

**HELP AMERICA VOTE ACT OF 2002**  
**Deb Markowitz, Secretary of State**  
**April 4, 2003**

I. Mandates of the Law

A. Voting Systems Standards:

- Second Chance Voting
- All Voting Systems must meet error rate for that system
- Audit Trail – Permanent Paper Record with a manual audit capacity; Paper record is official record for any federal recount
- What Constitutes a Vote – Election Rules
- Paper Ballots or Central Count Systems:
  1. Establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office;
  2. Provide voter with instructions on how to correct the ballot before it is cast and counted.

B. Identification of Voters:

- **Voters Who Register by Mail:**
  1. Applicant's driver's license, or
  2. The last 4 digits of the applicant's social security number, or
  3. If applicant has neither, state shall assign a number
  4. State shall determine whether information provided is correct – must verify information against state driver's license database.
- **Voting by Registrants Who Register by Mail:**
  1. First Time Voting:
    - Individual registered to vote in a jurisdiction by mail
    - Individual has not previously voted in a federal election
    - At polling place, voter must:
      1. Present state or local election official a current and valid photo ID, or
      2. A copy of current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter.
    - By absentee ballot, voter must submit with ballot:
      1. Copy of current and valid photo ID, or

2. Copy of current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter.
- If absentee voter does not provide such ID, voter may cast an absentee ballot and the ballot will be counted as a provisional ballot.

## II. Disability Features of HAVA 2002:

- A. Curbside Voting **does not** mean accessible!!! Entire state must be in compliance by January 1, 2006
- B. One accessible voting machine in each precinct
  - One (1) DRE per precinct
  - Available to any voter in the precinct
- C. Accessibility contact in each town
- D. **Disability defined:**
  - State may define “disability” See 1-7-11 C.R.S.
  - Consult with disability community

## III. Statewide Voter Registration Database:

- A. Defined, maintained and controlled by the state. State must be in compliance by January 1, 2004 or may be issued a waiver for good cause and certification of the reasons for non-compliance until January 1, 2006.
- B. **Not a mixture of systems; no batching together of local lists.**
- C. Maintained by state – duplicates and cancellations removed at state – information from driver’s license and agencies.
- D. Department of Motor Vehicles – have authority to check SS #'s with SS Administration  
**State owns the system and sets all parameters;** town information not official until entered into the state system.
- E. Change in voter registration form:
  - Add: “Are you a citizen of the United States of America?” and boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States;
  - Add: “Will you be 18 years of age on or before election day?” and boxes for the applicant to check to indicate whether or not the applicant will be 18 years of age or older on election day;
  - Add: “If you checked ‘no’ in response to either of these questions, do not complete this form.”
  - Add a statement informing the individual that if the form is submitted by mail and the individual is registering for the first time, the appropriate information required under this section must

be submitted with the mail-in registration form in order to avoid the additional identification requirements upon voting for the first time.

- If an applicant for voter registration fails to answer the question included on the mail voter registration form regarding U.S. citizenship, the clerk shall notify the applicant of the failure and provide the applicant with an opportunity to complete the form in a timely manner to allow for the completion of the registration form prior to the next election for Federal office (subject to state law).

#### **IV. Provisional Ballots:**

##### **A. Voter Information:**

- At the time an individual casts a provisional ballot, the state or local election official shall give the individual written information that states that any individual who casts a provisional ballot will be able to ascertain under the system established whether the vote was counted, and, if the vote was not counted, the reason that the vote was not counted.

##### **B. Free Access:**

- The appropriate state or local election official shall establish a free access system (such as a toll free number or an internet website) that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted.

#### **V. Voting Information Requirements:**

##### **A. Public Posting on Election Day:**

- Posted at each polling place on the day of each election for Federal Office;
- A sample version of the ballot that will be used for the election;
- Information regarding the date of the election and the hours during which polling places will be open;
- Instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;
- General Information on voting rights under applicable Federal and State laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated;
- General Information on Federal and State laws regarding prohibitions on acts of fraud and misrepresentation
- **Each state must be in compliance with requirements on and after January 1, 2004**

## **VI. Military Issues:**

- Single State Office must be designated for absentee information;
- Single absentee application good for two (2) general elections;
- Absentee military and overseas voters are **exempt** from the ID requirements for first time voters who register by mail;
- State office must accept absentee applications and absentee ballots (including Federal write-in absentee ballots) from all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State.

## **VII. State Plan:**

- How the state will use the requirements payment to meet the requirements of title III and other activities to improve the administration of elections;
- How the state will distribute and monitor the distribution of payments to units of local government or other entities in the state including a description of:
  - The criteria to be used to determine the eligibility of such units or entities for receiving the payment;
  - The methods to be used by the state to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted
- How the state will provide for programs for voter education, election official education and training, and poll worker training which will assist the state in meeting the requirements of Title III;
- How the state will adopt voting system guidelines and processes which are consistent with the requirements of Sec. 301
- How the state will establish a fund for purposes of administering the state's activities, including information on fund management;
- The state's proposed budget for activities, based on the state's best estimates of the costs of such activities and the amount of funds to be made available
- How the state will adopt performance goals and measures;
- How the state will maintain the expenditures of the state for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the state for the fiscal year ending prior to November 2000;
- A description of the uniform, nondiscriminatory state-based administrative complaint procedures
- A description of the committee which participated in the development of the state plan and the procedures followed by the committee