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ELECTION ASSISTANCE COMMISSION

Publication of State Plans Pursuant to the Help America Vote Act

AGENCY: U.S. Election Assistance Commission (EAC).

ACTION: Notice.

SUMMARY: Pursuant to sections 254(a)(11)(A) and 255(b) of the Help America Vote Act (HAVA), Public Law 107-252, the U.S. Election Assistance Commission (EAC) hereby causes to be published in the **Federal Register** material changes to the HAVA State plan previously submitted by Virginia.

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

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

Submit Comments: Any comments regarding the plans published herewith

should be made in writing to the chief election official of the individual States at the address listed below.

SUPPLEMENTARY INFORMATION: On March 24, 2004, the U.S. Election Assistance Commission published in the **Federal Register** the original HAVA State plans filed by the fifty States, the District of Columbia and the Territories of American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands. 69 FR 14002. HAVA anticipated that States, Territories and the District of Columbia would change or update their plans from time to time pursuant to HAVA section 254(a)(11) through (13). HAVA sections 254(a)(11)(A) and 255 require EAC to publish such updates.

The submission from Virginia addresses a material change to the administration of their previously submitted State plan, specifically how the State will meet the voting system standards in HAVA section 301(a). The document also provides information on how the State succeeded in carrying out the previous State plan, in accordance with HAVA section 254(a)(12).

Upon the expiration of thirty days from September 12, 2005, Virginia will

be eligible to implement the material change addressed in the plan that is published herein, in accordance with HAVA section 254(a)(11)(C).

EAC notes that the plan published herein has already met the notice and comment requirements of HAVA section 256, as required by HAVA section 254(a)(11)(B). EAC wishes to acknowledge the effort that went into revising the State plans and encourages further public comment, in writing, to the State election official of the individual States listed below.

Chief State Election Officials

Virginia

Ms. Jean R. Jensen, Secretary, State Board of Elections, 200 North 9th Street, Suite 101, Richmond, VA 23219, Phone: 804-864-8901, Fax: 804-371-0194, E-mail: HAVA@sbe.virginia.gov.

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

Dated: September 6, 2005.

Gracia M. Hillman,

Chair, U.S. Election Assistance Commission.

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COMMONWEALTH of VIRGINIA
STATE BOARD OF ELECTIONS

Michael G. Brown
Chairman
Barbara Hildenbrand
Vice Chairman

Jean R. Jensen
Secretary
Lynda Sharp Anderson
Deputy Secretary

August 22, 2005

Dear Members of the Commission:

In accordance with section 255 of the Help America Vote Act of 2002 (HAVA), I am pleased to file with the Election Assistance Commission (EAC), for publication in the *Federal Register*, this letter and the following new page that will comprise of the revision of the State Plan of Commonwealth of Virginia for the 2005 Fiscal Year. This new page will constitute the Commonwealth of Virginia's HAVA State Plan for Fiscal Year 2005-2006.

As required by section 254(a)(12) of HAVA, Element 1, as amended, describes the material changes that Virginia has made to the State Plan filed in 2003. Specifically, Element 1 states § 301(4) *Voting Systems Standards Requirements: Use Title III funding to purchase one DRE for every precinct, including central absentee precincts. The amended version states: Use Title III funding to purchase one voting system equipped for individuals with disabilities for every precinct, including central absentee precincts.*

The 2005 Amendments to the State Plan of the Commonwealth of Virginia were developed in accordance with section 255 of HAVA and the requirements for public notice and comment prescribed by section 256 of HAVA.

Attached please find a summary of our accomplishments to date of Virginia's HAVA State Plan filed with the Federal Election Commission on July 31, 2003.

On behalf of the Commonwealth of Virginia, I thank the Commission for its assistance. I look forward to our continued collaboration to improve the administration of elections in Virginia.

Sincerely,

Jean R. Jensen
Secretary

Enclosures

200 North 9th Street, Suite 101 - Richmond 23219 - Toll-Free (800) 552-9745 - Fax 804-371-0194 - TDD 800-260-3466
<http://www.sbe.virginia.gov>

HAVA Implementation Status

• Voting Equipment

To date, 86 of Virginia's 90 localities with qualifying precincts have replaced their punchcard or lever machines with HAVA compliant voting systems. This is 95.56% or \$20,184,851.53 in HAVA funds have been paid.

\$2,219,398.85 in HAVA funds have been paid out for 24 of 44 localities without qualifying precincts that have purchased one handicapped accessible machine for every precinct.

Established policies, standards and guidelines for voting equipment security to assist every locality in developing appropriate security procedures to protect voting equipment and ensure the integrity of the electoral process in addition to assisting localities and vendors with the approval of contracts and the purchasing of voting equipment.

Provided training to at least one member of every local electoral board on the development of voting equipment security.

Updated the Voting Equipment Certification Procedures to reflect HAVA requirements as well as the new Voting Equipment Security Policies, Standards, and Guidelines.

Worked with legislators on changes to the Code relating to voting equipment

• Polling Place Accessibility:

To date, \$143,340 of HAVA funds has been spent to conduct on-site surveys of 1810 of the 2,294 polling places in Virginia. Our contract with the Centers for Independent Living (CILs) requires that the remaining 484 polling place surveys be completed by September 1 2005. As of August 12, 2005, 595 (26.7%) meet accessibility standards.

Virginia has allocated \$1.2million in HAVA and EMD funds to assist localities in making polling places accessible.

• Provisional Voting

Virginia adopted minor legislative changes in the 2004 session of the General Assembly to include provisions applicable to HAVA (e.g., voter's voting after the polls have closed due to a court order). In addition, the State Board of Elections (SBE) developed and approved comprehensive Provisional Ballot Procedures in order to achieve uniformity in the issuing, tracking, and counting of provisional ballots.

Other efforts include the development of a free-access system. SBE upgraded the phone system to maintain a toll free number, which routes callers to their local registration office. Each provisional voter is provided the number and a code at the time the provisional ballot is cast. The voter then calls the toll free number, enters the assigned code and is transferred to the proper local office where the information on the disposition of provisional ballots is maintained.

• Voting Information

In 2003 and 2004, Virginia prepared and distributed information to every polling place regarding the date of the election and the hours during which the polls are open along with instructions on how to cast a provisional ballot. We modified existing information on identification requirements to reflect the new requirements and prepared and distributed general information on Federal and State laws regarding prohibitions on fraud and misrepresentation.

• Computerized Statewide Voter Registration List

In June 2004, Virginia released a Request for Proposal (RFP) for the creation of a HAVA-compliant statewide voter registration system. A contract was awarded on December 29, 2004 to Unisys Corporation. Development

is well underway with a baseline package delivered on July 21, 2005. Customization is now in process with a final deployment to all 134 localities scheduled for mid-December 2005.

- **Voters who register by mail**

In accordance with our State Plan, Virginia adopted legislative changes that meet the HAVA ID requirements for federal elections. We have also incorporated ID verification in the specifications for our new statewide voter registration system. In addition, we completed the modification of the voter registration application to include the mandated questions and statement. Finally, in 2004, Virginia performed a batch match of first time mail registrants against the DMV database and provided post card notices of the new ID requirements to those voters that could not be matched in the database.

- **Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)**

Virginia's State Plan included a provision that the state would hire a full-time UOCAVA Coordinator to act as the single point of contact for all UOCAVA citizens. Virginia did create this position, which the EAC cited as a best practice. The current UOCAVA Coordinator developed procedures that allow UOCAVA citizens to receive ballots by e-mail, if they reside or are stationed outside the continental United States. The coordinator has also developed numerous collaborative relationships with military organizations within the large military population in Virginia to ensure that information is disseminated to the UOCAVA community. Finally, Virginia has made a number of legislative changes that ensure that the UOCAVA citizen will receive all ballots that they are eligible for inclusive of the time span stipulated by HAVA.

- **Election Official Training:**

Provided "Train the Trainer" training to local registrars and electoral board members to improve their training of poll worker.

Approved a pilot program utilizing a web-based online training for poll workers.

Conducted regional based training of local electoral board members.

Will continue to work with localities to ensure timely compliance with HAVA requirements. This will include simplifying and standardize voting equipment instructions for local elections officials for all certified voting systems. The Voting Equipment Manager (HAVA funded position) will make security audits visits to selected localities. Improve web-based information for voters regarding voting systems used in Virginia. A new website will be brought on-line with improved appearance, usability and content in addition to our continued development of public services announcements to educate voter regarding the electoral process, online training of poll workers.

- **Voter Education & Training**

SBE has dedicated approximately \$14million of it's HAVA funds for voter education and training to develop and implement a number of efforts in the area:

- Produced 500,000 copies of "The Virginia Easy Voter Guide" plus 10,000 copies of the same booklet in large print.
- Produced 500,000 copies of a "Virginia Voter Rights and Responsibilities" card and 10,000 copies of the same document in large print.
- Produced and aired two Public Service Announcements (PSA) in regional television and radio markets informing voters about voter registration deadlines, absentee balloting, disability access to polling places, targeting the general voting population. We aired a separate PSA in selected markets targeting younger voters on deadlines, absentee balloting, disability access to polling places, targeting the general voting population.