



COUNTY OF LOS ANGELES

**REGISTRAR-RECORDER/COUNTY CLERK**

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**CONNOR B. McCORMACK**  
REGISTRAR-RECORDER/COUNTY CLERK

April 29, 2003

TO: EACH SUPERVISOR

FROM: Conny B. McCormack, Registrar-Recorder/County Clerk

**IMPLEMENTATION OF FEDERAL HELP AMERICA VOTE ACT (HAVA) – CALIFORNIA  
STATE PLAN ADVISORY COMMITTEE MEETING, MAY 2<sup>nd</sup>**

California Secretary of State Kevin Shelley has announced a series of meetings across the State during the first two weeks of May to seek public input in drafting California's State Plan to comply with significant new federal mandates contained in the Help America Vote Act of 2002 (HAVA). It is my understanding that Secretary Shelley has sent an invitation to each of you to attend these meetings (copy of meeting schedule attached). It is significant that the first meeting will be held in Los Angeles County this Friday, May 2<sup>nd</sup> from 1-4 p.m. I hope that you and/or members of your staff will be able to attend. I have been invited to be a member of the Advisory Committee to the Secretary's HAVA State Plan and, as such, will be participating in this series of meetings.

Also attached is a HAVA fact sheet prepared by the Secretary of State to describe the far reaching requirements and challenges of implementing this 161 page new federal law. The fact sheet describes the most daunting of the new mandates including:

- Creating an interactive statewide voter registration database of California's 15 million voters (heretofore, every County owned and managed its voter file);
- Implementing identification requirements for new voters;
- Replacing punch card voting systems with systems that ensure disabled voters have both secret ballots and access to all polls and that ensure voters can check/verify their ballots to correct inadvertent errors;
- Educating voters about their rights, including creation of a formal complaint procedure for voters to lodge grievances;
- Creating a one-stop shop for military and overseas voters;
- Allowing for provisional voting when voter eligibility is in question and establishing a mechanism for provisional voters to learn if their ballots were counted.

If you have further questions or comments, please contact me.

C: CAO

Attachments

## Help America Vote Act of 2002 (HAVA)

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Please share your views with Secretary of State Kevin Shelley by attending one or more public hearings to give your input regarding the development of California's State Plan for complying with the new mandates of the federal Help America Vote Act of 2002 ("HAVA").

Friday, May 2, 2003, 1-4 pm  
[East Los Angeles College Campus](#)  
Auditorium  
1301 Avenida Cesar Chavez  
Monterey Park, California 91754  
For more info: (213) 897-6225

Monday, May 5, 2003, 1-4 pm  
City Council Chambers  
City Administration Building  
202 C Street, 12th Floor  
San Diego, California 92101  
For more info: (619) 525-4406

Thursday, May 8, 2003, 1-4 pm  
The San Francisco LGBT Community Center  
Rainbow Room, Second Floor  
1800 Market Street  
San Francisco, CA 94102  
For more info: (415) 557-0171

Friday, May 9, 2003, 1-4 pm  
Fresno Convention Center  
Exhibit Hall South (Wine Room)  
700 "M" Street  
Fresno, California 93721  
For more info: (916) 657-2166

Thursday, May 15, 2003, 1-4 pm  
Secretary of State Building  
First Floor Auditorium  
1500 11th Street  
Sacramento, California 95814  
For more info: (916) 657-2166

For further information, please call (916) 657-2166, or the numbers provided above.



## What is HAVA?

The **Help America Vote Act [HAVA]** will fundamentally alter the way we conduct elections in California and across the nation. HAVA was drafted in the aftermath of the controversial 2000 Presidential election in Florida and was signed into law on October 29, 2002. The final bill is a compromise embraced by a bipartisan coalition that included many election officials across the nation, civil rights groups, disabled advocates and government watchdog groups.

This law establishes a new federal agency, the Election Assistance Commission, to serve as a national clearinghouse on election information and to provide federal standards for voting systems. Complex and inter-related federal mandates are also spelled out in the 161-page bill. HAVA requires California and every other state to implement sweeping changes by next year — during the Presidential election cycle, the most visible election with the highest turnout.

The most daunting of the new mandates include:

- ▶ Replacing the punch card voting systems currently used by a majority of California voters;
- ▶ Creating an interactive statewide voter registration database of California's 15 million plus voters that will be used by every county;
- ▶ Implementing new identification requirements for new voters;
- ▶ Ensuring disabled voters have both secret ballots and access to the polls;
- ▶ Providing a system to notify provisional voters whether their ballots were counted;
- ▶ Creating a complaint procedure for voter grievances about the election process;
- ▶ Creating a one-stop shop for all military and overseas voters;
- ▶ Improving training of our army of volunteer poll workers;
- ▶ Educating voters about their rights, including the right to a provisional ballot, the right to ask questions, and the right to get a new ballot to correct a mistake; and
- ▶ Ensuring that voters can check their ballots and correct any errors.

California's Secretary of State must write and submit a State Plan detailing how these mandates will be met. The final Preliminary State Plan is due in early June 2003. The Secretary of State will hold public hearings throughout the state in May 2003 to collect public input.



## New Mandates

### **Official Statewide Voter Registration List**

The Act requires a statewide Voter File to be created and maintained by the Secretary of State.

All of California's 58 counties must be able to access and update the Voter File. This will require standardizing equipment and expertise across all 58 counties.

Previously, each county "owned" its Voter File. With an interactive statewide Voter File, counties will now be able to check registrations across county lines. That will make it easier to eliminate duplications.

The Secretary of State's office will take on the job of managing the Voter File. Considering the various sources of voter information — local elections officials, DMV, social services agencies, party and candidate-sponsored voter registration drives, the Secretary of State on-line voter registration and other potential sources — this will be an enormous task.

**It will be California's official list.**

**It will also be the largest and most dynamic voter file in the nation.**

- ▶ Currently, there are 15 million registered voters in California
- ▶ Twenty percent of the population moves every year
- ▶ Our population grows by 600,000 every decade

### **It represents real challenges... and opportunities**

In addition to the obvious challenges, the statewide Voter File may also help us meet another federal requirement — establishing the identity of voters [with digitized signatures and unique identifiers]. This will make it much easier to comply with the new first-time voter ID federal mandate.

It will also help us instantly verify the status of provisional voters at polling places, regardless of whether the voter moved.

It will help us enhance the integrity of the process.

**Most importantly, it will move us another step closer to the day when any voter can vote from any polling place.**



## New Mandates

### **Provisional Ballots and Notification of Results: Did it count or not?**

#### **The right to a provisional ballot.**

If there is any question about a voter's right to vote at a polling place, he or she has the right to cast a provisional ballot. This is well established in California.

Once a provisional ballot is cast, the voter has a right to know if it is counted. Notifying voters of the final status of their ballots must now be established.

If their ballots are counted, good.

If not, they should know why:

- ▶ So any problems can be corrected before the next election
- ▶ So voters can appeal the decision through the new complaint procedure

It will be a challenge to maintain voter confidentiality and privacy while still providing notification.

In the November 2000 election more than 200,000 provisional ballots were cast.

Almost 40 percent of those were rejected.



## New Mandates

### Voter Identification Requirements

#### Identification or Proof of Residence

First time voters, either at the polls or by absentee ballot, must provide a current and valid photo identification card, or present a current document such as a:

- ▶ utility bill,
- ▶ bank statement,
- ▶ government check,
- ▶ paycheck, or
- ▶ other government document that shows the name and address of the voter.

#### First time voters required to present ID at the polls

California elections officials are very concerned about this. What happens, for example, when one voter is asked for ID, but the next is not? Will this have a chilling effect on voter turn-out? Can poll workers be trained to handle this difficult situation? Are there other ways to mitigate the impact?

#### First Time Voters who register by mail required to mail-in a copy of ID

- ▶ First time voters who register by mail will have to provide proof of residency, either when they register or at the polls, or their vote will not be counted.
- ▶ This will result in extra work for elections officials and frustration for voters.
- ▶ Again, what steps can we take to mitigate negatives?

#### First Time Voters who vote absentee must include a copy of their ID

- ▶ Absentee voters must include a copy of their ID with their ballot or the ballot will not be counted
- ▶ The challenge will be to implement this without creating a new deterrent

**With a sophisticated statewide voter registration system, it may be possible to mitigate the impact of this new requirement.**



## New Mandates

### New Voting System Standards

The Act requires the Secretary of State to create system standards for new technologies. California is already certifying new technologies, and has developed sophisticated criteria for new voting systems.

#### New technologies, new opportunities and challenges

New equipment presents new challenges. California must insist on the highest possible standards of accuracy and reliability before certifying any new voting technology.

Touchscreen systems offer unprecedented flexibility. Voters would be able to change type sizes. Voting instructions and information could be displayed in a wide variety of languages. The costs and time-consuming process of printing paper ballots in multiple formats would be greatly reduced.

At least one voting machine per precinct must offer full accessibility to the disabled community, so that they can cast a ballot independently and confidentially. This is potentially very expensive since California has more than 25,000 voting precincts. The cost of the average machine equipped to provide independent access is approximately \$3,000 per voting unit.

Touchscreen systems with an audio recording device would allow blind, visually disabled and illiterate voters to cast their ballots independently and secretly.

Yet computerized terminals must be accurate and reliable. The voting public must have confidence that the machines are tamper-proof. The voting public must have confidence that random audits of vote results could prevent any tampering.

A voter must be able to confirm his or her ballot before casting it. If there is a mistake, a voter must have the ability to correct it.

In addition, the new technologies must provide elections officers with a ballot paper trail for both recounts and random audits of results.



## New Mandates

### Voter Education

The Act requires the Secretary of State to inform voters of their rights. This includes a voter's right to a provisional ballot, to a responsive complaint procedure, and to ask questions at the polls.

### Voters will trust what they know

California has developed a comprehensive Voter Bill of Rights to be published with all ballot materials and posted in every polling place. It includes the telephone number of the Voter Assistance Hotline.

### Voter Bill of Rights

- ▶ You have the right to ask questions about election procedures.
- ▶ You have the right to receive a new ballot if, prior to casting your ballot, you believe you made a mistake.
- ▶ You have the right to a receipt indicating that an elections official received your ballot.
- ▶ You have the right to have your vote counted.
- ▶ You have the right to cast a ballot if you arrive before the polls close at 8pm.
- ▶ You have the right to review public information provided at a polling place.
- ▶ You have the right to cast a ballot if you are a properly registered voter.
- ▶ You have the right to cast a provisional ballot if you believe you are properly registered but your name is not listed on the voting rolls.
- ▶ You have the follow-up notification about the final status of a provisional ballot. Was it counted or not?

### Keeping voters informed

The Act also requires that information must be posted at each polling place on Election Day to inform voters:

- ▶ how to vote [which may be confusing if a voter is using new technology]
- ▶ the hours that the polls are open
- ▶ a sample ballot
- ▶ voter identification requirements for new registrants
- ▶ general information on voter fraud



## **New Mandates**

### **Complaint Procedures**

The Act requires the Secretary of State to create a responsive complaint procedure for any voter who believes his or her rights were denied.

Voters must have a way to challenge apparent misconduct.

### **Accountability**

The entire elections process must be accountable to the voters.

A complaint procedure also serves as a mechanism for continuous improvement of the system. Ultimately, it might have a real impact on faith in the system, the integrity of the system and turnout.



## **New Mandates**

### **Creating the State Plan**

The Act requires the Secretary of State to submit a State Plan detailing how California will meet the mandates of the Help America Vote Act.

California's State Plan will be prepared by the Secretary of State, with the assistance of the California State Plan Advisory Committee, local elections officials and interested Californians from throughout the state.

Representatives from every community will have the opportunity to provide input at five public hearings, in writing and via the Secretary of State's web site [[www.ss.ca.gov](http://www.ss.ca.gov)].

California's State Plan will incorporate "measurables" so that compliance with each mandated activity can be tracked.

The State Plan will be available for public comment in June.