



**HELP AMERICA VOTE
ACT OF 2002 HAVA**



► *The Purpose of the HAVA 2002*

- Establish a program to provide funds to States to replace punch card voting systems,
- Establish the Election Assistance Commission to assist in the administration of certain Federal election laws and programs,
- Establish minimum election administration standards for states and local government with responsibility for administration of Federal elections and other purpose

Title 1 Payments to States for election administration improvements and replacement of punch card and lever voting machines.

*President Bush's response to the debacle in Florida with
Hanging Chads etc.*

► **Title II Commission**

- ***Subtitle A Establishes the Election Assistance Commission replacing the Federal Elections Commission established in 1974.***
- ***The EAC was to assist in certified equipment to replace punch cards as well as an audit of voter rolls and assist states establishing the statewide voter data base and minimum requirements for the removal of voters from the voter rolls.***



TITLE III UNIFORM AND NON- DISCRIMINATORY ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENT

For Our purposes today, we will concentrate on this Title III and sections 301-304.

► Subtitle A

- Section 301 Voting Standards
- Section 302 Provisional Voting and Voting Information requirements
- Section 303 Computerized statewide voter registration list requirements and requirements for voters who register by mail

Title III Subtitle A Requirements Section 301 Voting Systems Standards

- **REQUIREMENTS** – *Each voting system used in an election for Federal Office shall meet the following requirements:*
 - **In GENERAL: (A)** *Voting system (including any lever voting system, optical scanning voting system, or direct recording electronic system) shall –*
 - **Permit the voter to verify (in private and independent manner) the votes selected by the voter on the ballot before the ballot is cast and counted;**
 - **Provide the voter with the opportunity (in a private and independent manner) to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was other wise unable to change the ballot or correct any error); and**
 - **If the voter selects votes for more than one candidate for a single office on the ballot: the section offers remedies.**
 - **In GENERAL: (B)** *A State or jurisdiction that uses a paper ballot voting system, a punch card voting system, or a central count voting system may meet requirements of etc.*

Title III Section 301 Continued

- (2) AUDIT CAPACITY.— (A) IN GENERAL.—***The voting system shall produce a record with an audit capacity for such system*
- (3) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.—***The voting system shall— (A) be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters;*
- (4) ALTERNATIVE LANGUAGE ACCESSIBILITY.—***The voting system shall provide alternative language accessibility pursuant to the requirements of section 203 of the Voting Rights Act of 1965*

Title III SECTION. 302. PROVISIONAL VOTING AND VOTING INFORMATION REQUIREMENTS.

(a) PROVISIONAL VOTING REQUIREMENTS.—*If an individual declares that such individual is a registered voter in the jurisdiction in which the individual desires to vote and that the individual is eligible to vote in an election for Federal office, but the name of the individual does not appear on the official list of eligible voters for the polling place or an election official asserts that the individual is not eligible to vote, such individual shall be permitted to cast a provisional ballot as follows:*

(1) An election official at the polling place shall notify the individual that the individual may cast a provisional ballot in that election;

(2) a provisional ballot at that polling place upon the execution of a written affirmation by the individual before an election official at the polling place stating that the individual is—

(A) a registered voter in the jurisdiction in which the individual desires to vote; and

(B) eligible to vote in that election.



**Title III SECTION. 302. PROVISIONAL VOTING AND
VOTING INFORMATION REQUIREMENTS
CONTINUED:**



(b) VOTING INFORMATION REQUIREMENTS.—

(1) PUBLIC POSTING ON ELECTION DAY.—*The appropriate State or local election official shall cause voting information to be publicly posted at each polling place on the day of each election for Federal office.*

(2) VOTING INFORMATION DEFINED.—*In this section, the term “voting information” means—*

- *(A) a sample version of the ballot that will be used for that election;*
- *(B) information regarding the date of the election and the hours during which polling places will be open;*
- *(C) instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;*
- *(D) instructions for mail-in registrants and first-time voters under section 303(b);*
- *(E) general information on voting rights under applicable Federal and State laws, including information on the right of an individual to cast a provisional ballot.*

TITLE III SECTION. 303. COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS AND REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.

(a) COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS.—

(1) IMPLEMENTATION.—

(A) IN GENERAL.—*Except as provided in subparagraph (B), each State, acting through the chief State election official, shall implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level that contains the name and registration information of every legally registered voter in the State and assigns a unique identifier to each legally registered voter in the State .*

(2) COMPUTERIZED LIST MAINTENANCE.—

(A) IN GENERAL.—*The appropriate State or local election official shall perform list maintenance with respect to the computerized list on a regular basis as follows:*

(i) If an individual is to be removed from the computerized list, such individual shall be removed in accordance with the provisions of the National Voter Registration Act of 1993.

(3) TECHNOLOGICAL SECURITY OF COMPUTERIZED LIST.—*The appropriate State or local official shall provide adequate technological security measures to prevent the unauthorized access to the computerized list established under this section .*

IN SUMMARY:

- HAVA 2002 REQUIRED STATES TO DEVELOP A COMPUTERIZED, STATEWIDE LIST FOR VOTER REGISTRATION
- COORDINATE VOTER RECORDS WITH THOSE FROM STATE DEPARTMENTS OF CORRECTIONS, VITAL STATISTICS AND OTHER STATE AGENCIES TO KEEP VOTER RECORDS CURRENT.
- HAVA CLARIFIED LANGUAGE IN THE NVRA THAT PROHIBITS REMOVING A VOTER SOLELY FOR FAILURE TO VOTE
- HAVA LANGUAGE ALLOWS THE REMOVAL OF VOTERS WHO DO NOT RESPOND TO AN ADDRESS CONFIRMATION MAILING AND SUBSEQUENTLY FAIL TO VOTE DURING THE PERIOD COMPRISING TWO FEDERAL GENERAL ELECTIONS, AND IT OUTLINES THE REMOVAL PROCESS
- HAVA ALSO REQUIRES A PROVISIONAL BALLOT BE GIVEN TO A VOTER WHO MAY NOT BE ON THE JURISDICTION'S VOTER LIST. IF THE VOTER IS WILLING TO SIGN AND SWEAR WITH PENALTY OF PERJURY, THEY ARE IN FACT ELIGIBLE TO VOTE, THE POLL WORKER IS REQUIRED TO OFFER THE PROVISIONAL BALLOT. THESE BALLOTS ARE FORWARDED TO THE STATE AND LOCAL AUTHORITIES TO DETERMINE IF THE PROVISIONAL BALLOT WILL BE ACCEPTED.



- ▶ **These two acts cover voter registration and maintenance and statewide data base and the ongoing maintenance and limitations on removal of a voter.**
- ▶ **A new Bureaucracy the Elections Assistance Commission to supervise state election offices and monitor the funding for updating of election equipment and provides guidance on certification of electronic. The EAC also is a reporting agency of election facts**
- ▶ **The provisional ballot is introduced for a voter who is not on the voter roll but insists they are registered to vote.**
- ▶ **Removal of voters to due to death and change of address and criminal charges are detailed but at a minimum standard . A non forwardable notice is sent to the voter to determine their status. But removal cannot be automatic.**

Help resources can be found on the Secretary of State of Texas website [Voter Registration](#) & [Elections Division Advisories](#)

Thank
you!

