

# COMMONWEALTH OF MASSACHUSETTS



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## **STATE PLAN**

## TABLE OF CONTENTS

INTRODUCTION	3
The Help America Vote Act of 2002	3
An Overview of Elections in Massachusetts	5
Preparation of State Plan	5
ELEMENTS OF THE STATE PLAN	7
Element 1 How the State will use the requirements payment	7
Voting System Standards	7
Provisional Voting and Voting Information Requirement.	11
Computerized Statewide Voter Registration List and Requirements and Requirements for Voters Who Register by Mail	14
Use of Requirements Payment for Other Than Complying with Title III	20
Element 2 How the State will distribute and monitor the distribution of the requirements payment	22
Element 3 How the State will provide for programs for voter education, election official education and training, and poll worker training	24
Election Official Education and Training and Poll Worker Training	24
Voter Education and Outreach	25
Element 4 How the State will adopt voting system guidelines and processes, which are consistent with the requirements of section 301 of HAVA	28
Element 5 How the State will establish an Election Fund including information on fund management	29
Element 6 State s proposed budget for activities under Part II of HAVA	30
Element 7 State s maintenance of effort	37
Element 8 How the State will adopt performance goals and measures	38
Element 9 Description of the State-based administrative complaint procedures	39
Element 10 How payments received under Title I will affect activities carried out under the State Plan	41
Element 11 How the State will conduct ongoing maintenance of the plan	42
Element 12 How the plan reflects changes from the previous fiscal year	43
Element 13 Description of the State Plan Steering Committee	44
ATTACHMENTS	
Attachment A Biographies of State Steering Committee Members.	45
ENDNOTES	53

# INTRODUCTION

## The Help America Vote Act of 2002

The Help America Vote Act (HAVA) was signed by President Bush in October 2002 in an effort to improve voting across the country and in response to the problems that arose in the 2000 presidential elections. (42 U.S.C./15301 *et seq.*). This federal legislation makes changes in the election process and applies to all federal elections in the United States. The most significant areas impacted by the legislation include voting equipment standards, including accessibility, provisional voting, voter registration, and voting, including voter education.

HAVA provides certain federal funding to meet the new requirements over the next three years. The availability of the money is, however, dependent upon federal appropriations and certain additional federal funding is dependent upon the appropriation of matching state funds. There are two types of funding that Massachusetts is eligible to receive Title I and Title II funding.

The first type of funding, under Title I, has two components Section 101 and Section 102 funding. The first component under Section 101 provided \$325 million in funding for complying with the requirements of Title III.<sup>1</sup> The requirements under Title III include improving election administration, educating voters, training election officials and poll workers, developing the state plan for implementing HAVA, improving voting systems, and improving polling place accessibility. Massachusetts share of the Section 101 funding is \$6,590,381.

The funding available under Section 102 is to be used to replace lever machines and data-vote voting equipment as well as for acquiring accessible voting equipment.<sup>2</sup> The amount that Massachusetts is eligible to receive is based on the number of precincts that used lever and data-vote machines at the 2000 elections. Although HAVA authorizes an appropriation of \$4,000 per precinct to replace lever and data-vote equipment, given the amount actually appropriated, this amount was reduced to \$3,192.22 per precinct. Massachusetts share of the Section 102 funding is \$1,519,497.

The second type of funding--Title II funding--is to be used for continued implementation of the requirements of the act including poll worker training, providing voter education and improving the administration of federal elections.<sup>3</sup> This type of funding requires each state to provide matching funds, in the amount of 5 %, to those funds supplied by the federal government. Massachusetts could receive up to \$69 million of the \$3 billion available under Title II.

In order to receive funds under this provision, Massachusetts is required to submit a plan setting forth how it intends to comply with the act and will need to contribute \$3.45 million in matching state funds.<sup>4</sup> The following is the Massachusetts state plan (hereinafter referred to as the Plan ) submitted

pursuant to this requirement (Title II). The Plan was developed in an open manner and subject to public notice and comment by the State Steering Committee, which is comprised of state and local election officials as well as other special interest groups.<sup>5</sup>

The state must submit this Plan to the Election Assistance Commission (EAC)<sup>6</sup> and must submit similar plans in the future for each fiscal year to be eligible for a payment for that year. If the state intends to use the money for anything other than the federal requirements, the use must not be inconsistent with federal requirements. The submitted plan for each fiscal year must include the following provisions:

- How the requirements payment will be used;
- How the state will distribute and monitor the distribution of the payment to municipalities or other entities within the state (including the criteria for their eligibility for the funding);
- How the state will provide voter education and poll worker training;
- How the state will adopt voting system guidelines which are consistent with federal requirements;
- How the state will establish the funds to accept the federal dollars;
- What the state's budget is for activities;
- How the state will maintain their expenditure level so that it is not less than the expenditure level of the fiscal year ending prior to November 2000;
- How the state will measure performance to determine success for the state and for the local government in carrying out the plan such as timetables and outlining responsibilities;
- A description of the uniform, non-discriminatory state-based administrative procedure;
- If the state received the early out money to replace voting equipment, information on how it was used and the impact on the plan;
- How the state will conduct ongoing management of the plan;
- If applicable, any changes from the previous fiscal year's plan and a report on the success of the previous year's plan;
- A description of the committee who helped develop the state plan.

This plan must be completed by September 15, 2003, for public inspection and comment and thereafter published in the Federal Register no later than October 15, 2003.

The remainder of the funding outlined in HAVA will be directed towards other programs such as accessibility improvements including increased polling place access for voters with disabilities, research to improve voting technologies and pilot programs to test new voting systems and voting technology.<sup>7</sup>

## **AN OVERVIEW OF ELECTIONS IN MASSACHUSETTS**

In Massachusetts, the Secretary of the Commonwealth is the Chief Election Officer. As such, the Secretary's duties include the administration of federal and state elections, receiving nomination papers, printing ballots and tabulating election returns for federal and state elections as well as certification of voting equipment.

Federal and state elections are conducted at the municipal level. There are 351 municipalities within Massachusetts that each conducts elections. For towns, the local official responsible for conducting elections is the town clerk, and for cities, the city clerk or an election commissioner, as the responsible official, generally conducts elections.<sup>8</sup>

Each municipality is responsible for designating polling places, appointing and training poll workers, conducting voter registration sessions, and maintaining voter lists as well as management of elections themselves.<sup>9</sup>

Elections in Massachusetts are conducted in accordance with applicable federal law, the Massachusetts Constitution, the Massachusetts General Laws and the Code of Massachusetts Regulations. There is also a significant volume of case law relative to the election process in Massachusetts.

As of the November 2002 State Election, there were 3,972,622 registered voters. There were 2,220,301 ballots cast at the 2002 State Election.<sup>10</sup>

The Help America Vote Act provides Massachusetts with an opportunity to make significant improvements in the electoral process. The State Steering Committee will be responsible for developing the state plan that will be the foundation for Massachusetts' application for federal funding.

### **PREPARATION OF STATE PLAN**

The Secretary appointed a State Steering Committee to develop this Plan. The State Steering Committee was comprised of local election officials, representatives from the disability community, elected officials, and public interest groups. A listing of the Steering Committee members can be found at Attachment A. The Steering Committee held five (5) meetings.

The Steering Committee determined certain priorities to be addressed in the plan:

1. Purchase and implementation of new voting equipment in those municipalities that are currently using lever machines or datavote and reimbursements to those municipalities that have replaced lever machines and datavote systems since November of 2000.

2. Provide increased access to the elections process for people with disabilities through the use of specially designed Direct Recording Electronic (DRE) voting systems, improvements to facilities, training of elections staff, and enhanced public outreach.<sup>11</sup>
3. Modify the Central Voter Registry, the statewide database of registered voters, to comply with new requirements of HAVA.
4. Implement a comprehensive voter education program that informs voters about how to correct their ballots and how to request replacement ballots.
5. Implement a toll-free line that allows voters to check the status of their provisional ballots and determine whether or not their ballot was counted.
6. Train elections officials in Title III requirements of the Act.

The Steering Committee formed three sub-committees: Voter Identification and Provisional Voting, Voting Equipment and Accessibility, and Training and Education. Each of the sub-committees held public hearings at various locations around the state seeking public comment.

While HAVA provides increased responsibility for elections administration at the state level to achieve greater uniformity and consistency, municipal election officials are charged with the conduct of elections and are crucial to all aspects of the elections process. As Massachusetts continues to conform to HAVA requirements and standards, the Secretary will continue to work with the members of the Steering Committee, especially those local election officials, in the development of new procedures and technology to ensure compliance with HAVA.

This Plan represents the Commonwealth's initial response to the requirements of HAVA. This Plan will be revised as progress is made in compliance.

## ELEMENTS OF THE STATE PLAN

For each element required of the state plan, there is a summary of the HAVA requirements and then the Massachusetts response to those requirements.

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### **ELEMENT 1:**

**How the Commonwealth will use the requirements payment to meet the requirements of Title III and if applicable, under Section 251(a)(2) to carry out other activities to improve the administration of elections (Sec. 254, (a)(1)).<sup>12</sup>**

Within Title III, there are three sections: Section 301 Voting system standards; Section 302 Provisional balloting; and Section 303 Statewide list of registered voters and requirements when registering by mail. Within each of those sections are various subsections. The information being provided for Element One will follow the structure of Title III.

### **Voting System Standards Section 301**

HAVA requires that each voting system used in a federal election on or after January 1, 2006, meet each of the following requirements:

#### **(1) Balloting errors:**

##### **(a) Voter verification of ballot selections (and correction)**

The voting system must:

- (i) permit the voter to verify privately and independently the votes selected before casting a ballot;
- (ii) permit the voter privately and independently to change or correct a ballot before it is cast (including receiving a replacement ballot).

(Note that the requirement that a voting system permit the voter to verify the votes selected before casting a ballot may not be defined in a manner that makes it impossible for a paper ballot voting system to meet the new requirements of HAVA.)

##### **(b) Voter notice on overvoting (and correction)**

The voting system must:

- (i) notify the voter of an overvote (casting votes for more candidates than allowed);
- (ii) notify the voter of the effect of overvoting (i.e. the vote for that office will not be counted);
- (iii) provide the voter with the opportunity to correct the ballot, if he or she has overvoted.

(c) Paper-based voting systems compliance

Paper-based voting systems (including absentee balloting systems) may meet the above requirements with:

- (i) voting-system specific voter education programs notifying the voter of the effect of overvoting;
- (ii) instructions on how to correct a ballot before it is cast (including instructions on obtaining a replacement ballot);
- (iii) system designs that preserve voter confidentiality.

**(2) Voting system audit requirements:**

The voting system must:

- (a) produce a record with an audit capacity (The paper record produced shall be available as an official record for purposes of a recount.);
- (b) produce a permanent paper record with a manual audit capacity;
- (c) allow the voter to correct any error before the permanent paper record is produced.

**(3) Accessibility for individuals with disabilities:**

The voting system must:

- (a) be accessible to voters with disabilities, including voters with visual impairment, in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters.

(The above requirement is met by providing at least one DRE voting unit, or other voting system equipped for individuals with disabilities at each polling place.)

(All voting systems purchased with Title II funding after January 1, 2007, shall comply with these requirements.)

**(4) Alternative language accessibility:**

The voting system must:

(a) meet all requirements of alternative language access of Section 203 of the Voting Rights Act of 1965 (42 USC 1973aa-1a).

**(5) Error Rates:**

The voting system must:

(a) meet FEC guidelines (Section 3.2.1) for voting system error rates (errors attributable only to system errors, and not an act of the voter) in effect at the time of HAVA's enactment (October 29, 2002).

**(6) Definition of Vote:**

Each state shall adopt uniform and nondiscriminatory standards that define what constitutes a vote and what will be counted as a vote for each category of voting system used in the State.

**PROPOSED ACTION FOR HAVA COMPLIANCE WITH VOTING SYSTEMS STANDARDS:**

To comply with HAVA, the Secretary intends, through the regulatory, legislative, voting system certification and decertification processes, or otherwise, to replace voting systems that do not comply with the new standards. As of November 2000, 434 precincts used lever voting machines and 42 precincts used data-vote voting systems. No precincts used punchcard voting systems.<sup>13</sup> As of November 2002, 392 precincts used lever machines and 11 precincts used data-vote voting systems. Pursuant to HAVA, the Secretary will seek replacement of these systems.

As of November 2002, 1665 precincts used optical scanning systems 1042 precincts used Accu-Vote, 176 precincts used Optech, and 447 precincts used Optech Eagle. Additionally, in November 2002, 90 precincts used paper ballots. HAVA does not mandate the discontinuation of such systems, but

instead, certain additional steps will be required, including voter education. However, those municipalities that continue to use either paper ballots or optical scanning voting systems will still be required to provide at least one accessible unit per polling location by 2006.<sup>14</sup>

In an effort to retain the integrity of the voting process, increase the opportunity for all eligible citizens to participate in that process, and to comply with HAVA, the Commonwealth, under the direction of the Secretary of the Commonwealth, as Chief Elections Officer, will, in part:

- (a) support, promote and encourage the use of direct recording electronic (DRE/touchscreen) voting systems, at polling places in Massachusetts;
- (b) expeditiously certify new DRE voting systems that are compliant with state and federal laws;
- (c) through existing state law, which authorizes the Secretary to certify and decertify voting systems, develop voting system standards and system audit requirements as required in HAVA and institute an ongoing process to manage changes to these standards and ensure uniform application of the standards for each voting system including those requirements for second chance voting ;<sup>15</sup>
- (d) develop voting system standards requiring, as part of certification process, that the system demonstrate the ability to support a representative set of possible future ballot procedure changes, including instant runoff voting, as feasible, with an upgrade cost that is substantially less than the cost of complete system replacement;
- (e) develop and distribute voter education materials as appropriate to meet the requirements of Section 301(a)(1)(B) of HAVA;
- (f) with the assistance of the disability community, ensure compliance with the accessibility requirements for individuals with disabilities, including ensuring that at least one DRE/touchscreen voting system is used in each Massachusetts polling place pursuant to Section 301(a)(3)(B) and, with respect to in-person voting, that the voting system itself be located in a polling place that is accessible to voters with disabilities. Compliance efforts shall include monitoring polling places to determine accessibility and education of elections officials, poll workers, and voters with respect to the rights of all voters, including voters with disabilities;
- (g) continue to ensure that all voting systems provide alternative language accessibility pursuant to the requirements of the Voting Rights Act of 1965;<sup>16</sup>
- (h) regularly evaluate voting systems to assess error rates, reliability and accuracy factors, accessibility to voters with disabilities, language assistance needs and literacy needs, and ability to accommodate alternative voting systems; work with local elections officials to share information and make improvements;

- (i) develop, by regulation and/or by statute, a uniform and nondiscriminatory definition of what constitutes a vote and what will be counted for each voting system.

The Secretary intends to leave decisions regarding specific replacement of voting equipment to each municipality, so long as such decisions are consistent with the requirements of HAVA and applicable state laws and regulations. The Secretary will work with municipalities to provide reimbursement for procuring upgraded voting equipment as well as the purchase or lease of accessible equipment prior to the 2006 HAVA deadline.

### **Provisional Voting and Voting Information Requirements**

Section 302(a) of HAVA requires that provisional voting be permitted in federal elections on or after January 1, 2004. Under HAVA, if a voter's name does not appear on the official list, or the elections official asserts the voter is ineligible, the voter is entitled to cast a provisional ballot as follows:

- (a) Elections officials at polling place notify voters of the provisional ballot option;

- (b) Voter executes written affirmation stating:

- He or she is a registered voter in the jurisdiction; and
  - He or she is eligible to vote;

- (c) The voted ballot or written affirmation information is promptly transmitted to appropriate state or local elections official for verification;

- (d) If the information is verified, the ballot shall be counted;

- (e) At the time the voter casts the ballot, the voter shall be provided with information about the existence of a free access system (e.g. secure, confidential telephonic or Internet-based system) that restricts access to information on individual ballots, so that only the voter who casts the ballot may determine her or his individual ballot status;

- (f) State or local officials shall establish the free access system.

HAVA also requires (Section 302(c)) that voters who cast ballots after the normal poll closing as a result of a Federal or state order, vote by provisional ballot that is segregated from regular provisional ballots.

Further, Section 302(b) requires that, with respect to federal elections held on or after January 1, 2004, elections officials post specified voting information at each polling place on Election Day, including:

- (a) a sample ballot for that election;
- (b) the election date and polling place hours;
- (c) voting instructions, including provisional voting instructions;
- (d) mail-in registrant and first-time voter instructions;
- (e) general voting rights information, including the right to cast a provisional ballot and instructions on how to contact appropriate officials regarding allegations of violations;
- (f) general information on legal prohibitions on fraud and misrepresentation.

### **PROPOSED ACTION FOR HAVA COMPLIANCE WITH PROVISIONAL BALLOT AND VOTING INFORMATION REQUIREMENTS**

#### ***Provisional Voting***

Massachusetts currently offers a type of provisional balloting known as escrow ballots.<sup>17</sup> Escrow ballots are offered to persons whose names do not appear on the list of registered voters, or in a primary, to those persons who claim a listing error (wrong party). Escrow ballots are reviewed only if they could possibly make a difference in the outcome of an election. If there is sufficient number of escrow ballots to make a difference in the outcome of an election, a hearing is held to determine whether the ballot should or should not be counted.

The escrow balloting procedure does not meet the requirements of provisional voting under Section 302 of HAVA. The Secretary, in consultation with local election officials and other interested persons, intends to:

- (a) develop uniform information and procedures on provisional voting, and voting generally, as required by HAVA, and take steps to ensure that elections officials, poll workers and voters thoroughly understand provisional ballot rights and procedures;
- (b) to the extent permitted by law, develop procedures allowing voters to cast a provisional ballot at the polling place upon signing a statement affirming the required information, without providing additional identifying documents;
- (c) to the extent permitted by law, develop procedures whereby the information obtained to acquire a provisional ballot is sufficient to register the applicant to vote, if otherwise eligible, in future elections should it be determined that the person is not eligible to vote in the precinct for which the provisional ballot is sought or cast;

- (d) develop procedures whereby a provisional ballot is counted provided that there is compliance with the verification procedures set forth in Massachusetts General Laws and regulations;
- (e) consider sponsoring legislation amending the Massachusetts General Laws whereby a person's provisional ballot is counted with respect to those candidates and measures for which the person is entitled to vote even if the provisional ballot is cast in the incorrect precinct;
- (f) create, or oversee the creation of, in conjunction with local elections officials, a secure and confidential free access system for a provisional voter to determine if his or her vote was counted, and, if it was not counted, the reason it was not counted **or** develop procedures whereby every person who casts a provisional ballot is notified as to the status of that ballot in terms of whether it was counted or not counted, and if not counted, why it was not counted;
- (g) develop procedures for complying with the requirements that ballots cast after the close of the polls pursuant to a court order be provisional and be segregated;
- (h) ensure compliance with Section 203 of the Voting Rights Act (42 U.S.C./1973aa-1a).

### ***Voting Information***

The Secretary currently provides local election officials with posters containing instructions on voting and penalties for voting offenses, which are required to be posted in each polling location. Also, specimen ballots are produced and required to be posted at each polling location.<sup>18</sup>

Additionally, the Secretary publishes and sends certain voting information to each household containing a registered voter.<sup>19</sup> This information is published in the Information for Voters booklet and is distributed before every state election. The booklet is also available on our website.<sup>20</sup> The booklet is published in English and Spanish and a large print and audio version are available.

To comply with HAVA, the Secretary will work with local election officials to make any necessary revisions to voting materials to ensure voters have proper instructions on:

- the date of the election
- the deadline for registering to vote
- due date/time of absentee ballots
- the hours and locations of polling places
- the location and address of local elections offices
- instructions on how to vote a ballot including how to use the voting equipment
- instructions on how to request a replacement ballot or provisional ballot and how to check the status of a provisional ballot
- instructions for first-time voters and identification requirements

- information on voting rights and what to do if these rights are alleged to have been violated
- general information on federal and state election laws regarding fraud and misrepresentation.

The Secretary intends to work with the disability community to develop alternative methods and standards for conveying this information at the polls to disabled individuals.

**Computerized Statewide Voter Registration List Requirements  
and Requirements for Voters Who Register by Mail**

Section 303 of HAVA requires that the Secretary of State, as Chief Elections Officer, implement, in a uniform and nondiscriminatory manner, by January 1, 2004, a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level that contains the name and registration information of every legally registered voter in the State and assigns a unique identifier to each such voter.

- (1) The computerized list shall:
  - (a) be the official voter registration list for federal elections;
  - (b) serve as the single system for storing and managing the official list;
  - (c) contain the name and registration information of every registered voter;
  - (d) contain a unique identifier (DL#, partial SS#, or assigned number) for each voter;
  - (e) be coordinated with other state databases (Corrections, Health Services, DMV, other state social service agencies and Social Security);
  - (f) provide immediate, electronic access to any election officials in the state;
  - (g) allow for electronically entering data by any local election officials on an expedited basis;
  - (h) be supported by the State.
  
- (2) Maintenance of the official list shall be performed on a regular basis as follows:
  - (a) voters names shall be removed in accordance with NVRA (42 U.S.C./1973gg, Section 8, (a)(4), (c)(2), (d) and (e));
  - (b) ineligible voters shall be removed in accordance with NVRA for felony status (42 U.S.C./1973gg, 6(a)(3)(B)); for death (6(a)(4)(A)); or in accordance with state law;
  - (c) each registered voter s name shall appear on the list;
  - (d) only ineligible voters or voters not registered shall be removed from the list;

- (e) duplicate names shall be removed from the list;
- (f) other reasonable efforts to remove ineligible voters, consistent with the NVRA (42 U.S.C./1973gg, et. seq.) that ensure eligible voters are not removed in error, including removing registrants who have not responded to a notice and who have not voted in two consecutive general elections for federal office shall be removed from the official list of eligible voters, except that no registrant shall be removed solely by reason of failure to vote.

Section 303(a)(5)(A)(i), requires applicants to provide certain information which must be verified for their voter registration to be processed. Specifically, an application for voter registration for a federal election may not be accepted or processed unless it includes:

- (i) the driver s license number of an applicant who has been issued a current, valid driver s license; or, if a valid driver s license has not been issued;
- (ii) the last four digits of an applicant s social security number.

However, if an applicant has not been issued a current, valid driver s license or a social security number, then:

- (i) The State shall issue a unique identifying number.

To the extent the State has a computerized list, this unique identifying number shall be the number assigned to the applicant for purposes of the computerized list.

The State shall determine whether the information provided by the applicant (driver s license number or partial social security number (the last four digits)) is sufficient to meet the requirements of HAVA.<sup>21</sup>

The Secretary shall enter into a cooperative agreement with the Department of Motor Vehicles, and the Department of Motor Vehicles shall enter into an agreement with the Commissioner of Social Security, to verify the accuracy of the information provided by the voter registration applicant, specifically:

- (a) the applicant s name (first name and forename or surname);
- (b) the applicant s date of birth;
- (c) the applicant s social security number;
- (d) whether such records show the applicant is deceased.

(Nothing shall be construed to require provision of applicable information under exceptional circumstances (e.g. personal safety or interference with an investigation).)

Beginning January 1, 2004, each State must, in a uniform and nondiscriminatory manner, require proof of residence from a registered voter for purposes of casting a ballot in a federal election, if the voter: (a) registered to vote in a jurisdiction by mail on or after January 1, 2003, **and** (b) has not previously voted in an election for federal office in the State, or voted in a jurisdiction and the jurisdiction is located in a State that does not have a HAVA-compliant statewide voter registration computerized list.

If the voter meets these conditions, and he or she **votes in person** (at a polling location), the voter shall, in order to vote, present to the appropriate elections official:

- i. a current and valid photo identification, **or**
- ii. a copy of one of the following that shows the name and address of the voter:
  - (i) a current utility bill;
  - (ii) a bank statement;
  - (iii) a government check;
  - (iv) a government paycheck;
  - (v) a government document.

If the voter meets these conditions, and he or she **votes by mail** (absentee ballot), the voter shall, in order to vote, submit with his or her ballot to the appropriate elections official a copy of one of the following that shows the name and address of the voter:

- (a) a current and valid photo identification, **or**
- (b) a copy of one of the following that shows the name and address of the voter:
  - (i) a current utility bill;
  - (ii) a bank statement;
  - (iii) a government check;
  - (iv) a government paycheck;
  - (v) a government document.

Any voter subject to these requirements who votes in person and who does not provide proof of residence as required shall be provided a provisional ballot.

Any voter subject to these requirements who votes by mail (absentee ballot) and who does not provide proof of residence as required shall have their ballot treated as a provisional ballot.

There are certain exceptions to this provision. Specifically, the identification requirements for first-time voters do not apply when:

- (1) The voter registers under Section 6 of the NVRA (42 U.S.C. /1973gg 4) and submits as part of the voter registration a copy of:
  - (a) a current and valid photo identification, **or**;

(b) a copy of one of the following showing the name and address of the voter:

- (i) a current utility bill;
- (ii) a bank statement;
- (iii) a government check;
- (iv) a government paycheck;
- (v) a government document.

(2) The voter registers under Section 6 of the NVRA (42 U.S.C./1973gg 4) and submits as part of the registration (subject to state verification of the information, including the applicant's name and birth date):

- (a) a driver's license number, **or**
- (b) at least the last four digits of their social security number.

(3) The voter is entitled to vote by absentee ballot under the Uniform and Overseas Citizens Absentee Voting Act (42 U.S.C./1973ff 1 et seq.).

(4) The voter is entitled to vote other than in person by Section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C./1973ee 1).

(5) The voter is entitled under federal law to vote other than in person.

HAVA also requires changes to mail-in voter registration forms. Mail-in voter registration forms developed under Section 6 of the NVRA (42 U.S.C./1973gg 4) must include the questions:

- (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?

The forms must also contain the statement: If you checked no in response to either of these questions, do not complete this form.

New voter registration forms must request the applicant's driver's license number or last four digits of their social security number and must contain a statement informing the applicant that if the form is submitted by mail and the voter is registering for the first time, that additional information (a copy of documents for proof of residence; or a driver's license number or partial social security number) must be provided to avoid additional proof of residence requirements at the time of voting.

If an applicant fails to answer the question: Are you a citizen of the United States of America? the registrar shall notify the applicant of the failure to complete the form and provide an opportunity to the applicant to complete the form in a timely manner.

**PROPOSED ACTION FOR HAVA COMPLIANCE WITH STATEWIDE  
DATABASE REQUIREMENT  
AND REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL:**

***Central Voter Registry of Massachusetts***

As part of the implementation of the National Voter Registration Act of 1993 (Motor Voter), Massachusetts developed the Voter Registration Information System (VRIS).<sup>22</sup> The VRIS is a statewide database that contains the name and address of every registered voter in Massachusetts. The system connects 350<sup>23</sup> municipalities and the Registry of Motor Vehicles. The VRIS is a closed system that does not provide for Internet or outside access. Each municipality is responsible for updating and maintaining information relative to registered voters in their municipality.<sup>24</sup>

The processing of voter registrations using the VRIS system allows for the detection of duplicates and allows for municipalities to communicate information electronically such as deletion of a voter in one municipality when they register in another.

The Secretary maintains a Help Desk to provide support for the system. The Help Desk runs periodic reviews of the system for possible duplicates not detected at the time of registration. The Help Desk also works with the Department of Public Health to obtain reported death information that is communicated to the local election officials.

The Voter Registration Information System:

- ✓ Is a secure statewide voter registration database that is a single, uniform, centralized, interactive system that is defined, maintained, and administered at the state level;
- ✓ Provides local elections officials with immediate access to the voter registration information;
- ✓ Serves as the official voter registration list for federal elections;
- ✓ Assigns every voter a unique identifier (voter identification number);
- ✓ Coordinates with the Department of Public Health to obtain death information;
- ✓ Provides for the removal of individuals who are clearly ineligible to vote, in accordance with all state and federal laws, while ensuring that eligible voters are not erroneously removed from the registration list;
- ✓ Provides a mechanism to notify an individual with respect to changes in status or failure in registration, or proposed purging of the individual from the database as an eligible voter and affording the individual a reasonable opportunity to present clarifying or correcting information.

The Secretary currently provides ongoing technical assistance to local elections officials regarding the VRIS and ensures that the database and the information contained therein are not subject to improper use.

To comply with HAVA, certain changes to the VRIS will be necessary. Those changes include modifications to allow the system to interface with other state agencies to coordinate records and to communicate with the Registry of Motor Vehicles to verify driver s license and social security number information.

The Secretary has already begun discussions with the Registry of Motor Vehicles to determine what modifications are necessary to both computer networks so that information can be verified in a timely manner. The discussions have included what information will be verified.

In complying with the requirements of HAVA, the Secretary will, in part:

- (a) Consider whether an applicant s state identification card number issued by the Massachusetts Registry of Motor Vehicles is sufficient to meet the requirements of a driver s license number,<sup>25</sup>
- (b) To the extent permitted by law, establish a procedure for and rules requiring local elections officials to provide any person whose voter registration application is not accepted with written notice and an opportunity to correct errors or provide missing information;
- (c) Clarify, in legislation or otherwise, to local elections officials, poll workers, and voters, which documents are valid for identification purposes under this section.<sup>26</sup>

### ***Requirements for Voters Who Register by Mail***

The Secretary will comply with HAVA s requirements with respect to special requirements for certain voters who register by mail. In implementing these provisions, the Secretary will, in part:

- (a) Ensure that elections officials, poll workers and voters understand clearly which voters are subject to the identification requirements; understand the procedures for soliciting, reviewing and processing identification; and advise individuals of their right to cast a provisional ballot when appropriate;
- (b) Determine whether to apply the identification requirements only to those who meet the specific criteria set forth in Section 303(b)(1), namely those who register by mail on or after January 1, 2003, **and** who have not previously voted in an election for federal office in the jurisdiction or to seek legislation to require all voters to present identification;

- (c) Clarify for voters, local election officials, and poll workers, in a uniform and nondiscriminatory way, which forms of identification are acceptable to be used as valid identification as permitted under Section 303(b)(2)(A), construing such provisions of law broadly in permitting the use of the identification to satisfy the requirements of HAVA;
- (d) Monitor the application of the identification provisions, including providing instruction on how to report alleged illegal application of identification requirements;
- (e) Ensure compliance with Section 203 of the Voting Rights Act (42 U.S.C./1973aa-1a).

The Secretary will work with local election officials to determine the most practical application of the HAVA requirements.

#### ***Mail-In Registration Form Requirements***

The Secretary is working with local election officials to re-design the voter registration forms used in Massachusetts. Any new form will include the questions: Are you a citizen of the United States of America? and Will you be 18 years of age or older on or before election day? . The new forms will also instruct the voter not to complete the form if they answered no in response to either of the questions. The new forms will be designed to instruct the voter to provide their driver s license number or, if they do not have a driver s license, to provide the last four digits of their social security number, and inform the voter that if they have neither, that they will be assigned a unique identifier.

The forms will also include information relative to identification requirements. For voters who do not submit identification with their registration, local election officials will take the following steps:

- Register the voter, inform the voter that their voter registration has been processed and request identification from the voter using a form letter which indicates that if they do not provide the identification before the next federal election, they will be required to present it at the polls on election day.
- If identification is not received prior to the next federal election, request identification at the polls on election day when the voter appears to vote.

#### **Use of Requirements Payment for Other Than Complying with Title III**

Section 251(b) permits the use of requirements payments only for complying with Title III, EXCEPT that a State may use a requirements payment

to carry out other activities to improve the administration of elections, if the state certifies that it has implemented the requirements of Title III or the amount expended with respect to such other activities does not exceed an amount equal to the minimum payment amount applicable to the State under Section 252(c) (1/2 of 1 percent of the total amount appropriated for requirements payments for the year).

**PROPOSED ACTION FOR HAVA COMPLIANCE WITH USE OF REQUIREMENTS PAYMENT FOR OTHER THAN COMPLYING WITH TITLE III**

The Secretary intends to, in consultation with local election officials and other interested persons, determine how any funds available pursuant to Section 251(b) should be spent in order to improve the administration of elections for federal office in the Commonwealth of Massachusetts.

**ELEMENT 2:**

**How the State will distribute and monitor the distribution of the requirements payments 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 payments; 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) (Sec. 254, (a)(2)).**

HAVA requires that payments available be used for the purposed described in Element One, or as otherwise authorized by HAVA. The Secretary of the Commonwealth, as Chief Elections Officer, is required to establish a procedure for distributing and monitoring payments to local governments and other entities. This procedure must be developed in consultation with local elections officials and other interested parties, and after considering any voluntary guidelines adopted by the Commission pursuant to Subtitle B of Title III.

To assist in this regard, the Secretary will work with the Steering Committee who will advise and make recommendations regarding the distribution of funds. After considering the advice and recommendations of the Steering Committee, the Secretary intends to:

- (a) establish the procedure, including an application forms and process, for receiving funds;
- (b) establish criteria for the distribution of funds, including identification of the types of individuals and entities eligible to receive funds;
- (c) establish specific performance goals and measures to monitor the use of those funds, requiring periodic reports and accounting to the Secretary to ensure the funds are being spent in accordance with Title III and the application for funds, and to ensure that programs are meeting the performance goals and measures adopted by the Secretary;
- (d) by general press release, by posting on the Internet, by communication to interested parties, and other appropriate methods, make the application for funds, the performance goals and measures, and other information regarding the procedure for the distribution of funds, publicly available.

As HAVA requirements result in significant changes on a municipal level, the Secretary will ensure that municipalities have an opportunity to seek funding to improve the election process. For funding to replace or obtain additional voting equipment, the Secretary intends to provide a reimbursement program. The municipality will be required to provide detailed information to the Secretary regarding the equipment as well as planned education for the new equipment.

The Secretary will also consider providing grant programs to other organizations for purposes of voter registration and voter education.

### **ELEMENT 3:**

**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.**

All participants in the elections process, including poll workers and voters, can benefit from instruction in elections law and procedure. The Secretary intends to provide programs for voter education, election official education and training and poll worker training. The Secretary intends to develop such programs in consultation with local election officials and other interested persons.

#### ***Election Official Education and Training and Poll Worker Training***

As the chief elections officer of the state, it is the Secretary's responsibility to obtain and maintain uniformity in the application, operation, and interpretation of State election laws. However, as previously indicated, elections in Massachusetts are administered by local election officials, who are responsible for appointing and training poll workers.

The Secretary currently works with the local election officials organization to coordinate training. Both the City and Town Clerks Associations hold meetings three times a year. During those meetings, the Secretary often teaches classes on various topics relating to elections. Additionally, the Secretary is available to assist with poll worker training upon request.

The Massachusetts Town Clerks Association has also developed an educational and certification program to establish minimum standards of knowledge of the Massachusetts General Laws and regulations relating to elections, and to enhance the professionalism of the position. To be awarded the designation of Certified Massachusetts Municipal Clerk, participants are required to pass a written examination based on the contents of the education programs. The Town Clerks Association also offers scholarships and encourages clerks to further their education by participating in the educational program sponsored by the New England Municipal Clerks Institute (NEMCI) that is held at Salve Regina University.

To ensure compliance with Title III of HAVA and improve the overall administration of elections the Secretary will work with local election officials to:

- (1) Sponsor annual election administration workshops, and require local election officials to participate, using federal funds, if available;
- (2) Continue to attend and participate in City and Town Clerk Association meetings to communicate concerns, practices, and information;
- (3) Produce separate training presentations for election officials, staff, and board workers on specific election practices and procedures;
- (4) Consider developing statewide training videos or PowerPoint presentations for poll workers, including special instructions for various positions such as warden and clerk;

- (5) Conduct and videotape a statewide training session on the needs of voters with disabilities for all local elections officials;
- (6) Consider establishing, in conjunction with local elections officials, an on-line, interactive training seminar to train, educate and certify elections officials and poll workers while ensuring that such seminar is accessible to the widest possible audience, including bilingual poll workers and poll workers with disabilities;
- (7) Ensure that any training provided to poll workers cover at least the following topics:
  - (a) the proper operation and maintenance of voting systems and technology;
  - (b) the rights of voters to cast provisional ballots and the proper processing and counting of those ballots;
  - (c) the non-discriminatory application of HAVA s identification requirements for certain voters who register by mail;
  - (d) the rights of minority language voters in jurisdictions covered under Section 203 of the Voting Rights Act of 1965 to receive language assistance at the polling place.

### ***Voter Education and Outreach***

The Secretary intends to embark on new voter education and outreach initiatives. Such programs will be designed after consultation with local election officials and other interested parties.

In the past, the Secretary has sponsored a grant program for voter registration organizations to conduct voter registration and promote voter education. The program was recently discontinued due to lack of funding. Using the monies from HAVA, the Secretary intends to reinstate the program.

Also, to meet the requirements of HAVA and to enhance the administration of elections, the Secretary intends to:

- (1) establish an outreach and education program in the Office of the Secretary of State to educate local elections officials and voters, and to do the following:
  - (a) to assist in meeting the goals and requirements of Title III;
  - (b) to serve as a clearinghouse for the coordination of voter education;
  - (c) to produce and place public service announcements relative to poll worker recruitment and voter education;
  - (d) to design and post additional information on the website regarding the voting process;
  - (e) to target younger voters and those not yet old enough to vote regarding the importance of and the mechanics of participating in the voting process;

- (f) to educate all eligible citizens as to the procedures relative to voting;
- (g) to work with federal, state and local governmental agencies, including the Registry of Motor Vehicles, to streamline the procedures to facilitate voter registration and voter participation;
- (h) to develop procedures for informing individuals whose attempted efforts to register to vote or to vote are defective, and to provide for the correction of such deficiencies;
- (i) to explore proposals that may facilitate the opportunity to participate in the voting process, including Election Day registration, on demand absentee voting, and Election Day Holiday voting;
- (j) to take all other appropriate action to educate elections officials and voters regarding the voting process.

(2) through the process for distribution of funds, provide funds to local election officials and other entities, including community-based, employee-based, campus-based, and similar organizations, to assist in voter education, election official education and training, and poll worker training;

(3) consider enhancing the existing toll-free telephone number and Secretary of the Commonwealth website to provide additional information to citizens on how to participate in the elections process and ensure that there are sufficient staff and resources to make the toll-free number and the website easily accessible to persons with disabilities and persons with language assistance needs;

(4) consider the development of public service announcements and other videos that would be available for local cable networks;

(5) develop for posting in polling places, on the Internet, and elsewhere, materials in appropriate languages and in alternate formats (Braille, large print, audio tape, or electronic computer disk) containing useful information regarding the election process and how to participate in it. The Secretary shall ensure that such materials are accessible to the widest possible audience, including persons with disabilities and language assistance needs;

(6) encourage voter education efforts conducted in connection with the foregoing activities to cover at least the following topics:

- (a) information on how to register to vote;
- (b) information on how voters can determine the location of their polling places and hours of voting;
- (c) information on absentee balloting;
- (d) the proper use of voting systems and technology;
- (e) the rights of voters to cast provisional ballots;

- (f) the rights of minority language voters in jurisdictions covered under Section 203 of the Voting Rights Act of 1965 to receive language assistance at the polling place;
- (g) the availability of the complaint procedure and toll-free numbers described in this State Plan;
- (h) the rights of voters with disabilities in jurisdictions covered under the Voting Accessibility for the Elderly and Handicapped Act to receive assistance at the polling place.

(7) re-assess the information currently provided by the Secretary's office, including but not limited to, the Information for Voters guide. The informational material will be re-evaluated to determine what information needs to be modified and what additional information should be provided. The Secretary will direct sufficient resources towards strengthening existing publications and programs and establishing ones that will be the most effective in addressing voting issues in Massachusetts.

**ELEMENT 4:**

**How the State will adopt voting system guidelines and processes that are consistent with the requirements of Section 301.**

Section 254(a)(4) of HAVA requires the Commonwealth to describe how it plans to adopt voting system guidelines and processes that are consistent with the requirements of Section 301 of HAVA. The Secretary, under existing state law and regulation, certifies voting systems and equipment.<sup>27</sup> The procedures for the use of voting equipment is set forth in the general laws and in the Code of Massachusetts Regulations. The Secretary also has the authority to decertify voting systems and equipment, and the procedures for their use. No voting system may be used for any election without being certified.

The Secretary, through existing processes, after considering any voluntary guidelines adopted by the Commission pursuant to Subtitle B of Title III, will certify and decertify voting systems, and the procedures for their use, to ensure that all voting systems and the procedures for their use comply with the requirements of Section 301 and other provisions of HAVA.

**ELEMENT 5:**

**How the State will establish a fund described in Section (b) for purposes of administering the State s activities under this part, including information on fund management.**

Section 254(b) of HAVA requires the Secretary to establish a fund to be used to administer the state s activities relating to its requirements payments.

The election fund is to include:

- (1) amounts appropriated or otherwise made available by the State for carrying out the activities for which the requirements payment [has been] made to the State. . .;
- (2) the requirements payments made to the State;
- (3) such other amounts as may be appropriated under law; and
- (4) interest earned on deposits of the fund.

The Secretary of the Commonwealth has administratively established an Election Fund. The Secretary s fiscal, accounting, and budgeting offices will have overall responsibility, under the direction of the Secretary of the Commonwealth, for the administration of this fund. The administration of the fund will meet all requirements of federal and state law for fiscal management.

**ELEMENT 6:**

**The State s proposed budget for activities under Part II of HAVA, 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 such other activities.**

Section 254(a)(6) of HAVA requires the Secretary to describe in the state plan a budget for its proposed activities and anticipated expenditures for those activities.

HAVA creates additional requirements on states. The success of this reform effort is dependent upon adequate funding. It is important to realize that budgetary issues cannot be completely resolved until the amount of funds available is finally determined, the voluntary guidelines (Subtitle B of Title III) promulgated by the Commission can be considered, and the costs of actual implementation are ascertained. However, as the Election Assistance Commission has not yet been established to develop and announce specific funding and guidelines, no further funding has been determined. Accordingly, it is difficult to formulate a proposed budget. When the amount of funds are finally determined, the guidelines are promulgated, and the implementation costs can be ascertained, a detailed budget will be presented by the Secretary.

Section 253(b)(5) of HAVA requires that each state provide 5 % matching funds for the Title II funding. Massachusetts is working to appropriate such matching funds.

The general principles that are being followed in the budgeting process are set forth below:

- (a) The Secretary of the Commonwealth will adopt policies and procedures to ensure that all funds received, including interest earned on those funds, with the exception of funds identified in Sections 251(b)(2)(A) and (B) from Title II allocations, will be used to accomplish the requirements of Title III.
- (b) The Secretary will identify its maintenance of effort level for each of the requirements in Title III and will not use HAVA funds to supplant activities already funded.

- (c) The State will use some of the monies received under Section 101 to supplement the monies received under Section 102 for reimbursing those municipalities that used either lever machines or punch card voting machines at the 2000 election.
- (d) No funds received pursuant to Title II will be used for purposes of litigation or payment of judgment.
- (e) The Secretary will administer the Election Fund described in Section 254(b) of the Act.

**SECTION 101 FUNDS BUDGET:**

PURPOSE	AMOUNT
Statewide Voter Registration Database	\$3,000,000
Voting Equipment	\$1,246,944
Voter Education	\$1,000,000
Poll Worker Training	\$750,000
Alternative Language Assistance	\$100,000
Provisional Balloting Information	\$200,000
Administrative Expenses/Complaint Process	\$200,000
Disability Access/Accessibility	\$100,000
Miscellaneous/State Plan Expenses	\$50,000
TOTAL	\$6,646,944

**SECTION 102 FUNDS:**

All monies received under Section 102 will be directed to the municipalities. Additionally, certain amounts received under Section 101, as noted above, will be used to supplement any amounts provided to municipalities that are required to replace voting equipment.

**TITLE II FUNDS:**

The Secretary of the Commonwealth, in administering the Election Fund, will provide funding for the following specific requirements of Title III:

**VOTING SYSTEMS STANDARDS**

The Secretary will allocate funds to meet the requirements of Section 301. This may include allocation of funds to local election officials, according to allocation criteria developed by the Secretary.

If federal standards or state standards are adopted that require retrofitting of existing equipment, funds may also be necessary for this purpose.

The Secretary shall establish a procedure to determine which local election jurisdictions require or request funds to meet the requirement of

Section 301(a)(3) for at least one accessible voting system in each polling place. There are approximately 2,158 precincts in the Commonwealth of Massachusetts.

The Secretary shall ensure that all voting equipment meets the provisions of Section 301, including, but not necessarily limited to: (1) permitting voters to verify and correct their ballots prior to casting the ballot; (2) providing notice of the fact and effect of overvotes and permitting voters an opportunity to correct an overvote before the ballot is cast; (3) producing a permanent paper record with a manual audit capacity; (4) providing a uniform definition of a vote cast on any voting systems; (5) ensuring accessibility to persons with disabilities; (6) ensuring accessibility for language minorities as required by the Voting Rights Act of 1965, as amended; and (7) meeting the error rate guidelines adopted by the Federal Election Commission.

100% of the Section 102 monies will be dedicated to this purpose. Additional funding from Section 101 monies will be used to supplement monies distributed to municipalities for purposes of acquiring new voting equipment. It is estimated that an additional 15% of Title II monies will be used to acquire accessible voting equipment for each polling location as well as for other municipal activities.

### **PROVISIONAL VOTING**

Massachusetts law does not currently provide for provisional voting that complies with the requirements of Section 302. Legislation will be introduced and regulations promulgated which provide for provisional voting in compliance with the requirements of Section 302. The Secretary intends to disburse funds to ensure that the provisional voting requirements are implemented and that all notices required by HAVA are developed and included at each polling place. In addition, the Secretary will, in cooperation with local elections officials, define a free access system (or systems) to permit voters to determine if their provisional ballot was counted and if it was not, why not. The funds necessary for this free access system will depend on the design of the system (Internet, telephone, etc.), who operates and manages the system (one state system, or local systems), and the volume of inquiries made by voters for the required information or the volume of notices provided to provisional voters.

It is estimated that 5% of the Title II funding will be dedicated to this purpose.

### **VOTER INFORMATION**

HAVA requires that certain information be provided to voters at the polling place. This information shall include a sample ballot, the date and hours of voting, how to vote, how to vote a provisional ballot, procedures for first time

registrants required to present identification, a listing of the rights of voters and other general information on other laws and protections for voters.

The Secretary will ensure that the necessary materials are developed, distributed and provided at all polling locations.

Preliminarily, it is estimated that 7% of the funds will be dedicated for this purpose.

### **STATEWIDE DATABASE**

The Secretary is required to develop a single, uniform, official, centralized, and interactive database of registered voters that is defined, maintained, and administered at the state level. The database shall be the official list of voters for federal elections.

Massachusetts currently has a centralized database called the Voter Registration Information System. The system was developed in response to the National Voter Registration Act of 1993 and meets all requirements of that act. The system will, however, need to be modified to meet the new requirements of HAVA.

The costs associated with modifications of the system will include establishing further connections with the Registry of Motor Vehicles to facilitate the verification of driver s license number and social security number.

Preliminarily, it is estimated that 10% of the available funds be used for this purpose.

### **REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL**

The Secretary will develop procedures for the uniform implementation of the requirements of Section 303(b).

It is estimated that 5% of the funds will be dedicated for this purpose.

### **VOTER EDUCATION**

Section 254(a) requires that the State Plan include a description of how Title II funds will be used to educate voters to assist in meeting the requirements of Title III. Educating voters on the use of new voting equipment as well as new procedures will be critical to the success of the reforms in the election process.

The Secretary will allocate substantial funds to the education of voters concerning voter registration, voting, new voting equipment, voter rights, and other appropriate subjects.

These funds will provide for educational efforts in the minority language and disability communities, and will make a special effort to inform and educate young voters as they begin their careers as voters.

In addition to funds expended by the Secretary, funds may be allocated to local elections officials, individuals, organizations, and others for educational purposes. Funding allocation will be in accordance with criteria established by the Secretary.

Outreach methods may include: printed materials, radio and television announcements, mailings, newsletters, organizing community groups and utilizing their networks to extend into the community, or other means to effectively reach the target audience.

Preliminarily, it is estimated that 10% of the funding available be used for this purpose.

### **ELECTIONS OFFICIAL EDUCATION**

Section 254(a) requires that the State Plan include a description of how Title II funds will be used to educate election officials. Local election officials are a key component of a successful election as they actually administer elections and interact with the voters.

The Secretary will work with local election officials to develop a plan for specific training of election officials. The funding required for this training program will depend on the curriculum and program design.

Preliminarily, it is estimated that 20% of the available funds be dedicated for this purpose.

### **POLL WORKER EDUCATION**

Section 254(a) requires that the State Plan include a description of how Title II funds will be used to educate poll workers.

The Secretary will expend and allocate funds to assist local elections officials in programs to train poll workers. These programs will include, among other topics, instruction on the proper operation of voting equipment, applicable federal and state laws, the specific needs of minority language and disabled voters, voting provisionally in accordance with the HAVA, procedures for voters who register for the first time by mail, and the rights of voters.

Preliminarily, it is estimated that 15% of the funding be dedicated for this purpose.

## **THE PORTION OF THE REQUIREMENTS PAYMENT THAT WILL BE USED TO CARRY OUT OTHER ACTIVITIES**

### **Complaint Procedure**

The Secretary will establish a complaint procedure that meets the requirements of Section 402. The funds necessary for administering this procedure will depend on the type and the number of complaints received and processed. Funding for administering the procedure is likely to come from the requirements payment. The Secretary would also use such funds for other administrative costs for implementation of HAVA.

It is estimated that 1.5% of the Title II funding would be dedicated to this purpose.

### **Other Costs:**

Providing Grants to Organizations and Municipalities, including voter registration grants: 10%

Administrative Costs: 1.5%

## SUMMARY OF COSTS AND PORTIONS USED TO CARRY OUT ACTIVITIES

The chart below lists activities and costs of HAVA to be implemented in Massachusetts. Should Congress fail to provide amounts authorized by HAVA, funding amounts for each activity will be reduced proportionately based on the percentage of the total funding the activity represents.

ACTIVITY	PERCENTAGE	PURPOSE
Voting Systems	100% of Section 102 Monies and 15% of Title II Monies	For the purchase of new voting equipment, including accessible equipment
Provisional Voting Information	5%	To establish a provisional ballot system and the required free access system
Voter Information	7%	To provide the required information to voters
Voter Registration Database	10%	Modifications to VRIS
Requirements for Voters Who Register by Mail	5%	To implement procedures uniformly
Voter Education	10%	Administered by state in coordination with municipalities
Election Officer Training	20%	Administered by State to municipalities
Poll Worker Training	15%	Administered by State in coordination with municipalities
Complaint Procedure	1.5%	To ensure that HAVA is implemented fairly
Administrative Expenses/ Implementation Costs	1.5%	For state personnel to administer HAVA and other costs for implementation
Grants	10%	Includes activities such as voter registration
<b>TOTAL</b>	<b>100%</b>	

**ELEMENT 7:**

**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.**

The Secretary of the Commonwealth, through the state's budgetary processes and the distributions of the requirements payment, intends to ensure that the expenditures of the state for activities funded by the payment will be maintained at a level that is not less than the level of such expenditures maintained by the state for the 1999-2000 Fiscal Year.

**ELEMENT 8:**

**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 carrying out the plan, including the timetable 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.**

Section 254(a)(8) of HAVA requires the Secretary to describe how the state will adopt performance goals and measures to be used by the Commonwealth to measure Massachusetts' success in implementing this state plan.

To ensure continued implementation and monitor performance, the Secretary intends to assign at least one employee of the Elections Division to oversee the HAVA project. This employee would be responsible for coordination of efforts between the state and municipalities as well as reporting progress to the Secretary.

The Secretary intends to:

- (a) develop performance goals and measures, with timetables, descriptions of criteria, the process used to develop the criteria, and identification of accountable officials, to determine the effectiveness of all programs and efforts receiving HAVA funds;
- (b) monitor, through consultations with local elections officials and interested individuals and organizations, the performance of the state, units of local government and other entities with respect to reaching goals and each and every provision of HAVA.

Some planned performance goals include:

- ✓ Elimination of lever voting machines and punch card voting systems: November 2004
- ✓ Implementation of Updates to Central Voter Registry System: January 2004
- ✓ Implementation of Free Access System for Provisional Voting: February 2004

**ELEMENT 9:**

**A description of the uniform, nondiscriminatory state-based administrative complaint procedures in effect under section 402 of HAVA.**

Section 402 of HAVA requires each state to establish and maintain a state-based administrative complaint procedure that:

- (a) is uniform and nondiscriminatory;
- (b) allows any person who believes that there is a violation of any provision of Title III to file a complaint;
- (c) requires that the complaint be in writing and be notarized;
- (d) permits consolidation of complaints;
- (e) requires that there be a hearing on the record if the complainant requests such;
- (f) an appropriate remedy be provided if the State determines that there is a violation of Title III;
- (g) the complaint be dismissed and that the results be published if it is determined that there is no violation;
- (h) a final determination be made within 90 days from the date the complaint is filed unless the complainant consents to a longer period for making such a determination;
- (i) alternative dispute resolution procedures be established for resolving the complaint within 60 days if the State fails to meet the 90 day deadline set forth above.

Under the current provisions of Massachusetts General Laws, any person may complain to the Secretary of the Commonwealth, as Chief Elections Officer, that a pattern of conduct, or a standard, practice or procedure of a local election official is contrary to the elections laws.<sup>28</sup>

The Secretary will establish a uniform, nondiscriminatory state-based administrative complaint procedure in compliance with Section 402 of HAVA by amending the Code of Massachusetts Regulations.<sup>29</sup> The procedure will provide individuals with a meaningful, expedited means of voicing a complaint concerning the implementation of Title III of HAVA and an appropriate remedy if a violation has occurred. The procedure will address the accessibility needs of minority language voters and individuals with disabilities.

The complaint procedure will authorize any individual residing in the Commonwealth of Massachusetts to file a written complaint with the Secretary alleging that Title III has been violated, is being violated or is about to be violated. Pursuant to HAVA, the complaint must be notarized. (The Complainant must sign the complaint after being sworn by a notary public.) The Secretary intends to develop forms for filing such complaints, but any other form that meets the specified requirements will be accepted. Forms prescribed by the Secretary will be translated into appropriate languages.

The complaint may be filed in person at any office of the Secretary of the Commonwealth or mailed to Secretary of the Commonwealth, Elections Division, HAVA Complaint, 1 Ashburton Place, Room 1705, Boston, MA 02108. The Secretary may consolidate complaints when appropriate. When a complaint is filed, the Secretary shall assign an investigator, who shall be an employee of the Elections Division. The process will allow for the complainant to request a hearing on the record. A final determination, in writing, must be made within 90 days of filing the complaint. An appropriate remedy must be provided if a violation is found.

The process will include provisions if a determination is not made within 90 days, that an alternative dispute resolution will be provided.

**ELEMENT 10:**

**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 such plan, including the amount of funds available for such activities.**

Section 254(a)(10) of HAVA requires the Commonwealth to describe in its State Plan how funds that it has received under sections 101 or 102 of HAVA will affect the activities that the state plans to carry out under the State Plan. Section 254(a)(10) also requires the Secretary to state the amount of funds available for its proposed activities.

The Secretary intends to use the funding received by the Commonwealth under Title I of HAVA to assist the state and municipalities to implement the provisions of HAVA. The funding will be allocated as follows:

PURPOSE	AMOUNT
Statewide Voter Registration Database	\$3,000,000
Voting Equipment	\$1,246,944
Voter Education	\$1,000,000
Poll Worker Training	\$750,000
Alternative Language Assistance	\$100,000
Provisional Balloting Information	\$200,000
Administrative Expenses/Complaint Process	\$200,000
Disability Access/Accessibility	\$100,000
Miscellaneous/State Plan Expenses	\$50,000
TOTAL	\$6,646,944

All monies received under Section 102, will be dedicated to the replacement of lever voting machines and data-vote voting systems. The amount received for this purpose is \$1,519,497.

**ELEMENT 11:**

**How the state will conduct ongoing management of the plan, except that a 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 as required in the same manner as the State plan;**
- (b) is subject to public notice and comment in accordance with section 256 as required in the same manner as the State plan;**
- (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 section 255 of HAVA.**

Section 254(a)(1) of HAVA requires the state to describe in its plan how it will conduct ongoing management of the plan.

The Secretary will provide ongoing monitoring and oversight of compliance with the requirements of HAVA. To facilitate such, the Secretary will require that:

- (a) any official or other entity receiving any funds under HAVA will be required to make ongoing reports on progress of implementation;
- (b) funds be awarded on a schedule or other basis that requires proof of satisfactory completion of one phase of a project before funds for the next phase are distributed;
- (c) local election officials and members of the State Steering Committee be consulted on a continuing basis with respect to management of the State Plan and any perceived problems with its implementation and/or the need for material change;
- (d) no material change be made in the administration of the State Plan prior to appropriate notice and publication in the *Federal Register*.

**ELEMENT 12:**

**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.**

As this is the first year Massachusetts is submitting a plan, there is no response to this element. Any changes to the State Plan for future fiscal years will be forwarded as required, including documentation as to the success under the plan for the previous fiscal year.

The Secretary will also provide copies of the same to the Senate and House Ways and Means Committees as well as the Office of Administration and Finance.

**ELEMENT 13:**

**A description of the committee which participated in the development of the State Plan in accordance with section 255 of HAVA and the procedures followed by the committee under sections 255 and 256.**

As discussed above in the Introduction, this Preliminary Plan was developed through a State Steering Committee of twenty-eight individuals representing a cross-section of Massachusetts. As required by Section 255(a), the individuals included the chief elections officials of the two most populous jurisdictions conducting federal elections in Massachusetts (the cities of Boston and Worcester), other local elections officials, stakeholders (including representatives of groups of individuals with disabilities) and other persons. The list of the members and biographical information is included below as Attachment A.

The Committee, as discussed in the Overview, held five (5) public meetings. The Committee formed three sub-committees: Voter Identification and Provisional Voting, Voting Equipment and Accessibility, and Training and Education. Each of the sub-committees held public hearings at various locations around the state, inviting and receiving comment from the public. The Committee thereafter met in Boston and the Chairs of each of the sub-committees provided their findings to the Secretary. Those findings were considered by the Secretary in drafting the Preliminary State Plan which was first provided to the Steering Committee for comment before being released for public comment.

## Attachment A

**William Francis Galvin** was elected to the Commonwealth's third-ranking constitutional office in 1994 and was sworn-in as the 28<sup>th</sup> Secretary of the Commonwealth of Massachusetts on January 18, 1995. He is currently serving his third 4-year term having been re-elected in 1998 and 2002. Sensitive to the Commonwealth's rich and storied history, Secretary Galvin, Chairman of the Massachusetts Historical Commission, has overseen the award of more than \$26 million in preservation grants to sites in over 150 communities, and a grant program that helps cities and towns preserve their historical records. Besides serving as the Commonwealth's chief elections officer, Galvin is one of the state's premier election law specialists, an experience that helped prompt him to decertify the Votomatic punch card system in Massachusetts three years before its notoriety in Florida. Overseeing the Motor Voter Law which made it more convenient for people to register to vote, Secretary Galvin implemented the Central Voter Registry, the first statewide network of election records and increased voter registration to a record number. Designated the state liaison with the U.S. Census Bureau, Secretary Galvin targeted traditionally undercounted populations in a campaign that saw the Massachusetts census count become larger than predicted. As the state's chief securities regulator, Secretary Galvin has aggressively protected investors against fraud and has recovered millions of dollars for victims of scam artists and rogue dealers. Secretary Galvin has been an active participant in the National Association of Secretaries of State, serving first as Chairman of the Standing Committee on Securities and currently as Chairman of the Committee on Presidential Primaries. Secretary Galvin was born in Boston where he lives today with his wife Eileen and daughter Bridget. He graduated from Boston College in 1972 and Suffolk University School of Law in 1975. He is a member of the Massachusetts and Federal Bars.

**Myra Berloff** is the Acting Director of the Massachusetts Office on Disability, the state agency that works to eliminate discrimination against people with disabilities. Under her leadership the agency handles over 15,000 requests annually for individual or systemic advocacy, technical assistance or information and referral. During her years at MOD she has held the positions of Deputy Director and Assistant Director for Community Services. She is well known for her expertise in providing training and technical assistance to state agencies, municipal officials, Community Access Monitors, persons with disabilities, social service providers, and businesses on the Americans with Disabilities Act and other disability related laws and regulations. She spends much time promoting disability awareness throughout the state in order to advance the civil rights of people with disabilities. She helped design and continues to promote the nationally acclaimed Cultural Access Initiative that has trained representatives from over 30 states to make systemic changes that influence the quality and accessibility of cultural resources. Her work in the disability community was recognized with the Manuel Carballo Governor's Award for Excellence in Public

Service. She has been involved in promoting disability awareness for over 17 years.

**Nancy Carapezza** is the immediate past President of the League of Women Voters of Massachusetts. The League of Women Voters (LWV) is a nonpartisan organization that encourages informed and active citizen participation in government through citizen education and voters service projects. The League serves the public with individuals and organizations by providing advice and training on how to make government responsive and accessible. Nancy has also served as LWV Vice-President for Citizen Education/ Voters Service and Vice-President for Local League Services. A resident of Wayland, she has served the local League in numerous offices. She is involved throughout the Commonwealth moderating debates and forums, and speaking at events on topics such as voter registration and participation in the political process, ballot questions, current public policy issues and Making Democracy Work. In 1995, she worked on the implementation of the National Voter Registration Act (NVRA/Motor Voter) here in the Commonwealth, and was then appointed to the Voter Registration Reform Advisory Committee. She is also a director of the Boston Network for Women in Politics and Government, a division of the McCormack Institute of Public Affairs at UMASS Boston. Nancy has worked as a probation officer and social worker. She is currently the coordinator of her Church's Confirmation Program and Wayland Public Schools Program: Just Like Me: Understanding People with Disabilities .

**Kathleen A. Casavant** is representing the Massachusetts AFL-CIO.

**Kim Charlson** is the director of the Braille and Talking Book Library at the Perkins School for the Blind in Watertown, Massachusetts. She is a recognized national and international expert on library services for people with disabilities, Braille literacy, adaptive technology and information access. She serves on a number of committees for the National Library Service for the Blind and Physically Handicapped of the Library of Congress, and serves as a national member of the Braille Authority of North America, which is the standard-setting body for Braille. She is an active consumer advocate in many other arenas including guide dog issues, arts access, voting access, information and adaptive technologies, and disability policy development. In the area of education, she serves as the chair of the Department of Education's Braille Literacy Advisory Council. In advocacy and civil rights efforts, she served as the lead consumer advocate in the Fleet and Sovereign Bank Talking ATM initiative, and is an appointed member of the Governor's Advisory Council on Disability Policy. She has served as president of the Bay State Council of the Blind, the Massachusetts affiliate of the American Council of the Blind (ACB), and she has served as president of two national organizations -- Guide Dog Users Inc. and the Braille Revival League.

**John Cloonan** served as the Director the Elections Division in the Office of the Secretary of the Commonwealth from 1983 to 1999. Prior to that, Mr. Cloonan was the Supervisor of Election Material and the Assistant Supervisor of Elections. Mr. Cloonan had a total of 31 years of service in the Elections Division prior to his retirement in 1999. During that time, he worked on the implementation of the Motor Voter Law in the Commonwealth of Massachusetts. Mr. Cloonan has 4 children and 4 grandchildren and is enjoying his retirement spending time with them.

**Diane Foley** is the West Springfield City Clerk. Ms. Foley was first appointed as Assistant Town Clerk in 1986 and then appointed as Acting Town in 1987 before being elected as Town Clerk in 1987. She has served as Census Director and Clerk to the Board of Registrars since 1987 and was an elected Town Meeting Member from 1987 to 1993. In 2000, the form of government changed from Representative Town Meeting to a city form of government at which time Ms. Foley became City Clerk. Ms. Foley served as Clerk to City Council from 2000 to 2001. Recently, Ms. Foley was re-appointed for another three-year term as City Clerk. Ms. Foley is a Certified Massachusetts Municipal Clerk and has an Associates Degree in Legal Secretarial Sciences.

**John Hanlon** has been the City Clerk in the City of Everett since January of 1989. John has been a contributing member of the International Institute of Municipal Clerks, the Massachusetts City Clerks Association, the New England Association of City and Town Clerks, Middlesex Town and City Clerks Association, the North Shore Municipal Clerks Association and a recent Affiliate Member of the Massachusetts Town Clerks Association. He is a member of the MCCA Legislative Committee and was the most recent President of the MCCA for a two-year period. Prior to becoming City Clerk, John was a member of the Everett Board of Alderman for twenty-two years. Mr. Hanlon, always a community and charitable citizen has, in his career, been a three time loaned executive to the United Way, the United Way community chairman for two years and many years as a United Way volunteer, a special events chairman for the American Red Cross, the chairman of the Italian Earthquake Victim fundraising event. A longtime member of the Everett Chapter of the GBARC, a Senior Advisor of the Immaculate Conception CYO, Quarter Master for the Immaculate Conception marching band and the Chairman of the Everett Kennedy Statute fundraising events. At present, Mr. Hanlon is also a member of the Board of Directors for the Everett Credit Union.

**Randall L. Hanson**, CMC, MCMC, has been Town Clerk in Andover, Massachusetts for the past 14 years. She has a B.S. in Education and has worked providing constituent services for a U.S. Senator and has also worked in the Public Relations department of a regional bank. A life long resident of Massachusetts, Mrs. Hanson is a member of the Massachusetts Town Clerks Associations where she has chaired and is still a member of their Legislative Committee. She was an active member of the Secretary of State's task force

that help draft legislation to implement the federal legislation in 1993 to allow residents to register to vote by mail and at the registry of motor vehicles. Mrs. Hanson is also a member of the New England Association of City and Town Clerks, the International Institute of Municipal Clerks, Vice President of the North Shore City and Town Clerk's Association and is an active member of the Greater Lawrence Kiwanis Club that provides services to disadvantaged children.

**Dominick Ianno** is a seasoned veteran of the Massachusetts Republican political scene. He has worked as a research and media operative for several statewide Republican campaigns in Massachusetts, most recently for the successful Romney-Healey ticket in 2002. In addition to his extensive campaign experience, he spent two years serving as the Communications Director for the Massachusetts Republican Party (1999-2000) and one year as Press Secretary in the Executive Office for Administration and Finance (2001), where he was the chief fiscal spokesman for Governors Cellucci and Swift. In February 2002, Chairman Darrell Crate nominated Mr. Ianno to become the Executive Director of the Massachusetts Republican Party, where he is responsible for overseeing the party's day-to-day operations, including candidate recruitment, media relations and financial management. Dominick Ianno is a native of New Hartford, NY and currently resides in Watertown, MA. He has earned a Bachelor of Arts degree in political science from SUNY Oswego in 1995 and a Juris Doctorate degree from the New England School of Law in 1998.

**Kamal Jain** has worked in various technical staff and management positions in the high-tech industry for over 13 years. He currently is the Manager of Hosting Services at BrassRing in Waltham, Massachusetts. Prior to high-tech, he spent a number of years involved in volunteer and professional emergency services, including working for 2 years as an Emergency Medical Technician. Kamal has studied finance and accounting at Bentley College. He is 33-year resident of Massachusetts, and currently serves as Chairman of the Massachusetts Libertarian Party. He ran for State Senator from the Middlesex and Worcester district in 2000 and for State Auditor in 2002.

**Philip W. Johnston** is Chairman of the Massachusetts Democratic State Committee.

**Peter Karg** is the Executive Secretary of the Newton Election Commission. Mr. Karg was appointed to his present position in February 2002. He previously served in several senior level positions in the executive branch of state government. He holds a Bachelor and Master's degree from Northeastern University. In his present position he is responsible for the city census, voter registrations, campaign and political finance reports and elections.

**Paul Lachelier** is the Massachusetts Green-Rainbow Party representative to the Massachusetts HAVA Committee. He is a PhD student in political sociology specializing in electoral and non-electoral political participation. Mr. Lachelier

was the 2002 Green Party candidate for State Representative in Massachusetts' 26th Middlesex District (East Cambridge and East Somerville), garnering 37 percent of the vote. He has been a political activist for 11 years in student, labor and third party politics. He lives in Somerville, MA.

**Nancy Lo** is Chairperson of the Boston Election Commission and has been since December of 1999. Prior to her appointment as Chairperson, Ms. Lo served as the Director of the Mayor's office of Consumer Affairs and Licensing for approximately three years. Ms. Lo was Senior Policy Advisor to the Mayor for four years and previously worked in the Massachusetts office of United States Senator John Kerry for three years. Ms. Lo has a B.A. from Regis College and a Masters degree in Public Administration from Northeastern University. Ms. Lo currently resides in Jamaica Plain with her husband and three children.

**Denise L. MacAloney**, CMMC/MMC, has served as the Elected Town Clerk of Westminister, MA for the past 19 years. She has a BS Degree in History from Fitchburg State College and a MA Degree in Public Administration from Framingham State College. Her professional accreditations and certifications include Massachusetts Certified Municipal Clerk (CMMC), Master Municipal Clerk (MMC through the International Institute of Municipal Clerks) and she serves as a Justice of the Peace and Notary Public for the Commonwealth of Massachusetts. She is a past president of the Massachusetts Town Clerks' Association and the Worcester County City and Town Clerks' Association and is currently on the Board of Directors for the International Institute of Municipal Clerks (IIMC). She has served on the Central Voter Registry User Advisory Board, the Central Voter Registry Software Development Committee, and the Municipal Permit Streamlining Committee under the direction of the Secretary of the Commonwealth and was appointed to the Special Commission on Clean Elections by Director of the Office of Campaign & Political Finance.

**Craig Manseau** is Executive Director for the Worcester Election Commission.

**John McGarry** is a life long resident of Brockton and a graduate of Brockton Hospital School of Nursing. He has been employed in the medical industries as a nurse, orthopedic specialist and certified renal lithotripsy specialist. Mr. McGarry served as Assistant Registrar of voters for several years before being elected Ward Three councilor, a position that he held from 1990 until 1999. Mr. McGarry served as City Council President in 1993 and 1999 and was then appointed as Executive Director of Registrar of Voters by the City Clerk in 2000, which later became the Election Commission, by vote of the City Council. Mr. McGarry has been married for twenty five years to his wife Jan, who is a school nurse working with three and four year old multiple handicapped children in an early intervention program. Mr. and Mrs. McGarry have a daughter, Katie who recently graduated from Marymount Manhattan College with

a degree in Technical Theater and has already stage-managed two off Broadway shows.

**Harry J. Petrucci** is currently the Director of Local Administrative Assistance for the Secretary of the Commonwealth. As an employee of the Secretary, Mr. Petrucci worked in the Elections Division for 32 years. During that time, he served as the Secretary's designee to Local Election Districts Review Commission. This Commission reviews and approves the redrawing of precinct lines following the federal census. On the local level, Mr. Petrucci served on the Wakefield Planning Board for 5 years and on the Finance Committee for 19 years and was Chair of the Finance Committee for 3 years. He is a graduate of Boston College and the University of New Hampshire. He currently resides in Northampton.

**Laurence R. Pizer** has served as appointed Town Clerk of Plymouth since 1992. He was elected President of the Massachusetts Town Clerks' Association from 2001 to 2003, and he was appointed to the Legislative Committee of that organization. He earned the position of Certified Massachusetts Municipal Clerk from the Massachusetts Town Clerks' Association and the position of Certified Municipal Clerk from the International Institute of Municipal Clerks. He received a Bachelor's degree from Brown University and a Master's degree from the University of Iowa, both with a concentration in American history.

**Senator Stanley Rosenberg** (D-Amherst) was named President Pro Tem of the Massachusetts Senate on January 8th, 2003, thus becoming the first senator in the state's history to hold this leadership position. This appointment came after he served seven years in other leadership posts: four as Assistant Majority Leader and three years as the first western Massachusetts legislator to chair the Senate Committee on Ways and Means. Prior to his most recent appointments, Stan served as chairman of the state's Redistricting Committee, which was responsible for redrawing the Commonwealth's state and federal districts, based on the 2000 census, and as chairman of the Banks and Banking Committee. Prior to that he served as co-chairman of the Legislature's Joint Committee on Election Laws, where he was a catalyst behind some fundamental changes in the Massachusetts political system. In 1993, the Committee's "motor voter" bill was signed into law, making Massachusetts one of the most convenient states in the nation for voter registration. Then in 1994, the Committee's campaign finance reform bill became law. This law reduces the influence of private money on public policymaking by placing tough restrictions on the amount of money lobbyists, political action committees and individuals may contribute to political candidates. Stan was elected to the state House of Representatives in 1986 and served as the representative for Amherst and Pelham until 1991 when he won a special election for the state Senate seat being vacated by Congressman John Olver.

**Judith L. St. Croix** is a life long resident of the Town of Wayland and a graduate of Wayland High School and Michigan State University. She has served as

elected Town Clerk since June 1986 having attained the following: CMC — Certified Municipal Clerk; CMMC — Certified Massachusetts Municipal Clerk; Notary Public; Justice of the Peace; and Commissioner to Qualify. Currently, Ms. St. Croix serves as First Vice President of the Massachusetts Town Clerks Association and member of the Legislative Committee. Previously, she served on the Executive Board for three years; Treasurer for four years; and Second Vice President for two years. Ms. St. Croix is also a member of Middlesex County Town and City Clerk Association; New England Town Clerk Association; and the International Institute of Municipal Clerks Association.

**Joseph Shea** is the City Clerk in the City of Quincy. Mr. Shea has been City Clerk since 1992 and prior to that served as Assistant Clerk beginning in 1990. Mr. Shea also served as Executive Secretary to the Mayor of Quincy in the 1970s. Mr. Shea graduated from Suffolk University with a B.A. in Government and is a recent graduate of the New England Municipal Clerk Institute. He has three children and one grandchild and lives in Quincy with his wife and daughter.

**Elisabeth C. Smith** served as the Deputy Field Director of the 2002 Romney-Healey campaign, where she coordinated the campaign's absentee ballot initiative and supervised the efforts of thousands of volunteers to get out the vote. Ms. Smith also worked with a team of attorneys and election officials to develop ballot security procedures and to ensure voters were informed of their rights to cast their votes on Election Day. Following the election of Governor Romney, Elisabeth Smith has held positions on the transition team and in the Administration, and is currently serving as Deputy Chief of Staff in the newly created Executive Office of Economic Development. Elisabeth Smith earned Bachelor's and Master's degrees in Economics from Utah State University, and a Juris Doctorate degree from Boston University School of Law. Before joining the campaign, Ms. Smith practiced corporate and securities law at a large Boston law firm.

**Representative Bill Straus** has been a member of the Massachusetts Legislature since 1992. He represents the Towns of Fairhaven, Marion, Mattapoisett, Rochester and Middleboro. Prior to his election, Representative Straus was a member of the Mattapoisett Conservation Commission and an appointee to the Massachusetts Hazardous Waste Facilities Site Safety Council on which he served for four years. Throughout his term he has served on a number of committees including the Joint Health Care Committee and as the Vice Chairman of the Joint Committee on Transportation. He currently is the House Chairman of the Joint Committee on Election Laws. Representative Straus was a member of the Rules Committee to the 2000 Democratic National Convention in Los Angeles, CA.

**Joseph Tringale** has been working in the field of independent living for nearly 20 years. He has recently assumed the role of Chair of the Statewide Independent Living Council. This statewide council represents Independent Living Centers,

consumer, and state agencies representing people with disabilities. He has completed extensive training by the Department of Justice in order to review the requirements of the Americans with Disabilities Act. Due to numerous trainings and years of hands-on experience, he has acquired a high level of expertise in the fields of physical and programmatic accessibility. Joseph has worked with the private and public sectors to disseminate this information and has participated in a number of projects, which require evaluating physical environments and consumer access. He has also provided workshops to municipal representatives and business owners explaining the state and federal requirements for accessibility. Currently Joseph is the Director of community services at the Stavros Center for Independent Living, which is the third oldest Center in the country.

**Patrick Joseph Ward** is currently serving his fourth elected three-year term as Town Clerk for the Town of Brookline. He is also a practicing attorney. Mr. Ward has over twenty-five years of legislative and election administration experience. Prior to his election as Town Clerk, he served as the Town of Brookline's Assistant Town Clerk and Chairman of the Board of Registrars of Voters. Mr. Ward also served as Legislative Director for the Office of the Secretary of the Commonwealth and is currently the Vice-Chair of the Massachusetts Town Clerks Association's Legislative Committee. Mr. Ward is a graduate of Boston College and New England School of Law. He resides in Brookline with his wife Jennifer.

## ENDNOTES

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<sup>1</sup> HAVA/101, 42 U.S.C./15301

<sup>2</sup> HAVA/102, 42 U.S.C./15302

<sup>3</sup> HAVA/251, 42 U.S.C./15401

<sup>4</sup> HAVA/254, 42 U.S.C./15404.

<sup>5</sup> See Attachment A for a description of the State Steering Committee Members.

<sup>6</sup> HAVA/201, 42 U.S.C./15321. The Election Assistance Commission (EAC) was established in the legislation. EAC will consist of four members appointed by the President with the advice and confirmation of the Senate and is empowered to hold hearings, take testimony, receive evidence, enter contracts, obtain information from other federal agencies, receive support and use the U.S. mail system.

<sup>7</sup> HAVA/241, 242, 243, 244, 245, 246, 42 U.S.C./15381, 15382, 15383, 15384, 15385, 15386.

<sup>8</sup> M. G. L. c. 54,/71A (2000 ed.).

<sup>9</sup> See e.g., M. G. L. c. 54,/24; M. G. L. C. 54,/11, 12; M.G. L. c. 51,/42H (2000 ed.).

<sup>10</sup> See Public Document 43, Massachusetts Election Statistics, 2002 ed.

<sup>11</sup> In 1999, the Office of the Secretary of the Commonwealth and the Massachusetts Office on Disability worked together to conduct a survey of all polling places in Massachusetts. Since that time, certain polling places have changed and/or the Secretary has received access complaints regarding other polling locations. Therefore, it has been deemed necessary to re-survey certain polling places to determine accessibility.

<sup>12</sup> It is important to note that the methods of complying with the requirements of Title III are left to the discretion of the states. HAVA/305, 42 U.S.C./15485

<sup>13</sup> In 1998, the Secretary decertified the use of punch-card voting systems.

<sup>14</sup> HAVA defines an accessible unit as a DRE-Direct Recording Electronic unit or touchscreen.

<sup>15</sup> See M. G. L. c. 54,/32 (2000 ed) (examination and approval of voting equipment); 950 CMR/50.00.

<sup>16</sup> As of the 2000 federal census, six (6) communities in Massachusetts are required to provide election information in both English and Spanish. Those communities are Boston, Chelsea, Holyoke, Lawrence, Southbridge and Springfield.

<sup>17</sup> M. G. L. c. 51,/59, 59A (2000 ed.).

<sup>18</sup> M. G. L. c. 54,/48 (2000 ed.).

<sup>19</sup> Mass. Const. Amend. Art. 48, Sec. 4; M. G. L. c. 54,/53, 54 (2000 ed.).

<sup>20</sup> The 2002 edition is available at <http://www.state.ma.us/sec/ele/elepdf/ifv02.pdf> (English) and <http://www.state.ma.us/sec/ele/elepdf/ifv02span.pdf> (Spanish).

<sup>21</sup> HAVA/303(a)(5)(A)(iii); 42 U.S.C./15483(a)(5)(A)(iii).

<sup>22</sup> M. G. L. c. 51,/47C (2000ed).

<sup>23</sup> The town of Gosnold is not connected to the CVR system, as it is a small island off the coast of Cape Cod that does not have phone lines. However, the information of registered voters from Gosnold is entered into CVR using copies of registrations sent from the town clerk.

<sup>24</sup> 950 C.M.R./58.00

<sup>25</sup> The Registry of Motor Vehicles has indicated that a person must undergo the same application process when applying for a state issued identification card as they would when applying for a driver s license, except the applicant does not need to pass the examination. However, when applying for a state issued identification card, an applicant must provide their full social security number, which is verified against the Social Security Administration database.

<sup>26</sup> Currently, identification is define in regulation as a driver s license, recent utility bill, rent receipt on a landlord s printed letterhead, lease, duplicate copy of a voter registration affidavit, or any other printed identification which contains the voter s name and address. 950 C.M.R./54.04(6B).

<sup>27</sup> See M. G. L. c. 54,/32 (2000 ed) (examination and approval of voting equipment); 950 CMR/50.00.

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<sup>28</sup> M. G. L. c. 56, /60 (2000 ed.).

<sup>29</sup> 950 CMR/56.00 Administrative Proceedings Concerning Practices of Local Election Officials