



# ELECTION BULLETIN

## HELP AMERICA VOTE ACT 2002

To: Town Clerks

From: Kathy DeWolfe, Director of Elections and Campaign Finance  
Melanie Jacobs, Elections Administrator

Re: Overview of requirements of new federal legislation, Help America Vote Act 2002  
**Survey of municipal computer resources**

Date: March 14, 2003

As you may be aware, the Help America Vote Act of 2002 (HAVA 2002) was enacted into law by Congress last October. This law mandates a number of changes to the election process and in some cases mandates the use of specialized voting equipment. This law requires that each state must develop a "State Plan" to explain how it will implement all of the changes required by HAVA 2002. This law requires that each state use an advisory committee process to assist the chief election official in developing the State Plan.

In January, Deb Markowitz appointed an Advisory Committee and four working groups to assist us in developing the Vermont State Plan to explain how Vermont will meet the mandates of this law. We are now in the process of developing recommendations of various ideas to meet the mandates and working with these groups to consider alternatives and the merits of various proposals to meet the mandates.

We are also in the process of working with the Vermont House Local Government Committee to present amendments to Vermont Election Law to make changes necessary to allow us to conform to the requirements of HAVA 2002.

We have added a HAVA 2002 web page to our website at <http://www.sec.state.vt.us> so that interested citizens and public officials can read the complete federal legislation and follow HAVA related meeting schedules and activities.

We will also be sending out Elections Bulletins on a regular basis in order to explain each new requirement as it is implemented.

In quick summary, the mandates of HAVA 2002 include:

- A computerized real time statewide checklist maintained by the state with information updated by the municipal clerks.
- Provisional ballot voting.
- Voting systems that include notification of overvotes on voting machines, rules to define voter's intent, and a voting system in each polling place not later than January 1, 2006 that would allow blind or visually impaired voters to vote privately and independently.
- Additional information and identification for individuals who register to vote by mail.

The good news is that we expect to receive \$5 million in "no year, no match" money this year. This money must go into a special fund and can only be spent to meet the requirements of Title III of HAVA 2002 and to improve federal elections. As we develop the Vermont State Plan and move forward to implement HAVA 2002 we will be using this money to meet the mandates. We also expect that we will be assisting municipalities in meeting the mandates by providing equipment, materials, and training.

The only changes that must be implemented this year involve changes to the Application to the Checklist to require that voters who apply BY MAIL must include a copy of a form of personal identification listed in the law and include either a Drivers License Number, the last four digits of the Social Security Number, or be assigned a unique identifier number by our office. We will send out a more detailed memorandum when we are ready to implement this provision.

### **Voting Machines:**

In the last few months, we have had calls from several municipalities that they are considering either changing voting machines or starting to use voting machines.

**Please DO NOT PURCHASE ANY VOTING MACHINES until we have completed the state plan.** In addition to working with the Advisory Committee, the working group on voting systems, and clerks using machines throughout Vermont, we are evaluating various products on the market and looking at future developments in technology. We may recommend the use of one type of machine in all towns in Vermont in order to shorten ballot preparation time, improve reliability, provide in-state technical support, and make it possible to receive results electronically. We expect to have our plan ready for discussion by July 2003 and ask that you wait until then to make any purchases.

### **Enclosed Survey** (To assist in the development of the statewide checklist)

We anticipate that the most efficient and cost effective way to achieve a computerized statewide checklist in Vermont will be by having the database on a server in our office that will be accessed by municipal clerks through a web browser using an internet connection. In order to develop a database that will be useful to clerks and to also assess how to provide training to clerks on the new system we need your input.

**Please complete the enclosed survey and return it to our office not later than March 31, 2003. We must receive a completed survey from each municipality.** If you do not understand a question or need assistance in locating some of the technical information we are requesting, please call our office.

