

Proposed 2009 Amendments to HAVA State Plan (as last revised in 2006)

NOTE: The following document contains proposed amendments to Element #1, 6, 12, and 13 of the HAVA State Plan. Page numbers that appear in brackets preceding each Element are cross-references to pages in the 2006 version of the Plan. Deletions (xxx) denote stricken language. Underscores indicate (xxx) new language.

[For the current version, see pages 7-8 of the 2006 HAVA State Plan]

ELEMENT 1. USE OF TITLE III REQUIREMENTS PAYMENTS

A. VOTING SYSTEMS

Section 251(b)(1): 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.

1. Introduction

~~After Following~~ the 2000 General Election, ~~the people of~~ Florida made a concerted effort to improve all facets of its election procedures, standards and voting systems. The first major changes ~~evolved from~~ ~~were the~~ recommendations ~~advanced~~ by the 2001 Governor's Select Task Force on Election Procedures, Standards and Technology ~~and were adopted in~~ ~~followed by the~~ ~~passage of~~ the Florida Election Reform Act of 2001. A central component of Florida's ~~new~~ election law ~~at that time~~ mandated the replacement of punch card voting systems, lever machines, paper ballots and central count optical scanning systems with precinct tabulated Marksense voting systems or the Direct Recording Electronic (DRE or "touch screen") voting systems. ~~The introduction of these~~ ~~The new~~ voting systems ~~sought~~ ~~were put into service~~ to reduce voter error, to improve tabulation accuracy, and to restore voter confidence in Florida's elections.

~~The Legislature set the minimum standards for voting systems in this state. Florida has adopted voting system standards which meet and exceed 2002 Voting System Standards (VSS) established by the Federal Election Commission. Florida's voting system standards are reviewed every two years to determine whether they are adequate and effective in carrying out fair and impartial elections. The Bureau of Voting Systems Certification within the Department of State has adopted statutory authority to adopt rules that expand upon those which establish minimum standards for voting systems purchased and used in Florida. The Bureau is required to conduct bi-ennial review of the standards for voting systems. Each voting system goes through vigorous testing prior to its certification and use in Florida. currently in the process of reviewing and comparing Division rules on voting system standards against the 2005 Voluntary Voting Systems Guidelines adopted by the Elections Assistance Commission. The federal guidelines augment and update the 2002 VSS and take effect December 2007.~~

Florida's 67 counties have authority to purchase and to maintain the appropriate certified voting system for ~~use in elections~~ ~~their registered voters~~. Following the 2000 General Election, the

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State of Florida provided \$24 million to assist counties in purchasing new certified voting systems. For the fiscal year 2004-05, the Florida Legislature additionally appropriated \$11.6 million to assist Supervisors of Elections with purchasing DREs in order to provide one accessible voting system at each polling place. For the fiscal year 2005-06, the Legislature appropriated \$13,406,163 to reimburse sixteen counties that acquired accessible voting systems prior to July 1, 2004. In addition, ~~there were~~ eight counties ~~that~~ received a total of \$63,215 as reimbursement for existing DREs that were not included in the fiscal year 2004-05 appropriations.

In July 2007, the Legislature initiated a major shift in voting systems requirements. As of July 1, 2008, all 67 counties are required to use marksense ballot systems as their primary voting system. Each county is still required to have one voter interface device that meets the accessibility requirements for individuals with disabilities, which can be a DRE. However, in 2012, voter interface devices for persons with disabilities must also meet the requirement to allow voting by marksense ballot. Fifteen counties that exclusively used DREs for precinct voting purchased marksense voting systems for use in all elections held after July 1, 2008. Also in 2007, the Legislature authorized certain counties to use a ballot-on-demand production system for early voting and absentee voting. The purpose was to facilitate the county's ability to have an ample supply of all ballot styles at each early voting location. The Legislature appropriated \$27,861,850 of HAVA funds for the purchase of optical scan and ballot-on-demand equipment after authorization obtained by the U.S. Election Assistance Commission.

~~Only two types of voting methods are certified for use in Florida's 67 counties — Direct Recording Electronic (DRE or “touch screen”) voting systems and Marksense with precinct-based tabulation. There are currently three manufacturers who have certified voting systems for use in Florida: Premier Election Solutions (former Diebold Election Systems, Inc. (DESI)); Elections Systems and Software, Inc. (ES&S); and Sequoia Voting Systems, Inc. (SP). The following chart details the types of voting systems used in Florida, the respective manufacturer, and the number of counties using the voting systems for the period through 2006 and through 2009:~~

Table 1.1

(October 2006)				
Voting Systems and Number of Counties in Use For Precinct and Absentee Voting				
Florida Certified Voting System	Precinct Equipment	Accessible Equipment	Central Count Method	Counties
Diebold Voting System Release 1-18-19, Version 2	AccuVote OS	AccuVote TSx DRE	Optical scan	22
Diebold Voting System 2005 B (Blended) + (Plus Audio)	AccuVote OS	AccuVote TSx DRE	Optical scan	9

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ES&S Voting System Release 4.5, Version 1	Optech III P Eagle	iVotronic DRE	Optical scan	7
ES&S Voting System Release 4.5, Version 2	Model 100	iVotronic DRE	Optical scan	14
ES&S Voting System Release 4.5, Version 2	iVotronic DRE	iVotronic DRE	Optical scan	11
Sequoia AVC "Edge" Voting System Release 4.3.320	Edge I DRE	Edge I DRE	Optical scan	4

*Current for time period October 2006

Table 1.2

(February 2009)			
Voting Systems and Number of Counties in Use For Precinct and Absentee Voting			
Florida Certified Voting System	Precinct Equipment	Accessible Equipment	Counties
<i>ESS</i>	<u>Paper Ballot Tabulator</u>	<u>iVotronic DRE</u>	<u>31</u>
	<u>Paper Ballot Tabulator</u>	<u>AutoMARK</u>	<u>1</u>
			<u>32</u>
<i>Premier</i>	<u>Paper Ballot Tabulator</u>	<u>AccuVote TSX DRE</u>	<u>30</u>
	<u>Paper Ballot Tabulator</u>	<u>AutoMARK</u>	<u>3</u>
			<u>33</u>
<i>Sequoia</i>	<u>Paper Ballot Tabulator</u>	<u>Edge DRE</u>	<u>2</u>
			<u>Total: 67</u>

Section 301 of the Title III of the Help America Vote Act of 2002 (HAVA) also established establishes new minimum requirements for administering federal elections. These new voting system requirements that were to be met by January 1, 2006. are found in Title III of the federal law. The new requirements shape the performance and the administration of voting systems. Florida is in compliance with these new federal directives and these are addressed in the HAVA State Plan. Section 301(a) of HAVA requires that Florida's voting systems meet the following requirements by January 1, 2006:

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[For the current version, see pages 65-76 of the 2006 HAVA State Plan]

Element 6 – Florida’s Budget for Implementing the Help America Vote Act of 2002 (HAVA)

Section 254(a)(6): The 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 the 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.*

1, Introduction

~~Each of the HAVA Planning Committees has clearly recognized recognizes its advisory role in election reform and acknowledged acknowledges the authority of the Florida Legislature to make funding decisions for Florida. The original this budget and subsequent changes reflect-reflects the best efforts to divide the funds made that may be available during the timeframe three years identified in each version of the HAVA Plans submitted Plan. If Florida receives more funds than are included in this budget, the HAVA Planning Committee will revise the budget to reflect this change.~~

2. Reimbursement for replacement of punch card and lever machines.

Following the 2000 General Election, the State of Florida assisted counties by investing approximately \$24 million to replace outdated voting machines. In order to recoup some of this expense, Section 102 federal funds in the amount of \$11,581,377 were returned to the State of Florida as reimbursement.

3. Statewide Voter Registration System.

In 2003, the Florida Legislature directed the Department of State to begin development of a statewide voter registration system that would meet the requirements of HAVA. To date, approximately \$28 million has been spent to develop and maintain the Florida Voter Registration System. Accordingly, the 2003 Legislature provided \$1.6 million to begin implementation of the system. Federal funds included \$1 million for the Needs Assessment Phase along with nine positions to support design, development and implementation of the HAVA requirements. Of the nine positions, five reside in the Department of State and two each in the Department of Highway Safety and Motor Vehicles and the Florida Department of Law Enforcement.

~~Phase 2, “Prototyping & Validation of Design,” began in March 2004 and included the following:~~

- ~~▪ Installation of prototyping equipment and environment~~

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- ~~Prototype the core system configuration and architecture~~
- ~~Data conversion/migration testing (data & images)~~
- ~~Prototype remote access to the core system~~

For the fiscal year 2005-06, estimated expenditures for the development and implementation of the Florida Voter Registration System were \$10,770,103. There are 35 HAVA funded positions. Sixteen positions are assigned to the Florida Voter Registration System—twelve in Department of State and two each in the Department of Highway Safety and Motor Vehicles and the Florida Department of Law Enforcement. In addition, there are eighteen HAVA funded positions in the Bureau of Voter Registration Services and one in Legal. Proposed budget figures through FY 2010-11 are shown in the table below.

-	FY 2006-07 BUDGET	FY 2007-08 PROPOSED BUDGET	FY 2008-09 PROPOSED BUDGET	FY 2009-10 PROPOSED BUDGET	FY 2010-11 PROPOSED BUDGET
-	-	-	-	-	-
<i>FVRS—Systems</i>					
—Includes positions plus costs for software license fees and on-going maintenance costs.	3,571,028	3,678,039	3,788,260	3,901,788	4,018,721
<i>FVRS—Bureau of Voter Registration Services</i>	-	-	-	-	-
—Includes positions and regular operating expenses	1,391,434	1,421,567	1,452,604	1,484,571	1,517,498

4. Section 301 Accessible Voting Systems

The HAVA Planning Committee (2003) recommended the purchase of Direct Recording Equipment (DRE) accessible to persons with disabilities to ensure that each county has one accessible voting system for each polling place. The cost was \$11.6 million during the 2004-05 fiscal year. In addition, the HAVA Planning Committee (2003) recommended reimbursing counties that have already purchased voting systems that meet the HAVA accessibility for voters with disabilities requirements.

For the fiscal year 2004-05 the Legislature appropriated \$11.6 million to assist Supervisors of Elections (SOEs) with purchasing DREs in order to provide one accessible voting system at each polling place. Funds appropriated in FY 2004-05 were distributed to SOEs that had not acquired accessible voting systems by July 1, 2004. There were 51 counties that did not have accessible voting systems at that time. The Division of Elections distributed the funds to fifty-one (51) Supervisors of Elections for this purpose pursuant to the terms of a memorandum of agreement.

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For the fiscal year 2005-06 the Legislature appropriated funds to reimburse counties that acquired accessible voting systems prior to July 1, 2004. Funds in the amount of \$13,406,163 were distributed to the sixteen counties that purchased accessible voting systems prior to July 1, 2004. The appropriation was included in the fiscal year 2005-06 General Appropriations Act, specific appropriation 2931. In addition, there were eight counties that received a total of \$63,215 as reimbursement for existing DREs that were not included in the FY 2004-05 appropriations.

5. Voter Education

The HAVA Planning Committee (2003) recommended using HAVA funds for the development and implementation of a comprehensive statewide voter education program. For the fiscal year 2003-04, \$2,976,755 was appropriated and available to Florida counties for voter education programs. For each fiscal year 2004-05 and 2005-06, local governments received \$3 million for comprehensive voter education efforts. ~~For in~~ the fiscal year 2006-07, the Legislature appropriated \$2 million to distribute to Supervisors of Elections to assist with voter education activities. Each county was required to provide matching funds of 15%.

Activities relating to voter education include mailing or publishing sample ballots; conducting activities pursuant to the Standards for Nonpartisan Voter Education as provided in Rule 1S-2.033, F.A.C.; print, radio, or television advertising to voters; and other innovative voter education programs, as approved by the Department of State. No Supervisor of Elections was to receive any funds until the county Supervisor of Elections provided to the Department of State a detailed description of the voter-education programs, such as those described above, to be implemented.

6. Poll Worker Training

The HAVA Planning Committee (2003) recommended using HAVA federal funds in the amount of \$250,000 for each fiscal year 2003-04, 2004-05 and 2005-06 for poll worker training. These funds were intended to supplement each county's existing poll worker training budget. The 2004 Legislature did not appropriate federal funds for conducting a poll worker recruitment campaign.

The HAVA Planning Committee (2004) once again recommended using HAVA federal funds in the amount of \$500,000, beginning with FY 2005-06, for poll worker training and recruitment, with a 15% match required of each county. The Legislature appropriated \$4 million for poll worker recruitment and training in FY 2005-06. Of this \$4 million, the Department of State distributed \$3 million to Supervisors of Elections to assist with poll worker recruitment and training. The Legislature provided \$1 million for the Department of State to develop a statewide poll worker training curriculum. Each county was required to provide matching funds of 15%.

As provided for in HAVA, Section 251(b)(2)(B), States may use a portion of the requirements payment to carry out other activities to improve the administration of elections for Federal office

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if the State certifies to the EAC that the amount expended does not exceed the minimum payment amount. Florida's minimum payment amount is \$11,596,803.

In March 2006 the Department of State notified the EAC of its intent to use part of the requirements payment to assist county Supervisors of Elections with recruiting and training poll workers.

In FY 2006-07 the Legislature appropriated \$1.5 million for poll worker recruitment and training activities. Of this amount, \$1 million will be distributed to Supervisors of Elections to assist with recruiting and training individuals to serve as poll workers. The Legislature authorized an additional \$500,000 for the Department of State to use for necessary updates and revisions to poll worker training curriculum that was developed with funds appropriated in FY 2005-06.

7. Federal Election Activities. In fiscal years 2007-08 and 2008-09, the Florida Legislature appropriated a total of \$2 million in fiscal year 2007-08 and \$3 million in fiscal year 2008-09 for the counties under the category of "federal election activities." Funds disbursed under this category can be used for election administration activities such as voter education, poll workers recruitment and training, revisions to the statewide poll worker curriculum, standardizing elections results reporting, and other federal election activities as approved by the state. Prior to receipt of these funds, the Supervisors of Election must submit a detailed program plan how those funds will be expended and must certify that their respective county has provided matching funds in an amount of 15%.

8.7. Statewide Poll Worker Recruitment Campaign

The HAVA Planning Committee (2003) recommended that HAVA federal funds be used to implement, through the Division of Elections, a statewide campaign to help recruit qualified poll workers. The increase in the complexity of voting systems and procedures has resulted in a need for more computer literate individuals to staff the polling places and help ensure error-free elections. The 2004 Legislature did not appropriate federal funds for conducting a statewide poll worker recruitment campaign. As indicated under the Poll Worker Training section, the Legislature did appropriate funds in the fiscal years 2005-06 and 2006-07 for poll worker training and recruitment programs.

98. HAVA Oversight and Reporting

The HAVA Planning Committee (2003) recommended that the Department of State create three full time positions to manage HAVA implementation:

- HAVA administrator
- Grants specialist
- Administrative assistant

The Florida Legislature authorized three positions within the Division of Elections for HAVA Oversight and Reporting. For the fiscal year 2003-04, the Division appropriated \$206,079 ~~was~~

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appropriated for salaries and benefits, expenses and operating capital outlay. The three position titles are:

- Senior Management Analyst Supervisor
- Operations and Management Consultant II
- Administrative Assistant II

The ~~actual~~ ~~estimated~~ costs for HAVA oversight and reporting were as follows:

- FY 2004-05 \$171,201 ~~was \$196,485 for the 2004-05 fiscal year and~~
- FY 2005-06 \$193,599 ~~\$200,719 for the 2005-06 fiscal year.~~
- FY 2006-07 \$188,091
- FY 2007-08 \$170,737

The Budgeted and proposed costs for the three positions currently assigned to HAVA oversight and reporting are: Senior Management Analyst Supervisor, Government Analyst I and Administrative Assistant II. Proposed budgets for subsequent fiscal years are as follows and are also included under budget projections in Other Election Administration Activities in tables that appear at the end of this section and in Table 12.1:

- FY 2008-09 \$288,660
- FY 2009-10 \$293,993
- FY 2010-11 \$299,433
- FY 2011-12 \$304,982

9. State Management (HAVA Planning Committee)

The HAVA Planning Committee (2003) recommended that the Secretary of State require it to meet twice each year in 2003-04 and in 2004-05 to make recommendations and to resubmit the HAVA State Plan to ensure that Florida is meeting the requirements of the Help America Vote Act. The HAVA Planning Committee convened twice in the 2003-04 fiscal year at an estimated cost of \$30,000.

The HAVA Planning Committee (2004) further recommended that it meet twice in the 2004-05 fiscal year at an estimated cost of \$30,000 and twice in the 2005-06 fiscal year at an ~~estimated~~ cost of \$30,000. The HAVA Planning Committee (2006) convened twice in Fiscal Year 2006-07 at an estimated cost of \$25,000. The HAVA Planning Committee (2009) met once in FY 2008-09 to develop revisions to the State Plan.

10. Performance Goals and Measures Adoptions

The HAVA Planning Committee (2003) recommended the Secretary of State utilize the HAVA Planning Committee to determine performance goals and measures.

The HAVA Planning Committee (2004) determined HAVA performance goals and measures ~~during the meetings that were held to update the HAVA State Plan in 2004. Two meetings were held on May 24, 2004 and June 4, 2004.~~ The only costs associated with developing the

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Performance Goals and Measures were costs related to conducting the HAVA State Planning Committee (2004) meetings on May 24, 2004, and June 4, 2004.

The HAVA Planning Committee (2006) During the HAVA meetings held in 2006 for the second update of the HAVA plan, the Committee Members updated the performance goals and measures as part of its in a second update to the original HAVA Plan.

11. Election Administration

The HAVA Planning Committee (2006) recommended recommends using HAVA funds as needed for election administration activities such as printing new voter registration application forms, translating election materials, printing documents and publications, preparing training videos or other election administration activities. Estimated expenditures for these activities may vary each year and will be dependent upon annual legislative appropriations. Pursuant to an Funding Advisory Opinion 08-005 issued by the U.S. Election Assistance Commission, HAVA funds may not be used to print, copy or revise State voter registration forms or to conduct voter registration drives.

12. Complaint Procedures

Section 402(a) of HAVA requires each state to establish state-based administrative complaint procedures for any person who believes that there is or will be a violation of any of HAVA's Title III requirements. In 2003, the Florida Legislature enacted Section 97.028, *Florida Statutes*, which provides the administrative complaint procedures for reporting potential violations of HAVA requirements. The process was developed and implemented without utilizing any HAVA funds. However, the HAVA Planning Committee (2006) recommended recommends continued funding in the amount of \$50,000 each year in the event expenditures are necessary to process complaints in the future.

13. Other Election Administration Activities

Pursuant to Section 251(b)(2)(A), States may use the requirements payment to carry out other activities to improve administration of elections for Federal office after the state has provided a certification to the EAC that it has implemented the requirements of Title III.

The HAVA Planning Committee (2004) recommended that the remaining HAVA funds be reserved for future expenses related to the following items:

1. the continued development and implementation of the Florida Voter Registration System
2. future improvements in voting technology
3. continued funds to local counties for voter education programs
4. accessibility for polling places
5. poll worker recruitment and training

~~Information on the State's best estimates of the costs of activities required to meet the requirements of Title III of HAVA are displayed in charts on pages 72-74.~~

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In March 2006, Florida notified the Elections Assistance Commission of its intent to use Title II funds to use \$4,000,000.00 of the requirements payment to complete major poll worker recruitment and training efforts statewide that primarily begin in June 2006 and end by August 2006, before the primary election scheduled for September 5, 2006. Since the State had not yet met all the requirements of Title III, the State certified that the amount did not exceed the amount equal to the total minimum requirements payment amount applicable to Florida under section 252(c) of Title II of HAVA which has been determined to be \$11,596,803.00. In August 2006 Florida certified to the Elections Assistance Commission (EAC) that it had fully implemented all the requirements of Title III which has allowed Florida to use HAVA requirements funds for other activities to improve the administration of elections for Federal office.

Information on the State's best estimates of the costs of activities required to meet the requirements of Title III of HAVA are displayed in charts on pages [INSERT]. The HAVA Planning Committee (2009) finds that based on projected expenditures for FY 2008-2009, HAVA funds for continued maintenance and enhancements to the Florida Voter Registration System and for support will be exhausted by FY 2015-2016. Thereafter, other funding sources or options for FVRS will need to be explored in order to ensure that Florida remains in compliance with HAVA.

Table 6.1

Election Reform Revenues 2003- 2005 2008 Fiscal Years					
	HAVA 101	HAVA 102	HAVA 251	Total Federal Funds	State Matching Funds
2003-04	\$ 14,447,580	\$ 11,581,377	\$ 47,416,833	\$ 73,445,790	\$ 525,000
2004-05	0	0	\$ 85,085,258	\$ 85,085,258	\$ 6,103,018
<u>2005-06</u>	0	0	0	0	0
<u>2006-07</u>				<u>0</u>	<u>0</u>
<u>2007-08</u>				<u>0</u>	<u>375,776</u>
<u>2008-09</u>			\$ 6,477,573	\$ 6,477,573	\$ 340,925
Total	\$14,447,580	\$11,581,377	\$132,502,094 \$138,979,664	\$158,531,048 \$165,008,621	\$6,628,018 6,968,943

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Table 6.2

HAVA BUDGET FUNDING BY FISCAL YEAR 2004-05 2006 ~~2009~~ STATE PLAN UPDATE

	FY 2004-05 APPROPRIATION	EXPENDITURES THRU 6-30-05	BALANCE
Title III Requirements			
<i>Sec. 303 Statewide Voter Registration System</i> (Section 101 and Section 251 HAVA Funds)			
FVRS Development/Implementation	12,799,182	11,599,329	1,199,853
<i>Sec. 301 Voting System Standards</i> (Section 251 HAVA Funds)			
Funding to counties/purchase disability compliant voting systems	11,600,000	11,600,000	0
Other Election Administration Activities (Section 101 and Section 251 HAVA Funds)			
Includes voter education, oversight and other election administration activities	3,498,492	3,426,604	71,888
TOTAL	27,897,674	26,625,933	1,271,741

Table 6.3

HAVA BUDGET FUNDING BY FISCAL YEAR 2005-06 2006 ~~2009~~ STATE PLAN UPDATE

	FY 2005-06 APPROPRIATION	EXPENDITURES THRU 6-30-06	BALANCE
Title III Requirements			
<i>Sec. 303 Statewide Voter Registration System</i> (Section 101 and Section 251 HAVA Funds)			
FVRS Development/Implementation	11,396,747	<u>11,193,625</u> 40,770,103	<u>203,122</u> 626,644
<i>Sec. 301 Voting System Standards</i> (Section 251 HAVA Funds)			
Reimbursement to counties for disability accessible voting systems	17,000,000	<u>11,985,284</u> 43,460,378	<u>5,014,716</u> 3,530,622
Other Election Administration Activities (Section 101 and Section 251 HAVA Funds)			
Includes voter education, oversight and other election administration activities	7,195,000	<u>6,293,124</u> 6,549,599	<u>901,876</u> 645,404
TOTAL	35,591,747	<u>29,472,033</u> 30,789,080	<u>6,119,714</u> 4,802,667

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Table 6.4

HAVA BUDGET FUNDING BY FISCAL YEAR 2006-07
2009 2006-STATE PLAN UPDATE

	FY 2006-07 APPROPRIATION	EXPENDITURES THRU 6-30-07	BALANCE
Title III Requirements			
Sec. 303 Statewide Voter Registration System (Section 101 and Section 251 HAVA Funds)			
FVRS Development/Implementation	2,643,369	3,001,348	(357,979)
Bureau of Voter Registration Services	1,145,805	891,804	254,001
Sec. 301 Voting System Standards (Section 251 HAVA Funds)			
Reimbursement to counties for disability accessible voting systems	1,165,515	591,514	525,001
Other Election Administration Activities (Section 101 and Section 251 HAVA Funds)			
Includes voter education, oversight and other election administration activities	3,891,992	3,493,694	398,298
TOTAL	8,797,681	7,978,360	819,321

Table 6.5

HAVA BUDGET FUNDING BY FISCAL YEAR 2007-08
2009 2006-STATE PLAN UPDATE

	FY 2007-08 APPROPRIATION	EXPENDITURES THRU 6-30-08	BALANCE
Title III Requirements			
Sec. 303 Statewide Voter Registration System (Section 101 and Section 251 HAVA Funds)			
Section 101 and Section 251 HAVA funds			
FVRS Development/Implementation	4,353,801		
Bureau of Voter Registration Services	1,641,915		
Sec. 301 Voting System Standards (Section 251 HAVA Funds)			
Funds to 15 counties to convert to marksense ballot voting system	22,968,625	22,968,625	0
Funds to 28 counties to purchase early voting ballot-on-demand equipment	4,893,225	4,893,225	0
Other Election Administration Activities (Section 101 and Section 251 HAVA Funds)			
Includes voter education, oversight and other election administration activities	2,460,424		
TOTAL	36,317,990		

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Table 6.6

**HAVA BUDGET FUNDING BY FISCAL YEAR
2009 STATE PLAN UPDATE**

	FY 2006-07 Actual Expenses BUDGET	FY 2007-08 Actual Expenses PROPOSED BUDGET	FY 2008-09 Actual Expenses PROPOSED BUDGET	FY 2009-10 Proposed Budget	FY 2010-11 Proposed Budget	FY 2011-12 Proposed Budget
Title III Requirements						
Sec. 303 Statewide Voter Registration System (Section 101 and Section 251 HAVA Funds)						
FVRS – Systems (includes positions plus costs for software license fees and ongoing maintenance costs)	3,571,028	<u>2,601,314</u> <u>3,678,039</u>	<u>4,803,937</u> <u>3,788,260</u>	<u>5,022,292</u> <u>3,901,788</u>	<u>7,363,640</u> <u>4,018,721</u>	5,655,813
FVRS - Bureau of Voter Registration Services (includes positions and regular operating expenses)	1,391,434	<u>1,389,114</u> <u>4,421,567</u>	<u>1,598,067</u> <u>4,452,604</u>	<u>1,991,674</u> <u>4,484,671</u>	<u>2,043,315</u> <u>4,517,498</u>	2,070,552
Sec. 301 Voting System Standards (Section 251 HAVA Funds)						
Reimburse counties for disability compliant voting systems	591,515	0	0	0	0	0
Other Election Administration Activities (Section 101 and Section 251 HAVA Funds)						
Election Administration Activities including voter education, poll worker recruitment and training, oversight (including positions) and other election administration activities.	5,461,621	30,413,986 <u>5,817,610</u>	<u>3,749,036</u> <u>5,823,778</u>	<u>3,163,784</u> <u>5,830,131</u>	<u>2,899,856</u> <u>5,836,675</u>	2,906,913
TOTAL	11,015,598	<u>34,404,414</u> <u>40,917,216</u>	<u>10,151,040</u> <u>11,064,642</u>	<u>10,177,750</u> <u>11,216,490</u>	<u>12,306,811</u> <u>11,372,894</u>	<u>10,633,278</u>

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[For the current version, see pages 96-103 of the 2006 HAVA State Plan]

ELEMENT 12. CHANGES TO STATE PLAN FOR PREVIOUS FISCAL YEAR

Section 254(a)(12): *In the case of a State with a State plan in effect under this subtitle during the previous fiscal year, a description of how the plan reflects changes from the State plan for the previous fiscal year and of how the State succeeded in carrying out the State plan for such previous fiscal year.*

1. Introduction [Update]

~~Florida submitted its initial HAVA State Plan in 2004. In 2006 In order to proceed with the most recent update of the HAVA State Plan (June 2004), then Secretary of State Sue M. Cobb appointed a new HAVA Planning Committee to update the 2004 HAVA State Plan for 2006. Through a competitive bid process, the Secretary selected The names of the committee members are listed under Element 13 of this plan. The Collins Center for Public Policy, Inc. was selected in a public competitive process to staff the update process. The HAVA Planning Committee (2006) held two public meetings—one in Pensacola, Florida on September 21, 2006, and one in Miami, Florida on October 12, 2006. The HAVA Planning Committee (2006) focused on three types of changes:~~

- ~~a. Substantive changes made by the State of Florida that bring the State into further compliance with HAVA~~
- ~~b. Minor updates that will not affect the State's compliance with HAVA~~
- ~~c. Issues that have arisen that might affect the State's future compliance with HAVA~~

~~The HAVA Planning Committee (2006) received copies of the original plan and the Help America Vote Act of 2002. All updates and changes to the original plan from the previous fiscal year were noted as follows:~~

- ~~a. Sections of the previous plan were deleted but were first shown in a strike through font and approved by the committee.~~
- ~~b. Sections of the plan that were new were shown in an underlined font.~~
- ~~c. After the HAVA Planning Committee reviewed and approved the updates, the underline and strike through fonts were removed.~~

~~Florida has updated its original HAVA State Plan to bring it into further compliance through legislative action, rule change and updated information.~~

In 2009, Secretary of State Kurt S. Browning appointed a new HAVA State Planning Committee to update the 2006 HAVA State Plan to reflect recent state legislative changes and provide

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updated budgetary information. As with prior HAVA Planning Committees, the HAVA Planning Committee (2009) focused on three types of changes:

- Substantive changes made by the State of Florida that bring the State into further compliance with HAVA
- Minor updates that will not affect the State’s compliance with HAVA
- Issues that have arisen that might affect the State’s future compliance with HAVA

As has been the practice with prior committees, the HAVA Planning Committee (2009) received copies of the original plan and the Help America Vote Act of 2002. All updates and changes to the plan from the previous fiscal year were noted as follows:

- Sections of the previous plan were deleted but were first shown in a strike-through font and approved by the committee.
- Sections of the plan that were new were shown in an underlined font.
- After the HAVA Planning Committee reviewed and approved the updates, the underline and strike-through fonts were removed.

The HAVA Planning Committee (2009) held one public meeting on March 23, 2009 in Tallahassee, Florida. The names of prior and current committee members are listed under the amended Element 13 of this plan.

2. HAVA State Plan’s Substantive Changes from Previous Fiscal Year

The following chart is a summary of how the HAVA State Plan has substantively changed for the specified timeframes since 2004 and how the State succeeded in carrying out the HAVA State Plan for the previous fiscal years noted.

Table 12.1

Element 1-Voting Systems (Florida meets all HAVA voting system requirements)	
Voting Systems Changes/ Successes	
<u>2004-2006</u>	Certified voting systems were added to the plan and decertified voting systems were deleted from the plan. Voting systems for voters with disabilities have been certified for use in each polling place. C The new certified voting systems performed as designed during the 2006 statewide Primary and General Elections. <u>Florida meets all HAVA voting system requirements.</u>
<u>2007-present</u>	<p><u><i>Voting Systems: Improvement, Acquisition, and Modification & Replacement.</i> In 2007, the Florida Legislature mandated that all voting be by marksense ballots. This eliminated the use of DREs in any election after January 1, 2008. An exception exists to allow DREs to be used by persons with disabilities with the marksense ballot. However, by 2012 all accessible voting systems used in the state must allow for voting by marksense ballots.</u></p> <p><u>Florida Voting System Standards (DS-DE11) as incorporated by reference into Rule 1S-5.001, Florida Administrative Code, meet the error rate established by the 1990 Federal Elections Commission and is in compliance with HAVA requirements.</u></p>

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	<p><u>The Bureau of Voting Systems Certification within the Division of Elections conducts periodic update of its voting systems standards. Although not bound by 2007 Voluntary Voting System Guidelines adopted by the Election Assistance Commission, the Bureau reviews the state standards against these guidelines and to the extent reasonably feasible, logistically possible and compliant with state law, the Division shall consider those standards and any subsequent standards in any update to its state standards.</u></p> <p><u>The Division of Elections enhanced its website to provide better public access to information on all certified voting system vendors by system title, county, vendor or precinct voting method. In addition, in order to better monitor the processes associated with voting system certification pursuant to section 101.5606, Florida Statutes, the Division devised and is using the Florida Voting Systems Certification Checklist & Test Record to document those processes.</u></p> <p><u>Certified voting systems performed as designed in elections for the 2008 Presidential Preference Primary, Primary and General Elections. Florida continues to meet all HAVA voting system requirements.</u></p>
<i>Provisional Voting and Voting Information</i>	
<p><u>2004-2006</u></p>	<p><u>Florida Supreme Court case ruled that in order for provisional ballot to count, provisional ballot must be cast at Florida's requirement for a voter to cast a provisional ballot only in the precinct in which the voter is registered, was settled under Florida law, See <i>AFL-CIO v. Hood</i>, 885 So.2d 373 (Fla. 2004). Under state law, persons casting provisional ballots have until 5:00 p.m. on the 3rd day following an election to present written evidence supporting their eligibility to vote.</u></p>
<p><u>2007-present</u></p>	<p><u>In 2008, the Florida Legislature changed the law to reduce the number of days from 3 days to 2 days in which a provisional ballot voter has to present evidence of eligibility in order for the provisional ballot to count. (see s.13, chapter 2007-30, Laws of Florida). Those voters who vote provisionally solely because they failed to provide a photo and signature identification at the polls do not need to provide further evidence of eligibility. If the canvassing board finds that the signature on the provisional ballot certificate matches the signature on record, the provisional ballot will count. See section 101.048, Florida Statutes.</u></p>
<i>Voter Registration System</i>	
<p><u>2004-2006</u></p>	<p><u>Florida developed and implemented the new Florida Voter Registration System (FVRS) that meets the requirements of HAVA. The FVRS is a single, uniform, official, centralized, interactive, computerized statewide voter registration system. The FVRS became fully operational in January 2006 and complies with all of HAVA's operational requirements under section 303 such as maintenance, accuracy, and security. FVRS The new Florida Voter Registration System performed as designed during the 2006 statewide Primary and General Elections. The Secretary of State created the Bureau of Voter Registration Services to direct and facilitate the operations of the FVRS.</u></p>
<p><u>2007-present</u></p>	<ul style="list-style-type: none"> • <u>The State continuously re-evaluates, adjusts and enhances FVRS list maintenance in a nondiscriminatory manner and in compliance with the Voting Rights Act of 1965, the National Voter Registration Act of 1993, and the Help America Vote Act of 2002. Two primary maintenance processes occur regularly to ensure that the voter registration records are accurate and current. One is based on address changes and the other is based on ineligibility.</u> <p><u>The Florida Legislature amended the law in 2008 that affects the bi-ennial and continual address list maintenance activities conducted at the local level. See s. , chapter 2008-95, Laws of Florida. The law changed to allow voter registration officials to immediately change</u></p>

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the address of a voter registration record in FVRS upon receipt of change-of-address information received from third party sources such as postal service, the Department of Highway Safety and Motor Vehicles, and jury notices. This process represents a departure in that previously a voter had to confirm such address change before the change could be entered into the system. With the new law, a notice is then sent to the registered voter at his or her newly recorded residence address. The registered voter may then verify or correct the address change as already made. See section 98.065(4), *Florida Statutes*.

At the state level, the Department continues to streamline and automate to the extent possible the list maintenance processes undertaken by the Bureau of Voter Registration Services (BVRS) pursuant to section 98.075, Florida Statutes. In 2009, the Bureau of Voter Registration Services automated its process for identifying duplicate records in FVRS. Upon receipt of automated system notices, Supervisors of Elections are required to review and resolve whether the records are duplicates. BVRS has also revamped its procedures in conjunction with assistance from the Florida Department of Law Enforcement and the Florida Association of Clerks of Court to refine the process for identifying registered voters who are felons or persons who have been declared by a court to be mentally incapacitated. Documentation in support of a registered voter's potential ineligibility is forwarded to the Supervisors of Elections. The Supervisor of Elections is then responsible for initiating and following through the notice and removal steps in section 98.075(7), Florida Statutes. Finally, BVRS in conjunction with the Florida Department of Health has scheduled more frequent death record data transfer from the Office of Vital Statistics. This information as subsequently matched against registered voter records is transmitted to the Supervisors of Elections for immediate record removal from FVRS.

- In 2006, Florida instituted a process for verifying personal identifying information on the voter registration application as required by HAVA and in accordance with State law (Sections 97.053 and 97.057, *Florida Statutes*). The Florida Department of State entered into an agreement with the Florida Department of Highway Safety and Motor Vehicles to match and verify the accuracy of the information on the voter registration application. In turn, under HAVA, the Executive Director the Department of Highway Safety and Motor Vehicle entered into an agreement in November 2005 with the Commissioner of Social Security Administration to verify that the last 4 digits of the social security numbers provided on the applications. The Department of State is still working on updating the agreement to reflect current maintenance and operational rules and criteria for identification verification in light of the upcoming changes resulting from DHSMV's implementation of the REAL ID Act.
- In 2008, the Florida Legislature amended the voter registration process as pertained to the verification of an applicant's personal identifying number. The law required a person to provide proof of his or her identity by providing a personal identifying number (i.e., Florida driver's license number, Florida identification card number, or last 4 digits of the Social Security) on the application. The personal identifying number would then be verified by the Florida Department of Highway Safety and Motor Vehicles or the Social Security Administration, whichever was applicable. If the number could not be verified, the law previously allowed a person to prove his or her identity by bring in authenticating evidence of the number as originally provided on the application. By doing so, the person's application could be processed and if the person voted a provisional ballot, his or her ballot would be counted. With the change in law in 2008, a person is no longer limited to bringing in evidence of the number as originally provided on the application. A person may now bring in evidence of either the same number, a different number of the same type as originally provided, or a different number altogether, provided it is authentic evidence of the person's

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	<p><u>Florida Driver's License Number or state identification card number or the last 4 digits of his or her social security number. If the Supervisor of Elections finds the evidence to be sufficient, the person is registered as an active voter. See s. 3, chapter 2008-95, <i>Laws of Florida</i> (amending section 97.053(6), <i>Florida Statutes</i>.</u></p> <p><u>FVRS continues to meet all HAVA voter registration and computerized list maintenance system requirements.</u></p>
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Element 2- Local Government Payments and Activities (changes/successes)	
<u>2004-2006</u>	<ul style="list-style-type: none"> • In FY 2004-05, the State of Florida distributed \$11.6 million to local Supervisors of Elections to purchase one accessible voting system for each polling place. • In FY 2005-06, the State of Florida distributed \$13,406,193 to reimburse 16 counties that acquired accessible voting systems prior to July 1, 2004. • In FY 2005-06, the State of Florida distributed an additional \$63,215 to reimburse 8 other counties that acquired accessible voting systems prior to July 2004 and were not included in funding provided in FY 2004-05. • In FYs 2004-05 and 2005-06, the State of Florida distributed to local governments \$3,000,000 each fiscal year to fund comprehensive voter education efforts. • In FY 2005-06, the State of Florida distributed \$3,000,000 to local Supervisors of Elections to conduct poll worker recruitment and training. <p>The accessible voting machines performed as designed during the 2006 statewide Primary and General Elections.</p>
<u>2007-present</u>	<ul style="list-style-type: none"> • <u><i>Federal Election Activities.</i> The Florida Legislature appropriated a total of \$2 million in fiscal year 2007-08 and \$3 million in fiscal year 2008-09 for the counties under the category of "federal election activities." Funds disbursed under this category can be used for election administration activities such as voter education, poll worker recruitment and training, revisions to the statewide poll worker curriculum, standardizing elections results reporting, and other federal election activities as approved by the state. Prior to receipt of these funds, the Supervisors of Election must submit a detailed program plan on how those funds will be expended and must certify that their respective county has provided matching funds in an amount of 15%.</u> • <u><i>Voting Systems and Ballot-on-Demand Assistance.</i> In 2007, the Florida Legislature appropriated \$22,968,625 to assist 15 counties in the conversion from touch screen voting systems to optical scan voting systems in accordance with state law mandate. An additional grant of \$4,893,225 was disbursed to 28 counties to assist with the purchase of Ballot-on-Demand equipment for use in early voting.</u>

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Element 3- Voter Education Changes/Successes	
<u>2004-2006</u>	<p>The HAVA Planning Committee (2004) recommended and the Legislature approved an additional \$3 million for voter education in FY 2005-06. The 2004 Voter Education Program Report to the Florida Legislature and Governor concluded that county voter education efforts were considered useful or well-received by voters.</p> <p>In 2006, a review of An analysis of 2006 voter education programs throughout Florida indicated a variety of programs being used including sample ballots, nonpartisan voter education, media advertising, and innovative programs. In response to an findings from the 2006 Auditor General Report (2006-194), the Department of State took has taken measures to closely monitor county voter education reports to ensure compliance with HAVA. <u>Also in 2006, the Florida Legislature directed the Division of Elections to develop a statewide uniform training curriculum for poll workers in 2006.</u></p>
<u>2007-present</u>	<ul style="list-style-type: none"> • <u>Training:</u> The Department of State completed the Florida State Poll Workers Training Manual in 2007. Supervisors of Elections currently use the manual to assist in training poll workers. • <u>Funding:</u> The State of Florida funded county voter education programs as follows: <ul style="list-style-type: none"> ○ <u>Fiscal year 2006-07: \$2 million</u> ○ <u>Fiscal years 2007-08 and 2008-09: \$5 million total for federal election activities. This amount could be applied towards voter education and poll worker recruitment and training.</u> • <u>Dissemination of Information to Voters and Election Officials:</u> <ul style="list-style-type: none"> ○ <u>In 2008, the Division of Elections completely revamped its Internet website (http://election.dos.state.fl.us/). The website offers an extensive array of information for the voter, candidates and committees, and elections officials. Topics covered include voter registration procedures, election dates, statistical reports, elections fraud, press releases, voting systems, Supervisor of Elections' contact information, laws/opinions/rules, campaign financial reporting, committee registration, candidate qualifying requirements, initiative petition process and other helpful governmental links. Prominently displayed on the Web Site home page is information on: the Voter Assistance Hotline Toll Free Number—for the general public and for people using Text Telephone (TTY); and the Florida Voter Fraud Hotline Toll Free Number.</u> ○ <u>County Supervisors of Elections must constantly update information disseminated to the public, poll workers, and their own staff to conform to state legislative mandates and HAVA requirements including the change in law regarding acceptable forms of identification in order to vote. In 2008, the Florida Legislature amended section 101.6923, Florida Statutes (relating to special first-time mail-in registrants), to conform this section of law to a 2007 change to section 101.043, Florida Statutes (relating to identification at the polls) that eliminated two forms of previously acceptable forms of photo identification: employee badge or identification and the buyer's club identification.</u> • <u>Reports:</u> <ul style="list-style-type: none"> ○ <u>In the Report on Voter Education Programs During the 2006 Election Cycle (2007), the Department concluded the supervisors of elections use their voter voter education programs to generate an interest in the election process and to increase voter</u>

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participation. All of the broad voter education categories listed in the report received an effectiveness rating of 4 or 5 (with 5 being the highest ranking. A November 2006 survey conducted by the Collins Center for Public Policy indicated that 88% of the respondent voters rated supervisors as "Excellent-Good" in providing voter information during the election period.

In the *Report on Voter Education Programs During the 2008 Election Cycle (2009)*, the Department found the supervisors of elections took a proactive role in educating citizens about the election process and their rights and responsibilities, and motivating them to participate in that process. An increase in new voter registration (by 813,000) and a 75.2% voter turnout during the 2008 Election were attributed largely in part to voter education efforts. All of the broad voter education categories listed in the report received an effectiveness rating of 4 or 5 (with 5 being the highest ranking).

- The "*Analysis and Report of Overvotes and Undervotes for the 2006 General Election*" study (January 31, 2007) continued to examine the "factors relating to no valid votes being cast." No valid vote refers to the combined uncounted votes due to overvotes, undervotes, and invalid write-in votes. The report concluded that "combined under and overvote rate is a function of the contest of interest and the data strongly suggested that it is cyclical with the type of general election (presidential or gubernatorial). The report is posted on the Division of Elections' website at: <http://election.dos.state.fl.us/reports/electreports.shtml>.

The *Analysis and Report of Overvotes and Undervotes for the 2008 General Election* (January 31, 2009) examined the impact of the change in voting method due to Florida's shift to optical scan or marksense ballot voting. The analysis reveals an overall increase in the combined 'no valid rate' from 0.41% for 2004 to .75% for 2008. A comparison of the 2002 and 2006 Governor's races with the 2004 and 2008 Presidential races showed that the "no valid vote" rate is race dependent. The combined 67 counties' 2008 overvote rate increased but was attributed to the change in 15 counties that switched to optical scan voting from touchscreen voting where the technology prevented an overvote. With the change in voting method, the 2008 Presidential overvote rate is 0.28% compared with 0.05% for the 2004 results. The 2008 Presidential undervote rate of 0.26% improved from 0.36% in 2004. The invalid write-ins for 2008 increased to 0.22% from the 2002 rate of 0.08% and 0.06% in 2006. Florida had 35,874 provisional ballots with a 48.1% rejection rate. Of the remaining accepted provisional ballots, the combined "no valid vote" rate was 1.15% with an undervote rate of 0.39% and an overvote rate of 0.76%. The order of increasing "no valid votes" in early voting, election day, absentee, and provisional ballot implies that the voter has an increasing risk of not casting a valid vote without having the voting system alert if there is an overvote or blank ballot using the absentee method or casting a provisional ballot. In conclusion, the increase in the combined 'no valid vote' was attributed primarily to overvotes, invalid write-ins, and particular voting method. BVSC found no difference in the 'no valid rate' between paper ballots with 'oval' versus 'arrow' selection targets regardless of vendor's voting system.

All reports are posted and available for download on the Division of Elections' website at: <http://election.dos.state.fl.us/reports>

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Element 4- Voting System Guidelines and Processes <i>Changes/Successes</i>	
<u>2004-2006</u>	<p>The State of Florida certified three accessible voting systems vendors that provide audio ballot capability. Each accessible voting system includes at least one accessible voter interface device installed in each polling place.</p> <p>The State of Florida met the January 1, 2006 deadline for this HAVA planning element. The accessible voting systems performed as designed during the 2006 statewide Primary and General Elections.</p>
<u>2007-present</u>	<p><u>The Bureau of Voting Systems Certification is conducting an extensive review and revision of Department rules relating to voting system certification standards, purchase and sale, minimum security procedures, and uniform ballot design.</u></p>

Element 5- HAVA Election Fund <i>Changes/Successes</i>	
<u>2004-2006</u>	There were no structural changes to the HAVA trust fund.
<u>2007-present</u>	There were no structural changes to the HAVA trust fund.

Element 6- HAVA Budget (Changes/Successes)	
<u>2004-2006</u>	<p>Florida's FY 2006-07 budget is \$11,015,598. The two largest budget items for this fiscal year are approximately \$5.5 million for Election Administration and \$4.9 million for the new Florida Voter Registration system (FVRS).</p> <p>The HAVA Planning Committee (2006) reviewed and recommended the following proposed HAVA budget for the next four fiscal years with all funding supporting the FVRS and election administration activities:</p> <p>FY 2007-08 \$10,917,216 FY 2008-09 \$11,064,642 FY 2009-10 \$11,216,490 FY 2010-11 \$11,372,894</p>
<u>2007-present</u>	<ul style="list-style-type: none"> • <u>Voter registration System.</u> To date, the State has spent approximately \$28 million on the development, maintenance and operation of the FVRS. • <u>Voting Systems.</u> In 2007, the Florida Legislature appropriated \$22, 968,625 to assist 15 counties in the conversion from touch screen voting systems to optical scan voting systems in accordance with state law mandate. An additional grant of \$4,893,225 was disbursed to 28 counties to assist with the purchase of Ballot-on-Demand equipment for use in early voting. • <u>Federal Election Activities.</u> The Florida Legislature appropriated a total of \$2 million in

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	<p><u>fiscal year 2007-08 and \$3 million in fiscal year 2008-09 for the counties under the category of “federal election activities.” Funds disbursed under this category can be used for election administration activities such as voter education, poll worker recruitment and training, revisions to the statewide poll worker curriculum, standardizing elections results reporting, and other federal election activities as approved by the state. Prior to receipt of these funds, the Supervisors of Election must submit a detailed program plan on how those funds will be expended and must certify that their respective county has provided matching funds in an amount of 15%.</u></p> <ul style="list-style-type: none"> • <u>HAVA Oversight and Reporting.</u> The actual costs for oversight and reporting for the fiscal year 2006-07 and 2008-09 were \$188,091 and \$170,737, The estimated costs for the following fiscal years are: <ul style="list-style-type: none"> ✓ FY 2008-09 \$288,660 ✓ FY 2009-10 \$293,993 ✓ FY 2010-11 \$299,433 ✓ FY 2011-12 \$304,982 • <u>State Management (HAVA Planning Committee (2009)).</u> The HAVA State Planning Committee met once to recommend changes to the State Plan based on material changes since the 2006 amendment to the HAVA State Plan. The Division of Elections provided administrative support. • <u>Proposed Budget.</u> The HAVA Planning Committee (2009) reviewed and recommended the following proposed HAVA budget for the next four fiscal years as set forth here and in more detailed in revised charts contained in Element #6: <ul style="list-style-type: none"> ✓ FY 2008-09 \$10,151,040 ✓ FY 2009-10 \$10,177,750 ✓ FY 2010-11 \$12,306,811 ✓ FY 2011-12 \$10,633,278
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Element 7- Maintenance of Effort Changes/Successes	
<u>2004-2006</u>	A 2006 Auditor General Report (2006-194) determined that Florida’s Maintenance of Effort is \$3,570,408. The audit also revealed that in FY 2004-05, Florida did not meet the required maintenance of effort by \$7,630. Year-end expenditures for the fiscal year 2005-06 have been finalized by the Department, and exceeded the maintenance of effort by \$207,186. This amount, more than compensated compensating for the \$7,630 shortfall for the fiscal year 2004-05. In future years, the Department is expected to exceed the required maintenance of effort compensating for the \$7,630 shortfall.
<u>2007-present</u>	<u>The Department’s expenditures in FY 2006-07 to support the maintenance of effort were \$3,810,939.56 which exceeds the required amount of \$3,570,408 (i.e., by \$240,531.56). In FY 2007-08, the Department’s expenditures to support the maintenance of effort were \$3,587,102.38 which exceeds the required maintenance of effort by \$16,694.38.</u>

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Element 8- Performance Measures Changes/Successes	
<u>2004-2006</u>	<p>The HAVA Planning Committee (2006) approved the following changes to the performance measures:</p> <p>Certified voting systems for voters with disabilities goal has been achieved and accessible voting machines including non-visual accessibility for the blind and visually impaired are in each polling place.</p> <p>The Florida Voter Registration System (FVRS) is operational. The Department of State will continue to monitor list maintenance activities performed by the Supervisors of Elections and FVRS security operations for compliance with HAVA.</p> <p>The Department of State will collect from each county the reason why a person voted a provisional ballot in order to improve the registration process.</p>
<u>2007-present</u>	<p><u>By 2012, each voter accessible interface device already compliant with HAVA requirements must additionally satisfy state law requirement to allow persons with disabilities to have the option to vote using marksense ballots on such devices.</u></p>

Element 9-Administrative Complaint Process Changes/Successes	
<u>2004-2006</u>	There were no changes for this element of the HAVA State Plan.
<u>2007-present</u>	<u>No material changes exist.</u>

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Element 10- Effect of Title One Payments Changes-Successes	
<u>2004-2006</u>	<p>Florida received \$26,028,957 in Title I funds. These Title I funds have been used since 2003 to improve Florida election administration including replacing voting systems, educating voters, and improving access for voters with disabilities.</p> <p><u>In FY 2004-05 and 2005-06, local governments received \$3 million each year for comprehensive voter education efforts.</u></p> <p><u>In FY 2004-05, the Legislature appropriated \$11.6 million to assist local governments with purchasing one accessible voting system for each polling place. However, these funds were distributed from Title II.</u></p> <p>The HAVA Planning Committee (2006) recommended using the Title I funds as needed for election administration activities such as printing new voter registration application forms, translating election materials, printing documents and publications, preparing training videos or other election administration activities.</p> <p>In FY 2004-05 and 2005-06, local governments received \$3 million each year for comprehensive voter education efforts.</p> <p>In FY 2004-05, the Legislature appropriated \$11.6 million to assist local governments with purchasing one accessible voting system for each polling place. However, these funds were distributed from Title II.</p> <p><u>The HAVA Planning Committee (2006) also recommended that the Florida Legislature encourage vendors to continue to develop enhancements and new technologies that meet or exceed federal and state requirements for accessibility in voting systems and polling places. Although not part of Title I funds, the Department has received from the U.S. Department of Health & Human Services (HHS) four grants to improve polling place accessibility. These grants totaled \$2,203,909.</u></p>
<u>2007-present</u>	<ul style="list-style-type: none"> ▪ <u><i>Polling Place Accessibility for Persons with Disabilities.</i> Since 2006, the Department has received two more HHS grants to improve polling place accessibility. The total amount for all grants received to date is \$3,494,444.</u> ▪ <u><i>Voter Education Regarding Voting Procedures, Voting Rights and Voting Technology.</i> See expenditures for Federal Elections Activities under Element #6 in chart.</u>

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Element 11- HAVA State Plan Management Section ~~Changes~~ Successes

<u>2004-2006</u>	There were <u>No</u> substantive changes were <u>made</u> to the HAVA State Plan Management Section.
<u>2007-present</u>	<u>No material changes.</u>

Element 12- HAVA Changes in State Plan for Previous Fiscal Year ~~Changes~~ Successes

<u>2004-2006</u>	The HAVA State Plan was updated to reflect changes from FY 2004-05.
<u>2007-present</u>	<u>See 2009 amendments to HAVA State Plan as last revised in 2006.</u>

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Element 13- HAVA State Plan Development and Planning Committee Changes Successes	
<u>2004-2006</u>	<p>The HAVA Planning Committee (2006) met once in Pensacola and once in Miami during Fall 2006 to update the HAVA State Plan.</p> <p>The HAVA Planning Committee (2006) consisted of welcomed eight new members:</p> <ol style="list-style-type: none"> 1. The Honorable Lester Sola, Supervisor of Elections, Miami-Dade County 2. The Honorable Terry Vaughn, Supervisor of Elections, Bradford County 3. The Honorable Bill Posey, State Senator, District 24, Rockledge, FL 4. The Honorable Ron Reagan, State Representative, District 67, Sarasota, FL 5. Mr. Richard Perez, Attorney, Holland and Knight, Miami, FL 6. Dr. Alec Yasinsac, Professor, Florida State University, Tallahassee, FL 7. Mr. Reggie Mitchell, Counsel for the People for the American Way Foundation, Tallahassee, FL 8. Ms. Sallie Parks, former Pinellas County Commissioner, Palm Harbor FL
<u>2007-present</u>	<p><u>The HAVA Planning Committee (2009) met once in Tallahassee, Florida on March 23, 2009. The Committee (2009) consisted of:</u></p> <p><u><i>Chairman</i></u> <u>The Honorable Kurt S. Browning, Secretary of State,</u></p> <p><u><i>Members</i></u> <u>The Honorable Lois Benson, Pensacola, FL</u> <u>The Honorable Kenneth W. Detzner, Tallahassee, FL</u> <u>The Honorable Penny Halyburton, Supervisor of Elections for St. Johns County, St. Augustine, FL</u> <u>Mr. Richard LaBelle, Executive Director Family Network on Disabilities of Florida, Inc., Clearwater, FL</u> <u>Mr. Randy Long, Florida Association of Court Clerks and Comptrollers, Tallahassee, FL</u> <u>Mr. Reginald J. Mitchell, Esq., Law Offices of Reginald J. Mitchell, Esquire</u> <u>Mr. Charlie Parker, Tampa</u> <u>Mr. Richard Perez, Esq., Holland and Knight, Miami, FL</u> <u>The Honorable Brenda Snipes, Supervisor of Elections for Broward County, Ft. Lauderdale, FL</u> <u>The Honorable Lester Sola, Supervisor of Elections for Miami-Dade County, Miami, FL</u> <u>The Honorable Marjorie Turnbull, Tallahassee</u> <u>The Honorable Andy Gardiner, State Senator, District 9, Tallahassee,</u> <u>The Honorable _____, House Representative, District _____,</u></p>

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[For the current version, see pages 104-110 of the 2006 HAVA State Plan]

Element 13. State Plan Development and HAVA Planning Committee

Section 254(a)(13): A description of the committee which participated in the development of the State plan in accordance with section 255 and the procedures followed by the committee under such section and section 256.

1. Introduction

To comply with the requirements of the Help America Vote Act of 2002 (HAVA), the HAVA State Plan must be developed by the chief State election official through a committee of appropriate individuals. After a preliminary plan is developed, it must be published for public inspection and comment. State officials must take public comments into account in preparing the HAVA State Plan submitted to the Elections Assistance Commission.

2. Compliance: Designation and Meetings of HAVA State Planning Committee

Yes, and no further actions are required.

Florida's Secretary of State is the Chief State Election Official and has the responsibility under HAVA to develop the HAVA State Plan with the assistance of the statewide HAVA Planning Committee. Section 255(a) of HAVA requires that "The chief State election official shall develop the HAVA State Plan under this subtitle through a committee of appropriate individuals, including the chief election officials of the two most populous jurisdictions within the State, other local election officials, stakeholders (including representatives of groups of individuals with disabilities), and other citizens, appointed for such purpose by the chief State election official."

Members of the ~~2009-2006 HAVA~~ Planning Committee for the State of Florida (~~appointed by then Secretary of State, Sue M. Cobb~~) included:

Chairman:

Kurt S. Browning, Florida Secretary of State

Chief Election Officials of the Two Most Populous Jurisdictions within the State:

Brenda Snipes, Supervisor of Elections for Broward County

Lester Sola, Supervisor of Elections for Miami-Dade County

Other Local Election Officials:

Penny Halyburton, Supervisor of Elections for St. Johns County

Proposed 2009 Amendments to HAVA State Plan (as last revised in 2006)

Stakeholders/Representatives of Groups of Individuals with Disabilities:

Richard LaBelle, Executive Director of the Family Network on Disabilities of Florida, Inc.

Other Stakeholders and Citizens:

Kenneth W. Detzner

Lois Benson

Randy Long, Florida Association of Court Clerks and Comptrollers

Reggie J. Mitchell, Law Offices of Reginald J. Mitchell

Charlie Parker

Andy Gardiner, State Senator, District 9

Marjorie Turnbull

Richard Perez, Esq., Holland & Knight LLP

Chairman:

Jim Smith of Leon County, former Secretary of State and former Attorney General

Chief Election Officials of the Two Most Populous Jurisdictions within the State:

Brenda Snipes, Supervisor of Elections for Broward County

Lester Sola, Supervisor of Elections for Miami Dade County

Other Local Election Officials:

Kurt Browning, Supervisor of Elections for Pasco County

Terry Vaughan, Supervisor of Elections for Bradford County

Stakeholders/Representatives of Groups of Individuals with Disabilities:

Jim Kracht, Assistant County Attorney for Miami Dade County and member of the American Association of Visually Impaired Attorneys, American Council of the Blind and the Florida Council of the Blind

Richard LaBelle, Executive Director of the Family Network on Disabilities of Florida, Inc.

Other Stakeholders and Citizens:

Reggie Mitchell, Florida Legal Counsel, People for the American Way Foundation

Sallie Parks, former member Pinellas County Commission

Bill Posey, State Senator, District 24

Ron Reagan, Representative, District 67

Richard Perez, Esq., Holland & Knight LLP

Dr. Alec Yasinsac, Florida State University

Members of the prior HAVA Planning Committees were as follows Florida's HAVA compliance process has involved three separate committees over the years, comprised of the following members:

2003 HAVA Committee

2004 HAVA Committee

2006 HAVA Committee

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Jim Smith, Chairman
Smith, Ballard and Logan

Kurt Browning
Supv. of Elections, Pasco County

Joe Celestin
Mayor, City of North Miami

Anna Cowin
State Senator --District 20

Dave Evans
National Federation of the Blind

Susan Gill
Supv. of Elections, Citrus County

Jane Gross
Florida League of Women Voters

Lindsay Harrington
State Representative --District 72

Arthur Hernandez
Arthur Hernandez, Esq.

Shirley Green Knight
Supv. of Elections, Gadsden County

Jim Kracht
Miami-Dade County

Richard LaBelle
Fla. Coalition on Disability Rights

David Leahy
Supv. of Elections, Miami-Dade
County

Percy Luney
Florida A & M University

Reggie McGill
City of Orlando

Miriam Oliphant
Supv. of Elections, Broward County

Isis Segarra
Tampa, Florida

Lori Stelzer

Jim Smith, Chairman
Smith Ballard and Logan

Kurt Browning
Supv. of Elections, Pasco County

Anna Cowin
State Senate

Jennifer Carroll
House of Representatives

Joe Celestin
Mayor, City of North Miami

David Evans
National Federation of the Blind

Susan Gill
Supv. of Elections, Citrus County

Jane Gross
Florida League of Women Voters

Arthur Hernandez, Esq.
Attorney at Law

Constance Kaplan
Supv. of Elections, Miami-Dade
County

Shirley Knight
Supv. of Elections, Gadsden County

Jim Kracht
Florida Council of the Blind
American Council of the Blind

Richard LaBelle
Attorney at Law

Percy Luney
FAMU Law School

Reggie McGill
City of Orlando

Brenda Snipes
Supv. of Elections, Broward County

Lori Stelzer
Florida Association of City Clerks

Jim Smith, Chairman
Smith ~~and~~ Ballard and Logan

Kurt Browning
Supv. of Elections, Pasco County

Jim Kracht
Miami, Florida

Richard La Belle
Family Network on Disabilities
of Florida, Inc.

Reggie Mitchell, Esq.
People For the American Way
Foundation

Bill Posey
State Senator, District 24

Richard Perez, Esq.
Holland and Knight

Sallie Parks
Former Pinellas County
Commissioner

Ron Reagan
Representative, District 67

Lester Sola
Supv. of Elections, Miami-Dade
County

Brenda Snipes
Supv. of Elections, Broward
County

Terry Vaughan
Supv. of Elections, Bradford
County

Dr. Alec Yasinsac
Florida State University

Proposed 2009 Amendments to HAVA State Plan (as last revised in 2006)

Florida Association of City Clerks

Isis Segarra
Tampa, Florida

Raiza Tamayo

US Hispanic Chamber of Commerce

Raiza Tamayo
U.S. Hispanic Chamber of Orlando

~~Each HAVA Planning Committee has operated in an open process with public deliberations, systematic procedures in accordance with *Robert's Rules of Order*, and majority vote of members who were present when votes were taken. The Collins Center for Public Policy, Inc. a non-profit, non-partisan organization and the Florida Department of State's Division of Elections served as staff for each committee.~~

The HAVA Planning Committee (2006) convened two publicly noticed meetings to update the June 2004 version of the State Plan—Pensacola, Florida, on September 21, 2006, and Miami, Florida, on October 12, 2006. The Collins Center for Public Policy, Inc. a non-profit, non-partisan organization and the Florida Department of State's Division of Elections served as staff for the each committee. ~~A majority quorum of HAVA Planning Committee members was present for both meetings. Members of the public and press were welcomed at the meeting and public comments received. All meetings were held in accessible facilities and were compliant with the Americans with Disabilities Act. Closed captioning service was available at all meetings. Agendas were printed in Braille as well as Spanish and Creole. The Collins Center prepared written materials for the meetings, made presentations to focus the 2006 HAVA Planning Committee on decisions that needed to be made, and took notes of proceedings at the Pensacola meeting. At the bequest of the committee, a transcript of the Miami public meeting was prepared. All agendas and other materials for the meetings were made available at the meetings. The website of the State Division of Elections also included much of this material advance of the meetings. The HAVA Planning Committee received a draft of the plan before voting to approve the preliminary version. The Committee then forwarded it to the Division of Elections for public notice and commentary period. Staff for the Division of Elections made authorized edits to ensure consistency and accuracy of text and format of the final draft.~~

The HAVA Planning Committee (2009) convened for one meeting to discuss and develop changes to the 2006 HAVA State Plan. The meeting was held in Tallahassee, Florida, on March 23, 2009. The Florida Department of State's Division of Elections provided administrative support.

3. Compliance: Public Notice and Comments for State Plan

Yes, and no further actions are required.

Section 256 of HAVA requires that the HAVA State Plan meet the following public notice and comment requirements:

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- (1) not later than 30 days prior to the submission of the plan, the State shall make a preliminary version of the plan available for public inspection and comment;
- (2) the State shall publish notice that the preliminary version of the plan is so available; and
- (3) the State shall take the public comments made regarding the preliminary version of the plan into account in preparing the plan that will be filed with the Election Assistance Commission.

Each HAVA Planning Committee has operated in an open process with public deliberations, systematic procedures in accordance with Robert's Rules of Order, and majority vote of members who were present when votes were taken. Members of the public and press are welcomed at the meeting and public comments solicited.

All meetings are held in accessible facilities and are compliant with the Americans with Disabilities Act. Closed captioning service is available at all meetings. Agendas are printed in Braille as well as Spanish and Creole. The HAVA Planning Committee receives a draft of the plan before voting to approve the preliminary draft. The Committee forwards the draft to the Division of Elections for public notice and open comment period. Staff for the Division of Elections is ~~then~~ delegated authority to make necessary edits to ensure consistency and accuracy of text and format of the final draft.

After notice ~~is was~~ given in the *Florida Administrative Weekly*, the preliminary version ~~or revision of the 2006-HAVA State Plan is was~~ posted on the Department of State's and the Governor's websites. A link ~~is was~~ made available on the Department's website for receiving public comments. ~~No comments were received.~~ The work of the HAVA Planning Committee ~~is and its consultants was~~ completed when a preliminary version of the HAVA State Plan ~~is was~~ prepared, approved by the HAVA Planning Committee, and submitted to the Secretary of State.

After the ~~final updated 2006~~ HAVA State Plan is submitted to the Election Assistance Commission, ~~the that~~ Commission is responsible for publishing the HAVA State Plan in the Federal Register in accordance with Section 255(b).

Help America Vote Act of 2002 State Plan Chart

Help America Vote Requirement	<u>2006 Status: 2006 HAVA State Plan Update</u>	<u>2009 Status: HAVA State Plan Update As of 10/31/06</u>
<i>Voting Systems--Section 301 Compliance January 1, 2006) Meets</i>		
Verify Ballot	X <u>Complies</u>	Meets <u>Complies</u>
Change or Correct Ballot	X <u>Complies</u>	Meets <u>Complies</u>
Prevent Overvotes	X <u>Complies</u>	Meets <u>Complies</u>
Absentee instructions	X <u>Complies</u>	Meets <u>Complies</u>
Absentee privacy and confidentiality	X <u>Complies</u>	Meets <u>Complies</u>
Paper record for audits	X <u>Complies</u>	Meets <u>Complies</u>

Proposed 2009 Amendments
to HAVA State Plan (as last revised in 2006)

Help America Vote Act of 2002 State Plan Chart		
Help America Vote Requirement	2006 Status: 2006 HAVA State Plan Update	2009 Status: HAVA State Plan Update As of 10/31/06
Systems for voters with disabilities	<u>X Complies</u>	<u>Meets Complies</u>
Future voting systems purchases comply with HAVA	<u>X Complies</u>	<u>Meets Complies</u>
Alternative language accessibility	<u>X Complies</u>	<u>Meets Complies</u>
Comply with FEC error rates	<u>X Complies</u>	<u>Meets Complies</u>
Define what constitutes a vote	<u>X Complies</u>	<u>Meets Complies</u>
<i>Provisional Voting and Voter Information--Section 302 (Compliance January 1, 2004) Meets</i>		
Laws require notification to cast provisional ballot	<u>X Complies</u>	<u>Meets Complies</u>
Provisional ballots permitted with written affirmation of voter eligibility	<u>X Complies</u>	<u>Meets Complies</u>
Provisional ballots given to election officials for determination	<u>X Complies</u>	<u>Meets Complies</u>
Provisional ballots counted if voter is determined to be eligible	<u>X Complies</u>	<u>Meets Complies</u>
Voters provided information to ascertain if provisional ballot counted	<u>X Complies</u>	<u>Meets Complies</u>
"Free access system" provided to ascertain if provisional ballot counted	<u>X Complies</u>	<u>Meets Complies</u>
Sample ballots are posted for election	<u>X Complies</u>	<u>Meets Complies</u>
Date of election and polling place hours are posted	<u>X Complies</u>	<u>Meets Complies</u>
Voting instructions and provisional voting instructions are posted on election day	<u>X Complies</u>	<u>Meets Complies</u>
Voting instructions for mail-in registrants and first-time voters on election day	<u>X Complies</u>	<u>Meets Complies</u>
Voting rights information and provisional ballot information posted	<u>X Complies</u>	<u>Meets Complies</u>
Contact information posted for voters whose rights have been violated	<u>X Complies</u>	<u>Meets Complies</u>
Information posted on prohibition of fraud and misrepresentation	<u>X Complies</u>	<u>Meets Complies</u>
Provisional ballots segregated for those who vote after special extended poll hours	<u>X Complies</u>	<u>Meets Complies</u>
<i>Voter Registration--Section 303 (Compliance January 1, 2004 or extension January 1, 2006) Meets</i>		
Single, uniform, official centralized, interactive computer statewide, voter registration list	<u>X Complies</u>	<u>Meets Complies</u>
Can Florida meet January 1, 2004 deadline? Need to apply for January 1, 2006 waiver	<u>X Complies</u>	<u>Meets Complies</u>
HAVA's ID requirements for voters who register by mail and not previously voted	<u>X Complies</u>	<u>Meets Complies</u>
HAVA's requirement for voter registration language in mail registration forms	<u>X Complies</u>	<u>Meets Complies</u>
<i>Local Government Payments and Activities [Section 254(a)(2)] Meets</i>		
Describe criteria for funding	<u>X Complies</u>	<u>Updated</u>
Describe methods to monitor performance	<u>X Complies</u>	<u>Updated</u>
<i>Voter Education [Section 254(a)(3)] Meets</i>		
Describe voter education programs to support Title III	<u>X Complies</u>	<u>Updated</u>
Describe election official education and training to support Title III	<u>X Complies</u>	<u>Updated</u>
Describe poll worker training to support Title III	<u>X Complies</u>	<u>Updated</u>

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Help America Vote Act of 2002 State Plan Chart		
Help America Vote Requirement	2006 Status: 2006 HAVA State Plan Update	2009 Status: HAVA State Plan Update As of 10/31/06
<i>Voting System Guidelines and Processes [Section 254(a)(4)] Meets</i>		
Describe Florida's voting system guidelines and processes consistent with Section 301	<u>✗ Complies</u>	<u>Meets Complies</u>
<i>HAVA Election Fund [Section 254(a)(5)] Meets</i>		
Describe how Florida will establish a HAVA fund	<u>✗ Complies</u>	<u>Updated</u>
Describe how Florida will manage the HAVA fund	<u>✗ Complies</u>	<u>Updated</u>
<i>Florida's HAVA Budget [Section 254(a)(6)] Meets</i>		
Describe costs of activities to meet Title III	<u>✗ Complies</u>	<u>Updated</u>
Describe portion of requirements payment to carry out requirements activities	<u>✗ Complies</u>	<u>Updated</u>
Describe portion of requirements payment to carry out other activities	<u>✗ Complies</u>	<u>Updated</u>
<i>Florida's Maintenance of Effort [Section 254(a)(7)] Meets</i>		
Describe how Florida will maintain election expenditures at the 1999-2000 FY	<u>✗ Complies</u>	<u>Updated</u>
<i>Florida's Performance Goals and Measures [Section 254(a)(8)] Meets</i>		
Describe how Florida will adopt performance goals measures to determine HAVA success	<u>✗ Complies</u>	<u>Updated</u>
<i>Administrative complaint process [Section 254(a)(9)] Meets</i>		
Established a state-based administrative complaint process to remedy grievances	<u>✗ Complies</u>	<u>Meets Complies</u>
<i>Effect of Title I Payments [Section 254(a)(10)] Meets</i>		
Describe how Title I payments will affect activities of HAVA plan	<u>✗ Complies</u>	<u>Updated</u>
<i>HAVA State Plan Management [Section 254(a)(11)] Meets</i>		
Describe how Florida will manage plan and make material changes to plan	<u>✗ Complies</u>	<u>Updated</u>
<i>HAVA State Plan for Previous Fiscal Year [Section 254(a)(12)] Meets</i>		
Describe how this year's plan changed from the previous fiscal year	<u>✗ Complies</u>	<u>Updated</u>
<i>HAVA State Plan Development and Planning Committee [Section 254(a)(13)] Meets</i>		
Describe the committee and procedures used to develop the HAVA plan	<u>Complies</u>	<u>Updated</u>