

**DIV. OF
ELECTIONS
OVERVIEW,
HELP
AMERICA
VOTE
ACT**



State of Alaska Division of Elections Overview

Senate State Affairs Committee
February 12, 2004



HAVA – “The Help America Vote Act of 2002” Implementation to Date – Overview

Since the last meeting of the State Plan Committee...

- ★ At their last meeting on April 10, 2003, the State Plan Committee unanimously adopted the State Plan, drafted by the Division of Elections.
- ★ HB 266, the Division’s legislation to bring state law into compliance with HAVA, was introduced in April 2003 and passed both houses unanimously. The Governor signed it into law on August 20th, 2003, and the Department of Justice precleared Alaska’s election reform law.
- ★ The Division was appropriated funds to purchase 55 Touch Screen units in the FY '04 Capital Budget. The request was structured so that the General Fund appropriation/"investment" in Title III activities defined in HAVA would meet the 5% match requirement of HAVA. (Title II monies have not yet been made available, but by meeting the requirement for a minimal "state match " in proportion to federal appropriations for Title III activities, Alaska is, once again, "ahead of the game")
- ★ The Division submitted our State Plan to the FEC on July 18th, 2003 and are waiting for the FEAC (appointed in the last few months) to publish it and the plans of the other states, in the federal register as required by HAVA.
- ★ The Administrative Complaint regulations required by HAVA were drafted, adopted (after public comment period) and precleared by the Department of Justice.
- ★ The State received \$5 million in Title I monies, as well as \$1.139 million for the State’s "early" investment in Accu-Vote (Alaska implemented the use of "Optical Scan" machines in 1998, well before HAVA.) Those funds were deposited into the General Fund in 2003 – a reimbursement for the State’s previous purchases. Additionally, the State applied and qualified for a one-time HHS grant of \$100,000 to improve accessibility.
- ★ Last year, the Director and Regional Supervisors discussed a plan for implementing the "Touch Screen" units in 2004. The Division hopes to initiate a "pilot project" and implement the touch screen voting system in the 2004 election cycle.



HAVA 2003 State Legislation

In 2002, after receiving bipartisan support in Congress, the President signed the Help America Vote Act (HAVA) into law. To meet the new requirements in federal law for state and federal elections, the Division of Elections introduced legislation to the Alaska State Legislature. In May of 2003, HB266 passed. Major changes to elections' laws are as follows:

- ★ Registrants are required to provide an identifier of either their social security number, last 4 digits of social security number, Alaska driver's license number or state ID number when registering to vote.
- ★ Registrants are required to provide their date of birth when registering to vote.
- ★ Registrants' identification options when registering to vote were expanded to include state ID card and current and valid photo ID.
- ★ Establishes that registrants, when initially registering to vote by mail or by fax, must provide proof of identity. They may provide a copy of either their driver's license, state ID, current and valid photo ID, birth certificate, passport or hunting and fishing license to prove their identity. If a voter, initially registering to vote by mail or fax, does not provide a copy of his/her proof of identity, the Division of Elections will attempt to verify a voter's identity through the Division of Motor Vehicles.

Until the voter's identity has been verified, the voter will not receive a voter registration card. The voter will, however, receive an acknowledgement card that informs the voter that the voter may send a copy of his/her proof of identity prior to an election or that upon voting they must present identification. Upon receipt of the proof of identity, a voter card will be sent to the voter.

- ★ Requires a "free access" system in which a questioned voter must receive written information on how to ascertain whether their ballot was counted and if not counted, the reason why it was not counted at no cost to the voter. Information will be available by calling a toll free number, by a letter addressed to the voter, and through the Division's website (by 2006).
- ★ Allows voters in remote Alaska to request a 60-day advance ballot.



HAVA Technology 2004

Last year, the Director and Regional Supervisors discussed a plan for implementing the "Touch Screen" units (DREs) in 2004. The Division is planning to initiate a "pilot project" and implement the touch screen voting system, in a very limited number of locations, in the 2004 election cycle.

Since that time, legislators, party chairmen and Alaskans have expressed concerns that the voting equipment should not be utilized until voter verifiable printed receipts are required. Just like the Accu-Vote Optical Scan units, the Accu-Vote Touch Screen units have a verifiable audit capacity. The units record the votes, not only on the memory card, but also on a redundant memory built into the system. In addition, the Touch Screen units purchased by the State have the ability to generate ballots for recount purposes.

HAVA requires at least one Touch Screen unit in each precinct, but not until 2006. If the Legislature requires voter verifiable printed receipts, the Division cannot implement the Touch Screen units in 2004. While the units purchased can be modified, that modification has yet to be certified by the FEC/FEAC Standards Board. The Division will not implement "modified" equipment that would jeopardize the public's trust in our election system - regardless of our confidence in our process, our people and the equipment. If the Division is able to implement the touch screen units in 2004, the following reflects the locations the equipment will be utilized:

- ★ The four regional office absentee voting stations.
- ★ Absentee voting stations, such as Access Alaska, as determined by the director and regional supervisors.
- ★ Select polling place locations such as senior centers or those in which there is greater chance of reaching voters with a disability.

In order to place the touch screen units at absentee voting stations, other than those at the regional offices, a change in state law is necessary to allow for "Early Voting" at additional locations. This legislation is being introduced in 2004.



2004 Legislation

The Division of Elections will be introducing legislation to the Alaska State Legislature in February. The major impacts to the Division if this legislation is passed are as follows:

- ★ Expansion of Early Voting to other absentee voting locations in addition to the regional offices.
- ★ Reducing the witnessing requirements to allow one witness signature for absentee by mail voting if no official is available to witness the ballot for the voter.
- ★ Establish that vote tallying equipment must meet voting system standards approved by the Federal Election Commission.
- ★ Define the requirements, procedures and accountability for initiative, referendum and recall processes.
- ★ Define the process on how a political group may gain recognized political party status.



HAVA and the Future

The Division of Elections must accomplish the following by 2006:

- ★ Implement one Touch Screen unit in each precinct for those with disabilities. In addition, the Touch Screen equipment will also meet the needs of alternate language accessibility as required by the Department of Justice.
- ★ Purchase and implement a new statewide voter registration system to replace our 1985 mainframe system.
- ★ Survey all polling place locations in 2005 to determine any additional accessibility needs. Currently, the Division is working with the State ADA Coordinator, Don Brandon, to improve the accessibility survey currently used by the Division to assist in identifying any additional issues that may exist.
- ★ Establish an interactive statewide voter list. This will be part of the "free access" system in which a questioned voter may be able to confirm if their ballot was counted and if not counted, the reason. Other uses would allow a voter to check their voter registration status on line, locate their polling place and check the status of their absentee ballot.



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