

***NEW YORK STATE
HELP AMERICA
VOTE ACT***

The seal of the New York State Board of Elections is a circular emblem. It features a central shield with a sunburst at the top, flanked by two figures: one holding a scale of justice and the other holding a sword. Above the shield is an eagle with wings spread. The shield is supported by two figures, one holding a scale and the other holding a sword. Below the shield is a banner with the word "EUREKA". The entire seal is surrounded by a dotted border with the text "STATE OF NEW YORK" at the top and "BOARD OF ELECTIONS" at the bottom.

**STATE
IMPLEMENTATION
PLAN**

NEW YORK STATE BOARD OF ELECTIONS

DRAFT PLAN - AUGUST, 2003

New York State Help America Vote Act Plan

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New York State HAVA State Plan Introduction

For the first time in the history of the United States, the federal government has committed to fund sweeping election reforms which enhance the voting process in this country. The Help America Vote Act, (HAVA) of 2002, requires all states to meet minimum standards for voting systems and for the administration of the electoral process, from voter registration to the casting of the ballot.

HAVA is the result of 18 months of negotiations between congressional representatives and members of the elections community, advocates for persons with disabilities, and members of ethnic and language minority groups. The problems surrounding the 2000 Presidential election were the catalyst for this legislation. In order to guarantee the intended results, HAVA leaves very little discretion to the states in enacting the changes mandated by the legislation. For example, while states may decide which voting system(s) it wishes to use, the system selected must meet the stringent minimum standards set out in the federal legislation.

The implementation of HAVA in New York State requires several changes which will improve the conduct of elections and our voter registration procedures. Among the major changes required by HAVA are:

- replacement of 19,843 lever machines used in 15, 571 election districts in the November 2000 election with voting system(s) which increases the accessibility for persons with disabilities; provides alternate language accessibility as required by the Voting Rights Act of 1965; and gives all voters an opportunity to assure the accuracy of their vote before it is cast;
- establishment of a single, interactive computerized statewide voter registration list, maintained by the state, which will enable the elimination of duplicate registrations;
- verification of voter identification information, enhancing New York's ability to maintain complete and correct voter registration lists;
- creation of a state-based administrative procedure for hearing and resolving citizen complaints involving violations of HAVA provisions, and
- use of provisional ballots.

HAVA provides significant federal funding for the many mandates placed upon the states, including replacement of lever machines and punch card voting devices, the training of election officials and workers, the education of the general public, and the creation of a statewide voter registration system. The statute requires each State intending to use these funds to apply for and certify that the funds will be used for the purposes outlined in the statute. Additionally, the law requires the submission of a plan which outlines how the State will use the funds to meet the requirements of the law, and how it will monitor and disperse those funds. The procedure for developing the state plan, as well as the contents of the plan, are set out in detail in the statute.

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Because federal money has been appropriated in the 2002-2003 federal fiscal year budget which ends in September of 2003, New York needs to submit its plan before the end of that fiscal year to ensure our fair share of federal money. New York is meeting the requirements of HAVA through the development of this plan through the HAVA Task Force. The Task Force, through five public meetings, where an open and free discussion of members and the public ensued, defined issues, posited alternative methods for resolving those issues and established priorities for the State in implementing HAVA.

This State Plan is the result of the work of the Task Force and the supplemental groups which provided information and advice to the Task Force. It provides a framework within which the State of New York will work to meet the statutory requirements of HAVA. That framework includes goals and a time frame for meeting them, as well as standards for determining the success of our progress. While this plan provides the framework to allow New York access to its fair share of federal money, it is not intended to provide definitive answers to all of the questions which need to be addressed for the implementation of HAVA. The federal law provides for a three-year implementation period and ongoing discussions and decisions in New York are needed to fully implement this important piece of legislation. We are committed to engaging in these discussions with all interested parties, as we have throughout this initial process.

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Outline of the State Plan

Section 254 of the Help America Vote Act of 2002 outlines the required elements for the State Plan. New York's State Plan follows the 13 subsections found in Section 254 and uses them as a series of questions which the State Plan then addresses in detail.

The State Plan contains a description of each of the following:

- Section (1):** How the State will use the requirements payment to meet the requirements of title III; (Voting Systems Standards (§301); Provisional Voting and Information Requirements (§302); Computerized Statewide List and Voters who Register by Mail (§303), and to carry out other activities to improve the administration of elections.
- Section (2):** How the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in Section (1), including a description of—
- The criteria to be used to determine the eligibility of such units or entities for receiving the payment; and
 - 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 Section (8).
- Section (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.
- Section (4):** How the State will adopt voting system guidelines and processes which are consistent with the requirements of Section 301.
- Section (5):** How the State will establish a fund for the purposes of administering the State's activities under this part, including information on fund management.
- Section (6):** The State's proposed budget for activities under this part, based on the State's best estimates of the costs of such activities and the amount of funds to be made available, including specific information on —
- The costs of the activities required to be carried out to meet the requirements of Title III;
 - The portion of the requirements payment which will be used to carry out activities to meet such requirements; and
 - The portion of the requirements payment which will be used to carry out other activities.

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- Section (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.
- Section (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 in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the State will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met.
- Section (9):** A description of the uniform, nondiscriminatory state-based administrative complaint procedures in effect under Section 402.
- Section (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 the plan, including the amount of funds available for such activities.
- Section (11):** How the State will conduct ongoing management of the plan, except that the State may not make any material change in the administration of the plan unless the change —
- is developed and published in the Federal Register in accordance with Section 255 in the same manner as the State plan;
 - is subject to public notice and comment in accordance with Section 256 in the same manner as the State plan; and
 - takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register.
- Section (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.
- Section (13):** A description of the committee which participated in the development of the State plan in accordance with Section 255 and the procedures followed by the committee under such Section and Section 256.

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Section 1: How the State Will Use the Requirements Payment

OBJECTIVE:

Describe how the State will use the requirements payment to meet the requirements of Title III (Voting Systems Standards (§301); Provisional Voting and Information Requirements (§302); Computerized Statewide List and Voters who Register by Mail (§303)), and to carry out other activities to improve the administration of elections.

GOAL:

The Help America Vote Act of 2002 (HAVA), public law 107-252, establishes minimum election administration standards for states. It specifically requires the State of New York to:

- Replace all lever machines and punch card voting devices used by counties for elections;
- Certify new and existing voting systems according to national standards;
- Improve voting equipment accessibility, to include physical and language accessibility;
- Enhance existing provisional voting system requirements;
- Establish a statewide complaint system;
- Provide training for election officials and poll workers;
- Increase voter education for new voting systems; and,
- Create a new uniform statewide voter registration list.

PRESENT STATUS:

The State of New York, while facing significant challenges in upgrading its voting systems, is in a relatively good position to implement the requirements of HAVA. Many standards or activities required in HAVA are already in place and being successfully executed. Uniformity across New York is achieved through state statute and rules and regulations covering topics surrounding elections, including: voter qualification; voting system certification; what constitutes a vote; election official and poll worker training; alternative language requirements; uniform provisional ballot procedures; procedures for military and absentee ballots; and tabulating and reporting of votes cast. The State is in compliance with the National Voter Registration Act of 1993, and therefore already has sound procedures for voter registration and maintenance of the voter registration rolls.

PROPOSED PLAN:

A. Voting Systems Standards (§301)

The State Board of Elections has certified two lever machines and three DRE systems for use in the State. Presently, voting machines are owned by cities, towns, and villages, with the exception of the City of New York and the counties of Monroe, Nassau and Suffolk, where the boards of elections

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own the voting machines. In the federal election of November 2000, there were 15, 571 election districts in New York State. The vast majority of voters in those districts voted on one of the 19, 843 lever machines in use at that time. Absentee voting systems are owned by the local boards. There are three absentee voting systems certified for use in New York State.

New York will undertake a statewide effort to facilitate replacement of voting systems in counties where lever machines are used. The procurement effort will also ensure that voting accessibility standards for persons with disabilities are met. This effort will comply with all state procurement rules and laws.

Accessibility, whether a physical disability or a language barrier, is addressed in state law and is largely maintained under the current efforts of the State Board and county election officials. However, given the intent of HAVA to further enhance accessibility, the state will engage in statewide efforts to ensure accessibility to voting systems and all procedures directly connected to the election process.

To ensure that HAVA reform is sustained, the State Board will also extend current reporting requirements to gauge performance of county election officials. These reports will be the foundation to determine future modifications required in law or state election procedures.

To meet these efforts, the State Board will incur administrative costs associated with the coordination, planning, operations and reporting on these programs. In addition, the State Board will need to expand its voting system certification efforts and election official training, as well as develop uniform guidelines for all training relative to election processes. These costs, along with portions of infrastructure and support systems, will be funded through the state election fund.

B. Provisional Voting and Information Requirements (§302)

(i) Provisional Voting

Provisional ballots, called affidavit ballots in New York, are currently provided for in statute. They are a fail-safe option for voters whose name does not appear in a poll book, for those who have moved but not yet notified their respective board of elections, or in Primary elections for voters for whom their stated enrollment does not match the enrollment specified in a poll book. The current statute requires that a notice, with a registration form, be sent to each person who cast an affidavit ballot which was deemed invalid and was, thus, not canvassed.

New York intends to enhance existing statutory requirements for provisional (affidavit) ballot voting, to encompass offering said ballot to those voters for whom identification must be provided at the time one votes, but who fail to present identification. The notification process will be amended to provide for notice of the disposition of each affidavit ballot cast to those respective voters. Additionally, the affidavit ballot envelope will be amended to reflect appropriate selection by the voter as to the

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reason for the casting of the affidavit ballot.

(ii) Information Requirements

1 - 800 - FOR VOTE is the State Board's current toll-free election information line. This system will be expanded to implement the initial call-in element of a statewide complaint tracking system. The statewide complaint system will allow for the comprehensive coordination of response by the State Board and county election officials with the initial complaint handled by phone call with an avenue for a written process when needed.

The State Board shall develop the "Voter's Bill of Rights" to be posted in each polling place and provided to each voter, upon request, which describes: information regarding the date of the election and the hours during which polling places will be open; instructions on how to vote, including how to cast a vote and when and how to cast a provisional ballot; instructions for mail-in registrants and first-time voters under Section 303(b); general information on voting rights under applicable Federal and State laws, including information on how to contact the appropriate election officials if these rights are alleged to have been violated; and general information on Federal and State laws regarding prohibitions on acts of fraud and misrepresentation.

C. Computerized Statewide List, Voters who Register by Mail and Voter Identification (§303)

(i) New York Voter Registration List

Pursuant to the State Constitution, Article II, §6, a voter's registration is valid as long as they reside in the jurisdiction where they registered. There are 62 county boards of elections which have responsibility for the registration of voters in their respective counties. One central board of elections serves the City of New York, with offices in each of the five boroughs (counties). Each board is responsible for, among other things: keeping the registration list accurate and current; removing individuals who are no longer eligible to vote in their jurisdiction; and notifying voters of the dates and times of all elections and the location of their polling place. The voter registration list maintained by the county boards is also used by school districts, villages, towns and other special districts for their particular elections.

All New York State counties use some type of computerized system for storing voter registration information. The boards of elections use different types of computer platforms to maintain their registration lists and perform various other functions. Network servers are used by 45 boards; 8 boards use a mini mainframe system; 4 use personal computers and NYC uses a combination mainframe and network. The software packages that runs these various systems were developed by the local board in 19 instances; 32 boards use one vendor; and 7 boards use another vendor. Although most of the local boards, (34), house, manage and maintain their computer systems at their offices, 23 systems are

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located in county information/technology centers, and the NYC system is housed and maintained at the City data processing center.

As of November 5, 2002, county boards maintained records for 11, 246, 262 registered voters in the state of New York. The number of registered voters within these county jurisdictions ranges from just over 5,000 to 1.2 million. Those voters were either enrolled in one of eight recognized political parties as follows: Republican: 3,132,161; Democrat: 5, 255, 521; Independence: 257, 281; Conservative: 163, 314; Liberal: 86, 242; Right-to-Life: 49, 482; Green: 29, 528; and Working Families: 15, 763, or opted not to enroll in any recognized political party. Those voters numbered 2, 257, 070.

The State Board will implement a statewide voter registration list. The State Board's goal is to meet the requirements of HAVA, while maintaining the current level of election services at the local level, and at the same time enhancing the administration of voter registration and the election process for the citizens of New York. Working with the county boards of elections, the State Board will define functional requirements, roles and responsibilities of carrying out the functions of voter registration to enhance the operations of these offices. In order to comply with the requirements of Title III of HAVA, the State Board "shall implement, in a uniform and non-discriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list."

The State Board will determine, define and establish all technical and functional requirements and shall establish the hierarchy of responsibilities for the implementation and administration of the list.

The State Board shall develop the list and make it available to county election officials for the registration of voters and for the maintenance and retrieval of voter information.

Registration information for all currently registered voters will be incorporated into the list. Duplicate voter registrations will be identified and voting residency will be resolved.

The official voter registration list will be maintained by the State Board according to industry standards and best practices for information management and security.

Counties will remain responsible for all related aspects of voter registration. This shall include, but not be limited to, the receipt and processing of voter registration applications, registering qualified voters, maintaining voter registration information, and maintaining the borders and boundaries of jurisdictions within their purview.

Counties will be responsible for maintaining local infrastructure components relative to the list.

The State Board will develop and implement a Memorandum of Understanding with the New York State Department of Motor Vehicles for the use of their database, which includes access to the Social

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Security Administration, for verification of voter registration identification.

The State Board will seek access to other statewide databases for the purposes of verification of voter registration identification. These databases will be evaluated for the ability to assist in the verification of voter identification, while realizing that privacy laws may prevent access to some records.

(ii) Voters who Register by Mail and Voter Identification

HAVA requires, in very specific language, that all new applicants provide one's driver's license number or the last four digits of their social security number. The enacted legislation also requires first-time applicants who register by mail to provide identification when they register and for voters who do not provide ID at the time they register, ID must be presented at the time one casts their first vote. New York is strongly committed to diminishing the number of persons required to provide ID when they vote, by contacting those voters by mail, prior to election day, to provide another opportunity to submit identification information, and by utilizing access to Department of Motor Vehicles files and related databases to verify the information provided on registration applications.

Voter Identification only applies to:

- mail registration applications,
- voters who have not voted in a prior federal election,
- registrants who do not supply either a driver's license number or the last four digits of their social security number.

For those who need to provide identification, they can supply it either at the time of registration or when they first vote. HAVA specifically provides that acceptable voter identification includes any current and valid photo ID, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.

Anyone who needs to provide identification at the polling place but does not do so, may vote by provisional (affidavit) ballot.

The State will assess the reliability and accuracy of available social security information. In conjunction with this proposal, the State will explore the use of other databases to accomplish the goal of verifying voter data.

New York shall develop an avenue for first time applicants who register by mail and do not provide identification at that time, and for whom no match could be made in the state database verification program, to present that identification at the time of their first vote. New York currently provides for a voter to sign in when they vote, in a designated box which appears next to a facsimile of their signature, in digitized poll books. At present, messages can appear in the signature box, which direct inspectors

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to be aware that the voter has voted an absentee ballot. New York intends to upgrade message capabilities in poll books, to include an advisory to the inspector that a particular voter will be required to present identification when they present themselves to vote for the first time.

Instructions for election inspectors will be provided in each poll book. The instructions will include a list of the types of identification that may be presented to the inspectors and a reminder for inspectors to provide the voter with the “notice to voters.” The “notice” will contain the options the voter may choose from, in order to cast their vote at that election, including casting a provisional ballot. The inspector handbook will be amended to reflect this new requirement.

PERFORMANCE GOALS AND MEASURES: (also repeated in Section 8)

- Replacement of lever voting machines and punch card voting devices.

New York will undertake a statewide effort to facilitate replacement of voting systems in counties where lever machines are used. The procurement effort will also ensure that voting accessibility standards for persons with disabilities are met. This effort will comply with all state procurement rules and laws. The measure of success is the replacement of all lever machines and punch card voting devices.

Process used to develop the criteria	Establish number of counties using lever voting machines and punch card voting devices in the 2000 Federal election.
Description of the criteria used to measure performance	62 New York counties had qualifying precincts in the 2000 Federal election according to HAVA descriptions of replacement voting systems.
Performance measure	Number of counties using lever machines and punch card voting devices in the 2004 Federal election.
Timetable	January 1, 2003 to January 1, 2006
Description of official to be held responsible for ensuring each performance goal is met	Each county board of elections is responsible for implementing the replacement voting system in their county, however, the State Board is leading the statewide effort for replacement and is therefore ultimately responsible for meeting this performance measure. The State Board is responsible for the certification of all new voting equipment.

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- Voting Equipment Accessibility

Improving voting equipment accessibility, as required by HAVA, shall include accessibility for individuals with disabilities and alternative language accessibility as determined in HAVA and the Voting Rights Act of 1965. The measure of success for both elements is the successful acquisition and deployment of accessible voting machines by the 2004 Federal election.

The State Board will encourage private-public partnerships to enhance the voting participation of all voters with disabilities in coordination with the Help America Vote Foundation established by HAVA. While beyond the scope of this state plan, activities of such groups may be incorporated into performance reporting to complement physical accessibility goals.

Cities and towns currently designate and inspect all polling places for physical accessibility. Beginning with the 2004 Federal election, and with an eye toward monitoring and uniformly addressing physical accessibility in the polling place, the inspection results will be added to a report that counties already file with the State Board. Success will be measured by compliance with the state and federal laws and regulations on physical accessibility. County reports on accessibility will include data from on-site inspections of polling places, the number of polling places that are accessible, and will describe measures taken to bring inaccessible polling places into compliance.

Process used to develop the criteria	Establish number of counties using accessible devices in the 2000 Federal election.
Description of the criteria used to measure performance	All 62 New York counties will require alternative voting accessibility devices in the 2004 Federal election according to HAVA.
Performance measure	Number of counties using voting accessible compliant devices in the 2004 Federal election
Timetable	January 1, 2003 to Federal election 2004
Description of official to be held responsible for ensuring each performance goal is met	The State Board is responsible for the certification of HAVA compliant voting equipment in the state.

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- Alternative Language Accessibility

The goal of providing useful and ample language accessibility has always been, and continues to be, compliance with the Voting Rights Act of 1965. The entire election process, from voter registration to casting the ballot, is enhanced with providing alternative language accessibility. Voters requiring alternative languages are represented in percentages based on census figures. Success will be determined by the provision of types and quantities of materials available in required alternative languages.

Process used to develop the criteria	The state and counties already provide language accessibility as required by the Voting Rights Act of 1965. By the 2004 Federal election, the State Board will ascertain that jurisdictions identified by U.S. Department of Justice requiring alternative language accessibility are in compliance.
Description of the criteria used to measure performance	Counties will provide the state with a report of alternative language capabilities with reference to ballots, publicity pamphlets, voter registration forms and voter education materials. The data provided will allow the State Board to determine if the uniform procedures for providing alternative language accessibility have been successful.
Performance measure	With respect to each county, information will be collected to measure the number of languages required and the number of languages provided for alternative language accessibility for publicity pamphlets, ballots, voter registration forms and voter education materials.
Timetable	Federal election 2004 and annually thereafter.
Description of official to be held responsible for ensuring each performance goal is met	The county boards are responsible for ensuring each performance goal is met, with the assistance and cooperation of the State Board.

- Provisional Ballots

Provisional ballots, called affidavit ballots in New York, are currently provided for in statute. They are a fail-safe option for voters whose names do not appear in a poll book, for those who have moved but not yet notified their respective board of elections, or in Primary elections for voters for whom their stated enrollment does not match the enrollment specified in a poll book. The current statute requires that a notice, with a registration form, be sent to each person who cast an affidavit ballot which was deemed invalid and was thus, not canvassed.

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New York intends to enhance existing statutory requirements for provisional (affidavit) ballot voting, to encompass offering said ballot to those voters for whom identification must be provided at the time one votes, but who fail to present identification. The notification process will be amended to provide for notice of the disposition of each affidavit ballot cast to those respective voters. Additionally, the affidavit ballot envelope will be amended to reflect appropriate selection by the voter as to the reason for the casting of the affidavit ballot.

Process used to develop the criteria	The State Board will review the current statutes and county board procedures and make any changes needed for provisional (affidavit) balloting.
Description of the criteria used to measure performance	Modify the current notice to voters to: add an explanation of instances where failure to present ID can be overcome by the casting of an affidavit ballot; add the phone number of county board of elections, to ensure toll-free access for voters to follow-up on their ballots; and create a voter's bill of rights, for distribution and posting in all poll sites
Performance measure	Each county board will report the following information: <ul style="list-style-type: none">• The distribution of revised notices in election day supplies.• The addition of revised procedures to any state or local inspector and voter education initiatives.• A review of amended processes added to inspector training curriculum.
Timetable	Notices to be modified and documents to be distributed by May 2004, to inaugurate the process and to ensure full implementation by the 2004 Federal election.
Description of official to be held responsible for ensuring each performance goal is met	County election officials are responsible for provisional ballot distribution verification and compliance with procedures established by the State Board. The State Board is responsible for reviewing compliance reports submitted by counties.

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- Centralized Statewide Voter Registration List

The State Board will implement a statewide voter registration list. The State Board's goal is to meet the requirements of HAVA, while maintaining the current level of election services at the local level, and at the same time enhancing the administration of voter registration and the election process for the citizens of New York. Working with the county boards of election, the State Board will define functional requirements, roles and responsibilities of carrying out the functions of voter registration to enhance the operations of these offices. In order to comply with the requirements of Title III of HAVA, the State Board "shall implement, in a uniform and non-discriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list."

Process used to develop the criteria	Evaluation of the legislation, Task Force sessions, in-house work sessions with appropriate staff, consultation with other state agencies having related expertise, and on-site visits to other states and county boards to review voter registration systems.
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Description of the criteria used to measure performance	Implementation of a single, uniform, statewide voter registration list accessible to all counties and having appropriate verification capabilities.
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Performance measure	<p>The State Board has identified three stages for the creation of the statewide list.</p> <p>Stage 1: Planning:</p> <ul style="list-style-type: none">- Completion of business analysis.- Establishment of database architecture. <p>Stage 2: Development:</p> <ul style="list-style-type: none">- Development of the database model.- Determination of hardware and software components of the database architecture.- Acquisition of the requisite hardware and software components of the database.- Development of a single statewide uniform user interface.- Development of the necessary computer network with local boards of elections.- Testing with regards to all of the above. <p>Stage 3: Implementation:</p> <ul style="list-style-type: none">- Migration of local voter registration data into statewide list.- Training of appropriate personnel.- Rollout of the system to local boards of elections.- Troubleshooting with regards to items outlined in Stage 2.- Establishment of fully operational system.
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- Testing with regard to all of the above.

Timetable January 1, 2003 to Federal election 2004

Description of official to be held responsible for ensuring each performance goal is met The State Board is responsible for implementing and operating the statewide voter registration list.

- State Board Administrative Complaint Procedure

The State Board will implement a statewide complaint procedure. Measurement of the success of the statewide procedure will be the availability and performance of the system, as well as the experience for the voter.

Process used to develop the criteria Evaluation of the legislation, Task Force sessions, in-house work sessions, with appropriate staff.

Description of the criteria used to measure performance Measurement of successes of the statewide complaint system will be the availability and performance of the system, as well as the experience for the voter.

Performance measure The State Board will review the total number of complaints received and resolved. The following information will be collected to objectively measure performance:

- Number of complaints received
- Number of complaints resolved
- Number complaints resolved in 60 days
- Number of complaints resolved in 90 days
- Number of complaints unresolved
- Description of reason complaint is left unresolved

Timetable January 1, 2004.

Description of official to be held responsible for ensuring each performance goal is met State Board of Elections.

Section 2: How the State will Distribute and Monitor Requirements Payments

OBJECTIVE:

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

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

(B) the methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under Section (8).

GOAL:

To have the State Board centrally manage initiatives funded by requirements payments for the purpose of maintaining uniformity of voting equipment purchases and other expenditures.

PRESENT STATUS:

Currently the State of New York does not provide any funding to county boards of elections.

PROPOSED PLAN:

The State Board will administer the resulting contracts and disbursements consistent with state budget plan described in Section 6 of this plan. The commitments under Title III will be based on federal and state funds deposited in the state election fund.

Funds will be distributed based on availability and the priorities established in this state plan. County voter registration statistics may be taken into consideration for any proportionate distribution of funds to counties for which they qualify under the various elements of distribution. County boards of elections will submit their county budgets that contain the 2000 election cycle maintenance of effort, to establish baseline amounts for efforts already in practice. All expenditures beyond the maintenance of effort will be coordinated with statewide efforts to be eligible for reimbursement of such efforts.

The explicit method and eligibility for each element of distribution is described in Section 6. In general, the distribution of funds to county boards of elections will be in accordance with Memorandums of Understanding (MOU). Each MOU will be the contract between the state and the county to enable payment from the state election fund, and therefore all service levels or compliances

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required by the MOU will dictate disbursement. Upon receipt and validation of documentation of compliance with the MOU, the State Board will issue disbursements from the state election fund.

The State Board will require, as part of the MOU, that each county use established accounting practices for all aspects of project management to monitor the implementation of the elements in Section 6. Project management and time schedules for these efforts will be conducted by the State Board in coordination with the county election officials. Compliance with the terms of any applicable MOU and with the project management and time schedules established for each element in Section 6 will establish eligibility to receive payments from the state election fund. Any portions not in compliance, or not completed on the time schedule, will delay payments until such time as the county has complied with the necessary requirements. If a county has failed to comply on an effort that prohibits other counties, or the state, to proceed with the time schedule of that same effort, the State Board may postpone all other payments to that county until such time of compliance.

The performance measures detailed in Section 8 of this state plan will be used to evaluate participation and effectiveness of disbursements. Monitoring performance measures will be completed annually during the filing of detailed reports required by the State Board. The reports will include specific data to disclose each county's performance as it relates to the implementation of HAVA.

Section 3: Voter Education, Election Official and Poll Worker Training

OBJECTIVE:

Describe how the State will provide 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.

GOAL:

The goal of providing voter education has always been foremost with the State Board, as well as with county boards of elections. The State Board views education of the voter as a key component in the entire election process. Voter education is particularly important in the implementation of HAVA which includes the introduction of new voting systems. The State anticipates devoting significant resources available under HAVA to voter education efforts. The proposed plan delineated below provides initial components of a voter education program necessary to successfully implement HAVA in New York. Additionally, New York recognizes the value of and intends to develop a uniform, statewide comprehensive training program for poll workers and election officials.

PRESENT STATUS:

The county boards of elections administer local, county, state and federal elections. They recruit, hire and train election inspectors and voting machine custodians. Local election officials administer their own training for staff and poll workers. The State Board provides each county with a “Guide to Operating a Board of Elections” for training of board staff. The State Board supplies county boards with Election Inspector Handbooks for use in their training and on Election Day. The State Board supplies local boards of elections with educational brochures for the public on various aspects of the voting process. Voting system vendors are required to provide training for election officials, voting machine custodians and election day workers, as part of their contractual obligations.

The State Board takes pride in the working relationship it has with the county boards of elections. The Board has been successful in launching new forms and procedures, due to its policy of empaneling focus groups of election commissioners, who assist in evaluating all aspects of the concept or form being discussed. Additionally, the State Board includes other experts, such as postal officials, literacy and forms experts, and others who lend their skills and talents to the discussion and production phases of these efforts. The State Board intends to continue to utilize all the expertise available to it, to ensure a full analysis of any initiative and/or any forms which are a result of that initiative.

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PROPOSED PLAN:

The State Board intends to contract with a professional training organization to develop training curriculum and methodology for the delivery of a statewide training program to be made available to all county boards of elections. Topics for the training program shall include, but not be limited to, use of the new voting machines, sensitivity in dealing with voters with disabilities, the elderly, and those voters with accessibility issues.

The State Board of Elections will develop a statewide training program which will provide for the uniform and nondiscriminatory treatment of voters in determining: a) who is offered a provisional ballot, b) whose provisional ballots are counted, c) who may provide assistance to voters in the polling booth, d) who is asked for identification at the polls, e) what forms of identification are accepted upon registration, f) how registration applications are processed and approved, g) how voters' names are removed from the list because of ineligibility or duplication and h) how voter education requirements are carried out.

The State Board will provide through this statewide training process that the same procedures are used in all polling places.

The State Board will work with voting system vendors to enhance and deliver required training programs to election officials, voting machine custodians, election day workers and voters.

The State Board plans to develop and deliver a voter outreach/education campaign, via media and direct mail, to every registered voter, with information on the use of new voting machines and election day processes (available in multiple languages, including Braille). Outreach efforts shall include ample opportunities for voters to become familiar with new voting machines. The program will include contacts with state associations, community and/or private companies, and corporations, to further distribute voter outreach/education materials. A component of the program will be the development of a voter's handbook with information on registration, voting machines, ballot layouts, and how and where to obtain assistance. The handbook will be available in multiple languages and distributed through boards of elections, schools, community groups, libraries, government agencies, television, radio, videotape(s) and websites.

The State Board expects to explore new and innovative poll worker recruitment programs, including the utilization of the "Help America Vote College Program."

Each county board of elections is urged to have a website that provides information and which links voters to comprehensive, useful and downloadable election information and forms. The State Board will develop a model website which would be available for utilization by county boards of elections.

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PERFORMANCE GOALS AND MEASURES: (also repeated in Section 8)

- Voter Education

The goal of providing useful and ample voter education has always been a priority of the State Board and county election officials. The State Board views the entire election process, from voter registration to casting the ballot, as voter education. Therefore, success will be determined by the subjective inspection of many factors revolving around the voter.

Process used to develop the criteria	The counties and certain community/political groups already provide voter education opportunities. By the 2004 Federal election, additional steps will be taken to ensure voter knowledge of changes in voting systems and election day procedures required by this Act. The counties will include details of their efforts in the annual reports they file with the State Board.
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Description of the criteria used to measure performance	The assimilation by the voter of new election day processes will be determined by the number of problems occurring on election day.
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Performance measure	With respect to each county, the following information will be collected to measure performance: <ul style="list-style-type: none">• Number of public service announcements,• Number of locations where voting equipment is on public display,• Number of other voter education and voter outreach initiatives, including:<ul style="list-style-type: none">• Description of initiative• Estimated costs• Participation in initiative• Number and nature of problems on election day.
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Timetable	January 1, 2004 and annually thereafter.
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Description of official to be held responsible for ensuring each performance goal is met	The State Board and the county boards are all responsible for ensuring the success of voter education; however, the State Board is responsible for the success of all statewide coordinated efforts for voter education.
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- Election Official and Poll Worker Training.

The State Board is committed to effective election official and poll worker training which will result in positive voter experiences and fair and orderly elections. Poll workers will be trained in new procedures and the operation of new voting equipment. Significant HAVA resources will be devoted to the training of poll workers and election officials to ensure the successful introduction of new voting systems and procedures in New York. In addition, the State Board will develop a model training program for use by county boards of elections. Poll worker training is essential to the successful implementation of HAVA in New York State. Each person should be provided with sufficient knowledge and information to intelligently perform their role in the process whether as a voter or election worker.

Process used to develop the criteria	Evaluate existing training programs and corresponding manuals in conjunction with new HAVA requirements.
Description of the criteria used to measure performance	Analyzing the number of election officials/poll workers trained in each county will allow the State Board and county boards to determine whether the uniform training, as implemented, was successful.
Performance measure	<p>With respect to each county, the following information will be collected to measure election official/poll worker training performance:</p> <ul style="list-style-type: none"> • The number of election officials to be trained in each county. • The total number of poll workers to be trained in each county. • The number of election officials that are trained in each county. • The total number of poll workers that are trained in each county.
Timetable	Spring 2004 training on new election day processes; training on new equipment when acquired by locality.
Description of official to be held responsible for ensuring each performance goal is met	County election officials are responsible for poll worker training and reporting, however, the State Board is responsible for establishing the guidelines, reporting requirements and ultimately the success of this performance measure.

Section 4: Voting System Guidelines and Processes

OBJECTIVE:

Describe how the State will adopt voting system guidelines and processes which are consistent with the requirements of Section 301.

GOAL:

New York intends to replace all lever voting machines used in the state, which numbered 19,843 at the 2000 Presidential Election, with voting systems which are HAVA-compliant, under the provisions of the most recent and adopted Federal Voting System Standards.

New York intends to replace its two remaining county-based punch-card, absentee voting systems.

PRESENT STATUS:

- New York currently has voting system rules and regulations in place, and was one of the first states in the country to address this issue, by developing and adopting rules in the mid 1980's.
- The State Board of Elections has adopted the existing federal voting system standards as its own, which specifically address issues of accessibility, secrecy, prevention of over votes, review of one's ballot prior to casting, and the accurate counting of every vote cast.
- National Association of State Election Directors (NASED) certification, which tests to federal standards, is required before certification in New York can be sought.
- Current statute and regulations in New York require additional certification testing of NY-specific aspects of the voting process, which are not addressed in the NASED certification program, namely multiple party endorsements for a single candidate. This is currently accomplished within the State Board's Election Operations Unit, in consultation with an independent testing consultant.
- New York's current statute defines what constitutes a vote.
- The performance of logic and accuracy tests is required before each election, and is conducted at the county level, pursuant to formulas and procedures developed and distributed by the State Board, thus ensuring consistent correct vote counts for all offices and uniformity throughout the state.
- Current statute and/or regulations require the conduct of acceptance testing of each piece of voting equipment purchased in the State, under the guidance and with the participation of State Board personnel.

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PROPOSED PLAN:

- The State Board will develop, in consultation with county election officials, strategies for the purchase and statewide implementation of new election day voting systems which are HAVA-compliant.
- The State Board will work with the two remaining counties using punch card technology for absentee ballot purposes, to replace these systems with optical scan technology.
- The State Board will also develop procedures to review and decertify systems that no longer meet adopted Voting System Standards.

PERFORMANCE GOALS AND MEASURES: (also repeated in Section 8)

- Replacement of lever voting machines and punch card voting devices.

New York will undertake a statewide effort to facilitate replacement of voting systems in counties where lever machines are used. The procurement effort will also ensure that voting accessibility standards for persons with disabilities are met. This effort will comply with all state procurement rules and laws. The measure of success is the replacement of all lever machines and punch card voting devices.

Process used to develop the criteria	Establish the number of counties using lever voting machines and punch card voting devices in the 2000 Federal election.
Description of the criteria used to measure performance	62 New York counties had qualifying precincts in the 2000 Federal election according to HAVA descriptions for replacing voting systems.
Performance measure	Number of counties using lever machines and punch card voting devices in the 2006 Federal election.
Timetable	January 1, 2003 to January 1, 2006.
Description of official to be held responsible for ensuring each performance goal is met	Each county board of elections is responsible for implementing the replacement voting system in their county, however, the State Board is leading the statewide effort for replacement and is therefore ultimately responsible for meeting this performance measure. The State Board is responsible for the certification of all new voting equipment.

Section 5: How the Election Fund will be Established and Managed

OBJECTIVE:

Describe how the State will establish an Election Fund for purposes of administering the State's activities under this part, including information on fund management.

GOAL:

To establish a state fund for the purposes of administering the receipt and distribution of funds under HAVA.

PRESENT STATUS:

Separate funds are established in New York by legislation, allowing state agencies overseeing a federally funded program to establish guidelines for distribution of monies to local governments. Since neither the State nor the Federal government has ever distributed funds to localities for election purposes, no such program currently exists.

PROPOSED PLAN:

As part of the Governor's 2003-2004 proposed budget, over \$70 million was earmarked for the State Board. Of that money, \$3 million was targeted for the preliminary development of a statewide voter registration list, and \$65 million was to be placed in a separate fund in anticipation of federal monies for HAVA-related implementation of new voting systems and related administrative initiatives. The State will establish the mechanism to distribute the money as outlined in Section 2 of this plan.

Section 6: Budget for Title III Requirements

OBJECTIVE:

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

- (A) the costs of the activities required to be carried out to meet the requirements of Title III;
- (B) the portion of the requirements payment which will be used to carry out activities to meet such requirements; and
- (C) the portion of the requirements payment which will be used to carry out other activities.

GOAL:

Provide for effective and efficient use of available federal funds, to implement election reforms required by HAVA.

PRESENT STATUS:

Separate funds are established in New York by legislation which allows state agencies overseeing the program to establish guidelines for distribution of monies to local governments. Since neither the State nor the Federal government has ever distributed funds to localities for election purposes, no such program currently exists.

PROPOSED PLAN:

New York's proposed budget outlined below, subject to federal funding of HAVA, includes funding for programs to conform the State to the requirements of Title III. In order to qualify for funding, the State must: meet the requirements of Title III; provide the same maintenance of effort for election operations as in the budget year prior to the 2000 general election; and provide matching funds of five percent of the federal dollars. Funding under HAVA also provides funding under Section 101 for the Administration of Elections and under Section 102 for Lever Machine and Punch Card Replacement. All of the funds provided under HAVA are "no year" money, meaning that they are not required to be expended by the close of the specific federal fiscal year.

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Proposed Budget for State Plan for Fiscal years 2003-2005(dollars in millions)						
A total of \$55 million (Sections 252 and 257 for fiscal year 2003 only) and \$67 million as early monies (Sections 101 and 102) is projected.						
Program Area	Total Proposed Budget	From Section 101	From Section 102	From Sections 252 & 257*	% of Title I money (\$101, 102)	% of Title II money (\$252, 257)
Voting Accessibility - Lever Voting Machine Replacement program	140		50	90	75.8	53
New York State Voter Registration List	20	3		17	4.5	10
Physical Accessibility	10			10		6
Provisional Balloting	0					
Voter Education	20	9		11	14	6
Poll Worker and Election Official Training	2.5	0.9		1.6	1	1
Statewide Complaint System	0.1	0.1			0.2	
Election Administration Grant Program	40			40		24
Administration costs	3	3			4.5	
TOTALS	235.6	16	50	169.6	100**	100**

* subject to 5% matching funds

** some rounding is necessary to equal 100%

Voting Accessibility

New York will initiate a program to facilitate lever machine and punch card replacement. All 62 counties in New York currently use lever voting machines and 2 counties still use punch card systems for absentee ballot purposes. The State Board will explore a procurement effort to acquire new voting systems. The State Board will work with county election officials to ensure that all needs are met, including but not limited to: device acquisition; system maintenance; election preparation services; and election tabulation services.

The plan proposes that counties own and operate the systems and work with vendors to maintain

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the new voting systems and retain control of election services at the county level.

New York State Voter Registration List

The State Board will implement a statewide voter registration list to comply with HAVA Title III. Working with county election officials, the State Board will define functional requirements and roles and responsibilities of carrying out the functions of voter registration. The State Board shall develop, maintain and support the statewide list as the official voter registration list. County boards will remain responsible for the operations of voter registration, including but not limited to: maintaining voter registration information, borders and boundaries of political subdivisions, poll resource management, registration list information, and ballot access filings. County boards will also remain responsible for furnishing their lists, reports, and other printing requirements. Counties will be responsible for common infrastructure requirements for supporting the statewide list. Counties and the State Board will maintain the statewide list through existing maintenance of effort appropriations.

Physical Accessibility

The State will provide funds through a grant program administered by the State Board, to be used by localities to improve the physical accessibility of polling places. Additionally, HAVA provides for other monies to improve physical accessibility of polling places. Counties may apply for funds for this purpose under Section 261 of HAVA.

Provisional Balloting

Provisional balloting is already a county board responsibility, and is included in the maintenance of effort of the county election officials as prescribed in law.

Voter Education, Poll Worker and Election Official Training

Voter education is already a county board responsibility, and included in the maintenance of effort of county election officials. Because all jurisdictions will be changing voting technology, there will be costs associated with voter education above the current maintenance of effort.

Poll worker training is already a county board responsibility, and included in the maintenance of effort of county election officials. Because all jurisdictions will be changing voting technology and election day procedures, there will be costs associated with poll worker training above the current maintenance of effort.

Election official training is already a State Board responsibility, and included in the maintenance of effort of the State Board. Due to changes in voting technology and election day procedures, there will

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be costs associated with election official training above the current maintenance of effort.

Statewide Complaint System

The State Board will implement a statewide complaint system to comply with HAVA Title IV, in order to qualify for Title III funding. Working with the county election officials, the State Board will define functional requirements, roles and responsibilities of complaint procedures as defined in Section 9 of the State Plan.

Subject to federal funding of HAVA, the complaint procedure will be funded for development and additional efforts for maintaining the system.

Election Administration Grant Program

The State will develop the Election Administration Grant Program, to be utilized by counties for the improvement of electoral processes. All grants are subject to a five percent match by the receiving entity. The State Board will develop a mechanism to evaluate grant applications and the related distribution of funds.

Administration Costs

To fulfill the requirements of Title III, the State Board will provide for the coordination, planning, operation and reporting on these programs. Subject to federal funding of HAVA, the State Board will use funds to administer the implementation of HAVA above the current maintenance effort.

Section 7: Maintenance of Effort

OBJECTIVE:

Describe 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.

GOAL:

Meet statutory mandate for maintenance of effort.

PRESENT STATUS:

The State Board does not provide funds for any activities identified in Title III. Costs for voting systems, provisional balloting, voting information requirements, voter registration lists, and registration by mail are borne by county boards of election.

PROPOSED PLAN:

County boards shall continue to provide maintenance of effort in providing election and voter education as required in HAVA.

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Section 8: Performance Goals and Measures

This section represents a consolidation of performance goals and measures found in other parts of this plan.

OBJECTIVE:

Describe 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 carrying out the plan. This plan includes timetables for meeting each of the elements of the plan, descriptions of the criteria the State will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met.

GOAL:

HAVA establishes minimum election administration standards for states. It specifically requires New York to:

- Replace all lever machines and punch card voting devices used by counties for elections;
- Certify new and existing voting systems according to national standards;
- Improve voting equipment accessibility, to include physical and language accessibility;
- Enhance existing provisional voting system requirements;
- Establish a statewide complaint system;
- Provide training for election officials and poll workers;
- Increase voter education for new voting systems; and,
- Create a new uniform statewide voter registration list.

PROPOSED PLAN:

The State Board is ultimately responsible for ensuring the success in meeting each performance goal. Each county election office also has a substantial responsibility in meeting performance goals in that the counties will monitor performance measures and will report to the state annually.

The State Board and the counties will enhance current reporting requirements to include specific data to disclose the successes and failures of their jurisdiction as it relates to the implementation of HAVA. The State Board will compile the data in the reports, and create and distribute a statewide report on the programs on an annual basis.

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- Replacement of lever voting machines and punch card voting devices.

New York will undertake a statewide effort to facilitate replacement of voting systems in counties where lever machines are used. The effort will also ensure that voting accessibility standards for persons with disabilities are met. This procurement effort will comply with all state procurement rules and laws. The measure of success is the replacement of all lever machines and punch card voting devices.

Process used to develop the criteria	Establish the number of counties using lever voting machines and punch card voting devices in the 2000 Federal election.
Description of the criteria used to measure performance	62 New York counties had qualifying precincts in the 2000 Federal election according to HAVA descriptions of replacement voting systems.
Performance measure	Number of counties using lever machines and punch card voting devices in the 2004 Federal election.
Timetable	January 1, 2003 to January 1, 2006.
Description of official to be held responsible for ensuring each performance goal is met	Each county board of elections is responsible for implementing the replacement voting system in their county, however, the State Board is leading the statewide effort for replacement and is therefore ultimately responsible for meeting this performance measure. The State Board is responsible for the certification of all new voting equipment.

- Voting Equipment Accessibility

Improving voting equipment accessibility, as required by HAVA, shall include accessibility for individuals with disabilities and alternative language accessibility as determined in HAVA and the Voting Rights Act of 1965. The measure of success for both elements is the successful acquisition and deployment of accessible voting machines by the 2004 Federal election.

The State Board will encourage private-public partnerships to enhance the voting participation of all voters with disabilities in coordination with the Help America Vote Foundation established by HAVA. While beyond the scope of this state plan, activities of such groups may be incorporated into performance reporting to complement physical accessibility goals.

Cities and towns currently designate and inspect all polling places for physical accessibility. Beginning with the 2004 Federal election, and with an eye toward monitoring and uniformly addressing

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physical accessibility in the polling place, the inspection results will be added to a report that counties already file with the State Board. Success will be measured by compliance with the state and federal laws and regulations on physical accessibility. County reports on accessibility will include data from on-site inspections of polling places, the number of polling places that are accessible, and will describe measures taken to bring inaccessible polling places into compliance.

Process used to develop the criteria	Establish number of counties using accessible devices in the 2000 Federal election.
Description of the criteria used to measure performance	All 62 New York counties will require alternative voting accessibility devices in the 2004 Federal election according to HAVA.
Performance measure	Number of counties using voting accessible compliant devices in the 2004 Federal election
Timetable	January 1, 2003 to Federal election 2004
Description of official to be held responsible for ensuring each performance goal is met	The State Board is responsible for the certification of HAVA compliant voting equipment in the state.

- Alternative Language Accessibility

The goal of providing useful and ample language accessibility has always been, and continues to be, compliance with the Voting Rights Act of 1965. Voters requiring alternative languages are represented in percentages based on census figures. The entire election process, from voter registration to casting the ballot, is enhanced with providing alternative language accessibility as required by the Voting Rights Act of 1965. Success will be determined by the provision of types and quantities of materials available in required alternative languages.

Process used to develop the criteria	The state and counties already provide language accessibility as required by the Voting Rights Act of 1965. By the 2004 Federal election, the State Board will ascertain that jurisdictions identified by U.S. Department of Justice requiring alternative language accessibility are in compliance.
Description of the criteria used to measure	Counties will provide the state with a report of alternative language capabilities with reference to ballots, publicity pamphlets, voter

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performance registration forms and voter education materials. The data provided will allow the State Board to determine if the uniform procedures for providing alternative language accessibility have been successful.

Performance measure With respect to each county, information will be collected to measure the number of languages required and the number of languages provided for alternative language accessibility for publicity pamphlets, ballots, voter registration forms and voter education materials.

Timetable Federal election 2004 and annually thereafter.

Description of official to be held responsible for ensuring each performance goal is met The county boards are responsible for ensuring each performance goal is met, with the assistance and cooperation of the State Board.

- Provisional Ballots

Provisional ballots, called affidavit ballots in New York, are currently provided for in statute. They are a fail-safe option for voters whose name does not appear in a poll book, for those who have moved but not yet notified their respective board of elections, or in Primary elections for voters for whom their stated enrollment does not match the enrollment specified in a poll book. The current statute requires that a notice, with a registration form, be sent to each person who cast an affidavit ballot which was deemed invalid and was thus, not canvassed.

New York intends to enhance existing statutory requirements for provisional (affidavit) ballot voting, to encompass offering said ballot to those voters for whom identification must be provided at the time one votes, but who fail to present identification. The notification process will be amended to provide for notice of the disposition of each affidavit ballot cast to those respective voters. Additionally, the affidavit ballot envelope will be amended to reflect appropriate selection by the voter as to the reason for the casting of the affidavit ballot.

Process used to develop the criteria The State Board will review the current statutes and county board procedures and make any changes needed for provisional (affidavit) balloting.

Description of the criteria used to measure performance Modify the current notice to voters to: add an explanation of instances where failure to present ID can be overcome by the casting of an affidavit ballot; add the phone number of county board of elections to ensure toll-free access for voter to follow-up on their ballots; and create a voter's bill of rights for distribution and posting in all poll sites.

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Performance measure	<p>Each county board will report the following information:</p> <ul style="list-style-type: none"> • The distribution of revised notices in election day supplies. • The addition of revised procedures to any state or local inspector and voter education initiatives. • A review of amended processes added to inspector training curriculum.
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Timetable	<p>Notices to be modified and documents to be distributed by May 2004, to inaugurate the process and to ensure full implementation by the 2004 Federal election.</p>
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Description of official to be held responsible for ensuring each performance goal is met	<p>County election officials are responsible for provisional ballot distribution verification and compliance with procedures established by the State Board. The State Board is responsible for reviewing compliance reports submitted by counties.</p>
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- State Board Administrative Complaint Procedure

The State Board will implement a statewide complaint procedure. Measurement of the success of the statewide procedure will be the availability and performance of the system, as well as the experience for the voter.

Process used to develop the criteria	<p>Evaluation of the legislation, Task Force sessions, and in-house work sessions with appropriate staff.</p>
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Description of the criteria used to measure performance	<p>Measurement of success for the statewide complaint procedure will be the availability and performance of the system, as well as the experience for the voter.</p>
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Performance measure	<p>The State Board will review the total number of complaints received and resolved. The following information will be collected to objectively measure performance:</p>
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- Number of complaints received
- Number of complaints resolved
- Number complaints resolved in 60 days
- Number of complaints resolved in 90 days
- Number of complaints unresolved
- Description of reason complaint is left unresolved

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performance goal is met performance measure.

- Voter Education

The goal of providing useful and ample voter education has always been a priority of the State Board and county election officials. Measuring the success of voter education, however, is complicated and includes variables such as uncontested races, controversial ballot measures, and complicated ballot layouts. The State Board views the entire election process, from voter registration to casting the ballot, as voter education. Therefore, success will be determined by the subjective inspection of many factors revolving around the voter.

Process used to develop the criteria

The counties and certain community/political groups already provide voter education opportunities. By the 2004 Federal election, additional steps will be taken to ensure voter knowledge of changes in voting systems and election day procedures required by this Act. The counties will include details of their efforts in the annual reports they file with the State Board.

Description of the criteria used to measure performance

The assimilation by the voter of new election day processes will be determined by the number of problems occurring on election day.

Performance measure

With respect to each county, the following information will be collected to measure performance:

- Number of public service announcements,
- Number of locations where voting equipment is on public display,
- Number of other voter education and voter outreach initiatives, including:
 - Description
 - Estimated costs
 - Participation
- Number and nature of problems on election day.

Timetable

January 1, 2004 and annually thereafter.

Description of official to be held responsible for ensuring each performance goal is met

The State Board and the county boards are all responsible for ensuring the success of voter education; however, the State Board is responsible for the success of all statewide coordinated efforts for voter education.

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- Centralized Statewide Voter Registration List

The State Board will implement a statewide voter registration list. The State Board's goal is to meet the requirements of HAVA, while maintaining the current level of election services at the local level, and at the same time enhancing the administration of voter registration and the election process for the citizens of New York. Working with the county boards of elections, the State Board will define functional requirements, roles and responsibilities of carrying out the functions of voter registration to enhance the operations of these offices. In order to comply with the requirements of Title III of HAVA, the State Board "shall implement, in a uniform and non-discriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list."

Process used to develop the criteria	Evaluation of the legislation, Task Force sessions, in-house work sessions with appropriate staff, consultation with other state agencies having related expertise, and on-site visits to other states and county boards to review voter registration systems.
Description of the criteria used to measure performance	Implementation of a single, uniform, statewide voter registration list accessible to all counties and having appropriate verification capabilities.
Performance measure	<p>The State Board has identified three stages for the creation of the statewide list.</p> <p>Stage 1: Planning</p> <ul style="list-style-type: none">– Completion of business analysis– Establishment of database architecture <p>Stage 2: Development</p> <ul style="list-style-type: none">– Development of the database model– Determination of hardware and software components of the database architecture– Acquisition of the requisite hardware and software components of the database– Development of a single statewide uniform user interface– Development of the necessary Wide Area Network (WAN) with local boards of elections– Testing with regards to all of the above <p>Stage 3: Implementation</p> <ul style="list-style-type: none">– Migration of local voter registration data into statewide list– Training of appropriate personnel<ul style="list-style-type: none">– Rollout of the system to local boards of elections– Troubleshooting with regards to items outlined in Stage 2– Establishment of fully operational system– Testing with regard to all of the above

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Timetable	January 1, 2003 to Federal election, 2004
Description of official to be held responsible for ensuring each performance goal is met	The State Board is responsible for implementing and operating the statewide voter registration list.

Section 9: Administrative Complaint Procedure

OBJECTIVE:

Provide a description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under Title IV.

GOAL:

New York shall develop a procedure for the processing of any complaints for alleged violations of Title III of HAVA.

PRESENT STATUS:

The State Board currently provides the opportunity for any person to file a complaint about provisions of the Election Law, election day procedures, election administration and voter registration. This includes complaints relating to the National Voter Registration Act. In addition, complaints may be also made to any county board of elections.

PROPOSED PLAN:

Initially, any complaints made at the local level may be resolved there in an informal manner. Thus, the officials closest to the problem may correct it in the most efficient and timely way possible.

1 - 800 - FOR VOTE is the State Board's current toll-free election information line (with TDD capability). This system will be expanded to implement the initial call-in element of a statewide complaint procedure. The statewide procedure will allow for the comprehensive coordination of response by the State Board and county election officials with the initial complaint handled in person or by phone call and progressing to a written process when needed.

The State Board will set up a method for processing written complaints received in compliance with HAVA requirements. The State Board will assist any person with disabilities in making a complaint.

As required by HAVA, the process will provide for an opportunity for any complainant to request a hearing on the record. The procedure will also provide that the State Board will make a final determination of a complaint within 90 days, unless the time limit is waived by the complainant. If the State Board fails to meet this deadline, an alternative dispute resolution procedure will be used to resolve the complaint within 60 additional days.

PERFORMANCE GOALS AND MEASURES: (also repeated in Section 8)

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The State Board will implement a statewide complaint procedure. Measurement of the success of the statewide procedure will be the availability and performance of the system, as well as the experience for the voter.

Process used to develop the criteria	Evaluation of the legislation, Task Force sessions, and in-house work sessions with appropriate staff.
Description of the criteria used to measure performance	Measurement of success for the statewide complaint procedure will be the availability and performance of the system, as well as the experience for the voter.
Performance measure	The State Board will review the total number of complaints received and resolved. The following information will be collected to objectively measure performance: <ul style="list-style-type: none">• Number of complaints received• Number of complaints resolved• Number complaints resolved in 60 days• Number of complaints resolved in 90 days• Number of complaints unresolved• Description of reason complaint is left unresolved
Timetable	January 1, 2004.
Description of official to be held responsible for ensuring each performance goal is met	State Board of Elections.

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Section 10: Title I Payments

OBJECTIVE:

Describe how any payment under Title I will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities.

GOAL:

Provide for effective and efficient use of available federal funds.

PRESENT STATUS:

The Federal government has never distributed funds to New York State for election purposes.

PROPOSED PLAN:

Pursuant to HAVA and in anticipation of receiving full funding for Title I, money will be distributed to provide for lever machine replacement for each county where a lever machine system is in use. Section 6 details how the federal funds will be spent to meet the requirements of Section 301 of HAVA.

New York will initiate a program to facilitate voting system replacement. Every county in the State will require new voting systems. The State Board will explore a procurement effort to acquire these systems. The scope of the program will be the replacement of voting systems. The State Board will work with county election officials to ensure that all needs are met, including but not limited to: system acquisition; system maintenance; election preparation services; and election tabulation services.

This Plan proposes that counties own and operate the systems and work with vendors to maintain the new voting systems and retain control of election services at the county level.

The State Board will implement a statewide voter registration list to comply with the HAVA Title III. Working with the county election officials, the State Board will define functional requirements and roles and responsibilities of carrying out the functions of voter registration. The State Board will define, maintain and administer at the state level “the single, uniform, official, centralized, interactive computerized statewide voter registration list.”

Any remaining funds will be used for the other programs described in Title I, Section 101 (b) (1). Section 6 of the State Plan details how such funds will be allocated.

Section 11: Management of the State Plan

OBJECTIVE:

Describe how the State will conduct ongoing management of the plan except that the State may not make any material change in the administration of the plan unless the change: is developed and published in the Federal Register in accordance with Section 255 in the same manner as the State Plan; is subject to public notice and comment in accordance with Section 256 in the same manner as the State Plan; and takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register.

GOAL:

The State Board will ensure proper management of obligations set forth in HAVA.

PRESENT STATUS:

Presently the State Board has oversight responsibilities for all 62 county boards of elections. The various mechanisms used at the present time, for conducting related monitoring and educational activities, include the following:

- on-site board visits, followed by written reports (to the State Board, County Board, and local legislative leaders, as appropriate)
- annual report statistical review, encompassing a quantitative summary of board activities
- extensive subject-specific surveys regarding procedures, processes or events
- certifications by county boards on the performance and outcome of certain statutory tasks (such as required mailings to voters, polling place evaluations, etc.)
- presentation of an annual conference, for all election officials in the state (usual attendance exceeds over 200 participants), including a Professional Practices component
- participation in two statewide conferences sponsored by the New York State Election Commissioners Association, at which the State Board presents workshops on specific topics
- creation and distribution of a “Guide to Operating a Board of Elections”, to assist election officials in standardizing and professionalizing day-to-day and election-specific operations
- numerous memos on procedure and performance suggestions, to assist county boards in the development of operational procedures
- creation and distribution of model procedures which are task-specific, and serve as an easy reference and guide for the conduct and anticipated outcome of certain procedures (such as the NVRA-related List Maintenance Directory)

PROPOSED PLAN:

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All of these existing components will be enhanced to include reviews, assessments, reporting and certification of HAVA requirements, to ensure the uniform, professional and consistent implementation of all aspects of this federal legislation

If the State Board determines the State Plan requires material change, the State Board shall: propose the recommended changes to the Chief State Election Official; allow for public comment for not less than 30 days; and publish in the Federal Register upon submitting the revised plan to the Election Assistance Commission.

Section 12: Changes to State Plan from Previous Fiscal Year

OBJECTIVE:

Describe 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.

GOAL:

To establish a mechanism to address changes in subsequent years of the state planning process pursuant to HAVA.

PRESENT STATUS:

Since this is the first round of state planning, no process currently exists.

PROPOSED PLAN:

This State Plan is the Preliminary State Plan required under HAVA. This Section will be updated in the next fiscal year, reflecting changes to the State Plan, as well as a summary of the 2003 successes.

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Section 13: The Planning Committee and its Procedures

OBJECTIVE:

Provide a description of the committee which participated in the development of the State Plan in accordance with Section 255 and the procedures followed by the committee under such Section and Section 256, including the membership of the committee and its activities, such as hearings or other forms of public input, publications, notices, comments, and actions taken as a result of comments.

DESCRIPTION OF THE DEVELOPMENT OF THE STATE PLAN:

Pursuant to Section 255, on February 7, 2003, the Chief State Election Official, Peter S. Kosinski, Deputy Executive Director of the New York State Board of Elections, appointed a task force to advise in the development of the State Plan, designated the Help America Vote Act State Implementation Plan Task Force (Task Force). The group included persons who provided expertise and meaningful input to the formation of the Plan, as well as representatives of groups mandated by HAVA.

Representatives of various government groups were appointed, including the Governor's Office; the New York State Senate and Assembly; the New York State Department of Motor Vehicles; New York State Office for Technology; the Secretary of State's Office and the Division of the Budget. The Secretary of State's Office and the Division of the Budget assisted with local government interaction issues and budgetary concerns, respectively.

Also mandated by HAVA and included on the Task Force, were representatives from the boards of elections of the two largest jurisdictions in the state, New York City and Suffolk County. Representatives from two upstate county boards of elections and an official representing county government also served as Task Force members.

In light of the provisions of HAVA concerning persons with disabilities, a representative of disability groups, as well as New York's Advocate for Persons with Disabilities, were appointed. A representative of each of the major state political parties and the New York State League of Women Voters also served on the panel.

The Chief State Election Official designated a portion of the State Board of Election's website at www.elections.state.ny.us as a place for the public to view the Task Force's composition, meeting schedule, minutes of meetings, and back-up resource for the State Plan.

The Task Force held open, public meetings on February 26, March 5, 12, 19, and 26, 2003 and advised and provided feedback to the Chief Election Official on elements for the State Plan.

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Composition of Task Force

Member	Organization
Laurence Adamczyk	Commissioner of the Erie County Board of Elections
Aimee Allaud	League of Women Voters
Maggie Brooks	Monroe County Clerk
Randy Daniels	New York Secretary of State
Member of Assembly RoAnn Destitio	New York State Assembly
James Dillon	Chief Information Officer for New York State
John Haggerty, Jr.	New York State Republican Party
Peter James Johnson, Jr.	Governor's Office
Anita S. Katz	Commissioner of the Suffolk County Board of Elections
Douglas Kellner	New York State Democratic Party
Helen M. Kiggins	Commissioner of the Onondaga County Board of Elections
Raymond Martinez	Commissioner NYS Department of Motor Vehicles
Jerry Minot-Scheuermann	New York State Division of the Budget
Senator Thomas Morahan	New York State Senate
John Ravitz	Executive Director for the NYC Board of Elections
Senator Nicholas A. Spano	New York State Senate
Richard Warrender	New York State Advocate for Persons with Disabilities
Brad Williams	New York State Independent Living Centers
Member of Assembly Keith Wright	New York State Assembly

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Representatives of the following groups attended and participated at the Task Force meetings:

Accenture
Asian Legal Defense Fund
Office of Assemblyman Peter Rivera
Associated Reporters
Brennan Center for Justice
Center for Independence
Citizen's Union
Citizens for Instant Runoff Voting
Common Cause/NY
DEMOS
District Council 37
Eastern Paralyzed Veterans Association
Election Systems and Software
Gannett News Service
Green Party
Liberty Election Systems
NTS Data Services
NY Immigration Coalition
NY Statewide Senior Action
NY Public Radio
NY Public Interest Research Group
NYC Mayor's Office
NYS Senate Minority Counsel
NYS Commission on Quality of Care
NYS Office of General Services
NYS Association of Community & Residential Agencies
NYS Independent Living Center
Orange County Board of Elections
Patricia Lynch Associates
Schenectady County Board of Elections
SENSES
Sequoia Pacific Voting Systems
The Century Foundation
Western NY Independent Living Program

The Drafting Committee did extensive research and utilized a variety of resources from inside and outside the agency to create the plan.

The Drafting Committee was composed of :

Peter S. Kosinski, Chief Election Officer
Thomas Wilkey Executive Director, NYSBOE
Lee Daghlian, Public Information Officer
Tim Mattice, Special Projects Coordinator
William McCann, Special Deputy Counsel
Patricia Murray, First Deputy Counsel
George Stanton, Director of Information Technology
Anna Svizzero, Director of Election Operations
Todd Valentine, Special Counsel
Stanley Zalen, Enforcement Counsel

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Section 14: Public Comments

To comply with Section 256 of the Help America Vote Act, New York State made a preliminary version of the state implementation plan available for public inspection and comment on June 20, 2003. The Plan was made available through the State Board of Elections' web site and at every public library throughout the state.

Three public hearings were conducted throughout the state during the public comment period affording interested persons and groups an opportunity to present comments to the chief election official, State HAVA Task Force members and staff of the State Board of Elections. Comments were also received by e-mail and regular mail. The public comment period extended to July 23, 2003. Each of the comments was thoroughly reviewed by the State and considered in the final plan. The following is a list of the most common comments that were presented with a response to each comment.

Public Comment:

The Plan should provide more specificity on issues such as types of identification first-time voters present, databases intended to be used to verify voters, the voting machines the state intends to purchase, and other HAVA mandates.

Response:

The Plan is intended to be a broad and living document, pursuant to the intent and spirit of HAVA's provisions. The Plan, as drafted, creates a series of avenues which the State can follow to implement all of HAVA's requirements once legislative and other related issues are identified and resolved. Specific answers can only be provided after an analysis of the results of that debate. The Plan, therefore, is an ongoing process, also acknowledged by HAVA legislation, which allows the State to update its Plan as changes in state statute or policies necessitate.

Public Comment:

The Plan did not provide for sufficient detail of accessibility standards for voting systems or polling places.

Response:

Accessibility for voting machines is anticipated under HAVA to be a national issue. The Election Assistance Commission is to set voting machine accessibility standards with the assistance of the voting systems standards advisory group. New York's existing regulations on voting machine standards already require voting machines to meet the federal standards. These standards are not a state-by-state

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criteria and therefore are not appropriate for the State Plan.

Accessibility for polling places is addressed through HAVA by the establishment of a separate fund to be administered by the Department of Health and Human Services. The State has submitted a proposal to access federal funds administered by the Department of Health and Human Services. To augment this fund the plan did provide for additional monies that could be used to improve polling place accessibility.

Public Comment:

The Plan does not adequately address the security of new voting systems.

Response:

HAVA's intent is to have in place national standards for the integrity and performance of voting systems in use throughout the country. HAVA requires the use of DRE (direct electronic recording) voting systems to maximize access for persons with disabilities. In order to facilitate these concepts, HAVA provides for a national certification program for voting equipment, which may be complemented at the state level with additional testing processes. Technical and scientific professionals will be responsible for creating thorough and stringent national security standards and for identifying testing facilities for the execution of tasks related to ensuring same, through the certification process. In addition, advocacy and other groups representing the sciences and accessibility communities are represented in those debates at the national level, to ensure that all concerns are addressed. These issues, therefore, need not be addressed separately in a State Plan.

Public Comment:

The Plan does not address New York's full-face ballot requirement.

Response:

Present statute requires that all voting systems support a full-face ballot layout. Some public hearing comments expressed an interest in exploring options for systems that do not. New York's State Plan was written from the perspective of the current statute, as it relates to ballot layout. The Plan was not meant to select any certain system, nor was there any intent, desire or ability to foresee actions the Legislature might choose to take with regard to voting systems or ballot layout. The Plan does provide however, an overall concept for the acquisition and implementation of any voting equipment which will reflect any modifications attributed to Legislative consideration of changes to existing ballot layout requirements.

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Public Comment:

The Plan should include a comprehensive list of identification cards which will be acceptable under HAVA for verification purposes.

Response:

One of the underlying purposes of HAVA is the prevention of voter registration fraud through the verification of a voter's identity. Voter identification is one of the methods that may be used for this purpose. There are hundreds of agencies, both public and private, which issue identification documents. In order to accept identification, the State must be reasonably assured that they were issued only after the issuing agency verified the individual's identity. Certainly identifications issued by government agencies are among those that will satisfy HAVA. However, there is not sufficient information available at this time for the Plan to include a comprehensive list of issuing agencies whose identification documents will qualify for HAVA verification purposes.

Public Comment:

The Plan should include implementation of a training program for poll workers and election officials relative to persons with disabilities.

Response:

The Plan provides that the State Board of Elections will be collaborating with a professional training organization to develop a statewide training program for all county boards of elections. In the development phase of this program, the training professionals will be consulting with the community of individuals with disabilities. This consultation will result in a training program which include how to professionally and appropriately succeed in guaranteeing an independent, positive and smooth process for the voter with a disability. This process will include, but not be limited to, dealing with the person who is blind, persons using a wheelchair, the hearing impaired, persons with developmental disabilities, individuals with language barriers, and the elderly. The goal of the training program will be that ALL voters who arrive at their polling place will not have to overcome barriers to exercise their right to vote.