

HELP AMERICA VOTE ACT OF 2002

TENNESSEE'S 2004 STATE PLAN

**PUBLIC COMMENT AND REVIEW
JULY 15, 2004 thru AUGUST 13, 2004**

As required by Public Law 107-252,
Help America Vote Act 2002, Section 253 (b)

Riley C. Darnell, Secretary of State
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Fellow Tennesseans:

In 2002, President Bush signed into law the Help America Vote Act of 2002 (hereinafter HAVA). Last year, Tennessee began the process of implementing the required changes set out by HAVA. That process included forming a committee of state and county officials along with representatives from interest and advocacy groups to develop a State Plan for 2003.

In August 2003, Tennessee submitted its first State Plan to the Election Assistance Commission in accordance with Section 253(b) of HAVA. It was subsequently published in the Federal Register, and Tennessee has certified to the Election Assistance Commission that we are eligible to receive the 2003 HAVA funds.

Each year States must submit a plan to the Election Assistance Commission that reflects any changes from the State Plan for the previous fiscal year. The plan must also explain how the State succeeded in carrying out the plan for such previous fiscal year.

As many are aware, the Act will bring about changes in our electoral process. Some of these changes include the replacement of all punchcard and lever voting systems, a statewide voter registration list, the implementation of provisional voting, and a uniform complaint grievance process.

Many of these changes have already been successfully implemented while others will be implemented in the coming years. The 2004 State Plan illustrates our continued commitment to meet each requirement set forth in HAVA and to bring Tennessee into full compliance with the Act.

The plan will not be complete until it is reviewed by you, the citizens of Tennessee. The plan will be available for your review from July 15, 2004, to August 13, 2004.

I look forward to your thoughts and comments regarding the implementation of HAVA and how we can better meet the challenges of HAVA in the upcoming year.

Sincerely,

Brook K. Thompson
Coordinator of Elections

NOTICE

JULY, 15, 2004

SECRETARY OF STATE

STATE ELECTIONS DIVISION

PUBLIC NOTICE OF 2004 STATE PLAN

This public notice is in accordance with the Help America Vote Act of 2002 (HAVA). According to Section 256 of HAVA, the 2004 State Plan must be available for public inspection and comment thirty (30) days prior to the submission of the plan to the federal commission.

The preliminary version of the plan will be available for inspection and public comment from July 15, 2004, to August 13, 2004. The plan will be posted online at the official State website, <http://www.tennessee.gov/sos/election.htm>. The plan will also be available through the Secretary of State, Division of Elections, at (615) 741-7956 and at all local county election offices. Copies of the plan may be mailed, emailed, or faxed. Public comments may be sent to:

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SUMMARY:

On October 29, 2002, President Bush signed into law the Help America Vote Act of 2002, which requires mandatory changes and improvements in the electoral process. In order to make these improvements, the federal government will provide funds to the individual states. These funds will be used to improve voting systems, to implement provisional voting, and to establish a statewide voter registration database. In order to qualify for funds under Title III, each State must design a long-range plan for implementing the Act.

An advisory committee was established for the purpose of assisting in the drafting of Tennessee's State Plan. The empanelled committee included the chief election officials of the two most populous jurisdictions within the State, other local election officials, stake holders (including representatives of groups of individuals with disabilities), and other citizens. All public comments will be reviewed and taken into consideration in preparing the final draft. The final draft will be submitted to the Election Assistance Commission for publication in the Federal Register.

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HELP AMERICA VOTE ACT OF 2002

TENNESSEE'S 2004 STATE PLAN

According to §254(b) (12) of the Help America Vote Act, each state with a plan in effect during the previous fiscal year must provide a description of how the plan reflects changes from the State Plan for the previous fiscal year and how the State succeeded in carrying out the State Plan for such previous fiscal year.

The information listed in Sections 2, 3, 4, 5, 7, 8, 9, 10, and 11 of the 2003 State Plan have not changed in this fiscal year. The information in Sections 1 and 6 are being updated in this plan. Section 12 requires all subsequent plans to describe how they have been successful in the past year. We have included that information in this plan.

I. HOW THE STATE WILL USE THE REQUIREMENTS PAYMENT TO MEET THE REQUIREMENTS OF TITLE III, AND, IF APPLICABLE UNDER SECTION 251(B) (2), TO CARRY OUT OTHER ACTIVITIES TO IMPROVE THE ADMINISTRATION OF ELECTIONS.

For the 2004 fiscal year, Tennessee is to receive \$29,690,196 from the Title III requirements payments. Tennessee has allocated \$1,562,642 for the state match. The total for the 2004 fiscal year budget is \$31,252,838.

A. VOTING SYSTEMS STANDARDS

Tennessee will allocate an additional two million dollars (\$2,000,000) to assist those counties which will be changing their entire voting system from a punchcard, lever, or central-based optical scan system to a DRE or precinct-based optical scan system. In last year's plan, we had estimated purchasing two machines per precinct and an additional machine per precinct that meets the disability requirement. After surveying the above counties, we have found that some counties will need more than three machines per precinct. Therefore, we are adding an additional two million dollars to subsidize those counties.

Other counties which have voting systems which meet many of the requirements set forth in HAVA but need to be upgraded in order to become fully compliant with HAVA were not addressed in the 2003 State Plan. Therefore, Tennessee will set out eleven million dollars (\$11,000,000) to

assist those counties in their upgrades. This money will be spent to purchase upgrades and to implement the upgrading process. Some counties will choose to purchase new voting systems instead of the upgrades, and this money will be used to assist those counties.

B. COMPUTERIZED STATEWIDE LIST AND ADMINISTRATIVE COSTS

As stated in the 2003 State Plan, Tennessee plans to upgrade our current system. This process has begun and we have implemented several upgrades. Tennessee has also been working with other State agencies, such as the Department of Safety, to strengthen the communications between the agencies.

Tennessee will also use this money for administrative costs associated with the implementation of HAVA. One such project is the purchasing of new provisional ballot boxes for the approximately 2400 precincts in the State. This project has cost \$250,000 to date.

C. TRAINING AND EDUCATION

Tennessee added an additional one million dollars (\$1,000,000) to education and training. This money will be used to train poll workers, poll officials, administrators, and the public about the new voting systems. Numerous items such as manuals, videos, and other training supplies will be purchased with this money. It will also be used to train poll workers and poll officials on sensitivity issues related to individuals with disabilities.

D. OTHER

Tennessee has allocated an additional \$2,090,285 to accessibility issues in this year's State Plan. Tennessee also received \$409,715 from the HHS grant fund for accessibility issues. Tennessee will provide county training on surveying polling places and on sensitivity issues. This money will also be used for supplies to conduct the training and for manuals, videos, and other supplies needed for training. The money allocated for accessibility issues will also be spent on making polling places in Tennessee accessible to individuals with disabilities.

VI. THE STATE'S PROPOSED BUDGET FOR ACTIVITIES UNDER THIS PART; BASED ON THE STATE'S BEST ESTIMATES OF THE COSTS SUCH ACTIVITIES AND THE AMOUNT OF FUNDS TO BE MADE AVAILABLE.

HAVA 2004 FEDERAL FUNDING

Title III 2004 Requirements payments	\$ 29,690,196
Tennessee 2004 State Match	\$ 1,562,642
TOTAL:	\$ 31,252,838

HAVA PROPOSED EXPENDITURES

	2003 State Plan	2004 State Plan	Total Amounts
Accessibility for Individuals with Disabilities (machines)	\$10,800,000	\$ 0	\$10,800,000
Replacement machines for PC/LV/Central Optical	\$ 8,667,000	\$ 2,000,000	\$10,667,000
Voting Machine Transitions and Upgrades	\$ 0	\$ 11,000,000	\$ 11,000,000
Accessibility Issues (including training)	\$ 500,000	\$ 1,590,285	\$ 2,090,285**
Administration and Statewide VR Database	\$ 5,043,947	\$15,662,553	\$20,706,500
Education and Training	\$ 1,000,000	\$ 1,000,000	\$ 2,000,000
TOTALS	\$26,010,947	\$31,252,838	\$57,263,785

** We have an additional \$409,715 from the HHS, grant which brings the total on accessibility issues to \$2,500,000.

XII. SUCCESSES FROM THE 2003 STATE PLAN

A. PROVISIONAL VOTING AND VOTING INFORMATION REQUIREMENTS

Provisional voting has been implemented in Tennessee. Tennessee Code Annotated §2-7-112(3)(A)-(C) sets out the procedures used for casting a provisional ballot. Tennessee, which has never had provisional voting, submitted legislation to its General Assembly in March 2003 in order to comply with Section 302 (a) of HAVA. House Bill 1806/Senate Bill 1782 passed both houses of the 103rd General Assembly, and provisional voting became effective July 1, 2003. Provisional voting was successfully implemented in our February Presidential Preference Primary. The State also purchased new provisional ballot boxes for every precinct in order to comply with the new state law.

In order to comply with the voter information requirements, the Coordinator of Elections' office created a poster which contained information on how to vote a provisional ballot, general information on voting rights, and general information on Federal and State laws regarding prohibitions on acts of fraud and misrepresentation and the process for the administrative complaint procedure. Administrators were informed that the posters must be displayed at every polling place on the day of each election for Federal office.

B. COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST

Tennessee is currently working on upgrades which will make our system HAVA compliant. Tennessee has already implemented new procedures with the Department of Safety and with other State agencies. The Coordinator of Elections will be proposing legislation in the 2005 session that will assist us in this process.

C. PROGRAMS FOR EDUCATIONAL TRAINING

Tennessee has an on-going commitment to education and training with respect to Title III requirements. The Coordinator of Elections provided training this summer to all ninety-five administrators and county election commissioners on, among other things, provisional voting and the administrative complaint procedure. Provided in the training was material to be used by the administrators in training their poll workers. The Coordinator of Elections is also working with the Tennessee Protection and Advocacy group to provide training in September 2004 regarding accessibility issues.

D. ELECTION FUND

Tennessee has established an election fund described in subsection (b) through the Secretary of State's fiscal office. This account is operational and has received Title I monies as well as our 2003 requirements payment and match.

E. ADMINISTRATIVE COMPLAINT PROCEDURE

Tennessee has implemented a procedure for individuals to file a formal complaint if a violation of Title III has occurred, is occurring, or is about to occur. The State Coordinator of Elections promulgated a form which must be completed in order for an individual to file a formal complaint. The form was distributed to all ninety-five county administrators, and the State provided training regarding the new procedure. This information was also listed on the voter information poster that was distributed to all polling locations. The manner in which the formal complaint will be handled was discussed in the 2003 State Plan. The procedure has not changed in this fiscal year.

F. ADVISORY PANEL

The advisory committee met in order to discuss how the 2004 requirements payments would be distributed and to discuss any changes in the 2003 State Plan. Meetings were open to the public in the State’s Legislative Plaza and held on July 1, 2004, and July 8, 2004. Notice was given in conformity with the Tennessee Open Meetings Act and was posted on the Elections Division website.

The State Plan was made available for public inspection and comment from July 15, 2004, to August 13, 2004, in accordance with section 256. Notice of the time for public inspection and comment was published in the Tennessee Administrative Register, on the Elections Division website, and through a press release to the Capitol Hill Press Corps. Comments were directed to the Coordinator of Elections’ office. Copies of the plan were also available through the Coordinator of Elections’ office and could be requested by mail, e-mail, or facsimile. A copy of the plan was available at the ninety-five county election commission offices. No public comments were received during the public comment period.

SUMMARY

Element	Timetable	Responsible Official
Voting Systems	January 1, 2006	Coordinator of Elections and County Administrators
Provisional Voting	Completed	Coordinator of Elections
Administrative Complaint Procedure	Completed	Coordinator of Elections
Voter Education	Ongoing process	Coordinator of Elections and County Administrators
Poll Worker, Poll Official Training	Ongoing process	Coordinator of Elections and County Administrators
Polling Place Accessibility	Ongoing process	County Administrators
Statewide Voter Registration List	January 1, 2006	Coordinator of Elections