



COUNTY OF LOS ANGELES

**REGISTRAR-RECORDER/COUNTY CLERK**

12400 IMPERIAL HWY. – P.O. BOX 1024, NORWALK, CALIFORNIA 90651-1024 / (562) 462-2716

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

**July 18, 2003**

TO: EACH SUPERVISOR

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

**RESPONSE TO LETTER FROM SECRETARY OF STATE SHELLEY**

On July 10, 2003 Secretary of State Kevin Shelley responded to your Board's five-signature letter of July 8, 2003 regarding the financial component of the Secretary's Help America Vote Act (HAVA) Preliminary State Plan for California. Your Board's correspondence expressed strong concerns that the Secretary's proposed Plan allocates an inadequate portion of HAVA funding to Counties to purchase new voting equipment needed to comply with stringent new Federal mandates. If the Preliminary Plan were to be adopted as written, as explained in your letter the County would remain \$35 million short of the anticipated \$100 million purchase price of a new, compliant voting system when Federal funds are available for this purpose. Secretary Shelley's letter responded that Counties are expected to provide a 3:1 match toward Proposition 41 funds. His letter says that the County's match "could generate another \$16.5 million....thus Los Angeles County is expected to have nearly \$82 million to modernize voting equipment."

Last week I had the opportunity to meet with Secretary Shelley and I asked him to clarify whether his letter to your Board meant that he expected Los Angeles County to fund the \$16.5 million rather than use HAVA federal funds for all or part of the Proposition 41 match requirement. Initially the Secretary stated that was the case; however, later in the meeting he and a member of his staff indicated that such a match scenario could be a possibility for Counties. It has been my understanding, shared by other Registrars statewide, that HAVA funds should and would be available to fulfill the Proposition 41 match requirement. Indeed, the HAVA Preliminary State Plan (page 31) reveals that the State's portion of Proposition 41 money will be used as the source of the State's required matching funds for receipt of Federal HAVA Title II funds.

As a member of the Secretary's Advisory Committee (Committee) appointed in accordance with Section 255(a) of HAVA, from the time of the release of the Preliminary Plan on June 17, I and several other members of the Committee requested the opportunity to meet with the Secretary and/or his staff to discuss the financial component of the Plan as no discussion of funding allocations had occurred in the meetings of the Committee that occurred in May. However, rather than convene a meeting for a group discussion, the Secretary and his staff invited individual written comments from members of the Committee. In compliance with this request, earlier this week I submitted the attached letter to the Secretary prior to the established July 17<sup>th</sup> deadline for public comment. The letter cites a

number of specific findings and recommendations for the Secretary's consideration prior to release of the official HAVA State Plan.

If you have any questions regarding this information, please call me.

c: Secretary of State Kevin Shelley  
Members, HAVA State Plan Advisory Committee  
CA Registrars of Voters  
CAO

Attachments



COUNTY OF LOS ANGELES  
**REGISTRAR-RECORDER/COUNTY CLERK**

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

July 16, 2003

VIA E-mail and Overnight Mail

The Honorable Kevin Shelley  
Secretary of State  
1500 11<sup>th</sup> St. Suite 600  
Sacramento, CA 95814

Dear Secretary Shelley:

As a member of the HAVA California State Plan Advisory Committee appointed in accordance with Section 255(a) of the federal Help America Vote Act (HAVA), this correspondence is submitted for inclusion in the registered public comments regarding the HAVA California Preliminary State Plan issued by your office as a draft document on June 17, 2003. My comments focus on the proposed financial allocations currently detailed in the Preliminary State Plan.

The primary motivation for HAVA was the recognition by the Federal government that voting systems in use around the country were deficient and in need of modernization to assure the accuracy of election results and the confidence of voters. California Counties will have to implement most of the new federal mandates including the purchase of legally compliant new voting systems to meet strict new Federal standards. Therefore, California's State Plan should designate the majority of HAVA funds to the Counties to meet this mandate. However, California's proposed Plan, as drafted, does not concentrate funding in this area. By comparison, an in-depth analysis of the HAVA funding proposals of the seven most populous States reveals an average minimum allocation of 79% of HAVA funds to their Counties versus 37% to Counties in California (see chart at Attachment A).

Below are a number of specific findings regarding the funding categories detailed in California's Preliminary State Plan followed by recommendations for adjustment to the funding allocations prior to finalizing California's HAVA State Plan for submittal to the Federal government.

Findings/Recommendations

- 1) Finding: The breakdown of available funds on page 37 of the Preliminary Plan is currently incomplete. The chart is limited to discussion of the proposed allocation of first-year HAVA Title II funding (approximately \$97 million). Unlike other States' Plans, California's Plan contains no breakdown with regard to the planned allocation of HAVA Title I funds. These one-time Title I monies include \$27.3 million in Section 101 funding that the law gives wide latitude for its use "to improve election administration" and \$57.3 million in Section 102 funds that are restricted for use by those counties that replace punch card voting systems. The only mention of Title I Section 101 funds in the Preliminary Plan is found on page 41 which vaguely states that these funds are "likely to supplement the requirements payment received pursuant to Title II." Other States' Plans provide specificity with regard to their appropriated Title I, Section 101 funds and also share these funds between the State and Counties.

Recommendation: Identify Title I (one-time funds) as well as Title II first-year funds in the allocation chart on page 37 of the Plan in order to provide a more complete picture of the intended disbursement of approximately \$181 million in HAVA money that will be available to California during 2003. The Preliminary Plan's current financial component (page 37) is displayed alongside a suggested alternative page 37 at Attachment B which incorporates Title I funds along with HAVA Title II first-year funds. In recognition of the present uncertainty of the costs associated with the State's compliance with HAVA requirements, Attachment B contemplates the possibility that 100% of Title I Section 101 funds might be used by the State if actual costs prove to be higher than anticipated to meet the minimum legal requirements.

- 2) Finding: A review of all of the other 49 States' Plans (see Attachment C) reveals a pattern of allocation of between 55-90% of HAVA funds for purchase of voting equipment, including equipment to comply with rigorous new standards for equipment accessibility for blind, disabled and multi-lingual voters; 5-25% to implement a statewide voter registration database system; and 3-11% for voter education, pollworker and election officials training. By marked contrast, California's Preliminary Plan proposes higher funding for the three categories of voter education, pollworker training and election officials training than for purchasing required voting equipment (i.e. a minimum of 45% for these three discretionary categories compared with a minimum of 10.3% for purchasing legally compliant voting equipment). While I certainly support the allocation of a portion of HAVA funds to further educate the public and enhance election officials and pollworker training, California is currently recognized as the leader in these areas due to laws providing for the most complete and widespread voter information in the nation. Notably, less than half a dozen states mail sample ballot booklets and state ballot pamphlets to voters prior to each election as California does. Also, unlike some other States, California already requires Counties to provide pollworker training prior to each election. Additionally, the Preliminary Plan is currently silent on whether the State intends to retain all of the funding for these three categories or whether the Counties would share in the funding allocated for voter education, pollworker and election officials training.

Recommendation: As HAVA funds are limited to a finite three-year period, the available Federal funding should be concentrated on meeting the requirements for legally compliant systems including voting equipment/systems for the Counties and an upgrade or replacement of the State's current voter registration database system, Calvoter. This recommendation gives priority to utilizing scarce Federal funding to re-build the infrastructure of democracy. Conversely, if a disproportionate amount of funds are instead allocated to enhance existing operational programs for voter education, pollworker and election official training, the ability to sustain a significant build-up in these discretionary programs would be jeopardized after federal funding ceases. The revised page 37 (Attachment B) presents an alternative funding designation of 5% (rather than a minimum of 15%) in each of these three categories. This suggested revision would still allocate a greater percentage of funding to these discretionary categories than the average allocated in the other States' Plans. Additionally, the Plan should indicate the State's intention to designate a portion of the funds for voter education, pollworker and election officials training to Counties.

- 3) Finding: The Preliminary Plan's proposed funding ranges within and among HAVA Title II categories are extremely widespread (page 37). An examination of all other States' Plans reveals much clearer identification of funding amounts and percentages (see Attachment C). For example, the Plans of the eight most populous States reflect an average cost of complying with the HAVA requirements for a Statewide voter registration database of \$1.32 per registered voter. (Pennsylvania is the highest at \$2.74 per voter for their newly installed full election management system that, in addition to the required voter registration database, also encompasses software for other functions not required by HAVA such as absentee voting, pollworker recruitment, etc.) Also, the column entitled Portion of Payment on page 37 of the Preliminary Plan contributes to the uncertainty and confusion as the figures add up to 68.2% instead of 100% due to the presentation of the minimum estimate, rather than the maximum or midpoint (see Attachment B).

Recommendation: Narrow the ranges and assign percentages that add up to 100%. See Attachment B for a suggested alternative financial plan. This alternative provides \$20.7 million to upgrade or replace California's existing statewide voter registration database compared with the Preliminary Plan's wide range of \$8-151 million. The proposed figure is based on \$1.32 per registered voter, the average of the eight most populous States. Should the actual cost more closely mirror Pennsylvania's high of \$2.74 per registered voter, the additional amount would be available from the currently unallocated \$27.3 million in Title I, Section 101 funds.

- 4) Finding: The Plan's proposed funding range for fulfilling the provisional voting requirements is very large compared with other States' Plans, from \$3-\$15 million of the \$97 million anticipated in first-year HAVA Title II funds (3-15%). Most other States do not currently provide for provisional voting at all and must now design processes from the ground up. California's existing provisional voting laws and procedures are unparalleled in the nation and formed the model for HAVA. Yet other States' Plans designate an average of 1.5% of their HAVA funds to accomplish this task compared with the proposed range of 3-15% in California's Preliminary State Plan. California's sole deficiency with regard to complying with this requirement is lack of a designated free access system for use by voters to determine whether or not their provisional ballots were counted. Most States' Plans propose compliance with this requirement simply by establishing a toll-free telephone number.

Recommendation: Lower this figure in the Plan to a maximum of 1%, comparable to other States' Plans (as shown on Attachment B). Designate a portion of the funds in this category to Counties. Postage/supplies and the administration of any discretionary program established to notify provisional voters regarding the status of their provisional ballots, as contemplated in the Preliminary Plan, would likely cost far less than 1% of California's available HAVA funds (\$1.8 million).

- 5) Finding: In contrast to California's Plan, other States' Plans acknowledge the principal role and responsibility of the Counties to carry out HAVA mandates (see Attachment D). Consequently, other States' Plans designate a much larger percentage of HAVA funds to Counties to meet the legal requirements compared to California's Plan (see Attachments A and C). Although California voters last year approved a \$200 million bond issue, Proposition 41, to purchase new voting equipment, these funds will cover only about half of

The Honorable Kevin Shelley  
July 16, 2003  
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voting system replacement costs. Los Angeles and eight other California counties (representing 56% of the registered voters in the State) must replace their voting systems immediately due to a court imposed ban on the use of punch card voting systems commencing with the March 2004 Primary Election. All other Counties must meet HAVA voting equipment requirements by January 2006.

Recommendation: Revise the Plan to allocate a minimum of 25%, and preferably much more, of first-year HAVA Title II funds to Counties for purchase of voting equipment (rather than the currently specified minimum of 10.3%). While other States' Plans allocate significantly more of their HAVA funds toward purchase of new voting equipment, it is acknowledged that California Counties have Proposition 41 funds available to partially offset the cost of new voting systems. However, it should be noted that California taxpayers will spend \$400 million over the next 20 years to retire Proposition 41 bonds. Requiring County taxpayers to contribute tens of millions more to purchase new voting equipment when federal funds are available for this purpose would not optimize the use of HAVA funding.

I hope you will take these suggestions into consideration prior to finalizing the financial component of California's HAVA State Plan. Additionally, I seek your assurance that you will circulate the final draft of the State Plan to members of your HAVA State Plan Advisory Committee for review prior to release of the final HAVA California State Plan by your office.

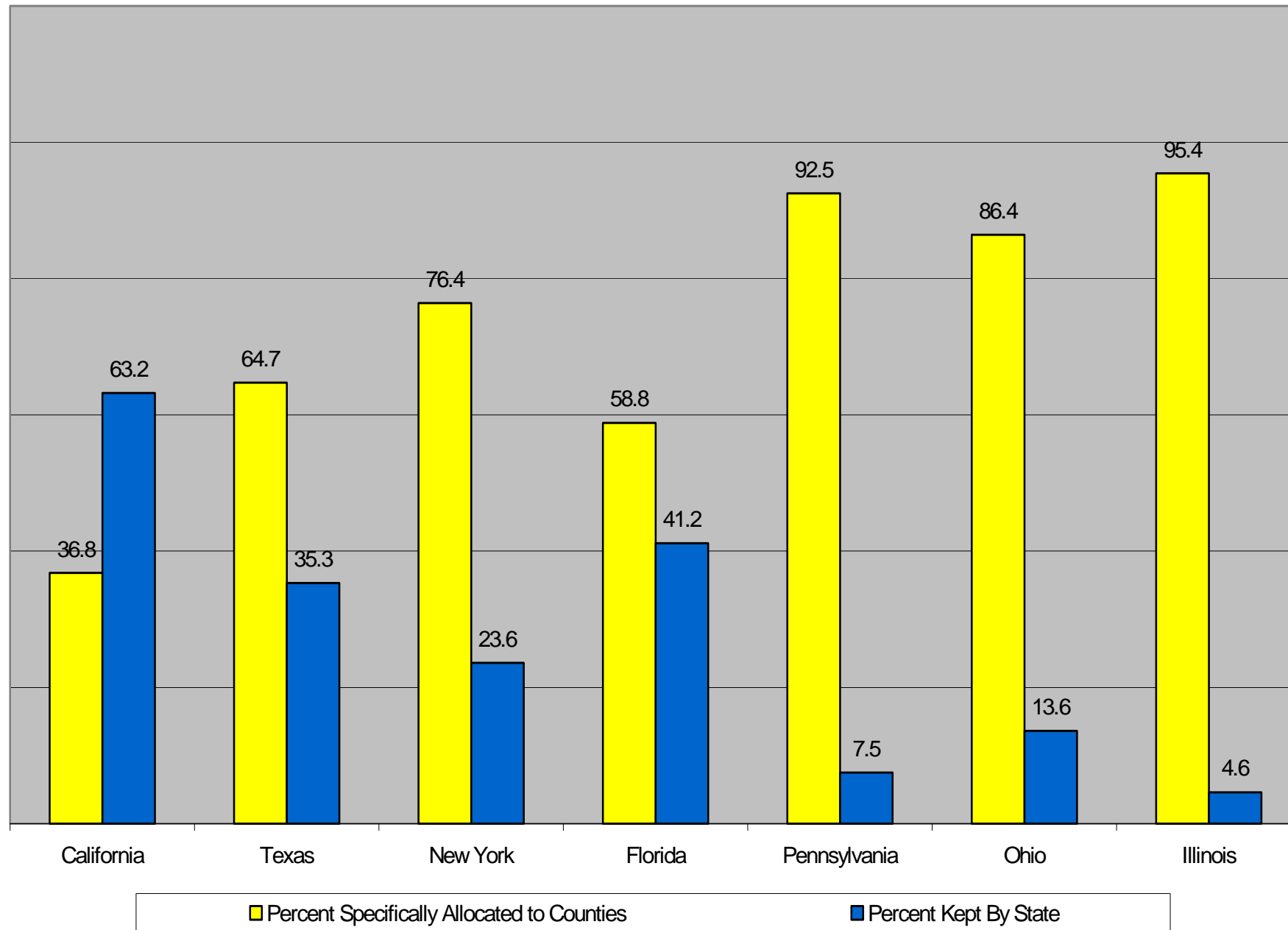
Sincerely,

Conny B. McCormack  
Registrar-Recorder/County Clerk

c: Members, Los Angeles County Board of Supervisors  
Members, HAVA State Plan Advisory Committee  
California Registrars of Voters

4 Attachments

HAVA Allocation - Seven Largest States



Registered Voters – Nov. 2000

California	15,707,307
Texas	12,365,235
New York	11,262,816
Florida	8,752,717
Pennsylvania	7,781,997
Ohio	7,535,188
Illinois	7,129,026

PRELIMINARY STATE PLAN HAVA FUNDS ALLOCATION (p.37)			
HAVA Mandate	Cost Estimate		Portion of Payment*
	Low	High	
(Chart allocates only 2003 Title II money)			
Voting system standards, Title III, Section 301(a)	10,000,000	50,000,000	10.3%
Provisional Voting, Title III, Section 302(a)	3,000,000	15,000,000	3.0%
Voter information posting, Title III, Section 302(b)	100,000	300,000	0.1%
Statewide database, Title III, Section 303(a)	8,000,000	151,000,000	8.2%
Verification of voter registration information, Title III, Section 303(a)(5)	100,000	300,000	0.1%
Requirements for certain voters who register by mail, Title III, Section 303(b)	100,000	300,000	0.1%
Mail-in Registration form requirements, Title III, Section 303(b)(4)	0	0	0.0%
Voter Education, Title III	15,000,000	45,000,000	15.4%
Elections official education, Title III	15,000,000	45,000,000	15.4%
Pollworker education, Title III	15,000,000	45,000,000	15.4%
Complaint procedure (other activities), Title IV, Section 402	100,000	300,000	0.1%
Voting rights of military and overseas citizens (other activities), Title VII, Section 702	100,000	300,000	0.1%
<b>TOTALS</b>	56,500,000	302,500,000	<b>68.2%</b>

\*Based on minimum (and unlikely) cost estimates.

ALTERNATIVE STATE PLAN HAVA FUNDS ALLOCATION ( p.37)						
HAVA Mandates	Portion of Payment		County/State Breakdown			
<b>Title I One-Time Only Funds:</b>	\$	%	Counties	%	State	%
Title I, Sec. 101, Preliminary Plan does not specify use of funds	<b>27,340,830</b>	15%		0-2%	27,340,830	up to 100%
Title I, Sec. 102, Punch Card Buyout (law specifies allocation to specific counties)	<b>57,322,707</b>	31.5%	57,322,707	100%	0	0%
<b>Subtotal (Title I Funds)</b>	<b>\$ 84,663,537</b>					
<b>Title II - First-Year Funds</b>						
Voting system standards, Title III, Sec. 301(a)	<b>46,882,464</b>	25.7%	46,882,464	100%	0	0%
Provisional Voting, Title III, Section 302(a) footnote (1)	<b>1,817,635</b>	1.0%	908,817	50%	908,817	50%
Voter information posting, Title III, Section 302(b)	100,000	0.1%	0	0%	100,000	100%
Statewide database, Title III, Section 302(b) footnote ( 2 )	<b>20,735,370</b>	11.4%	0	0%	20,735,370	100%
Verification of voter registration information, Title III, Section 303(a)(5)	100,000	0.1%	0	0%	100,000	100%
Requirements for certain voters who register by mail, Title III, Section 303(b)	0	0.1%	0	0%	0	100%
Mail-in Registration form requirements, Title III, Section 303(b)(4)	0	0.0%	0	0%	0	0%
Voter Education, Title III	<b>9,088,177</b>	5.0%	4,544,088	50%	4,544,088	50%
Elections official education, Title III	<b>9,088,177</b>	5.0%	4,544,088	50%	4,544,088	50%
Pollworker education, Title III	<b>9,088,177</b>	5.0%	4,544,088	50%	4,544,088	50%
Complaint procedure (other activities), Title IV, Section 402	100,000	0.1%	0	0%	100,000	100%
Voting rights of military and overseas citizens (other activities), Title VII, Section 702	100,000	0.1%	0	0%	100,000	100%
<b>Subtotal (Title II First Year Funds)</b>	<b>\$ 97,100,000</b>	100.0%	118,746,252	65%	63,017,281	35%
<b>TOTAL</b>	<b>\$ 181,763,537</b>					
<b>Bolded</b> numbers above reflect revisions to Preliminary Plan						
(1) (2) see attached footnote explanation						



# HAVA Funds Summary Table (50 States)

State	Registered Voters, Nov. 2000	Title I <sup>1</sup> (GSA)			Title II <sup>2</sup> (CRS First Year Estimates)	2003 Total Available Funding, (\$101,\$102, \$252, \$257) <sup>3</sup>	Multiple Year Full Funding, FY 2005 <sup>4</sup>	Title II State Plan Estimate (\$252, \$257) <sup>5</sup>	State Plan Estimate (\$252, \$257) + Title I Total	Fund Allocation									
		\$101	\$102	Total						Voting Equipment		Statewide Database		Pollworker Training, Voter Registration/Education		Provisional Voting		Other	
										\$ Allocation	%	\$ Allocation	%	\$ Allocation	%	\$ Allocation	%	\$ Allocation	%
Alabama*	2,882,348	4,989,605	51,076	5,040,681	12,804,855	17,845,536	42,225,906	39,054,000	44,094,681	23,000,000	52.16%	12,000,000	27.20%	5,000,000	11.34%	333,000	0.76%	3,667,000	8.32%
Alaska*	473,648	5,000,000		5,000,000	4,150,000	9,150,000	18,954,000	12,150,000	17,150,000	4,201,400	24.50%	7,320,000	42.68%	1,225,000	7.14%	739,060	4.31%	1,645,750-	9.6%-
Arizona <sup>5*</sup>	2,173,122	5,451,369	1,564,188	7,015,557	14,500,033	21,515,590	49,123,568	51,764,959	58,780,516		56.14%		24.70%		7.31%		0.45%		11.39%
Arkansas*	1,553,356	3,593,165	2,569,738	6,162,903	7,678,383	13,841,286	28,460,883	18,300,000- 29,400,000	24,462,903- 35,562,903	12,375,000- 19,975,000	50.6%- 56.17%	2,850,000- 4,700,000	11.7%- 13.22%	2,855,000- 3,905,000	11.6%- 10.98%	23,700- 47,500	0.9%- 0.13%	3,636,500- 3,983,500	14.9%- 11.20%
California <sup>6**</sup>	15,707,307	27,340,830	57,322,707	84,663,537	94,858,413	179,521,950	360,131,817	97,100,000	181,763,537	67,000,000- 107,000,000	36.9%- 58.87%	8,000,000- 151,000,000	4.4%- 83.07%	45,000,000- 135,000,000	24.8%- 74.27%	3,000,000- 15,000,000	1.7%- 8.25%	32,500,000- 33,500,000	17.9%- 18.43%
Colorado*	2,883,948	4,860,301	2,177,095	7,037,396	12,330,166	19,367,562	42,844,127	45,911,565	52,948,961	10,139,000	19.15%	28,800,000	54.39%	12,000,000	22.66%	4,800,000	9.07%	11,425,000	21.58%
Connecticut*	2,031,626	5,000,000		5,000,000	9,877,633	14,877,633	33,684,590	22,800,000	27,800,000	19,420,000	69.86%	1,890,000	6.80%	2,500,000	8.99%	480,000	1.73%	2,340,000	8.42%
Delaware*	508,608	5,000,000		5,000,000	4,150,000	9,150,000	18,518,000	12,057,500	17,057,500	5,775,000	33.86%	1,500,000	8.79%	1,000,000	5.86%	1,500,000	8.79%	2,275,000	13.34%
D.C.*	354,410	5,000,000		5,000,000	4,150,000	9,150,000	17,150,000	9,150,000	14,150,000	8,778,000	62.04%	1,292,000	9.13%	3,630,000	25.65%	190,000	1.34%	1,340,000	9.47%
Florida <sup>***</sup>	8,752,717	14,447,580	11,581,377	26,028,957	47,526,017	73,554,974	164,044,235	47,528,000	73,556,957	40,340,000	54.84%	21,433,432	29.14%	9,750,000	13.26%			2,233,283	3.04%
Georgia*	4,647,921	7,816,328	4,740,448	12,556,776	23,182,034	35,738,810	79,877,268	78,707,000	91,263,776	81,871,448	89.71%	15,000,000	16.40%	1,500,000	1.60%	200,000	0.22%	8,000,000	8.77%
Hawaii	638,538	5,000,000		5,000,000	4,150,000	9,150,000	18,310,000												
Idaho <sup>7</sup>	728,085	5,000,000		5,000,000	4,150,000	9,150,000	17,150,000	15,000,000	20,000,000	2,800,000		1,500,000		600,000				100,000	
Illinois <sup>8*</sup>	7,129,026	11,129,030	33,805,617	44,934,647	35,343,290	80,277,937	147,571,356	112,000,000	156,934,647	149,715,000	95.40%	3,100,000	1.98%	1,950,000	1.24%	1,000,000	0.64%	235,000	0.15%
Indiana <sup>9*</sup>	4,000,809	6,230,481	9,522,394	15,752,875	17,360,230	33,113,105	66,166,883	40,400,000	56,152,875	39,200,000	69%	7,000,000- 11,000,000	12%- 19%	3,900,000	6.10%			3,000,000- 7,000,000	5.3%- 12.30%
Iowa*	1,969,199	5,000,000		5,000,000	8,447,577	13,447,577	29,531,715	30,000,000	35,000,000	25,100,000	71.71%	6,000,000	17.14%	3,000,000	8.57%	250,000	0.71%	20,000	0.06%
Kansas <sup>10****</sup>	1,623,623	5,000,000		5,000,000	7,610,554	12,610,554	27,101,004	7,500,000	12,500,000					171,000	1.37%	2,000	0.02%	242,000	1.94%
Kentucky <sup>11</sup>	2,587,274	4,699,196	469,256	5,168,452	11,738,732	16,907,184	39,257,662	44,000,000	49,168,452	32,500,000	66.10%	1,000,000	2.03%	5,000,000	10.17%	350,000	0.71%	6,150,000	12.51%
Louisiana*	2,725,473	4,911,421	7,351,684	12,263,105	12,517,831	24,780,936	48,614,814	37,234,037	49,497,142	45,907,361	92.75%	1,638,183	3.31%	1,005,318	2.03%			1,722,511	3.48%
Maine*	947,189	5,000,000		5,000,000	4,150,000	9,150,000	17,150,000	15,000,000	20,000,000	10,000,000- 10,000,000	25.00%- 50.00%	8,200,000- 13,200,000	41.00%- 66.00%	750,000	3.75%			1,050,000	5.25%
Maryland*	2,725,184	5,636,731	1,637,609	7,274,340	15,180,517	22,454,857	51,358,473	34,950,000	42,224,340	30,320,000	71.81%	5,700,000	13.50%	2,850,000	6.75%	480,000	1.14%	2,850,000	6.75%
Massachusetts	4,008,796	6,590,381	1,519,497	8,109,878	18,681,462	26,791,340	62,360,735												
Michigan*	6,859,332	9,207,323	6,531,284	15,738,607	28,288,515	44,027,122	97,888,290	61,000,000	76,738,607	52,250,000	68.09%	4,750,000	6.19%	4,750,000	6.19%	475,000	0.62%	5,225,000	6.81%
Minnesota <sup>12****</sup>	3,265,324	5,313,786		5,313,786	13,994,955	19,308,741	45,955,054	22,700,000	28,013,786	30,000,000	107.09%	10,000,000	35.70%	6,000,000	21.42%			1,850,000- 2,350,000	6.6%- 8.40%
Mississippi <sup>13*</sup>	1,759,092	3,673,384	1,778,067	5,451,451	7,972,877	13,424,328	28,604,640	28,464,000	33,915,451	15,000,000	44.23%	10,000,000	29.49%					9,200,000	27.13%
Missouri <sup>14*</sup>	3,860,672	5,875,170	11,472,841	17,348,011	16,055,850	33,403,861	63,974,106	57,300,000	74,648,011	35,500,000	47.56%	10,000,000	13.40%	4,000,000	5.36%			23,000,000	30.81%
Montana	698,260	5,000,000		5,000,000	4,150,000	9,150,000	17,150,000	4,100,000	9,100,000	3,150,000	34.62%	3,256,750	35%	930,500	10%			763,800	8.39%
Nebraska <sup>**</sup>	1,085,272	5,000,000		5,000,000	4,858,230	9,858,230	19,108,271	10,500,000	15,500,000	5,300,000	34.19%	3,500,000	22.58%	500,000	3.23%			510,000	3.29%
Nevada*	898,347	5,000,000		5,000,000	5,726,752	10,726,752	21,630,454	13,000,000	18,000,000	8,500,000	47.22%	3,000,000- 4,000,000	16.6%- 22.22%			150,000	0.83%	60,000	0.33%
New Hampshire*	856,519	5,000,000		5,000,000	4,150,000	9,150,000	17,150,000	15,000,000	20,000,000	5,000,000	25.00%	1,200,000	6.00%	790,000	3.95%			2,210,000	11.05%
New Jersey*	4,710,768	8,141,208	8,695,609	16,836,817	24,374,700	41,211,517	87,620,804	23,000,000	39,836,817	38,675,000	97.08%	20,000,000	50.20%	4,000,000	10.04%	1,000,000	2.51%	4,500,000	11.30%
New Mexico	969,218	5,000,000		5,000,000	5,048,745	10,048,745	19,661,521			5,000,000									
New York <sup>15*</sup>	11,262,816	16,494,325	49,603,917	66,098,242	55,039,820	121,138,062	225,933,560	235,600,000	301,698,242	140,000,000	46.40%	20,000,000	6.63%	22,500,000	7.46%			53,100,000	17.60%
North Carolina <sup>16*</sup>	5,122,123	7,887,740	893,822	8,781,562	23,444,193	32,225,755	76,863,362	50,488,000	59,269,562	37,213,898	62.79%	45,863,898	77.38%	1,500,000	2.53%	1,650,000	2.78%	19,800,805	33.41%
North Dakota	292,249	5,000,000		5,000,000	4,150,000	9,150,000	17,150,000	4,150,000	9,150,000	5,000,000- 6,000,000	54.6%- 65.60%			420,000	4.59%			1,550,000	16.94%
Ohio <sup>17</sup>	7,535,188	10,384,931	30,667,664	41,052,595	32,611,627	73,664,222	135,756,571	116,423,155	157,475,750	136,000,000	86.36%	10,000,000	6.35%	15,000,000	9.53%	250,000	0.16%	4,000,000	2.54%
Oklahoma*	2,233,602	5,000,000		5,000,000	9,856,124	14,856,124	42,054,127	40,000,000	45,000,000	33,400,000	74.22%	11,100,000	24.67%			500,000	1.11%	165,000	0.37%
Oregon <sup>18*</sup>	1,943,699	4,203,776	1,822,758	6,026,534	9,919,997	15,946,531	34,834,147	22,204,754	28,231,288	3,550,000	12.57%	12,000,000	42.51%	2,150,000	7.62%	1,400,000	4.96%	600,000	2.13%
Pennsylvania <sup>19*</sup>	7,781,997	11,323,168	22,916,952	34,240,120	36,055,989	70,296,109	138,946,503	128,719,489	162,959,609	22,916,952	14.06%		13.10%					78,500	78.50%
Rhode Island	655,107	5,000,000		5,000,000	4,150,000	9,150,000	19,330,000	16,650,000	21,650,000	16,672,070	77.01%	3,396,000	15.69%	2,591,000	11.97%	225,800	1.04%	661,550	3.06%
South Carolina*	2,157,006	4,652,412	2,167,518	6,819,930	11,566,982	18,386,912	40,410,379	39,550,000	46,369,930	35,010,000	75.50%	2,000,000	4.31%	7,600,000	16.39%			1,860,000	4.01%

# HAVA Funds Summary Table (50 States)

State	Registered Voters, Nov. 2000	Title I <sup>1</sup> (GSA)			Title II <sup>2</sup> (CRS First Year Estimates)	2003 Total Available Funding, (\$101,\$102, \$252, \$257) <sup>3</sup>	Multiple Year Full Funding, FY 2005 <sup>4</sup>	Title II State Plan Estimate (\$252, \$257)	State Plan Estimate (\$252, \$257) + Title I Total	Fund Allocation									
		\$101	\$102	Total						Voting Equipment		Statewide Database		Pollworker Training, Voter Registration/Education		Provisional Voting		Other	
										\$ Allocation	%	\$ Allocation	%	\$ Allocation	%	\$ Allocation	%	\$ Allocation	%
South Dakota	520,881	5,000,000		5,000,000	4,150,000	9,150,000	17,150,000	7,828,000	12,828,000	7,660,000	59.71%			2,000	0.02%			324,000	2.53%
Tennessee <sup>20</sup>	3,400,487	6,004,507	2,473,971	8,478,478	16,530,658	25,009,136	56,483,414	16,529,000	25,007,478	19,467,000	77.84%	5,043,947	20.17%	1,000,000	4.00%			500,000	2.00%
Texas <sup>21</sup>	12,365,235	17,206,595	6,269,521	23,476,116	57,654,633	81,130,749	190,904,836	58,500,000	81,976,116	31,850,000	38.85%	21,000,000	25.62%	6,000,000	7.32%	1,000,000	1.22%	24,000,000	29.28%
Utah <sup>22</sup>	1,123,238	3,090,943	5,726,844	8,817,787	5,834,675	14,652,462	25,761,649	26,800,000	35,617,787	23,500,000	65.98%	1,000,000	2.81%	2,500,000	7.02%			1,000,000	2.81%
Vermont**	427,354	5,000,000		5,000,000	4,150,000	9,150,000	17,150,000	4,150,000	9,150,000	6,650,000	72.68%	1,500,000	16.39%	750,000	8.20%	100,000	1.09%	400,000	4.37%
Virginia *	4,070,581	7,105,890	4,526,569	11,632,459	20,573,944	32,206,403	71,379,073	58,300,000	69,932,459	33,100,000	47.33%	12,400,000	17.73%	13,000,000	18.59%	1,000,000	1.43%	3,500,000	5.00%
Washington	3,335,714	6,098,449	6,799,430	12,897,879	16,875,529	29,773,408	61,904,317	62,800,000	75,697,879	15,700,000	20.74%	11,000,000	14.53%	8,000,000	10.57%	1,000,000	1.32%	13,050,000	17.24%
West Virginia****	1,067,822	2,977,057	2,349,474	5,326,531	5,416,589	10,743,120	21,056,275	14,500,000	19,826,531	16,500,000	83.22%	3,000,000	15.13%	500,000	2.52%			300,000	1.51%
Wisconsin	220,012	5,694,036	1,308,810	7,002,846	15,390,889	22,393,735	51,697,898	35,362,000	42,364,846	15,654,500	36.95%	25,189,500	59.46%	889,000	2.10%			744,000	1.76%
Wyoming <sup>23</sup>	220,012	5,000,000		5,000,000	4,150,000	9,150,000	17,150,000	20,000,000	25,000,000										
Total		343,031,118	300,317,737	643,348,855	826,680,000	1,470,028,855	3,060,246,287	1,975,325,459	2,600,564,436										

<sup>1</sup> Title I information was obtained from the General Services Administration (GSA). Figures reported are final disbursements and were completed on June 13, 2003.

<sup>2</sup> Title II estimates were provided by the Congressional Research Service (CRS), memorandum dated February 27, 2003.

<sup>3</sup> This column was estimated by adding Total Title I final disbursements as reported by GSA and estimated Title II funds (FY 2003) as provided by the CRS memorandum dated February 27, 2003.

<sup>4</sup> This column was estimated by subtracting Title I allocation estimates from Total (FY 2003 appropriations and FY 2004 and 2005 authorizations) as provided in the CRS memorandum dated February 27, 2003 then adding actual Title I funds using GSA information table.

<sup>5</sup> Arizona does not provide fund allocation estimates, only percent of the state election fund it plans to allocate toward each requirement.

<sup>6</sup> Section 10 of California's plan states that Section 101 and 102 funds will be used to replace punch card voting systems, "the Title I funds are, therefore, likely to supplement the requirements payment received pursuant to Title II."

<sup>7</sup> Although Idaho provides an allocation breakdown for Title I funds only, its plan states that, "if fully funded, the fifteen million dollar requirement payments... would be... made available for: (1) counties who want to upgrade their voting systems through a grant program and (2) ongoing maintenance of the statewide voter registration system" (4).

<sup>8</sup> The budget for voter equipment includes \$85,715,000 for technology grants, \$4,725,000 from Title I and \$80,990,000 from Title II.

<sup>9</sup> Indiana's budget is based on \$57.1 million, this figure includes Title I, Title II, and state matching funds.

<sup>10</sup> Kansas explicitly states that it will not disclose allocation information for voting equipment or the statewide data base.

<sup>11</sup> Kentucky's budget is based on total cost and includes state matching funds of \$2.1 million. Moreover, the plan states that it will use Title I money to replace lever machines for 147 precincts, however, it does not specify an amount. Therefore, the amount of Title I money allocated for this purpose is not included in the voting equipment column.

<sup>12</sup> Percentages calculated for Minnesota's fund allocation columns is based on Multiple Year Full Funding column because the State's allocation information assumes full funding, however, funding assumptions are through FY 2004 only.

<sup>13</sup> The category "other" includes voter, poll worker and local elections official training as well as state administrative costs of HAVA implementation.

<sup>14</sup> Missouri includes non-mandatory proposals in their budget.

<sup>15</sup> The category "other" includes \$40 million that New York Plans to give to counties for election administration via a grant program.

<sup>16</sup> North Carolina's state plan estimate is based on \$252 only.

<sup>17</sup> Ohio's budget is based on \$161 million, which includes Title I, Title II, and state matching funds.

<sup>18</sup> Oregon is an entirely vote by mail state, therefore, spending on voter equipment is limited to availability of disability equipment in Registrar's offices.

<sup>19</sup> The category "other" includes 67.2% of the funds that Pennsylvania plans to grant to the counties for the implementation of HAVA provisions. "The funds could be used for the purchase of voting equipment, the purchase of accessible voting machines, voter education, poll-worker training, and other HAVA requirements" (37).

<sup>20</sup> Tennessee's budget is based on \$26,010,947, which includes Title I, Title II, and state matching funds.

<sup>21</sup> The category "other" includes \$20 million that Texas is allocating for "grant funding to counties for HAVA compliance." Additionally, the State is allocating \$6 million for "upgrade or replacement of county election management systems for compatibility with new voter registration system."

<sup>22</sup> Utah's budget is based on a figure that includes Title I, Title II, and state matching funds.

<sup>23</sup> Wyoming plans to spend collectively 70% (\$14 million) on a statewide voter registration system, punch card replacement, touchscreen, and education. Furthermore, the State plans to spend 5% (\$1 million) on HAVA compliance costs and 25% (\$5 million) for ongoing costs.

\* Allocation estimates are based on full federal funding through 2005.

\*\* Allocation estimates are based on full federal funding through 2003.

\*\*\* Allocation estimates are based on full federal funding through 2006.

\*\*\*\* Allocation estimates are based on full federal funding through 2004.

Figure provided assumes full federal funding through 2005.  
 Figure provided is Title II money appropriated for FY 2003.  
 Figure provided assumes full federal funding through 2004.

Denotes that the fund source is from Title I and Title II.  
 Denotes that the fund source is from Title I.  
 Denotes that the fund source is from Title II.

## ATTACHMENT D

### **ROLES/RESPONSIBILITIES OF STATE VS COUNTIES**

California's HAVA Preliminary State Plan does not discuss the roles and responsibilities of the State versus the Counties with regard to the administration of elections involving Federal candidates. Other States' Plans clearly define this relationship as shown by excerpts below from State Plans of five of the most populous States. In recognition that the Counties are primarily responsible for the conduct of elections, other States' Plans allocate HAVA funding primarily to the Counties.

#### **OHIO HAVA PLAN**

"In simplest terms, this allocates Help America Vote funds where the money is needed most: in Ohio counties. While it is the responsibility of the Ohio Secretary of State to monitor performance and ensure implementation of the Act, the execution of the Ohio plan, ultimately, will take place at the county level. On that basis, we believe it prudent to maximize resources for election reform in the counties where election reform will occur" (page 23).

#### **PENNSYLVANIA HAVA PLAN**

Regarding Title I, "counties will receive 74% of the (Section 101) funding, the Commonwealth will receive 26% ...and moreover...qualifying counties will receive 100% of the Federal funds appropriated pursuant to Section 102 of HAVA. In addition, 72% of the Federal funds received pursuant to Title II will be set aside for the counties and 27.6% will be reserved for the Commonwealth" (page 36).

#### **NEW YORK HAVA PLAN**

With regard to replacing all 62 New York counties' lever machines, the plan states "The State Board will work with county election officials to ensure that all needs are met, including but not limited to: device acquisition; system maintenance; election preparation services; and election tabulation services."

#### **FLORIDA HAVA PLAN**

"The funding of elections in Florida is primarily a local government responsibility since the constitutional authority for running elections rests with the local supervisor of elections....Following the controversial 2000 General Election, the Governor and the citizens of Florida asked the Legislature to enact broad election reforms which included providing state financial assistance to local governments" (page 31).

#### **TEXAS HAVA PLAN**

"The state will work closely with the state fiscal authorities to set up a program to transfer funds to the counties" (page 8).