HELP AMERICA VOTE ACT

Michigan's
STATE PLAN

Revised as of September 27, 2005

As required by Public Law 107-252,
HELP AMERICA VOTE ACT OF 2002

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September 27, 2005

STATE OF MICHIGAN
TERRI LYNN LAND, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

Dear Michigan voter:

I am pleased to present Michigan's final State Plan for implementing the federal Help America Vote Act (HAVA) of 2002.

HAVA requires state and local governments to upgrade elections processes and systems. Every Michigan voter and election administrator has a stake in these enhancements. The changes will ensure the integrity of our voter registration process, increase privacy and independence for voters with disabilities, improve access for military voters stationed overseas, upgrade systems that support our elections process, and provide residents with better information on how to vote.

Equally important, HAVA provides critical federal funding to help implement these improvements. Michigan is fortunate it can build upon its record of election excellence despite lean budgetary times.

To access its share of the $1.5 billion authorized by Congress, each state must develop and submit a State Plan outlining how it will comply with the requirements. The completion of Michigan's plan caps a 9-month process that began with my appointment of a 30-member advisory committee. This diverse group of dedicated residents sought extensive public input and drafted a plan that truly reflects Michigan's voice. We are grateful for their service.

HAVA is without question the most sweeping federal voting reform measure in decades. Its successful implementation demands well-trained, dedicated election administrators who fulfill their responsibilities with the utmost integrity. We are fortunate to have administrators of this caliber at all levels of Michigan's election process. State and local election officials must forge a new level of cooperation to ensure a seamless integration of these comprehensive reforms. I have no doubt we will meet this challenge.

Please take time to review Michigan's plan. You can find it on the HAVA page of the Department of State Web site at www. Michigan.gov/hava. Printed copies are also being sent to each county clerk.

I look forward to continuing to work with you as we ensure Michigan's status as a national leader in election integrity, efficiency and innovation.

Sincerely,

Terri Lynn Land
Secretary of State

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INTRODUCTION

An Era of New Expectations

The November 7, 2000 presidential election marked a watershed event for election administrators throughout the country. Perhaps most significantly, the national news media's detailed coverage of the Florida vote recount (replete with animated "hanging, dimpled and pregnant" chads) engendered new levels of public awareness over the *mechanics* of the elections process. This, in turn, has accelerated public demand for improvements in the elections system and has driven new and heightened performance expectations for those who administer the system.

Michigan entered the new millennium "ahead of the curve" with respect to the management of the State's voter registration data. However, like many states, Michigan did not find itself in the best position to satisfy the post-2000 election demand for wide-scale improvements in its elections system due to the lack of available funding for such purposes. In addition, diversification in the processes and procedures employed by Michigan's local units of government to administer elections has markedly increased over the last 12 years due to the steady introduction of new voting technologies during the period. Consider: From the mid-1800s until the early 1970s when punch card voting was first introduced in Michigan, paper ballots and voting machines were exclusively used to conduct elections in the State. (Voting machines were approved for use in Michigan in 1893.) After punch card voting was introduced, no new voting systems were marketed in the State until 1991 when the Board of State Canvassers approved the State's first "optical scan" voting apparatus. Since 1991, ten *additional* systems have been approved for use in the State.

At the present time, Michigan's cities and townships are continuing to migrate away from mechanical voting machines, paper ballots and punch card voting systems that employ "central count" tabulation technology and are moving toward optical scan voting systems that employ "precinct based" tabulation technology. Jurisdictions of all sizes are participating in the migration, from Michigan's largest cities (e.g., City of Detroit, Wayne County: 606,900 registered voters) to Michigan's smallest townships (e.g., Warner Township, Antrim County: 225 registered voters).

While many cities and townships have been quick to embrace the new voting equipment technology marketed in Michigan over the last 12 years, a sizable number of jurisdictions still use outdated equipment to administer elections. As recently as the November 5, 2002 general election, lever style voting machines were used in 445 of

Michigan's 5,305 precincts (8.4%); paper ballots were used in 98 precincts (1.8%); and "central count" punch card systems were used in 866 precincts (16%). The resulting "technology gap" has created significant disparities in the measures implemented at the precinct level to protect voters from spoiling their ballots and losing votes.

The proliferation of different voting systems in the State has produced other concerns as well:

- The more balloting methods in operation in a county, the greater the administrative burden and cost at the county level. This is because county clerks are responsible for training the election workers appointed to serve throughout the county and the County Election Commissions are responsible for producing the ballots needed to conduct state and federal elections. In addition, the Boards of County Canvassers, responsible for certifying elections in the county, must review a variety of different Statement of Vote forms and Poll Book formats.

- The skills and experience of seasoned precinct inspectors who move within the State are often lost. This occurs in instances when the voting equipment used to conduct elections in their former jurisdiction of residence differs from the voting equipment used to conduct elections in their new jurisdiction of residence.

- Voters are frequently placed at a disadvantage when they change residence. There is a strong likelihood that an elector who moves will be confronted with an unfamiliar voting procedure the next time he or she attends the polls. At the same time, the coordination of voter education programs is increasingly difficult due to the multiplicity of voting systems in use.

- The ability of Michigan's county, city and township clerks to share information and offer peer support is diminished.

This same dynamic contributed to the problems Florida experienced in administering the 2000 presidential election as the local units were last in line for election reform support. Without State assistance, many local jurisdictions were not prepared to fund needed upgrades in their voting technology.

Building on a Tradition of Election Reform

Of the eight states that administer elections on the local level, Michigan is the largest both in terms of its population and geography. Involving 83 county clerks, 272 city clerks, 1,242 township clerks, 261 village clerks and 580 school election coordinators (school board secretaries), Michigan's elections system is administered by a total of 2,438 county and local election officials. This makes it the most decentralized elections system in the nation. State and federal elections are administered by Michigan's county, city and township clerks.

Michigan's highly decentralized elections system was essentially designed to serve the needs of an earlier age when its population was smaller and less mobile.

However, two significant election reform measures put in place during the last several decades have kept the system in step with Michigan's population growth and mobility patterns:

Michigan's Branch Office Voter Registration Program: The first reform measure came in 1975 with the introduction of the Secretary of State's Branch Office Voter Registration Program. This was the first "motor/voter" program established anywhere in the United States and the precursor to the motor/voter program mandated under the National Voter Registration Act of 1993. Nationally recognized for its performance and success, the program afforded Michigan electors the opportunity to apply for and update voter registrations in Secretary of State branch offices – a revolutionary concept at the time.

Prior to the program, many qualified electors had a difficult time determining where they should register to vote. Far worse, voters who had moved to a different jurisdiction within the State often failed to recognize that it was necessary to reregister to vote in his or her new city, township or village of residence.

With the introduction of the program, a resident could register to vote in any Secretary of State Branch Office in the State with the assurance that their application would be forwarded to the proper jurisdiction in a matter of days. In addition, as Michigan citizens were accustomed to visiting a Secretary of State Branch Office after moving to update the address appearing on their driver's license, the number of voters who also changed their voter registration address after moving was greatly increased.

Michigan's Qualified Voter File System: Just as rapidly changing demographics prompted the development and implementation of the Branch Office Voter Registration Program, new pressures and demands placed on the State's voter registration system during the ensuing years created a critical need for a similarly innovative response. Pressure was exerted by public officials interested in enhancing the security and integrity of the system, advocacy groups promoting greater system flexibility and service, and political organizations searching for greater convenience in accessing data maintained on file under the system. While these pressures were compelling in and of themselves, the passage of the National Voter Registration Act of 1993 greatly heightened the urgency of a response.

Under the new Act, Michigan's cities and townships were required to absorb increased voter registration file maintenance costs, cope with new and highly detailed voter registration file maintenance procedures, and confront a sharp increase in unnecessary voter registration transactions due to overlapping voter registration programs.

To address these various needs, the Michigan Legislature initiated a second wave of voter registration reform through the enactment of PA 441 of 1994 - legislation that required the Secretary of State to establish and maintain a statewide Qualified Voter File (QVF) system. Placed in operation in 1998, the QVF is a distributed database that ties Michigan's city and township clerks to a fully automated, interactive statewide voter registration file to achieve a wide variety of significant advantages. Benefits include the identification and elimination of over 800,000 duplicate voter registration records in the system; the streamlining of the State's voter registration cancellation process; the elimination of registration forwarding errors; and the elimination of duplicative voter registration processing tasks.

With the implementation of the QVF, every motor/voter registration transaction executed in a Secretary of State Branch Office is electronically forwarded to the appropriate local election official. A paper copy of the transaction follows within days to confirm the electronic notification and supply the election official with the voter's signature. After receiving the electronic notification of the transaction and the paper voter registration application form executed by the applicant, the clerk reviews the information supplied by the applicant and renders a final determination on the acceptability of the voter registration. The clerk's role in determining the acceptability of the registration application effectively works to preserve the local control of Michigan's voter registration process.

Under a later amendment to the Michigan Vehicle Code (PA 118 of 1999), all drivers are now required to use their voter registration address for driver's license purposes. With this requirement, all voter registration address changes are automatically posted to the

driver file. The Department also supplies all voters who submit a new voter registration address with an address change sticker for their driver's license. This additional measure is notable as it is the first instance where a state has used voter registration address change data filed with local election officials to update driver's license records. A Michigan citizen is free to change his or her driver's license/voter registration address as frequently as may be needed without the imposition of any fees or transaction costs.

Nationally recognized for the innovation and efficiency of its design, Michigan's Qualified Voter File system was cited as a "best practice" in managing voter registration records under the Caltech/MIT Voting Technology Project (*Voting-- What Is, What Could Be*; released July 2001). It was also highlighted as an "outstanding model" under the report issued by the National Commission on Federal Election Reform (*To Assure Pride and Confidence in the Electoral Process*; released August 2001).

Ultimately, Michigan's Qualified Voter File system served as the inspiration for the statewide voter registration system requirements enacted under the Help America Vote Act of 2002 – an interesting parallel to the earlier inclusion of the "motor/voter" concept pioneered in Michigan in the National Voter Registration Act of 1993.

A New Vision for the Future

With the Qualified Voter File system in place, the funding available under the Help America Vote Act of 2002 provides unprecedented opportunities for improvements in Michigan's elections system. Most important, Michigan will now have the means to satisfy public demand for increased efficiency, accuracy and convenience in the administration of elections; achieve new levels of consistency in the processes and procedures used to conduct elections; assure access to the State's election system for all voters; uniformly extend "second chance" voting throughout the State; and enhance the integrity of the elections process through the implementation of the "provisional" balloting process required under the Help America Vote Act. Many of the measures Michigan will implement to achieve these goals and objectives are detailed throughout this document.

STATE PLAN REQUIRED ELEMENTS (HAVA 254(A))

The 13 specified elements that must be included in the State Plan pursuant to Section 254(a) of the Help America Vote Act of 2002 are addressed in the following section of this report.

Each element is introduced with a title and a description of the requirements involved. Actions that the State of Michigan will take to fulfill the requirements are highlighted in bold.

I. Title III Requirements and Other Activities

How the State will use the requirements payment to meet the requirements of title III, and, if applicable under section 251(b)(2), to carry out other activities to improve the administration of elections. -- HAVA §254 (a)(1)

Section 301(a): Voting System Standards Requirements

There are five different types of balloting methods employed throughout the United States to administer elections: (1) optical scan voting systems, (2) direct recording electronic (DRE) voting systems, (3) punch card voting systems, (4) mechanical lever voting machines, and (5) paper ballots. Michigan employs all five types. Within the optical scan, DRE and punch card balloting method categories, there is a certain degree of variety as the equipment involved is marketed and sold under different brand names by private sector firms. Mechanical lever voting machines were similarly produced and sold by a number of different manufacturers throughout the years.

By the mid-1990s, the unprecedented acceleration in the development and introduction of new voting systems in the State had created a series of issues that required a legislative response. Most critically, Michigan election law needed updating to ensure the comprehensive and meaningful evaluation of the technology built into the systems. In answer, PA 583 of 1996, an amendment to Michigan election law was enacted to:

- Stipulate all new voting systems used in Michigan be approved by an independent testing authority (ITA) to ensure the system's conformance with all federal voting system standards.

- Require vendors seeking approval of *a new voting system* to file a $1,500 application fee. Require vendors seeking approval of *a voting system upgrade* to file a $500 application fee.

- Require voting system vendors to submit on an ongoing basis: (1) information on other states using the system, (2) performance evaluations produced by any state or local governmental unit, (3) copies of all standard contracts and maintenance agreements, and (4) all changes made in standard contracts and maintenance agreements.

- Direct the Board of State Canvassers to field test under "simulated election day conditions" all new voting equipment as a part of the certification process. Require the vendor to pay for the cost of the testing.

- Require all governmental units to notify the Secretary of State within thirty (30) days before purchasing a new voting system. Require the Secretary of State to forward to any governmental unit providing such notification all information concerning the operation of the voting system in Michigan or any other state.

- Grant the Board of State Canvassers the authority to "decertify" voting systems.

As noted in the Introduction, Michigan's cities and townships are currently in the process of migrating from mechanical voting machines, paper ballots and punch card voting systems that use "central count" tabulation technology and are moving toward optical scan voting systems that use "precinct based" tabulation technology.

Jurisdictions of all sizes are participating in the migration from Michigan's largest cities (e.g., City of Detroit, Wayne County: 606,900 registered voters) to Michigan's smallest townships (e.g., Warner Township, Antrim County: 225 registered voters). Since the 1998 election cycle, cities and townships containing *over 1.5 million Michigan voters* have replaced their voting machines, paper ballots and punch card voting systems with updated optical scan voting technology.

Despite the fact that many cities and townships in the State have been quick to embrace the new voting equipment technology marketed in Michigan over the last 12 years, a sizable number of jurisdictions continue to use outdated equipment to administer elections.

As recently as the November 5, 2002 general election, lever style voting machines were used in 445 of Michigan's 5,305 precincts (8.4%); paper ballots were used in 98 precincts (1.8%); and "central count" punch card systems were used in 866 precincts (16%). The resulting "technology gap" has created significant disparities in the measures implemented at the precinct level to protect voters from spoiling their ballots and losing votes.

To address the emergent "technology gap" and associated concerns noted in the Introduction, the Michigan Legislature adopted legislation in 2002 – calling for the implementation of a statewide, uniform voting system (PA 91 of 2002).

The legislation directs the Secretary of State to convene an "advisory committee" for the purpose of selecting a "uniform voting system" for the State if and when funds are appropriated for selecting, acquiring and implementing a statewide, uniform voting system. It further directs the Secretary of State to proceed with the implementation of a statewide, uniform voting system after the selection of the voting system best suited for the State's needs.

The use of the funds available under the Help America Vote Act and how to proceed with the implementation of a statewide, uniform voting system was a primary topic discussed by the members of the Secretary of State's State Plan Advisory Committee. The committee's activities included the following:

- On April 17, 2003 the Secretary of State hosted a "Voting Equipment Technology Fair" in Lansing. It provided the public, members of the State Plan Advisory Committee, media and all interested parties with the opportunity to view the most recent voting technology developed by manufacturers throughout the country.
- The requirements of Public Act 91 of 2002 were reviewed and discussed.
- Optical scan, punch card and direct recording electronic (DRE) voting systems were demonstrated by local clerks who employ the systems.
- Presentations on the relative advantages and disadvantages of optical scan, punch card, and direct recording electronic (DRE) voting systems under recount conditions were offered.
- Public testimony on the implementation of a statewide, uniform voting system was accepted.

On June 20, 2003, the Secretary of State convened the State Plan Advisory Committee and obtained the members' agreement to also serve on a special advisory committee. The special advisory committee, a requirement under PA 91 of 2002, provided input on the selection of a statewide, uniform voting system. After receiving the committee's input, the Secretary of State announced on August 4, 2003, that optical scan voting equipment using "precinct based" tabulation technology had been selected for the implementation of Michigan's statewide, uniform voting system.

The implementation of PA 91 of 2002 in conjunction with the federal funding Michigan is eligible to receive provides the State with an excellent framework for ensuring timely compliance with Section 301 of the Help America Vote Act including all accessibility requirements. The following actions are planned:

- **Assessment of the voting system procurement options.**
- **Creation of a project management framework to guide the implementation of the statewide voting system and a successful transition to the system.**
- **Procurement of needed equipment and services pursuant to Michigan's procurement laws.**
- **Delivery of the equipment to the affected jurisdictions.**
- **Development and implementation of appropriate training programs.**

In addition to the voting system requirements, Section 301(a) of the Help America Vote Act requires states to define what constitutes a legal vote for each type of voting system used.

Michigan is fully compliant with this requirement at the present time as both Michigan election law and the rules promulgated to administer electronic voting systems clearly address what is and what is not a valid vote in specific terms.

Section 302: Provisional Voting and Voting Information Requirements

The Help America Vote Act provides a "provisional" balloting process to ensure that no individual who goes to the polls to vote is turned away without having the opportunity to obtain a ballot.

Prior to the passage of the Help America Vote Act, the Michigan Legislature addressed this issue through the enactment of PA 441 of 1994, an amendment to Michigan election law that established an "affidavit" balloting process for all elections conducted in the State.

The following compares and contrasts the "affidavit" balloting process currently established in Michigan and the "provisional" balloting process provided under the Help America Vote Act:

Current Procedure ("Affidavit" Balloting Process): In an instance where (1) a voter who appears in the polls to vote cannot be found on the precinct's Qualified Voter File list, *and* (2) the voter is unable to demonstrate his or her registration status by producing a validated voter registration receipt, the voter can obtain a ballot if he or she:

(1) signs an "Affidavit of Voter Registration" affirming that he or she submitted a voter registration application through a Secretary of State branch office, a designated voter registration agency, the county clerk or the mail on or before the "close of registration" for the election at hand;

(2) provides identification to confirm his or her identity and residence within the jurisdiction and precinct where he or she has offered to vote; and

(3) completes and submits a new voter registration application.

Such voters are issued a paper, punch card or optical scan ballot. The election inspectors write the number appearing on the voter's ballot in pencil on the back of the ballot. If a punch card ballot is used, the election inspector writes the ballot number on the secrecy envelope. After writing the ballot number on the ballot, the election inspector conceals the number with tape and/or a slip of paper as directed by the election official administering the election.

After the ballot has been prepared in the above manner, the elector votes the ballot in a voting station. The ballot is then counted under routine procedure. The "Affidavit of Voter Registration" completed by the voter is forwarded to the

local clerk's office immediately after the election. Upon the receipt of the form, the clerk enters the voter in the Qualified Voter File system.

It merits emphasis that in all cases, the votes cast on a ballot issued under the above procedure are counted. If an interested party wishes to dispute the qualifications of a voter who cast a ballot under the above procedure, he or she must seek redress through the courts. (If the retrieval of the ballot is ordered by the courts, the ballot number concealed on the ballot is used to identify the ballot.) Unless a court order is obtained, a ballot cast under the above procedure cannot be retrieved for inspection or invalidated for any reason. It merits further note that if a recount is conducted, a ballot cast under the above procedure is recounted under the same procedures employed to recount any other ballots cast in the precinct. The fact that the ballot was cast under the above procedure is *not* a matter that can be questioned or disputed under the recount proceedings.

Requirements Provided Under the Help America Vote Act ("Provisional" Balloting Process): In an instance where (1) a voter who appears in the polls to vote cannot be found on the precinct's registration list, *and* (2) the voter is unable to demonstrate his or her registration status by producing a validated voter registration receipt, the voter can obtain a ballot if he or she:

(1) asserts that he or she is a "registered voter in the jurisdiction"; and

(2) executes a "written affirmation" attesting that he or she is a "registered voter in the jurisdiction" and is eligible to vote in the election.

Such voters are issued a paper, punch card or optical scan ballot. The voter then votes the ballot in a voting station. After the voter returns the ballot, it is secured in an envelope for later disposition. Here, it merits observation that a voter who executes the above referenced "written affirmation" is eligible to receive and vote a "provisional" ballot *even in an instance where the election official administering the election "asserts that the individual is not eligible to vote."*

After the polls close, any ballots issued and voted under the above procedure are forwarded to the local election official for verification. If the election official determines the individual is eligible to vote, the ballot is counted. On the other hand, if the election official determines that the individual is *not* eligible to vote, the ballot is *not* counted.

The Help America Vote Act stipulates that in any instance where voters are permitted to vote after the close of the polls pursuant to a court order or other

order, the voters must cast "provisional" ballots. "Provisional" ballots cast in such instances must be kept separate from any other "provisional" ballots cast at the election.

The Help America Vote Act further stipulates that the State must establish "a free access system" which permits any individual who casts a provisional ballot to discover whether his or her ballot was counted and, if the ballot was not counted, the reason why the ballot was invalidated.

The Help America Vote Act provides that at the time an individual casts a "provisional" ballot, the election inspectors must give the individual written instructions for accessing the above referenced information system.

As the "provisional" balloting process provided under the Help America Vote Act differs in some respects from the current "affidavit" balloting process established in Michigan, it is Michigan's intent to modify its current law and processes as necessary. Through these modifications, the State will ensure full compliance with the "provisional" balloting process provided under the Help America Vote Act, establish the required "free access system" and arrange for the distribution of instructions for obtaining information through the "free access system." The following actions are planned:

- **Development of new capabilities to improve the provisional ballots.**
- **Development of revisions to Michigan election law to authorize "provisional" balloting for all public elections. The "provisional" balloting process will supplement the current "affidavit" balloting process.**
- **Implementation of revised procedures to allow for the issuance of a "provisional" ballot in instances where the "affidavit" balloting procedure cannot be employed.**
- **Establishment of a "free access system" that any individual who casts a "provisional" ballot can use to discover whether his or her ballot was counted and, if the ballot was not counted, the reason why the ballot was invalidated.**
- **Development and implementation of a program to track and compile data on the "provisional" balloting process.**

In addition to the "provisional" balloting process, Section 302 of the Help America Vote Act stipulates that the information listed below must be posted in the polls whenever a federal election is conducted:

- A sample ballot.
- The date of the election and the hours the polls will remain open.
- Voting instructions.
- Instructions on voting a "provisional" ballot.
- The identification requirements that apply to voters who register to vote by mail.
- General information on voting rights including information on the right of an individual to cast a "provisional" ballot and instructions on how to contact the appropriate officials regarding alleged voting rights violations.
- General information on the laws that prohibit fraud and misrepresentation.

Michigan currently provides informational posters for display in the polls on Election Day. The Michigan Department of State's Bureau of Elections intends to modify the information provided on these posters as necessary to ensure compliance with the Help America Vote Act. The posters will be redesigned to prominently list pertinent information and clearly state "what every voter should know."

Section 303: Computerized Statewide Voter Registration List Requirements and Requirements for Voters Who Register by Mail

As noted in the Introduction, the Michigan Legislature adopted legislation in 1994 that required the Secretary of State to establish a statewide Qualified Voter File (QVF) system (PA 441 of 1994). Placed in operation in 1998, the QVF is a distributed database that ties Michigan's city and township clerks to a fully automated, interactive statewide voter registration file. It provides a wide variety of significant advantages including the elimination of all duplicate voter registration records in the system; the streamlining of the state's voter registration cancellation process; the elimination of registration forwarding errors; and the elimination of duplicative voter registration processing tasks.

The QVF was populated with every registered elector appearing in the Department of State's driver's license/personal identification card file and the

voter registration files held by the state's city and township clerks. Data on the voters is maintained on a UNIX-based computer located in Lansing.

The system also offers Michigan's election officials a full array of election management features including components created to assist with absent voter ballot processing; petition and candidate tracking; election planning; and election inspector tracking. The election management components, designed in consultation with a special task force of county and local election officials, have introduced a new level of convenience to the administration of elections in Michigan. The election management components have also standardized many of the election-related forms and procedures used throughout the State. Proper and consistent application of the state and federal laws that govern the voter registration process is essential given the various disenfranchisement protections provided under Michigan election law and the National Voter Registration Act of 1993.

Michigan's 83 county clerks and the clerks of all local jurisdictions with a voting age population over 5,000 were provided with the hardware and software needed to establish a direct link with the QVF. Smaller cities and townships (i.e., those with a voting age population under 5,000) have either purchased the hardware and software needed for a direct link with the QVF or access the QVF through their local county clerk's office.

The QVF system comprises three primary components:

Lansing File Server: The heart of the QVF system is the file server located in Lansing, the state capital. The file server holds the voter registration database for the entire state. It also holds all system software (QVF application software and Oracle database software). The file server exchanges information with the driver file database (new registrations originating in branch offices) through a series of "server processes" (automated computer programs). The file server exchanges information with local system users through a data replication process.

To facilitate the exchange of data with the State's driver file database, every voter registration record is identified with the voter's driver license number or personal identification card number. (If the voter does not hold a driver license or personal identification card, a similar unique number is assigned to the voter's registration record.)

County/Local QVF Installations: All of Michigan's 83 counties and 236 of Michigan's largest cities and townships (voting age population over 5,000) were

provided with QVF installations at state expense. At their own expense, one hundred and forty-nine (149) additional cities and townships opted to purchase QVF systems.

Telecommunications Network: The QVF system uses the Internet as its telecommunications network. Each QVF jurisdiction was provided with an Internet account (Merit is the Internet provider) and an Internet browser that includes e-mail and web searching capabilities. The data replication process is automated and operates on a daily basis. Local QVF users may also establish an Internet connection if they wish to initiate a manual replication. Replication updates the Lansing server with new information provided by the local jurisdiction and updates the local jurisdiction with new information provided by the file server (usually branch office transactions). An average replication takes 10 to 15 minutes.

The Michigan Department of State's Bureau of Elections maintains a Help Desk to assist the county and local clerks throughout the State with any questions they have regarding the operation of the QVF. The Help Desk offers assistance in the following areas:

Replications: The replication process involves the transfer of data between the QVF server in Lansing and the remote QVF installations throughout the State. If there is a problem with the replication process, it generally stems from a user error, an equipment failure or a network failure. The Help Desk is able to trace such problems, find the source and offer corrective measures.

Equipment Problems: The Help Desk troubleshoots all equipment-related problems. In some cases, a contract vendor is sent to the site. In other cases, the Help Desk staff members pick up the equipment for in-house problem solving.

Training: The Help Desk provides training and on-site consultations to QVF users throughout the State. The Help Desk is also responsible for updating all user guides and training materials.

Software Support: The Help Desk offers QVF users advice and instruction on using the QVF software and documents requests for QVF software enhancements. The majority of all inquiries received by the Help Desk involve questions over the operation and functions of the QVF software.

While Michigan's Qualified Voter File system is in substantial compliance with the Help America Vote Act's requirements for a centrally administered

statewide voter registration system, the following actions are planned to enhance the performance of the system:

- **Exploration of the potential for electronically exchanging data with Michigan's Family Independence Agency.**
- **Exploration of the potential for providing Michigan's smaller jurisdictions with additional methods of electronically accessing the QVF system.**
- **Exploration of new technology to expand the street index functionality for the QVF system (I.e. – GIS Mapping Technology).**
- **Use digitized signatures in the QVF database which are already on the department's driver's license file.**
- **Development of a process that permits the QVF system to electronically remove voters who have not responded to notices pursuant to the National Voter Registration Act. (The review of the action by clerks will continue to be a requirement.)**
- **Development of new capabilities that permit the QVF system to store the last four digits of a voter's Social Security Number.**
- **Development of revisions to Michigan election law to provide for any additional processes needed to electronically verify new registrants who register to vote by mail.**
- **Establishment of an agreement with the Commissioner of Social Security to provide for the verification of voter identification information.**
- **Development of new capabilities to improve the computerized statewide voter registration system.**

Section 303 of the Help America Vote Act further addresses the identification of voters who register to vote by mail and the contents of mail-in voter registration application forms as indicated below:

- Stipulates that an individual who (1) submits a mail-in voter registration form, *and* (2) has never participated in a federal election conducted in the state must provide an identification document with the mail-in voter registration form. Provides that if the applicant does not submit an acceptable identification document with the mail-in voter registration form,

he or she must produce identification *the first time* he or she attends the polls to participate in a federal election. It further provides that if such a voter wishes to cast an absentee ballot, he or she must submit an acceptable identification document when returning the absentee ballot.

- Provides that if a voter subject to the above identification requirements does not produce or submit an acceptable identification document, he or she may cast a "provisional" ballot in the polls or a "provisional" absentee ballot as desired.

- Provides that the above voter identification requirements are waived if (1) the voter registration applicant enters his or her driver license number or the last four digits of his or her Social Security Number on the mail-in voter registration form, and (2) the state or local election official has a program in place which permits the identification of the voter through the comparison of the entered number against another "State identification record" which bears the same number and the voter registration applicant's name and date of birth.

- Directs the Secretary of State to include the following two questions on the mail-in voter registration application form with "yes" and "no" checkoff boxes: (1) "Are you a citizen of the United States of America?" and (2) "Will you be 18 years of age on or before Election Day?" It further directs the Secretary of State to include the following statement on the form: "If you checked 'no' in response to either of these questions, do not complete this form."

- Stipulates that if a voter registration applicant fails to answer the citizenship question on the mail-in voter registration application form, the registrar must notify the applicant and provide him or her with an opportunity to complete the form no later than the voter registration deadline for the next federal election.

The following actions are planned to ensure compliance with the requirements associated with the identification of voters who register to vote by mail:

- **Implementation of the identification requirements imposed on individuals who (1) submit a mail-in voter registration form, and (2) have never participated in a federal election conducted in Michigan.**

- **Establishment of procedures that permit a voter who is subject to the identification requirements to obtain a "provisional" ballot if the voter is unable to produce or submit an acceptable identification document.**

- **Modification of Michigan's Mail-In Voter Registration Application form as necessary.**

- **Development and implementation of a process that provides individuals who (1) submit a mail-in voter registration, and (2) fail to respond to the citizenship question with an opportunity to complete the form no later than the voter registration deadline established for the next federal election.**

Section 251(b)(2): Other Activities

Michigan intends to use requirements payments to fund other activities to improve the administration of elections, including, but not limited to the following:

- **Development of applications to improve the administration of federal elections.**

- **Establishment of a polling place accessibility program to ensure that all polling places in Michigan are and continue to be compliant with all applicable state and federal laws.**

- **Extension of necessary assistance to persons with limited proficiency in the English language as required by the Voting Rights Act.**

- **Implementation of a variety of voter education and outreach activities including public service announcements and voting equipment demonstrations.**

- **Development of election official and poll worker training initiatives.**

II. Michigan's Distribution of Requirements Payment

How the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in paragraph (1), including a description of --

(A) the criteria to be used to determine the eligibility of such units or entities for receiving the payment, and

(B) 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 under paragraph (8). -- HAVA §254 (a)(2)

Eligibility of Local Units to Receive the Payment

The Michigan Department of State's Bureau of Elections will centrally manage all initiatives funded by requirements payments and will be responsible for establishing all expenditure funding levels, program controls and outcomes. The State will follow applicable Michigan law regarding the distribution of federal reimbursements.

Performance Measures for Local Units

The Bureau of Elections will monitor the performance of each initiative funded by requirements payments in three areas: financial controls, compliance with standards, and program results.

Financial Controls: The Bureau of Elections will develop and use standard financial reporting for all initiatives funded by requirements payments.

Compliance with Standards: The Bureau of Elections will develop and use standard program management reporting for all initiatives funded by requirements payments.

Program Results: The Bureau of Elections will develop key performance indicators for each initiative funded by requirements payments. See Section VIII of this document for specific performance goals and measures.

III. Voter Education, Election Official Education and Training, and Poll Worker Training

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. -- HAVA §254 (a) (3)

Voter Education

As voter turnouts continue to dwindle, voter education has become an increasingly important component of the elections process. At the present time, the majority of voter education efforts in Michigan for statewide and federal elections are coordinated through the Michigan Department of State's Bureau of Elections and the offices of Michigan's city and township clerks. The voter education initiatives currently in place include the following:

Citizens Guide to Voting Systems: Internet-based instructional system where voters can learn what type of voting equipment is used in their jurisdiction of residence and how it operates. The site utilizes video clips, slides, audio and printed text.

Electronic Voter Guide: Internet-based informational guide established for November general elections where voters can learn about the political parties, state level candidates and statewide ballot proposals on the ballot. Candidates and political parties are invited to post statements on the site. Candidates are also extended the opportunity to post a photograph on the site.

Voter Information Center: Internet-based informational site where voters can preview their ballot for November general elections, confirm their registration status, obtain information on the location of their polling place (including a map), link to candidate websites and obtain other election-related information.

Both the Citizens Guide to Voting Systems and the Electronic Voter Guide are linked to the Voter Information Center. The Voter Information Center, in tandem with the Citizens Guide to Voting Systems and Electronic Voter Guide, provides Michigan voters with the most comprehensive on-line election information available in the nation.

Voter Education *(continued)*

Secretary of State Web site: Provides dates for upcoming state and local elections, general information on the registration process, a mail-in voter registration form that can be printed for immediate use, information on obtaining an absent voter ballot and other general information on registering and participating in elections.

Local Web sites: Many counties and local jurisdictions have established Web sites that provide information on registering to vote and participating in elections.

Published Notices: All cities and townships publish two notices to announce each upcoming voter registration deadline and two notices to announce each upcoming election. As Michigan has 1,514 cities and townships, this results in the publication of over 6,000 election-related notices prior to each August primary and 6,000 additional notices prior to each November general election.

Voter Instruction Placards: Prior to each August primary and each November general election, the Secretary of State produces and distributes over 10,000 voter instruction placards for display in the polling places located throughout the state.

Ballot Proposal Information: When a statewide proposal is presented on Michigan's August primary ballot or November general election ballot, the Secretary of State produces and distributes over 10,000 informational posters on the proposals for display in the polling places. The information is also distributed to all newspapers, television stations and radio stations in the state. Information on the proposals is also distributed through the 173 Secretary of State branch offices operated and managed by the Michigan Department of State.

Assistance in the Polls*:* Michigan election law stipulates that all election workers appointed to serve in the polls must ask each voter if he or she would like to receive instruction on voting the ballot. To assist with the instruction, "demonstration models" are placed in each polling place. Comprehensive voting instructions are also printed on each ballot.

Voter ID Cards: Michigan's local clerks issue "Voter ID Cards" to all registrants which list their voting districts, their polling place location and a contact office for additional information.

Absent Voter Ballot Application Distribution Lists: Many local clerks maintain lists of regular absentee voters that are used to mass mail absent voter ballot application forms prior to elections.

Registration Reminder Cards: The Secretary of State sends all Michigan citizens a birthday greeting when they reach age 18 with a reminder that they are now eligible to register and vote. The postcard directs the newly eligible voter to the mail-in voter registration application form provided on the Secretary of State's Web site.

University/College E-mails: The Secretary of State, in cooperation with the Presidents Council of State Universities of Michigan, the Association of Independent College and Universities of Michigan and the Michigan Community College Association, sends a specially developed e-mail message to all university and college students to provide them with pertinent registration and voting information.

Public Service Announcements (PSAs): The Secretary of State regularly develops PSAs on registering and voting for distribution to all media outlets in the State.

Informational Brochures: The Secretary of State prints and distributes a voter information brochure prior to every election cycle that provides concise information on registering to vote, obtaining absent voter ballots and voting in the polls.

Michigan recognizes the need to enhance its voter education programs to better inform voters and promote participation in the electoral process. In addition to the maintenance of the voter education programs detailed above, Michigan will pursue the following initiatives:

- **Development of new capabilities to improve the voter education programs.**
- **Establish a Voter Education and Outreach Fund. The fund will be used to support public and private sector programs designed to educate voters and promote electoral participation.**
- **Double the current efforts made to ensure that all voter outreach materials produced through the Department reflect and meet the needs of Michigan's diverse voting populations.**

- **Develop educational outreach initiatives designed to instruct voters on the operation of the voting equipment selected for the implementation of Michigan's uniform voting system.**
- **Coordinate voter education efforts with nonpartisan community organizations and advocacy groups committed to voter education including groups that provide services to individuals with disabilities.**
- **Encourage local jurisdictions to partner with nonpartisan community organizations and advocacy groups committed to voter education to promote voter registration and participation. Facilitate such efforts through the development and dissemination of voter outreach materials.**
- **Improve and increase public service announcements and informational materials.**
- **Expand and improve upon the use the Internet-based Voter Information Center and the voter instruction posters provided for display in the polls.**

Election Official Education

Trained, professional election officials are essential to the administration of efficient and secure elections. At the present time, the Michigan Department of State's Bureau of Elections administers a variety of mandated and discretionary training programs. These programs are designed to familiarize the State's county clerks, city clerks, township clerks, village clerks and school election coordinators with the laws and processes that govern Michigan's elections system. Current election official training programs administered through the Bureau of Elections include the following:

Election Officials Accreditation Program: Michigan election law, MCL 168.31(j), directs the Secretary of State to "Establish a curriculum for comprehensive training and accreditation of all county, city, township, village, and school election officials." Participation is mandatory. To date, over 3,700 county clerks, local clerks, school board secretaries and election assistants appointed on the county and local level have attended the accreditation program.

County Clerk Training: Michigan election law, MCL 168.33(1), directs the State Elections Director to "…conduct training schools throughout this state preceding the general November election, and preceding such other elections as the

director considers advisable, for county clerks and their representatives with respect to the conducting of elections in accordance with the election laws…." The training programs are routinely conducted every two years in advance of the November general election.

County Board of Canvasser Training: Conducted in conjunction with required County Clerk Training programs.

City/Township Clerk Training: Conducted on a regional basis prior to the August primary. All city clerks and township clerks are encouraged to attend.

School Election Coordinator Training: Conducted on a regional basis prior to the June school election. All school election administrators are encouraged to attend.

Village Clerk Training: Conducted on a regional basis prior to the village primary election. All village clerks are encouraged to attend.

New Clerk Training: Michigan election law, MCL 168.31(k), directs the Secretary of State to "Establish and require attendance by all new appointed or elected election officials at an initial course of instruction within 6 months before the date of the election." New Clerk Training is offered to new clerks on a regional basis. Participation is mandatory.

Michigan recognizes the need to enhance its training programs to better ensure that all election officials possess the training, tools and resources critical to the successful administration of elections. In addition to the maintenance of the programs detailed above, Michigan will pursue the following initiatives:

- **Development of new capabilities to improve the election training programs.**
- **Improve training and accreditation materials to promote the retention of the information.**
- **Research and implement new and innovative training delivery methods such as interactive web-based training and video teleconferencing.**
- **Develop "training partnerships" with the various clerk associations established in the State, state universities and community colleges.**

- **Establish an advisory group to review and evaluate the training programs and materials developed to train election officials.**
- **Contract with training consultants to enhance the skills of the trainers.**
- **Develop educational programs designed to instruct election officials on the operation of the voting equipment selected for the implementation of Michigan's statewide, uniform voting system.**

Poll Worker Training

Trained poll workers who have a full understanding of the laws and procedures that govern the administration of the polls on Election Day are critical to the successful conduct of elections. In view of this need, Michigan election law, MCL 168.683, directs the State's county clerks to provide the poll workers appointed in their respective counties with the training needed to perform their duties. MCL 168.683 further extends to a city or township, having a population of 10,000 or more, the option of conducting its own poll worker training if desired.

To ensure the quality of the training programs and the consistency of the instruction, Michigan election law, MCL 168.33(2), directs the State Elections Director to "… train all county, city and township clerks who are involved in the training of precinct inspectors …." MCL 168.33(3) further directs the State Elections Director to conduct all poll worker training in counties where the county clerk has not been accredited to conduct the training programs.

The Bureau of Elections also provides a various materials and training aids to augment the materials developed at the county and local level. The training materials and aids available through the Bureau include the following:

- ***Training Outline*** – A general training outline developed for use by trainers conducting instructional programs for poll workers.
- ***Election Inspectors' Procedure Manual*** – A 24-page quick reference guide to the laws that govern the operation of polling places. Developed for use as a training aid and as a reference tool on Election Day.
- ***Training Video on the Management of Polling Places*** – Used to motivate poll workers and reinforce instruction on the state laws that govern the operation

of polling places.

- ***Training Video on Accommodating the Needs of Voters Who Are Disabled –*** Used to heighten poll worker sensitivity to the needs of disabled voters.

- ***Video Exam –*** A self-administered test developed for use with the training video. Used to focus attention on the points of emphasis in the video.

- ***Technical Sheets*** – Step-by-step instructions on the operation of the various voting systems employed in Michigan to administer elections. Developed for use as a training aid and as a reference tool on Election Day. Used by trainers to instruct poll workers on the proper administration of the voting system they will use in the polls.

- ***Voting Equipment Q & A Exercises*** – Used by trainers to reinforce instruction on the operation of the voting equipment used by the jurisdiction involved.

- ***Model Overheads –*** Suggested overheads developed for use by trainers conducting instructional programs for poll workers. Used by trainers to instruct poll workers on the proper completion of the various forms and documents which must be completed in the polls on Election Day.

Michigan recognizes the need to continually improve the training programs for poll workers to promote the efficient operation of the polls and the effective administration of the laws that govern the voting process. In addition to the poll worker training programs and services detailed above, Michigan will pursue the following initiatives:

- **Development of new capabilities to improve the election training programs.**

- **Improve the content of the "train the trainer" programs offered county, city and township clerks.**

- **Update and expand the materials provided county, city and township clerks to assist with the instruction of poll workers.**

- **Develop and produce an updated poll worker training video.**

- **Contract with training consultants to enhance the skills of the trainers.**

IV. Voting System Guidelines and Processes

How the State will adopt voting system guidelines and processes, which are consistent with the requirements of section 301. -- HAVA §254(a)(4)

Michigan has adopted legislation that mandates the implementation of a statewide, uniform voting system (PA 91 of 2002). The voting system selected will meet the requirements of Section 301 of the Help America Vote Act, including all accessibility requirements.

The legislation directs the Secretary of State to convene an "advisory committee" for the purpose of selecting a "uniform voting system" for the State if and when funds are appropriated for selecting, acquiring and implementing a statewide, uniform voting system.

The legislation further authorizes the Secretary of State to proceed with the implementation of a statewide, uniform voting system after the selection of the voting system best suited for the State's needs.

Michigan election law currently provides procedures for the certification of new voting systems and the conduct of recounts. Operational standards for the administration of electronic voting systems have been promulgated under the State's Administrative Procedures Act (APA), PA 306 of 1969, as amended.

As the implementation of the statewide, uniform voting system progresses, the Michigan Department of State will create any new processes necessary to ensure the effective and efficient administration of the system. New processes adopted by the Department typically take the form of new legislation, internal procedures and promulgated rules. The Department will determine the appropriate method for publicizing new voting system standards and processes.

V. Michigan's HAVA Fund Management

How the State will establish a fund described in subsection (b) for purposes of administering the State's activities under this part, including information on fund management. -- HAVA §254(a)(5)

Working with the Michigan Legislature, the Michigan Department of State's Bureau of Elections is establishing a new election reform fund that will be separate and distinct from all other agency funds. The election reform fund will contain both federal and general funds. The federal fund portion will be used to maintain federal fund receipts and expend federal funds. The general fund portion will be used to budget and expend general funds representing the 5% match required under Help America Vote Act.

The Director of the Michigan Department of State's Bureau of Elections and the Director of the Michigan Department of State's Bureau of Administrative Services will work with the Michigan Department of Treasury to follow and enforce all mandated fiscal controls and policies.

VI. Michigan's HAVA Budget

The State's proposed budget for activities under this part, based on the State's best estimates of the costs of such activities and the amount of funds to be made available, including specific information on—

(A) the costs of the activities required to be carried out to meet the requirements of Title III;

(B) the portion of the requirements payment which will be used to carry out activities to meet such requirements; and

(C) the portion of the requirements payment, which will be used to carry out other activities. -- HAVA §254(a)(6)

Title I Funds: Election Administration and the Replacement of Voting Equipment

Title I of the Help America Vote Act authorizes the General Services Administration (GSA) to administer $650 million in payments to (1) implement election administration improvements, and (2) replace punch card voting systems and lever voting machines.

Election Administration Improvements ($325 Million): States are guaranteed a minimum payment of $5 million. The remaining funds are allocated according to the state's voting age population. Michigan is eligible for approximately $9.9 million. In addition to the maintenance of the program above, Michigan will pursue the following initiatives:

- Implement Election Administration technology enhancements.
- Purchasing software to improve the administration of federal elections.
- Purchasing voting systems.

Election Maintenance: A portion of the allocated Election Administration Improvement funds will be utilized in the following initiatives:

- Establishing maintenance funds to support Title III requirements.

Replacement of Punch Card Voting Systems and Lever Voting Machines ($325 Million): The funds must be used to replace the State's punch card voting systems and lever voting machines in advance of the November 2, 2004 general election. An extension through the first federal election conducted after January 1, 2006, can be requested for good cause.

Each State is eligible to receive up to $4,000 for each "qualifying precinct." A "qualifying precinct" is a precinct that used a punch card voting system or lever voting machines to administer the November 7, 2000 general election.

Michigan is eligible for approximately $6.8 million. If the total claimed exceeds the $325 million appropriation, the payments will be proportionately reduced.

Titles II and III: Election Assistance "Requirements Payments"

The Election Assistance Commission is required to make election assistance "requirements payments" to qualifying States. Under this section, the Appropriations bill authorized payments of $1.4 billion for FY 2003, $1 billion for FY 2004 and $600 million for FY 2005. However, only $830 million was actually appropriated and made available for spending for FY 2003. The funds "authorized" for each fiscal year must be appropriated under separate action before the funds are available to the States.

The funds are allocated according to the State's voting age population with a guaranteed minimum payment equal to ½ of 1% of the total appropriation for each year. Michigan is eligible for approximately $28 million this fiscal year.

Future Funding Assumptions

The remaining federal funds available to Michigan through FY 2005 are calculated by multiplying the total available amount of federal funding in that year by 3.3%. These portions require a 5% State match for all funds spent in each fiscal year. However, the State may draw down funds each fiscal year without providing the match if the State's election plan accounts for the future expenditure of the matching funds.

The following table outlines the assumptions regarding federal funding that Michigan used in creating its budget.

Federal Fiscal Year	Total Federal Funds Authorized [1]	Total Federal Funds Appropriated [2]	Michigan's Share
Early Payments	$650 million	$650 million (appropriated)	
Section 101			$6.8 million
Section 102			$9.9 million
2003	$1.4 billion	$830 million (appropriated)	$28,257,000 million
2004	$1 billion	$1.5 billion (appropriated)	$50,704,000 million
2005	$600 million	Pending	Pending
Total	**$3.65 billion**		**$95,661,000 million**

[1] "Authorized funds" represent the amount Congress recommended for the implementation of the Help America Vote Act when the Act was adopted.

[2] "Appropriated funds" represent the amount Congress has actually made available to the States for the implementation of the Help America Vote Act.

Projected Budget

Michigan's projected budget, based on the funding assumptions detailed above, represents the cost of implementing the requirements of Title I and Title III of the Help America Vote Act. The budget will be revised as appropriate to reflect the most current information available on federal funding, and any changes that may be made in the implementation schedule.

OVERALL HAVA COMPLIANCE BUDGET - 2003

HAVA Requirements	Estimated Total Cost	Source of Funding			Implementation Period
Title III Requirements		**§102**	**Title II**	**State 5% Match**	
(§301) Voting System	$55 million	$6.8 million	$45.45 million	$2.75 million	FY 2004 to FY 2006
(§302) Provisional Voting and voting information requirements	$500,000		$475,000	$25,000	FY 2004 to FY 2006
(§303) Computerized statewide voter registration list requirements and requirements for voters who register by mail	$5 million		$4.75 million	$250,000	FY 2004 to FY 2006
"Other" Activities					
Programming software, ballot production licensing, service contracts and polling place accessibility supplements to HHS grants	$5 million		$4.75 million	$250,000	FY 2004 to FY 2006
(§254 (3)) Voter education, election official education and training, and poll worker training which will assist the state in meeting the requirements of Title III	$5 million		$4.75 million	$250,000	FY 2004 to FY 2006
(§402) Establish a State-based HAVA administrative complaint procedure to remedy grievances	$500,000		$475,000	$25,000	

OVERALL HAVA COMPLIANCE BUDGET – 2005-2008

HAVA Requirements	Estimated Total Cost	Source of Funding				Implementation Period
Title III Requirements		Title I Section 101	Title I Section 102	Title II	State 5% Match	
(§101) Implement Election Administration technology enhancements.	$7,800,000	$7,800,000				
(§301) Voting System.	$57,100,000	$2,100,000	$6,800,000	$45,790,000	$2,410,000	FY 2004 to FY 2006
(§302) Provisional Voting and voting information requirements.	$26,316			$25,000	$1,316	FY 2004 to FY 2006
(§303) Computerized statewide voter registration list requirements and requirements for voters who register by mail.	$22,700,000			$21,565,000	$1,135,000	FY 2004 to FY 2006
"Other" Activities						
(§251 (b)(2)) Programming software, ballot production licensing, service contracts and polling place accessibility supplements to HHS grants.	$6,330,000			$6,014,000	$316,316	FY 2004 to FY 2006
(§254 (3)) Voter education, election official education and training, and poll worker training which will assist the state in meeting the requirements of Title III.	$5,850,000			$5,557,000	$292,632	FY 2004 to FY 2006
(§402) Establish a State-based HAVA administrative complaint procedure to remedy grievances.	$11,000			$10,000	$1,000	
Totals	**$ 99,817,000**	**$9,900,000**	**$6,800,000**	**$78,961,000**	**$4,156,000**	

*Interest earned on HAVA funds will be used to fund HAVA activities.

VII. Maintenance of Effort

How the State, in using the requirements payment, 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. -- HAVA §254(a)(7)

Consistent with Section 254(a)(7), Michigan will maintain the same level of expenditures on activities funded by the requirements payments as was expended in the fiscal year that ended prior to November 2000 (October 1, 1999 through September 30, 2000). (Michigan expended $1.2 million on such activities during the period.)

As with many states, the amount spent by the State of Michigan to administer elections is only a small fraction of the aggregate amount spent on elections statewide as the majority of the costs involved are handled at the county and local level. In addition, many of Michigan's 83 county clerk offices and 1,514 city and township clerk offices employ year-round core staff for continuous functions such as voter registration, information services and IT support. When elections are conducted, Michigan's county and local clerks must budget for the additional costs associated with the rental of polling places, poll workers, temporary office staff, ballot production, mass mailings, election day support, etc.

VIII. HAVA Performance Goals and Measures

How the State will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the State will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met. -- HAVA §254(a)(8)

Performance goals provide a high-level view of a project's direction. The State's goal is to achieve election reform and compliance with the requirements of the Help America Vote Act through the successful implementation of the programs outlined in the State Plan.

Performance Goal 1: Statewide Voter Registration System

At this date, Michigan's Qualified Voter File (QVF) is in substantial compliance with the Help America Vote Act's requirements for a centrally administered statewide voter registration system. Michigan will use existing QVF data retrieval mechanisms to ensure that the system is as accurate as possible and includes every registered voter in the State at their proper address and removes voters who have died or moved out of the State. Michigan will make enhancements to the QVF to provide additional tools for election officials.

Performance Measure #1 — ***The following statistics will be compiled to determine data accuracy and the effectiveness of voter outreach programs:***

- Number of registered voters in the State as a percentage of the State's voting age population.
- Number of registered voters in each county as a percentage of each county's voting age population.
- Number of registered voters in each jurisdiction as a percentage of each jurisdiction's voting age population.
- Number of digitized signatures captured.
- Number of voting histories captured for each statewide

federal election.

- Number of driver license numbers or PID numbers captured.
- Number of duplicate driver license numbers or PID numbers.

Timetable	January 1, 2004, and annually thereafter.
Description of the criteria used to measure performance	Statistical reports should be generated from the QVF and measured against census data, voter turnout data and other reliable data sources.
Process used to develop criteria	Success of the effort will be dependent upon the performance of election officials statewide in updating the QVF and performing State prescribed "data scrubbing" initiatives.
Description of official to be held responsible for ensuring each performance goal is met	The Secretary of State and the Bureau of Elections, with the cooperation of all city, township and county election officials in the State, are responsible for ensuring that each performance goal is met.

Performance Goal 2: Training and Education

Michigan state and local election officials realize that the effectiveness of the Help America Vote Act relies heavily on communication among or between the participants in the process. Opportunities for training exist for city, township and county election officials; for election inspectors; and for voters who may only interact with equipment and the voting process occasionally.

Performance Measure #2(a)	***The following information will be collected to measure election official training performance:***
	• Number of training classes/opportunities offered. • Number of election officials receiving initial certification under the Bureau of Election's Clerk Accreditation Program. • Number of election officials receiving ongoing certification under the Bureau of Election's Clerk Accreditation Program. • Number of election officials attending New Clerk training programs. • Number of election officials attending even-year training programs pursuant to MCL 168.33(1). • Number of election officials attending election inspector training programs pursuant to MCL 168.33(2) and (3).
Timetable	January 1, 2004, and annually thereafter.
Description of criteria used to measure performance	The Secretary of State will prepare a report form for completion by Michigan's county and local elections officials.
Process used to develop the criteria	The State already provides training and accreditation programs for election officials.
Description of official to be held responsible for ensuring each performance goal is met	The Director of Elections through the Michigan Department of State's Bureau of Elections is responsible for election official training.

Performance Measure #2(b)	***The following information will be compiled to measure the effectiveness of efforts to increase the number of available election inspectors for statewide federal elections:*** • Number of election inspectors trained by instructors in classroom. • Number of new election inspectors recruited. • Number of high school and college students contacted by election officials to work as inspectors. • Number of complaints filed. • Percentage of election inspectors who attended training.
Timetable	January 1, 2005, and every odd-year January 1 thereafter.
Description of the criteria used to measure performance	Local election officials will submit this information to the Michigan Department of State's Bureau of Elections following each federal election.
Process used to develop criteria	County and local election officials currently conduct election inspector training. The Bureau of Elections will rely on input from local election officials (and perhaps professional trainers) to develop both the content and evaluation criteria for the program.
Description of official to be held responsible for ensuring each performance goal is met	The Bureau of Elections establishes training guidelines and tools. Each county or jurisdiction (as permitted by law) will continue to oversee election inspector training.

Performance Measure #2(c)	***The following information will be gathered to measure the effectiveness of voter education initiatives for statewide federal elections:*** • Number of public display sites for voter education. • Number of PSAs (public service announcements). • Number of Web hits on Secretary of State's Voter Information Center and/or other Web sites. • Number of high schools and colleges contacted. • Increase/change in percentage of voter turnout.
Timetable	January 1, 2005, and every odd-year January 1 thereafter.
Description of the criteria used to measure performance	Local election officials will submit information to the Michigan Department of State's Bureau of Elections following each federal election. The Bureau of Elections may also compile its own data.
Process used to develop criteria	These steps are being taken to ensure voters receive information on the Help America Vote Act and related election processes.
Description of official to be held responsible for ensuring each performance goal is met	The Bureau of Elections is responsible for developing the training tools. Local election officials will be responsible for implementation and reporting.

Performance Goal 3: Grievance System

The Help America Vote Act requires the establishment of a state-based grievance procedure.

Performance Measure #3	***The following information will be collected to measure the effectiveness of the grievance process:*** • The number of inquiries received. • The number and nature of complaints filed. • The number of complaints dismissed. • The number of complaints resolved informally by the Michigan Department of State's Bureau of Elections. • The number of complaints resolved by formal hearing. • The average time for a complaint to be investigated and resolved.
Timetable	January 1, 2005, and every odd-year January 1 thereafter.
Description of the criteria used to measure performance	The Secretary of State will review the reports from the Bureau of Elections following each federal election cycle.
Process used to develop criteria	The Bureau of Elections will submit a report containing number of complaints received, number of complaints resolved and time required/used for resolution.
Description of official to be held responsible for ensuring each performance goal is met.	The Bureau of Elections is responsible for administering the statewide grievance procedure.

Performance Goal 4: Provisional Ballots

The following will be measured with respect to provisional ballots: uniform processing, verification and status availability. Provisional ballot status reporting will be performed by each jurisdiction. The goal is to have uniform procedures in place in each jurisdiction for processing and verifying provisional ballots.

Performance Measure #4	***The following information will be collected to measure the effectiveness and uniformity of the "provisional" balloting process for statewide federal elections:*** • Number of provisional ballots cast in each precinct. • Number of voters in each precinct. • Number of provisional ballots verified and counted for each precinct. • Number of provisional ballots not counted in each precinct and reason.
Timetable	January 1, 2005, and every odd-year January 1 thereafter.
Description of the criteria used to measure performance	The election report from each jurisdiction will provide the Secretary of State with an indication of what additional tools may be needed for uniformity.
Process used to develop criteria	The Michigan Department of State's Bureau of Elections will enhance its election official training materials to include provisional ballot procedures and information.
Description of official to be held responsible for ensuring each performance goal is met	The Bureau of Elections will be responsible for uniform guidelines for processing and verifying provisional ballots. Local election officials will be responsible for provisional ballot verification, counting and reporting.

Performance Goal 5: Accessibility

One of the Help America Vote Act's principal objectives is to make the election process more accessible. Michigan will address both voting equipment and polling place accessibility. Michigan will also utilize part of the remaining Help America Vote Act funds to address accessibility issues through training and to provide materials and web information in accessible formats.

Performance Measure #5	***The following information will be collected to measure the effectiveness of the accessibility initiatives for statewide federal elections:*** • Number of military/overseas absentee applications. • Number of military/overseas ballots cast. • Number of military ballots rejected and associated reasons. • Number of polling locations. • Number of polling locations that are accessible. • Number of polling locations with accessible devices. • Number of polling locations without accessible devices. • Number of accessibility brochures distributed. • Number of accessibility complaints received and resolved. • Whether Michigan Web site and materials are available in accessible formats.
Timetable	January 1, 2005, and every odd-year January 1 thereafter.
Description of the criteria used to measure performance	Local election officials will submit this information semiannually to the Michigan Department of State's Bureau of Elections.
Process used to develop criteria	Election officials will be required to certify polling place accessibility.
Description of official responsible for ensuring each performance goal is met	The local election officials will be responsible for certifying polling place accessibility. The Bureau of Elections will ensure that the Web site is in an accessible format.

IX. State-Based Administrative Complaint Procedures

A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under section 402. -- HAVA §254(a)(9)

The Michigan Department of State has agreed upon a uniform, non-discriminatory complaint procedure that meets the requirements of the Help America Vote Act. The complaint procedure will be adopted as a series of guidelines pursuant to the State's Administrative Procedures Act (APA), PA 306 of 1969, as amended.

The complaint procedure permits a person who believes that an election authority has violated or will violate a provision of Title III of the Help America Vote Act to invoke a formal investigation by submitting a sworn statement to the Michigan Department of State's Bureau of Elections. The statement must specify the election authority who is alleged to have violated Title III, the provision of Title III involved, how the violation is alleged to have occurred and whether the complainant personally witnessed or possesses first-hand knowledge of the alleged violation. The complainant may request a hearing on the matter. If the complaint is valid and a hearing is requested, the Bureau of Elections is required to proceed with the conduct of a hearing on the record.

The complaint procedure further directs the Bureau of Elections to resolve any formal complaints it receives within ninety (90) calendar days unless the complainant consents to an extension. If the Bureau of Elections determines that a violation of Title III occurred, it is authorized to order an appropriate remedy. If the Bureau of Elections is unable to render a final determination within ninety (90) calendar days, it is required to forward the record to the Department's Legal and Regulatory Services Administration for alternative dispute resolution. Upon the receipt of a referred complaint, the Legal and Regulatory Services Administration is required to conduct a review of the complaint and render a final determination within sixty (60) calendar days. If the Legal and Regulatory Services Administration determines a violation of Title III occurred, it is authorized to order an appropriate remedy. In such an instance, the Bureau of Elections is authorized to enforce any remedies ordered by the Legal and Regulatory Services Administration.

A copy of the complaint procedure is provided in the Appendix.

X. Effect of Title I Payments

If the State received any payment under title I, a description of how such payment will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities. -- HAVA §254 (a)(10)

Section 101: Election Administration Improvements

Michigan is eligible for approximately $9.9 million under Section 101 of the Help America Vote Act.

Section 102: Replacement of Punch Card Voting Systems and Lever Voting Machines

Michigan is eligible for approximately $6.8 million under Section 102 of the Help America Vote Act. The funds will be used to purchase voting systems that are compliant with the requirements of the Help America Vote Act.

XI. Michigan's HAVA State Plan Management

How the State will conduct ongoing management of the plan, except that the State may not make any material change in the administration of the plan unless the change—

(A) is developed and published in the Federal Register in accordance with section 255 in the same manner as the State plan;

(B) is subject to public notice and comment in accordance with section 256 in the same manner as the State plan; and

(C) takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A). -- HAVA §254(a)(11)

Michigan will use the State Plan as the basis for managing the activities associated with the implementation of the Help America Vote Act. The Secretary of State, with guidance from the Help America Vote Act Steering Committee, will be responsible for the management and implementation of the State Plan. Michigan will conduct plan management at four levels:

Secretary of State: In Michigan, the Secretary of State functions as the State's Chief Election Officer. Accordingly, the Secretary of State is ultimately responsible for the implementation of the State Plan. As a result, the Secretary of State will possess the final authority in decision-making and management of the State Plan.

Help America Vote Act Steering Committee: A Steering Committee comprising the Secretary of State, the Department's Chief Operating Officer and the State Elections Director will be established to oversee all State Plan activities and provide necessary guidance, leadership and direction. The Steering Committee will meet on a regular basis to address compliance with the requirements of the Help America Vote Act and the implementation of the State Plan.

Help America Vote Act Project Committees: The Project Committees will comprise Department staff selected on an ad hoc basis. The Project Committees will be responsible for research, analysis and the development of any needs associated with the implementation of the State Plan.

Help America Vote Act Project Managers: Specified employees of the Michigan Department of State will be responsible for the day-to-day coordination and implementation of selected projects associated with the implementation of the State Plan. The Project Managers will be responsible for coordinating project activities; seeking the advice of county and local election officials, voter advocacy groups and other stakeholders in Michigan's elections process; reporting on the progress of the activities; and relaying any resource needs to the Steering Committee.

Michigan understands and agrees to comply with the requirements of the Help America Vote Act related to the ongoing management of the State Plan. More specifically, the State agrees that it may not make any material changes in the administration of the State Plan unless the change:

(1) is developed and published in the Federal Register in accordance with Section 255 of the Help America Vote Act in the same manner as the State Plan;

(2) is subject to public notice and comment in accordance with Section 256 of the Help America Vote Act in the same manner as the State Plan; and

(3) takes effect only after the expiration of the 30-day period that begins on the date the change is published in the Federal Register.

XII. Changes to State Plan from Previous Fiscal Year

In the case of a State with a State plan in effect under this subtitle during the previous fiscal year, a description of how the plan reflects changes from the State Plan for the previous fiscal year and of how the State succeeded in carrying out the State Plan for such previous fiscal year. -- HAVA §254(a)(12)

The FY 2003 Plan is Michigan's initial plan under the Help America Vote Act. This section will be updated in the FY 2004 Plan to reflect the changes made in the Plan as well as a summary of the 2003 successes.

HAVA State Plan FY 2005 Changes

The FY 2004 Plan has been updated in this FY 2005 Plan. The following reflects the changes made in the Plan as well as a summary of the 2003 and 2004 successes. Changes in the Plan consist of the following:

- The addition of $18.9 million in Title II funds and the appropriated amount to complete the full state match to the HAVA State Plan as noted in the overall HAVA Compliance Budget chart.
- Detailed documentation pertaining to the Title I, Section 101 HAVA funding.

Summary of the 2003 and 2004 Successes

The State of Michigan has been working diligently to implement the needed HAVA updates. Below are the HAVA successes in FY 2003 and FY 2004.

Voting Equipment:

The State of Michigan issued and Invitation to Bid (ITB) to provide precinct based Optical Scan Voting Equipment for all cities and townships in Michigan. As a result of the ITB process, three vendors were certified to sell optical scan systems in the state. Each county chose one of the three vendors to provide optical scan systems for every jurisdiction in the county.

To date, the State has purchased optical scan voting systems to replace punch card systems, lever machines, central count optical scan systems, DRE systems

and paper ballots in approximately 1,025 cities and townships across the state. Many of the systems have already been used in at least one election. The State has also purchased updated optical scan systems for most jurisdictions that had purchased and used optical scan systems prior to the November 2000 Presidential Election.

The following are HAVA Voting Equipment Projects underway:

- *Accessible Voting Equipment*
  Provide accessible and HAVA compliant voting systems for every polling location in the state. An Invitation to Bid will be issued in October of 2005.

- *Voting Equipment Reimbursement*
  Reimburse jurisdictions that purchased new optical scan voting systems after the 2000 Presidential Election. This project will be complete in late 2005 or early 2006.

Qualified Voter File (QVF) System Enhancements

In order to provide local election officials with tools to comply with the National Voter Registration Act (NVRA), the State of Michigan enhanced the QVF to automate the cancellation process. The QVF software now produces the notice to voters that fall into this category and each record is marked with the date the notice is sent. If no action is taken by the voter during the two federal election cycles, the QVF will automatically forward lists of registered voters subject to cancellation to each election official. If the voter votes during this period, the QVF will automatically remove the voter from the cancellation category.

The State of Michigan enhanced the QVF software to capture the last four digits of a registered voter's social security number when provided pursuant to HAVA. The State is finalizing its procedures to verify the voter's identity by matching the last four digits of social security number with Social Security Administration records.

The following are HAVA project in process:

- *Replacement of the QVF Server in Lansing*
  The Bureau of Elections purchased a new QVF server. DIT is currently testing its functionality. The new server is required for HAVA related initiatives to move digitized signatures from the driver file to the QVF and to

provide additional QVF access alternatives to smaller jurisdictions. The QVF server will be operational in early 2006.

- *Replacement of Local QVF Equipment*
  The Bureau of Elections drafted specifications and completed a cost analysis to replace the local equipment used by counties and larger cities and townships to access the QVF. New equipment is required to handle digitized signatures. The project plan estimates replacing this equipment during the first quarter of 2006.

- *Digitized Signature Project*
  As note above, the Bureau of Elections plans to move digitized driver license signatures to the QVF system, which will provide local election officials and Bureau of Elections staff electronic access to voter signatures. The technical specifications and work plan for this project are in progress. The actual project will begin when the new QVF server and local equipment are in place.

- *Providing Additional QVF Access Options to Smaller Jurisdictions*
  The Bureau of Elections created QVF software for any small jurisdiction with a PC with a Windows-based operating system (Windows 2000 or newer) and Internet Access to download and use. Pilot sites will test this process once the QVF server and local equipment are in place.

- *Development of a New Statewide Election Results Reporting System*
  It has long been a Bureau of Elections goal to streamline the process by which election results are reported on the nights of general elections. It has also been a long time goal to streamline and greatly reduce the time needed to collect precinct vote totals. The Bureau of Elections has begun a project to build a new computer application to accept results. Election results will be imported from software provided by the vendors of the new voting equipment. The new system is under development and an alpha version is expected to be in place and thoroughly tested prior to the August 2006 Primary Election.

- *Street Index Move from QVF Database to CGI Mapping System*
  Street and address information are constantly flowing to the State of Michigan in order to update and maintain the Qualified Voter File (QVF) street index. The QVF street index is the core of the statewide voter registration system and it maintains all official street names and their corresponding address ranges, zip codes, and election geography.

An evaluation process for maintaining and updating the QVF street index to assist with the creation of a more efficient system has been initiated to incorporate GIS technology. This would ease the maintenance of the street index and provide local election officials with mapping tools.

"Provisional" Balloting Process

Michigan election law was amended under PA 92 of 2004 to authorize "provisional" balloting for all elections.

A convenient, easy to use four-step procedure form was developed and distributed to implement the "provisional" balloting process in the polls. Additional procedures for evaluating the validity of "provisional" ballots not counted on election day were also developed and distributed.

Procedures for complying with the "free access system" requirements were developed and distributed. This system notifies voters who cast a provisional ballot off the disposition of their ballot.

Procedures for tracking and compiling data on the "provisional" balloting process were developed and distributed.

All procedures and materials were posted on the Bureau's web site for easy access by Michigan's election officials and voters.

Voter Education

- The Bureau produced and distributed a new election inspector training video; a new voter education video; and a new voting instruction video. The election inspector training video was used to instruct election inspectors throughout the state on the new requirements provided under the Help America Vote Act; the voter education video was used to inform Michigan voters on the procedures for registering and participating in elections; and the voting instruction video was used to acquaint Michigan voters with the use of optical scan voting equipment.

- The Bureau also updated and redistributed a training video designed to heighten the awareness and sensitivity of election workers to the special needs of elderly voters and voters with disabilities.

- Michigan election law was amended under PA 96 of 2004 to expand the information that must be posted in the polls on election day. The new posting requirements reflect the information which must be posted in all polling places under the Help America Vote Act. Informational posters that meet the new and expanded requirements are now distributed prior to every election scheduled in Michigan.

- The voter information which was posted in the polls was also made available in Braille and audio versions for others in need of the information in alternative formats.

- A new informational poster on the "rights and responsibilities" of Michigan voters was developed and distributed. A companion "palm card" was also produced for distribution to voters.

XIII. State Plan Development and Committee

A description of the committee which participated in the development of the State plan in accordance with section 255 and the procedures followed by the committee under such section 255 and section 256. -- HAVA §254 (a)(13)

A draft of the State Plan was created by the Department of State's Bureau of Elections with input from the Secretary of State's State Plan Advisory Committee and the public. The members of the committee conducted meetings on March 20, March 31, April 21, May 5, May 12, May 21, June 11 and June 20, 2003. The State Plan was distributed to the members of the Advisory Committee for review and discussion.

The preliminary version of the State Plan was released for public inspection and comment on June 17, 2003. The public comment period closed on July 31, 2003. All public comments submitted were taken into consideration when the final State Plan was prepared in accordance with Section 256 of the Help America Vote Act.

Committee Members

The Secretary of State named the following individuals to serve on the State Plan Advisory Committee:

Lynn Alexander, Senior Citizen Advisor of Oakland County

The Honorable Diane Byrum, State Representative

* **Mark Brewer,** Chair for Michigan Democratic Party

+ **G. William Caddell**, Oakland County Clerk

+ **Robert Campau**, Michigan Republican Party

* **Eric Morse,** Michigan Republican Party

Denise Cook, Michigan State AFL-CIO

The Honorable Maura D. Corrigan, Chief Justice, Michigan Supreme Court

The Honorable Mike Cox, Attorney General

Jackie Currie, Detroit City Clerk

A. Edwin Dore, Representing the Public's Interest

Kathryn Dornan, Farmington Hills City Clerk

+ **Judy Elliott**, Branch County Clerk

The Honorable Jennifer Granholm, Governor

The Honorable Beverly Hammerstrom, State Senator

Terri Hegarty, Grand Rapids City Clerk

+ **Melvin Butch Hollowell**, Michigan Democratic Party

* **Ruth Johnson,** Oakland County Clerk

Susan Kaltenbach, Saginaw County Clerk

Justin P. King, Michigan Association of School Boards

The Honorable Joseph Knollenberg, U.S. Representative

Terri Kowal, Shelby Charter Township Clerk

* **Terry Kubasiak**, Branch County Clerk

*** Gail Kundinger,** Muskegon City Clerk

Committee Members (continued)

Robert LaBrant, Michigan Chamber of Commerce

The Honorable Carl Levin, U.S. Senator

Simone Lightfoot, NAACP

Tom Masseau, Michigan Protection & Advocacy Service

Ruth Pruis, Jamestown Township Clerk

Robert Richards, City of Escanaba Clerk

The Honorable Mark Schauer, State Senator

Lucille Taylor, Representing the Public's Interest

Mercedes Toohey, Former Director of Hispanic Community Center of Grand Rapids

Janice Vedder, Delta Charter Township Clerk

The Honorable Chris Ward, State Representative

+ Member during the 2003 drafting of the State Plan.

* Member beginning in 2005.

Presentations and Statements

The following individuals offered formal presentations and/or statements at the meetings conducted by the Secretary of State's State Plan Advisory Committee:

Sandra Abrams, Commerce Charter Twp. Clerk (on behalf of MI Assoc. of Municipal Clerks)

William R. Barrett, Fidlar Election Company

Norma Bauer, Citizen

G. William Caddell, Oakland County Clerk

Charlene Corrigan, Ingham Cty. Election Coordinator (on behalf of Mike Bryanton, Ingham Cty. Clerk)

Jeff Delongchamp, Sequoia Voting Systems

Patricia Donath, President, League of Women Voters

Eric E. Doster, Foster, Swift, Collins & Smith, P.C.

Casey Dutmer, Legislative Chairman, MI Council of the Blind & Visually Impaired

Susan Fitzmaurice, ADA Coordinator, Cty. of Dearborn Commission on Disability Concerns

Richard C. Fox, Election Systems & Software

Michael F. Harris, Deputy Executive Director, Paralyzed Veterans of America

Terri Hegerty, Grand Rapids City Clerk

Michael J. Hodge, Miller, Canfield, Paddock & Stone

Rochel Jones, City of Detroit/Department of Elections

Robert Kakos, Wayne State University

Vincent Keenan, President, Publius.org

Terri Kowal, Shelby Charter Twp. Clerk (on behalf of MI Assoc. of Municipal Clerks)

Bud Kraft, Citizen

Gail Kundinger, Muskegon City Clerk (on behalf of MI Assoc. of Municipal Clerks)

Presentations and Statements (continued)

John Anthony LaPietra, Elections Coordinator, Green Party of Michigan

Sally Lollie, Intermediate School District Representative

Alice Mailhot, Citizen

Tom Masseau, Director of Public Policy, Michigan Protection & Advocacy Service, Inc.

M. Catherine McAdams, Chair, City of Dearborn Commission on Disability Concerns

Barry Miller, Miller Consultations

William B. Milzarski, Access Coordinator, Disability Advocates of Kent County

Sue Morrow, Plainfield Charter Township Clerk

Dave Murley, Michigan Department of State, Legal and Regulatory Services Admin.

John D. Pirich, Honigman, Miller, Schwartz & Cohn, LLP

Lucia Rios, Lakeshore Center for Independent Living

Roy Sovis, State Coordinator, Michigan Student/Parent Mock Election

Aimee Sterk, Lakeshore Center for Independent Living

Mari Stone, Vergennes Township Clerk (on behalf of Kent County Clerks Association)

Bill Trevarthen, Michigan Government Television

Larry Wanger, Disability Advocates of Kent County

Prof. Franklin H. Westervelt, Ph.D., P.E., Wayne State University

Mile Wilkinson, Sequoia Voting Systems

E'Lon-Eloni Wilks, Ph.D., Assistant to the Clerk, City of Detroit/Dept. of Elections

Gloria Williams, Director of Elections, City of Detroit/Dept. of Elections

R. Anthony Wong, Michigan Association of Centers for Independent Living

Ray Ziarno, M-FORE (Michigan Focus on Reforming Elections)

Diana Zucker, Clinton County Clerk

APPENDIX

Complaint Process

COMPLAINT PROCESS

I. *INTRODUCTION*

A. A person who believes that an election authority has violated or will violate a provision of Title III of the Help America Vote Act (42 U.S.C. 15512) that concerns an election for federal office may file a complaint with the Michigan Department of State's Bureau of Elections (Bureau) pursuant to these guidelines.

B. A person, before filing a complaint pursuant to these guidelines, should contact the election authority and attempt to resolve his or her concerns. However, failure to contact the election authority will not prevent a person from utilizing these complaint procedures.

II. *COMPLAINT PROCEDURE*

A. Timing

1. If the complaint meets Section III's requirements, the Department shall forward the complaint to the named election authority in five (5) days for a response.

2. An election authority shall have thirty (30) days to provide a written response to the complaint.

B. Complaint consolidation/withdrawal

1. The Bureau may consolidate complaints filed pursuant to these guidelines. Complaints will be consolidated if they contain substantially similar allegations against an election authority. The Bureau will generally consolidate additional complaints with an original complaint.

2. The Bureau may consolidate two or more complaints filed by the same person. A person who files more than one complaint shall be deemed to have consented to waive any timing requirements for previous complaints filed with the Bureau.

3. The Bureau may consolidate a complaint with a complaint that has been subject to a final determination by the Bureau.

4. A complainant may withdraw his or her complaint at any time during the complaint process. A complaint, once withdrawn, shall not be re-filed.

III. *COMPLAINTS*

A. Required Information

1. A complaint filed under these guidelines shall be in writing, notarized, signed and sworn by the person filing the complaint.

2. The complaint shall allege, with specificity, the following:

   a) The election authority that has violated Title III

   b) The Title III provision the election authority violated

   c) An explanation of how the election authority named in (III)(2)(a) violated the Title III provision listed in (III)(2)(b)

   d) A statement that the complainant either witnessed or possesses first-hand knowledge of the conduct alleged in (III)(2)(c)

B. Dismissal

1. Complaints that do not meet the requirements of III(A)(1) and III(A)(2) shall be dismissed without prejudice.

2. A person may re-file a complaint that has been dismissed without prejudice.

III. *COMPLAINTS* *(continued)*

C. Optional Information

The complaint may include the following information:

1. A request that the Bureau conduct a hearing on the record (See Section V below)

2. Notarized affidavits from a maximum of three (3) persons who witnessed the alleged violations.

IV. *RESPONSES*

A. Requirements

1. The response shall be in writing, notarized and signed by the chief election officer of the election authority.

2. The response shall confirm or deny the allegation (if known).

3. The election authority shall respond to the complaint within 25 days after receipt.

4. The election authority is not required to respond to a complaint.

B. Optional Information

1. The response may include notarized affidavits from a maximum of three (3) persons who have information that may assist the Bureau in determining whether the election authority violated Title III.

V. *HEARINGS*

A. Procedure

1. A complainant may request that the Bureau conduct a hearing on the record (hereafter "hearing") regarding an alleged violation of Title III.

2. A complainant who desires a hearing must make such a request in the complaint.

3. The Department will schedule a hearing only if it receives a valid complaint.

B. Notice & Appearance

1. The Bureau shall notify the election authority of the complainant's hearing request.

2. The election authority shall inform the Bureau within twenty-five (25) days whether it intends to appear at the hearing. If the election authority opts to forgo the hearing, the Bureau shall rely on the authority's written response to the complaint, if any.

3. A complainant who has requested a hearing, but fails to appear at the hearing, shall have his or her complaint dismissed with prejudice.

C. Witnesses

1. Complainant - The Complainant may call as witnesses only those persons who provided affidavits pursuant to Section III (C)(2).

2. Election Authority - The election authority may call as witnesses only those persons who provided affidavits pursuant to Section IV (B)(1).

3. Bureau of Elections

a. The Bureau shall review both witness lists to ascertain the nature of the testimony, and shall strike those witnesses it believes will offer irrelevant or redundant testimony. A witness excised from a witness list shall not testify at the hearing.

b. The Bureau shall not bar the testimony of the complainant or the election authority's chief election officer.

D. Procedures

1. A witness shall testify only to those Title III violations alleged in the complaint.

2. Absent extraordinary circumstances, the Bureau shall hold hearings in Lansing. The Bureau shall schedule the date and time of the hearing.

3. The Bureau shall make an audio recording of the hearing.

4. The complaint, the response, any valid accompanying affidavits, and the relevant hearing testimony shall constitute the record.

5. Hearings shall be informal, non-contested case hearings and shall not be governed by the Administrative Procedures Act (APA), 1969 P.A. 306, as amended.

6. The Bureau of Elections shall designate one or more persons to direct the hearing.

VI. *DETERMINATION*

A. The Bureau shall review the record regarding the alleged Title III violations.

1. Procedures

a. The Bureau shall weigh written testimony—whether offered via complaint, response, or affidavit—equally with any oral testimony offered at a hearing.

b. The Bureau shall not draw any inference from a complainant's decision to request or not request a hearing or an election authority's decision to attend or not attend a hearing.

B. If, under the guidelines, the Bureau does not find reason to believe that the election authority has violated Title III, it shall dismiss the complaint and publish the results on its Web site.

C. If, under the guidelines, the Bureau has found reason to believe that the election authority has violated Title III, it shall, pursuant to Section 21 of the Michigan

Election Law, 1954 P.A. 116, as amended, provides an appropriate remedy. The Bureau shall publish the results of its final determination on its Web site.

VII. *REMEDY*

A. The Bureau shall have wide discretion to provide an appropriate remedy

1. A remedy may include, but is not limited to, the following:

a. Sending a written finding of a Title III violation to the authority

b. Requiring a written response from the election authority, detailing how it will remedy a Title III violation

c. Additional election training for the election authority

B. A remedy shall not, under any circumstances, include a financial penalty

VIII. *TIMING*

A. The Bureau shall issue a final determination within ninety (90) days after it receives the complaint, unless the complainant consents to an extension or a complaint has been consolidated with another complaint.

1. If the Bureau fails to issue a final determination within ninety (90) days, it shall forward the record to the Department of State's Bureau of Legal Services for alternative dispute resolution.

IX. *ALTERNATIVE DISPUTE RESOLUTION*

A. The Legal and Regulatory Services Administration shall appoint a hearing officer to review the record. The hearing officer shall render a final determination within sixty (60) days after receiving the record.

B. After reviewing the record, the hearing officer shall issue a final determination declaring whether there is reason to believe that the election authority has violated Title III.

1. If the hearing officer finds reason to believe that an election authority has violated Title III, he or she shall order an appropriate remedy. The Bureau of Elections shall enforce the remedy.

    a. The Bureau of Elections shall report the hearing officer's decision and remedy (if any) on its Web site.