either—</p> <p>(i) a copy of a current and valid photo identification; or</p> <p>(ii) a copy of a current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter;</p>		X	<p>Legislation and proposed rulemaking to meet this requirement are pending.</p>
<p>(b)(3)(B)(i) – who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) and submits with such registration either—</p> <p style="padding-left: 40px;">(I) a driver's license number; or</p> <p style="padding-left: 40px;">(II) at least the last 4 digits of the individual's social security number; and</p> <p>(b)(3)(B)(ii) with respect to whom a State or local election official matches the information submitted under clause (i) with an existing State identification record bearing the same number, name and date of birth as provided in such registration; or</p>		X	<p>Legislation and proposed rulemaking to meet this requirement are pending.</p>
<p>(b)(3)(C) who is--(i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);(ii) provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)); or (iii) entitled to vote otherwise than in person under any other</p>		X	<p>Legislation and proposed rulemaking to meet this requirement are pending.</p>



Table 3 – Compliance with § 303 Computerized Voter Registration List Requirements and Requirements for Voters Who Register by Mail	Compliant	Not Compliant	Actions Needed for Compliance
Federal law.			
(b)(4) Contents of mail-in registration form. (b)(4)(A) The mail voter registration form developed under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) shall include the following: (i) The question "Are you a citizen of the United States of America?" and boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.		X	Legislation and proposed rulemaking to meet this requirement are pending. Mail-in registration form is under revision.
(b)(4)(A)(ii) The question "Will you be 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether or not the applicant will be 18 years of age or older on election day.		X	Legislation and proposed rulemaking to meet this requirement are pending. Mail-in registration form is under revision.
(b)(4)(A)(iii) The statement "If you checked 'no' in response to either of these questions, do not complete this form."		X	Legislation and proposed rulemaking to meet this requirement are pending. Mail-in registration form is under revision.
(b)(4)(A)(iv) A statement informing the individual that if the form is submitted by mail and the individual is registering for the first time, the appropriate information required under this section must be submitted with the mail-in registration form in order to avoid the additional identification requirements upon voting for the first time.		X	Legislation and proposed rulemaking to meet this requirement are pending. Mail-in registration



Table 3 – Compliance with § 303 Computerized Voter Registration List Requirements and Requirements for Voters Who Register by Mail	Compliant	Not Compliant	Actions Needed for Compliance
			form is under revision.
(b)(4)(B) Incomplete forms.--If an applicant for voter registration fails to answer the question included on the mail voter registration form pursuant to subparagraph (A)(i), the registrar shall notify the applicant of the failure and provide the applicant with an opportunity to complete the form in a timely manner to allow for the completion of the registration form prior to the next election for Federal office (subject to State law).		X	Legislation is pending and administrative procedures are being revised to meet this requirement.

Activities To Enhance Implementation of the District of Columbia Plan

In addition to the steps outlined above, the Board will use funds appropriated under HAVA to do the following:

Expand the Capacity of the District of Columbia Board of Elections and Ethics

In order to ensure smooth implementation of the new requirements, the Board must expand its administrative and physical capacity. The Board will conduct an organizational review and, based on that review, implement changes in staffing and equipment necessary to meeting the legislative requirements and carrying out the Plan within the specified timeframe. As part of the organizational review, the Board will introduce measures to ensure accountability for each component of the Plan.

In addition, to augment the skills of elections staff and promote increased professionalism, the Board will institute a training and certification program for current and future staff. The Board will work cooperatively with The Election Center and other organizations to provide substantive training on federal and District election laws, voting systems, registration systems and administration, among other topics. Beyond the certification program, the Board will also expand professional development opportunities for staff. The Board will also institute a certification program to increase accountability of Board staff and assure full compliance with all Federal and District election laws.



*Strengthen pollworker training and recruitment*⁷

Pollworkers are critically important to ensure smooth and successful elections.

Pollworker outreach is important to ensure a sufficient number of pollworkers to assist in election preparations and to adequately staff each polling place on Election Day.

Pollworker training is also important to ensure that each pollworker possesses sufficient experience and knowledge to reliably carry out the duties of conducting a fair election and safeguard every eligible voter's right to cast a ballot.

As part of its effort to conduct effective pollworker outreach, the Board will seek to match pollworker stipends in the District of Columbia with the national average for urban election districts.

The Board will also hire a professional recruiter in order to expand the number of pollworkers available on Election Day. The recruiter's scope of services will include the following:

- develop and implement a comprehensive recruitment program that reaches civic and service organizations, public and private high schools and colleges, major employers and local businesses operating in the District of Columbia;
- develop and place recruiting announcements in print media and electronic media, including radio and television.

In an election that will feature both new voting systems and new procedures – as will be the case in 2004 – the importance of quality pollworker training cannot be overstated. To ensure pollworkers in the District of Columbia are well prepared for the challenges of implementing HAVA at the polling place, the Board will undertake the following:

- hire a professional trainer to develop and conduct a comprehensive pollworker training program, to include specific education on the District of Columbia Voters' Rights Notice;
- develop and produce updated training materials that will give pollworkers access to training off-site, for example, web-based training, CD-ROMs, and videos; and
- produce training materials specifically covering the operation of the optical scan and DRE voting systems.

To ensure the polling place workforce can meet the demands in 2004 and after, the Board will review the organization of the polling place and research models for effective staffing. At a minimum, the following changes will be made:

⁷ See HAVA, Public Law No. 107-252, § 254 (a)(3) (2002), advising that the plan must describe “[h]ow the state will provide for programs for . . . poll worker training which will assist the State in meeting the requirements of title III.”



- Beginning in 2004, each voting precinct will have 3 additional pollworkers, one of whom will be dedicated to assisting voters using the DRE voting machine.
- Develop and implement a pilot program at one or more voter precincts providing multiple work shifts for certain pollworker positions on Election Day in order to reduce the time commitment necessary to serve as a pollworker.

*Expand voter education*⁸

The Board is required to expand its voter education program in two ways: (1) it must educate voters in the proper use of optical scan ballots, and (2) it must post the information listed under § 302(b) of HAVA at the polling place. These efforts are described in the relevant sections above. More is needed. Ensuring that every eligible voter is able to cast his or her vote and have that vote counted requires a vigorous voter education campaign beyond the minimum standards outlined in HAVA. To this end, the Board plans to conduct an aggressive public education campaign that will include the steps listed below. All appropriate components of this expanded voter education program will be produced in Spanish as well as English.

- HAVA requires that information regarding voters' rights under federal and state law be posted at each polling place. The Board will develop and adopt "The District of Columbia Voters' Rights Notice," a compilation of all relevant federal and District laws. The Board will disseminate the Notice and post a copy on the Board's website.
- Upgrade the Board website to ensure it matches the quality of the best state and local election websites across the country and that it is timely, attractive, user and maintenance-friendly, and information rich. The website should be accessible to blind voters. All information required to be posted at the polling place will also be posted on the Board's website.
- Produce and send a voter education mailer that includes basic information about elections in the District of Columbia, a copy of the District of Columbia Voter's Rights Notice, and the voter registration card to every registered voter. The design of the mailer and the material it is printed on shall encourage voters to keep the mailer for future reference. This mailer/brochure will include all information required to be posted at the polling place. The Board shall also produce an audio version of this publication for distribution to visually impaired voters.

⁸ See HAVA, Public Law No. 107-252, § 254 (a)(3) (2002), advising that the plan must describe "[h]ow the state will provide for programs for voter education . . . which will assist the State in meeting the requirements of title III."



- Send mailers prior to primary and general elections to qualified voters that include sample ballots and nonpartisan information on candidates and ballot measures. This mailer will be modeled on similar materials produced by states that regularly provide nonpartisan information on candidates and ballot measures to voters prior to elections.
- Produce and secure air time for radio and television public service announcements about participation in the elections process.
- Continue and expand outreach to students through the Board’s “Youth at the Booth” program.

III. THE FUTURE OF ELECTIONS IN THE DISTRICT OF COLUMBIA⁹

HAVA makes clear that the minimum requirements for voting systems are just that: a minimum. Voters in the District of Columbia deserve an election system that sets the standard for the rest of the country. Accordingly, looking to the long term, the Board will work to achieve the following goals.

Goal: A fully interactive, electronic voter registration system

The Board will use HAVA funds to develop a voter registration system that takes full advantage of contemporary database technology.

- The system will be fully interactive, with electronic links to all other city agencies that provide voter registration opportunities. Under this system, new registrations and changes of address conducted at other agencies will be electronically transmitted to the Board for acceptance and processing. The Board will develop procedures to protect voters from problems arising from out-of-date or erroneous information on other databases.
- The system will allow pollworkers to view the database remotely from the polling place.
- The system will feature an improved mechanism for assigning voters to correct precincts and make the information on precinct and polling place more accessible to the voter.

⁹ See HAVA, Public Law No. 107-252, § 254(a)(1) (2002) advising that the plan describe “[h]ow the State will use the requirements payment ... if applicable under section 251(a)(2), to carry out other activities to improve the administration of elections.”



Other changes contemplated for voter registration include:

- Identifying voters with special needs such as alternative language ballots or accessible equipment as part of the registration process.
- Instituting Election Day registration in the District. This process would allow voters to cast a regular ballot on confirming their eligibility at the polling place. The District of Columbia already allows voters to conduct an Election Day Change of Address.
- Purchasing electronic pollbooks at the polling place. This innovation would reduce the cost and effort involved in printing the precinct register and would speed up the production of the voter history. With proper training, the electronic pollbooks would also speed up voter intake at the polling place on Election Day.
- Identifying and registering felons who are no longer incarcerated. The Board will request that the Parole Board, Court Services and Offender Supervision Agency, halfway houses, and other agencies who handle outreach to ex-convicts make voter registration part of their de-briefing process. In addition, the Board will work with civic organizations to conduct registration and voter outreach to eligible citizens who are incarcerated.
- Encouraging every business that provides services to the citizens of the District to foster voter registration and voter education and encourage their employees to serve as pollworkers.

Goal: Improved accessibility to in-person voting for voters with disabilities

While HAVA establishes a requirement for voting systems that are accessible to voters with disabilities, the removal of barriers to the polling place is not included in the new requirements. However, the law does require states to affirm their compliance with other federal laws that address this issue directly. Under the provisions of the “Voting Accessibility for the Elderly and Handicapped Act of 1984,”¹⁰ which became effective January 1, 1986, the Board conducted an extensive program to make its polling places accessible. Initially, making polling places accessible involved a major construction program of building ramps, installation of curb ramps, polling place relocations, and use of alternative entrances and voting areas. This effort is not yet complete. Under § 261 of HAVA, Congress authorized new resources through the Department of Health and Human Services for completing this program. The Board submitted an application for funding under this title in July of 2003.

¹⁰ 42 U.S.C. §1973 ee et seq.



Currently there are 142 voting locations in the District of Columbia, of which 90 are public facilities and 52 are non-District owned properties.

To ensure compliance with the Americans with Disabilities Act (ADA)¹¹, as required by HAVA, the Board will undertake to do the following:

- Survey all polling places to determine ADA compliance. The survey should cover paths of travel, ramps, doors, elevators, and any other barriers to the voters' access to the polling place. The results of the survey should identify access issues and a cost estimate to make the polling place ADA compliant.
- Secure a contractor, once access issues are identified, to bring the site into compliance with the ADA.
- Determine the feasibility of using certified portable ramps at select polling places. Ramps should be installed and removed by a professional contractor.
- Establish "intra-District support team" that includes intra-agency contacts such as the Office on Aging and others that can assist Board in addressing accessibility issues.
- Develop brochure for the elderly and disabled that informs them of the services available.
- Ensure pollworkers are available to remedy problems that prevent access, such as locked doors and inoperable elevators.

IV. FUNDING ELECTION REFORM

*Projected Available Funds for Implementation*¹²

Title I funding

Under §101 of HAVA, Congress authorized funding to the states that would be available both for planning purposes and for immediate improvements in election administration. The District of Columbia has received \$5 million in early funding under this title.

¹¹ 42 U.S.C. § 12101 et seq.

¹² See HAVA, Public Law No. 107-252, § 254(a)(6) (2002) (advising that the plan include "[t]he State's proposed budget for activities under this part, based on the State's best estimates of the costs of such activities and the amount of funds to be made available, including specific information on—(A) the costs of activities required to be carried out to meet the requirements of title III; (B) the portion of the requirements payment which will be used to carry out activities to meet such requirements; and (C) the portion of the requirements payment which will be used to carry out other activities").



Preliminary calculations by the General Services Administration indicated that the District of Columbia would not be eligible to receive additional funding under §102 of HAVA (the funds available for replacing punch card systems) over the \$5 million minimum payment. The Board therefore applied only for funds available under §101 of HAVA. Table 7 details how this early money will be spent.

Title II funding in FY03 and FY04 and FY05

Title II of HAVA authorizes Requirements Payments to the states. These payments comprise the bulk of the money authorized in HAVA and are intended to assist the states in meeting the requirements of title III. Funding for these grants, however, was significantly reduced in the FY03 congressional appropriation. The President's budget estimates for the next two years likewise fail to fund election reform at the level authorized by Congress in HAVA; whereas HAVA authorized \$1.6 billion in FY 04 and FY05, the President's budget included only \$500 million for each year. The budget set forth below is based on the amount appropriated for FY 03 and the President's estimated amounts for the two subsequent years.

The actual proportion of title II grant money allocated to the District of Columbia in FY03 can only be estimated at this time. The Election Administration Commission will administer these grants. The final FY03 appropriation included \$810 million available for title II grants. According to the formula established in HAVA, the District of Columbia would be eligible to receive a share equal to one half of one percent of the total amount appropriated to the states in § 252, or \$4.05 million. Although this money was appropriated in FY03, it is unlikely to be disbursed until FY04. Accordingly, in the table below, this item is listed as FY03 money even though, in effect, it will be available in FY04.

Assuming that funds appropriated in FY04 and FY05 are in line with the President's reduced funding levels, the District of Columbia would receive \$2.5 million in each of these two years.

Funds available under § 261 of HAVA

HAVA also authorizes funding for improving the accessibility of polling places. The District of Columbia has applied for \$100,000 under § 261 of title II of HAVA in order to carry out plans to make every polling place across the city barrier-free for voters with disabilities.

The District of Columbia's matching fund

HAVA requires that the state appropriate a match totaling five percent of the funding provided under title II and the match itself. The District of Columbia must therefore match funds granted under title II of HAVA at a rate of 5.26 percent (the match is calculated at five percent of the total of both the title II funds and the state's match). The match is \$213,000 in FY03 and \$131,500 in both FY04 and FY05. The estimates for title II grants outlined above form the basis for this calculation.



Maintenance of Effort by the District of Columbia¹³

In order to ensure that funds authorized by HAVA are not used to supplant funding for elections that would otherwise be appropriated by the state or local election authority, HAVA requires that the District of Columbia provide an amount at least equal to what was spent for the conduct of the 2000 elections. In using any requirements payment, the District of Columbia will maintain expenditures of the Board for activities funded by title I and title II payments at a level equal to or greater than the level of such expenditures in the District of Columbia's FY00 budget. In FY00 the Board's budget totaled \$3.5 million.

Use of Title I Funds¹⁴

As stated above, the District of Columbia applied only for funds under § 101 of title I of HAVA. The disbursement of early payments under title I will allow the Board to develop an implementation plan and lay the groundwork for changes called for in this Plan. In effect, since title II money under HAVA will not be available in time to pay for changes needed by the 2004 Presidential Primary – which, in the District of Columbia, will take place January 13, 2004 – the early money will also be used to pay for all new administrative procedures and technology that must be in place by the 2004 General Election. A detailed accounting of how title I funds will be used can be found in Table 7 below.

¹³ See HAVA, Public Law No. 107-252, §254 (a)(7)(2002) (advising that the plan indicate “[h]ow the State, in using the requirements payment, will maintain the expenditures of the State for activities funded by the payment at a level equal to not less than the level of such expenditures maintained by the State for the fiscal year preceding the fiscal year for which the payment is received”).

¹⁴ See HAVA, Public Law No. 107-252, §254(a)(10)(2002) (advising that “[i]f the State received any payment under title I, [the plan should include] 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”).



Table 5 – Funding Assumptions (FY03 – FY05)			
	FY 03	FY 04	FY 05
HAVA Title I (101)	\$5,000,000		
HAVA Title II (252)	\$4,050,000*	\$2,500,000	\$2,500,000
HAVA Title II (261)	\$100,000		
D.C. matching funds		\$344,530*	\$131,500
Maintenance of effort	\$3,500,000	\$3,500,000	\$3,500,000

* Congress appropriated funding for title II grants in FY03; however, these funds may not be disbursed until the establishment of the Election Assistance Commission. In effect, states will likely receive that money in FY04. If this funding is combined with the actual FY04 appropriation under title II, the District of Columbia match would have to match the combined title II funds.



Projected Expenditures for Meeting HAVA Title III Requirements

The grant money available under title II will be used both to bring the District of Columbia into full compliance with title III requirements and to enhance the implementation of changes necessary for meeting the new requirements. The activities listed here are more fully described in Section II, “A Plan for Meeting New Requirements of the Help America Vote Act in the District of Columbia.” These expenditures cover both one-time costs, such as modifying the computerized voter registration database, and implementation costs associated with each election from 2004 through 2006.

Voting system requirements: Title II funding will be used to pay a little over half the cost of the new DRE voting systems (\$355,470). The Board will pay the remaining cost (\$344,530). As noted earlier, following the 2000 election, the District decided to replace its punch card voting systems with the Optech Eagle P III optical scan voting system at an approximate cost of \$950,000 (the contract has not yet been finalized).

Provisional voting and voter information requirements: While the District of Columbia has long had a safeguard in place to protect voters whose eligibility is in doubt on Election Day (the special ballot and challenge ballot processes), the Board will institute a toll-free telephone system for voters to access information on the disposition of their ballots to comply with the exact process described in HAVA. The Board will procure a toll-free automated phone system and will also make the information available on the Internet through the Board website (estimated cost for this requirement is \$100,000). To meet the new requirement to post voter information in each polling place, the Board intends to purchase special display systems for posting the information in an accessible location (\$90,000). In addition, the Board will produce instructional videos (with a bilingual audio feature) to run at the polling place on Election Day (\$40,000).

Computerized voter registration system and verification requirements: To enhance and improve the current computerized voter registration system, the Board plans the following modifications: (1) create interactive links with the databases of other government agencies that accept voter registration applications to facilitate the electronic transfer of voter information, and (2) modify the database and the registration forms to accommodate the new identification information and other required voter registration changes (\$500,000). In addition, to enhance compliance with the list-cleaning provisions of § 303 of HAVA, the Board will conduct a program to verify the data assignments (\$50,000).

Voter education: In order to ensure full compliance with the new voting system requirements, the Board will conduct comprehensive voter education to ensure that voters understand how to operate the voting system properly. This program, which will be conducted in addition to the Board’s regular outreach to voters, will include sending sample ballots and non-partisan information about the candidates and ballot measures. All registered voters will receive instructions about the process for recording, casting and



replacing a ballot on both optical scan and DRE's, and information about their rights under both local and federal law. This multi-media education effort will include \$1,000,000 for production and distribution of special mailers and \$500,000 for voter outreach through television and radio. The Board will also upgrade its website to allow for improved access to voter information, web-casting of voter information, and poll worker training (\$200,000).

Poll worker recruitment and training: Recognizing that pollworker recruitment will be central to the success of election reforms, the Board will significantly increase resources for pollworker recruitment and training. To increase the number of poll workers per polling place, as required by the Plan, the Board will hire a recruiter and conduct an intensive recruitment campaign (\$500,000). The Board will also enhance the pollworker training program to ensure that all Election Day workers understand both the new administrative procedures and the new voting systems (\$1,000,000). The training will include hiring a trainer and producing a poll worker training video (\$40,000). The cost for the additional pollworkers will be paid from title I funds (\$90,000).

HAVA administration: To guarantee sound and effective implementation of the new rules and to improve all facets of election administration, the Board will institute new training requirements for Board staff. This training will cover voter registration, election administration, as well as the requirements under local and federal election law. In addition, the Board will institute a certification program for Board staff and provide other professional development opportunities (\$300,000).

To conduct the programs described in the Plan, many of which are being undertaken for the first time, will require a significant boost in administrative resources. These resources will cover an organizational review, additional education, training, and changes in staffing and equipment. The Board estimates increasing its capacity by 20 percent in order to implement the new law and make changes called for in the Plan within the timeframe specified by law (\$700,000).

To ensure accountability to the public, an evaluation committee will conduct an independent review and evaluation of the implementation of HAVA in the District of Columbia. This effort will include the development of a feedback mechanism to gauge voter responses to changes and innovations (\$100,000).



Table 6 – Estimated Expenditures on Title III Requirements (FY03 – FY05)

	HAVA 101	HAVA 252	HAVA 261	5% match	total cost
§301 – Voting System Requirements					
Purchase of Sequoia Edge DREs		\$355,470		\$344,530	\$700,000
Purchase of Sequoia Optech Eagle					\$950,000*
§302 – Provisional Voting and Voter Information					
Toll-free telephone access system		\$100,000			\$100,000**
Voter information materials/equipment		\$90,000			\$90,000
§303 – Computerized voter registration and verification requirements					
Modification of database		\$500,000			\$500,000
Verification of data assignments		\$50,000			\$50,000
Voter Education					
Website overhaul	\$200,000				\$200,000
Mailings (production and mailing costs)***	\$1,000,000				\$1,000,000
Voter outreach campaign	\$500,000				\$500,000
Pollworker recruitment and training					
Recruitment campaign	\$500,000				\$500,000
Pollworker training		\$1,000,000			\$1,000,000
Pollworker training video		\$40,000			\$40,000
Additional pollworkers	\$90,000				\$90,000
HAVA administration					
Staff training and certification		\$300,000			\$300,000
Program management and capacity building (including staffing, travel, equipment and supplies)		\$700,000			\$700,000
Evaluation					
		\$100,000			\$100,000
Total	\$2,290,000	\$3,235,470		\$344,530	\$5,870,000



Notes on Table 6:

*Funding for the optical scan voting system was appropriated in FY01; the contract has not yet been finalized so this figure is approximate and included here for informational purposes and not included in the total.

**Creating the toll-free access system will be a modification to the computerized statewide database system; the amount is separated in this chart for informational purposes.

***The amounts for voter education include voter education efforts necessary for compliance with § 301 of HAVA – a targeted education effort to voters voting paper ballots without over-vote protection or ballot review – and discretionary voter education programs.

Estimated Expenditures for Improved Election Administration

Over and above implementing new federal requirements, the Board will use funding available under HAVA to modernize and improve key components of the District's election system by implementing the following changes.

Multi-lingual ballots: The Board intends to offer ballots in Spanish in every polling place beginning in 2004. The DRE systems will also be programmed to offer Spanish speakers the option of a Spanish-language ballot (\$40,000).

Improved accessibility for voters with disabilities: The Board will use funds available from the Department of Health and Human Services under §261 of HAVA to (1) improve the accessibility of polling places (\$15,000); (2) purchase aids for voters with disabilities (\$30,000); (3) produce a training video and manual on the needs of voters with disabilities (\$25,000); and (4) produce additional brochures and information for voters with disabilities (\$30,000).

Improvements to polling place operations: To improve polling place operations and reduce the need for special ballots, the Board will provide access to the entire voter registration list at each polling place (\$142,000). In addition, to facilitate the Election Day Change of Address and speedier voter intake, the Board will move to electronic poll books (\$600,000).



**Table 7 – Estimated Expenditures for Improved Election Administration
(FY03 – FY05)**

	HAVA 101	HAVA 252	HAVA 261	5% match	total cost
Multilingual Ballots					
Election materials	\$40,000				\$40,000
Polling place accessibility					
Improving accessibility of the polling place			\$15,000		\$15,000
Voting aids for voters with disabilities			\$30,000		\$30,000
Video & manual on needs of voters w/ disabilities			\$25,000		\$25,000
Information for voters with disabilities			\$30,000		\$30,000
Computerized voter registration list					
Electronic access to entire list at polling place	\$142,000				\$142,000
Electronic poll books		\$600,000			\$600,000
Total	\$182,000	\$600,000	\$100,000		\$882,000

Management of HAVA Funds¹⁵

The District of Columbia Board of Elections and Ethics is an independent agency that, historically, receives its funds from local revenue. Upon receiving the \$5 million in title I funding, the District of Columbia’s Chief Financial Officer (“CFO”) established an interest-bearing treasury account for the management of all funds – both the federal funds and the local match – related to implementation of HAVA. This fund will consist of the following amounts:

- amounts appropriated by the District of Columbia for meeting the requirements of HAVA and other activities described in the Plan;
- amounts appropriated to the District of Columbia under title I and title II of HAVA;
- interest earned on the deposits.

¹⁵ See HAVA, Public Law No. 107-252, § 254(a)(5)(2002) (advising that the plan indicate “[h]ow the State will establish a fund described in subsection (b) for purposes of administering the State's activities under this part, including information on fund management”).



These funds will be monitored for programmatic compliance by the CFO through the Office of Finance and Resource Management, which currently serves, by mutual agreement, as the Board's budget entity. The fund will be managed on behalf of the Board by the District of Columbia Treasurer. Consistent with the requirements of §902 of HAVA, the Treasurer will maintain records fully disclosing the amount and disposition of funds, the total cost of the project or undertaking supplied by other sources, and other records to facilitate an effective audit.

All requisitions related to activities for meeting the requirements and other activities defined in the Plan will be recorded as such for audit purposes. By regulation, any purchase above \$25,000 by the Board will be transacted by the Office of Procurement and Contracts and will require an open bid process; the same limitation will hold for HAVA-related expenditures.

V. ENSURING ACCOUNTABILITY TO THE VOTERS

Performance Goals and Measures¹⁶

While the Board is responsible for ensuring the success of HAVA implementation, the voters of the District of Columbia will be the final arbiters of success or failure in implementing the State Plan. Accordingly, the Board will seek the public involvement in an independent committee to evaluate the Board's implementation effort.

Following final adoption of the Plan, the Board will convene selected stakeholders in the District of Columbia elections process to participate in an evaluation committee charged with evaluating implementation of the Plan. As a part of this public process, the Board will develop a feedback mechanism to gauge public reactions to reforms implemented in the 2004 general election.

The evaluation committee, which will be supported by the Board, will develop criteria to evaluate the success in meeting the performance goals based on the requirements of title III that are described below. The evaluation committee will draft a report that will include recommendations for future elections. The evaluation committee will make the draft report publicly available and solicit public comment at a public hearing. This

¹⁶ See HAVA, Public Law No. 107-252, § 254(a)(8) (2002) (advising that the plan include a description of "[h]ow 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."



evaluation process will be conducted biennially until implementation of HAVA is complete.

To evaluate the uniformity of implementation across the District of Columbia, the Board will develop an Election Day review process. Components of the review are described below.

Performance Element #1: Transition to HAVA-Compliant Voting Systems

The District of Columbia initiated the process of modernizing its voting systems prior to the 2002 elections. The 2004 General Presidential Election will inaugurate voting systems that are fully compliant with the voting system requirements in HAVA. Responsible official(s): Election Administration, Data Management.

Performance Goals	(1) Implement voter education program on use of the optical scan and DRE voting systems and, (2) ensure a smooth transition for new accessible voting systems.
Performance Measures	A feedback mechanism will gauge voter responses to the new voting systems (both the optical scan and the DRE systems) and educational information about their use. The evaluation committee will seek to measure the following: <ul style="list-style-type: none">▪ availability and usefulness of voter information on use of the machines; and▪ quality of information on use of the machines.
Timeline	Implementation date: 2004 Presidential General Election

Performance Element #2: Administration of Special Ballots

While the District of Columbia already administers a provisional ballot process using special ballots, some of the details must be altered to make the process consistent with the requirement as described in HAVA. The provisional ballot application must be modified and a free-access system developed that will allow voters to access information on the disposition of their ballots. In addition, § 302 of HAVA requires that the Board post voter information detailed in the Plan at each polling place. Responsible official(s): Registrar of Voters; Data Management.

Performance Goal	Ensure no qualified voter is turned away without being given the opportunity to cast a ballot.
Performance Measures	(1) Develop reporting procedures to measure: <ul style="list-style-type: none">▪ number of special ballots cast at each polling



	<p>place;</p> <ul style="list-style-type: none"> ▪ number of special ballots accepted and rejected; ▪ reasons ballots were rejected; ▪ number of voters who accessed toll-free information system. <p>(2) An Election Day review will measure consistency and uniformity of administration practice across the jurisdiction.</p>
Timeline	Implementation date: 2004 Presidential Primary

Performance Element #3: Modification of Voter Registration List and Verification Procedures

The District of Columbia currently maintains its voter files using a single, official, computerized database system that is updated in accordance with requirements established under the NVRA. The Board will verify all data assignments and the system will be modified to include the information required under § 303 of HAVA. Voter information will be matched against records maintained by the District of Columbia Department of Motor Vehicles prior to the 2004 Presidential Primary. The official list at the polling place will include the names of both inactive and active voters. Responsible official(s): Chief Technology Officer.

Performance Goals	Verify all data assignments. Modify registration database to include new required information fields. Match voter records against DMV records. Provide list of all registered voters, active and inactive, at polls on Election Day.
Performance Measures	<p>(1) Develop reporting procedures to measure:</p> <ul style="list-style-type: none"> ▪ accuracy of matches between voter list and DMV records; ▪ number of inactive voters allowed to vote special ballots. <p>(2) An Election Day review will measure consistency of administrative practice across the jurisdiction.</p>
Timetable	Implementation date: 2004 Presidential Primary. (Deadline for implementation of § 303 (a)(5) is January 2003.)



Performance Element #4: Verification of First-time Voters Who Register by Mail
Legislation is pending and administrative procedures are being modified to allow for the verification of the identity of first-time voters who register by mail. Responsible official(s): Registrar of Voters, Chief Technology Officer.

Performance Goal	Ensure smooth implementation of new registration and identification requirements.
Performance Measure	Develop reporting procedures to measure: <ul style="list-style-type: none">▪ the number of first-time, mail-in registrants verified prior to Election Day by matching voter information with other records;▪ the number of such voters required to present ID at the polls;▪ the number of such voters without required ID who cast a special ballot.
Timetable	Implementation date: 2004 Presidential Primary

Performance Element #5: Creating an Informed Electorate
Under § 301 of HAVA, the Board is required to educate voters on the use of voting systems. Under § 302 of HAVA, the Board is required to post voter information detailed in the Plan at each polling place. Beyond these minimum requirements for voter education, the Board will undertake multiple discretionary voter education activities outlined in the Plan. Responsible official(s): Election Administration; Public Information; Chief Technology Officer.

Performance Goal	Develop educational activities and materials to create an electorate that is better informed on how to participate in the elections process. Provide required information on administrative procedures and new voting systems in a voter-friendly and accessible format at each polling place.
Performance Measures	(1) Feedback mechanism will gauge voter responses to voter information and evaluate quality and availability of: <ul style="list-style-type: none">▪ pre-election day mailing of voter instructions and non-partisan 'Voter's Guide' on candidates and



	<p>ballot measures;</p> <ul style="list-style-type: none"> ▪ overhaul of the Board’s website; ▪ the “How to Vote” instructional video. <p>(2) An Election Day review will measure consistency of administration practice and posting of voter information across the jurisdiction.</p>
Timeline	Implementation date: Mailers produced for both 2004 Presidential Primary and 2004 Presidential General Election; website overhaul and instructional video implemented prior to 2004 Presidential Primary.

Performance Element #6: Recruiting and Training Pollworkers

None of the above requirements that affect the conduct of elections can be carried out successfully without pollworkers who understand the new requirements and are prepared for the unique challenges presented by the 2004 election. Under the Plan, pollworkers will have additional duties. At the same time there will be more pollworkers to handle the new tasks. Responsible official: Election Administration.

Performance Goal	Conduct a vigorous campaign to recruit sufficient number of pollworkers. Design and conduct training to educate pollworkers on new voting systems and new administrative procedures.
Performance Measures	<p>(1) Number of pollworkers recruited.</p> <p>(2) Beta testing will be used to evaluate training program and materials prior to full implementation.</p> <p>(3) An Election Day review will measure consistency of administrative practices across the jurisdiction.</p> <p>(4) The evaluation committee will review complaints registered on Election Day.</p>
Timetable	Implementation date: 2004 Presidential Primary

Performance Element #7: Expanding the Capacity of the Board

The Board will institute new training requirements for Board staff and develop a certification program. This training will cover voter registration, election administration, as well as the requirements under local and federal election law. Responsible official(s): Election Administration; Resource Management.



Performance Goal	Develop a certification and training program for Board staff to assure compliance with federal and District law.
Performance Measures	(1) Evaluation of Board's financial record-keeping. (2) Evaluation of Board's adherence to procurement regulations and bid process. (3) Evaluation of Board's disclosure of financial records.
Timetable	Implementation date: 2006 General Election

Performance Element #8: HAVA Fund Management

Under HAVA, the Board will be subject to a federal audit of funds received. In addition, the evaluation committee will review the management of the funds received and expended to ensure their use was consistent with the Plan. Responsible official(s): Resource Management; Election Administration.

Performance Goal	Manage HAVA election reform fund in a manner consistent with accounting standards.
Performance Measures	(1) Evaluation of Board's financial record-keeping. (2) Evaluation of Board's adherence to procurement regulations and bid process. (3) Evaluation of Board's disclosure of financial records.
Timetable	Implementation date: April 2003 and continuing until resources are depleted.

Performance Element #9: Improving Access for Voters with Disabilities

The Board has been working with the Disability Rights Council to eliminate barriers to polling places for voters with disabilities. In addition, in the 2004 Presidential Primary, the Board will provide, for the first time, voting systems that are fully accessible to voters with disabilities. Responsible official: Logistical Support; Election Administration.

Performance Goal	Guaranteeing access to polling places and voting systems across the District of Columbia. Carrying out all activities described in the application for title II grant monies available under § 261 of HAVA.
Performance Measures	(1) Develop feedback mechanism to gauge response of the disability community to the new voting system,



	<p>accessibility of the polling place, new voter aids, and the availability and quality of information to voters with disabilities.</p> <p>(2) Develop reporting procedures to record complaints from voters with disabilities concerning polling place access.</p>
Timetable	Implementation date: 2004 Presidential Primary

Performance Element #10: Compliance with provisions under title VII for voters covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA).

In title VII, HAVA established new requirements for registering and corresponding with voters covered under UOCAVA. See Appendix B for a detailed listing of these provisions and how the Board plans to meet the new requirements. Responsible official(s): Registrar; Program Specialist, Voter Services.

Performance Goal	Tracking absentee ballots transmitted and received by voters after the general election (§703). Extending the absentee ballot application period for UOCAVA voters (§704). Informing overseas voters of reasons the registration application was rejected (§707).
Performance Measures	<p>Develop reporting mechanism to track:</p> <ul style="list-style-type: none"> • Absentee ballots sent to UOCAVA voters; • Mailings to UOCAVA voters.
Timetable	Report on overseas absentee ballots will be issued within 90 days after the 2004 Presidential Election; the requirement to extend the period covered by an absentee ballot request under UOCAVA will go into effect for the 2006 General Election; requirement to notify applicant of rejection and reason will be implemented within 20 days following the 2004 Presidential Election.



Ongoing Management of the Plan¹⁷

The Plan provides a roadmap for implementation of HAVA in its entirety. The District of Columbia's Chief Election Official (CEO) will have primary responsibility for carrying out the elements of the Plan. This responsibility includes the following:

- meeting the timelines specified in the Plan;
- monitoring all expenditures and ensuring that costs do not exceed available funds;
- adhering to the process for amending the Plan described in § 254(a)(11) of HAVA;
- ensuring a process that is accountable and open to public scrutiny.

In addition, the CEO will implement any recommendations developed in the evaluation process described above.

Enforcing HAVA¹⁸

In addition to providing an independent public process for evaluating the Board's efforts to implement the Plan, the Board intends to develop procedures for resolving complaints concerning the conduct of elections, the implementation of the new federal law and, in particular, alleged violations of the "Uniform and Non-Discriminatory Requirements" described in title III.

An Election-Day Hotline for Public Complaints

Continuing a practice established in previous elections, the Board will develop and staff special phone lines on Election Day to handle – and record – complaints from voters, candidates, party representatives and others concerning the conduct of the election. Reporting procedures will be developed to record complaints specific to implementation of HAVA. A post-Election Day examination of the complaint record will be included in the report of the evaluation committee.

Public Hearing Process for Alleged Violations of Title III of HAVA

A proposed rulemaking amends the District of Columbia Municipal Regulations to include the following procedure as required by § 402 of HAVA. Complainants alleging a

¹⁷ See HAVA, Public Law No. 107-252, § 254(a)(11) (2002) (advising that the plan describe "[h]ow 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)."

¹⁸ See HAVA, Public Law No. 107-252, § 254(a)(9) (2002) (advising that the plan describe "the uniform, nondiscriminatory State-based administrative complaint procedures in effect under section 402."



violation of title III of HAVA by the CEO shall file notarized complaints with the Board. The Board may consolidate complaints if they relate to the same actions or events or raise common questions of law or fact.

At a public hearing, the Board will determine if there is a violation of any provision of title III of HAVA. If the Board determines a violation has occurred, it will provide an appropriate remedy. If the Board determines there is no violation, it will dismiss the complaint and publish the results of the hearing.

The Board is required to render final determinations regarding alleged violations prior to the expiration of the 90-day period that begins on the date the complaint is filed, unless the complainant consents to a longer period. If the Board fails to meet the applicable deadline, the complaint shall be resolved within 60 days by means of the alternative dispute resolution process described below.

Alternative Dispute Resolution Process

If the Board fails to resolve an alleged violation of HAVA under title III, the Board's proposed rulemaking establishes alternative dispute resolution procedures as required under § 402 of HAVA. The CEO and the complainant will each select an arbiter who shall jointly agree on a third arbiter. Following a review of the record, the panel of arbiters shall determine an appropriate resolution by a majority vote within 60 days. The final decision will be published on the Board's website and mailed to the complainant.

Appendix A

D.C. State Planning Committee

In March of 2003, the Board invited citizens and representatives of organizations with a stake in elections in the District of Columbia to become part of the D.C. State Planning Committee. The Planning Committee was charged with producing a roadmap for implementing HAVA and for the future of elections in the District of Columbia.

Subcommittees developed recommendations on voting systems, voter registration, voter education, pollworker recruitment and training, and accessibility to the electoral process by voters with disabilities. These recommendations can be found on the Board's website at <http://www.dcboee.org>. The subcommittee recommendations form the core of the Plan.

Following publication of the Preliminary Plan in the *District of Columbia Register*, the Board solicited and received public comments both in writing and at a public hearing held on July 5th. The Preliminary Plan was also posted on the Board's website. Following the one-month comment period, the Board reviewed all comments and incorporated suggested changes. A final version of the Plan will be published in the *Federal Register*, as required in § 256 of HAVA.

Fred Allen
Metropolitan Washington Council AFL-CIO

Marc Battle
Councilmember Orange's Office

Linda Black
National Federation for the Blind, D.C. Chapter

Dorothy Brizill
Registered Voter

Alethea Campbell
D.C. Office on Aging

Bobby Coward
Paralyzed Veterans of America

James Dickson
American Association of People with Disabilities

Craig Engle
D.C. Republican Committee

Kathryn Fairley
D.C. Board of Elections and Ethics

Nicholas Fels
D.C. Appleseed Center

Hubert Von Fogan
D.C. Board of Elections and Ethics

Marvin Ford
D.C. Board of Elections and Ethics

Sylvia Goldsberry-Adams
D.C. Board of Elections and Ethics

Violetta Graham
D.C. Board of Elections and Ethics

Lawrence Guyot
Registered Voter

E. Patricia Hallman
D.C. League of Women Voters

Elinor Hart
D.C. League of Women Voters

Darlene Horton
D.C. Board of Elections and Ethics

Shirley Jackson
D.C. Board of Elections and Ethics

Anise Jenkins
Stand Up! for Democracy in DC Coalition

Edward Levin
D.C. Appleseed Center

Alice Miller
D.C. Board of Elections and Ethics

William O'Field
D.C. Board of Elections and Ethics

Michael Piacsek
D.C. Statehood Green Party

Rahul Randhava
Leadership Conference on Civil Rights

Linda Royster
Disability Rights Council

Sandra Seegars
Registered Voter

Tracy Warren
International Foundation for Election Systems

Daniel Wedderburn
D.C. Democratic State Committee

Appendix B

Protecting the Voting Rights of Military Members and Overseas Citizens

In addition to the requirements of title III, title VII of HAVA includes new requirements for the administration of absentee ballots for military and overseas citizens. The following table describes the status of compliance in the District of Columbia with title VII requirements.

Table 8 – Compliance with Title VII Requirements	Compliant	Not Compliant	Actions Needed for Compliance
<p>Section 703. Report on Absentee Ballots Transmitted and Received After General Elections (a) Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 702, is amended by adding at the end the following new subsection: `(c) Report on number of absentee ballots transmitted and received. Not later than 90 days after the date of each regularly scheduled general election for Federal office, each State and unit of local government which administered the election shall (through the State, in the case of a unit of local government) submit a report to the Election Assistance Commission (established under the Help America Vote Act of 2002) on the combined number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election and the combined number of such ballots which were returned by such voters and cast in the election, and shall make such report available to the general public.'.</p>		X	Legislation is pending to meet this requirement.

Table 8 – Compliance with Title VII Requirements	Compliant	Not Compliant	Actions Needed for Compliance
<p>Section 704. Extension of Period Covered by Single Absentee Ballot Application The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 1606(b) of the National Defense Authorization Act for Fiscal Year 2002 is amended by requiring that such voters remain registered through the next 2 regularly scheduled general elections for Federal office (including any runoff elections which may occur as a result of the outcome of such general elections), and receive ballots for each such subsequent election.</p>		X	Legislation and proposed rulemaking to meet this requirement are pending.
<p>Section 706. Prohibition of Refusal of Voter Registration and Absentee Ballot Applications on Grounds of Early Submission (a) The Uniformed and Overseas Citizens Absentee Voting Act as amended by section 1606(b) of the National Defense Authorization Act for Fiscal Year 2002 is amended by adding at the end the following new subsection: (e) PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION- A State may not refuse to accept or process, with respect to any election for Federal office, any otherwise valid voter registration application or absentee ballot application (including the postcard form prescribed under section 101) submitted by an absent uniformed services voter during a year on the grounds that the voter submitted the application before the first date on which the State otherwise accepts or processes such applications for that year submitted by absentee voters who are not members of the uniformed services.'</p>	X		
<p>Section 707. Other Requirements to Promote Participation of Overseas and Absent Uniformed Services Voters The Uniformed and Overseas Citizens Absentee Voting Act, as amended by the preceding provisions of this title, is</p>		X	Legislation and proposed rulemaking to meet this

Table 8 – Compliance with Title VII Requirements	Compliant	Not Compliant	Actions Needed for Compliance
<p>amended by adding at the end the following new subsection: (d) REGISTRATION NOTIFICATION- With respect to each absent uniformed services voter and each overseas voter who submits a voter registration application or an absentee ballot request, if the State rejects the application or request, the State shall provide the voter with the reasons for the rejection.</p>			<p>requirement are pending.</p>

Appendix C

Glossary of Terms

Chief Election Official (CEO): Executive Director of the District of Columbia Board of Elections and Ethics.

District of Columbia Board of Elections and Ethics (“Board”): the independent agency charged with administering elections in the District of Columbia.

District of Columbia State Planning Committee: the District of Columbia State Planning Committee, a body comprised of stakeholders in District elections (see Appendix A). The Planning Committee was charged with making recommendations for implementation of HAVA in the District of Columbia

District of Columbia Voters’ Rights Notice: This document, to be produced by the Board, will provide information on voting rights under applicable Federal and District laws (the District of Columbia Voter’s Rights Notice), including information on the right of an individual to cast a provisional (special) ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated.

Election Assistance Commission (EAC): HAVA establishes a new federal agency to administer the funds authorized and to provide voluntary guidance on the new federal requirements. The bi-partisan Commission is made up of four full-time members appointed by the President.

Federal Election Commission (FEC): Under the National Voter Registration Act, the Federal Election Commission’s Office of Election Administration provides guidance on NVRA, administers the voluntary Voting System Standards and the federal mail-in registration form. This office will be transferred to the new Election Assistance Commission once established.

National Voter Registration Act (42 U.S.C. § 1973gg et seq.): The National Voter Registration Act (NVRA), enacted in 1993, sought to expand the opportunity to register by requiring states to allow voters to register at the department of motor vehicles and other social service agencies to accept voter registration applications by mail.

Provisional voting: A form of voting in which a voter whose eligibility is in question casts a ballot that is counted once eligibility has been determined. In the District of Columbia, these voters cast “special ballots.”

State Plan: HAVA requires that states develop, in consultation with the Planning Committee (see above), a plan for how it will achieve compliance with the requirements of HAVA using HAVA-authorized funds.

Statewide voter registration list: a single, computerized database for storing and managing the records of all legally registered voters managed and administered at the state level. In the District of Columbia, this list contains the names of all legally registered voters in the District.

Title I Funds: Under title I of HAVA, Congress authorized \$650 million in money to be administered through the General Services Administration to pay for replacing punch card and lever machines and to make immediate improvements in election administration. Each state was guaranteed a minimum of \$5 million under this title.

Title II Funds: Under Title II of HAVA, Congress authorized \$3 billion to be allocated to the states according to a formula based on voter population. These “requirements payments” are administered by the Election Assistance Commission once established. The funds are to be used to bring states into compliance with the new federal requirements.

Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.): This law established certain requirements to protect the rights of military and overseas voters by allowing them to register and vote absentee.