

# ***Commonwealth of Pennsylvania***

## ***Help America Vote Act of 2002***

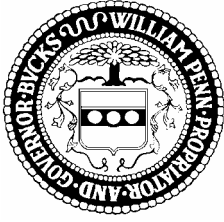


# **COUNTY PLAN**

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# COMMONWEALTH OF PENNSYLVANIA COUNTY OF BUCKS PLAN

## COUNTY PLAN ELEMENT 1

How the County will use the requirements payment to meet the requirements of Title III and, if applicable under section 251 [(b)](2), to carry out other activities to improve the administration of elections.

HAVA Section 254(a)(1) (42 U.S.C., § 15404(a)(1))

### VOTING SYSTEMS STANDARDS (HAVA § 301)

Section 301(d) of HAVA requires, no later than January 1, 2006, that all voting systems used in elections for Federal office meet certain requirements delineated below.

Each voting system used in a Federal election on or after January 1, 2006, must permit the voter to (1) verify privately and independently the votes selected before casting a ballot and to privately and independently be able to change or correct a ballot before it is cast (including receiving a replacement ballot); (2) notify the voter of an over-vote (casting votes for more candidates than allowed); (3) notify the voter of the effect of over-voting, i.e., the vote for that office will not be counted; and (4) provide the voter with the opportunity to correct the ballot, if he or she has over voted. These requirements mandate that a county using a paper based electronic voting system must use precinct tabulators instead of central count tabulators, thus precluding the use of paper-based central count electronic voting systems (except as noted below).

All voting systems must meet all requirements of alternative language access of section 203 of the Voting Rights Act of 1965 (42 U.S.C. § 1937aa-1a).

Voting systems must be accessible to voters with disabilities, including voters with visual impairment, in a manner that provides the same opportunity for access and participation (including privacy and independence as for other voters. According to HAVA, this requirement is met by providing at least one direct recording electronic (DRE) voting unit, or other voting system equipped for individuals with disabilities at each polling place.

All voting systems must (1) produce a record with an audit capacity (the paper record produced must be available as an official record for purposes of a recount); (2) produce a permanent paper record with a manual audit capacity; (3) allow the voter to correct any error before the permanent paper record is produced; and (4) meet FEC guidelines (§ 3.2.1) for voting system error rates (errors attributable only to system errors, and not an act of the voter) that are in effect at the time of the HAVA's enactment (October 29, 2002).

Finally, HAVA requires that each county adopt “uniform and nondiscriminatory standards that define what constitutes a vote and what will be counted as a vote for each category of voting system used in the county”.

### **BUCKS COUNTY’S VOTING SYSTEM AND ACTIONS PLANNED BY THE COUNTY TO COMPLY WITH SECTION 301 OF HAVA**

Bucks County’s 303 precincts have utilized lever voting machines for approximately the last 50+ years. Although these machines are heavy (approximately 700 lbs) and cumbersome, they are reliable and have a negligible error rate.

The voting machines currently in use by Bucks County verify privately and independently the votes selected before casting a ballot. With the full-face “screen” of a lever voting machine, the voter can review the entire ballot before proceeding to cast their ballot and exit the machine. With the lever machines, it is not necessary to obtain a replacement ballot and voters in Bucks County do not need to be notified of an over-vote as you cannot pull the lever in any one column more than once. Bucks County’s lever voting machines would have the capacity for alternative language access.

#### *Bucks County’s Planned Actions:*

Bucks County understands that it must replace its lever voting machines and they will be replaced in time for the first election for Federal office held after January 1, 2006. Bucks County will be using HAVA funding to help accomplish this.

In order to comply with HAVA requirements regarding disabled accessibility, Bucks County will be purchasing at least one DRE device for each precinct to accommodate individuals with disabilities and is also considering the purchase of a HAVA compliant DRE voting system for the entire County. The County will request demonstrations and pricing from all qualified, approved and certified vendors.

The County will advertise in two local newspapers of general circulation when new machines have been decided upon. The County will also request local municipalities to post the news on their websites. The County will enlist the services of local cable TV stations. The County anticipates featuring a diagram and instructions on the new machines. The selected vendor will demonstrate new machines at various locations throughout the County for the public to view and try. The public will be invited to attend these demonstrations which will be advertised in the local newspapers. New machines will be on display in the Courthouse for viewing and demonstration purposes.

Bucks County is awaiting notification of those DRE systems that have been certified by the Commonwealth. Bucks County is hopeful that the Commonwealth will request a waiver authorized by section 102(a)(3)(B) of HAVA for the replacement of lever voting machines. The time constraints currently in place for new voting machines greatly limit the ability to purchase new machines and educate the voting public on their use.

Bucks County understands that each HAVA compliant voting system has to be reviewed and examined to determine its compliance with Pennsylvania law. Purchase of HAVA compliant machines from state-approved DRE vendors should reduce the cost substantially. It is unclear at this time exactly how many DRE machines would be required to accommodate the voters in Bucks County since manufacturers' capabilities differ.

### **Lever Voting Machines**

Bucks County's lever voting machines will be replaced by the state-mandated deadline with voting machines that are HAVA compliant. Bucks County plans on using HAVA monies to help with this purchase.

Since Bucks County's voting system is not able to produce a permanent paper record with a manual audit capacity, the purchase of a new voting system will rectify this omission and the new system will be able to produce a permanent paper record, if required.

### **Absentee Balloting System**

Bucks County utilizes a comprehensive procedure in processing absentee ballot applications. The applications are first looked up on the SURE system to identify that (1) the applicant is a registered voter; (2) the applicant is registered at the address noted on the application; (3) the date the applicant registered; and (4) the means by which the applicant registered. If it is determined that the absentee voter is required to provide identification prior to counting his cast ballot, the office will forward a letter to the applicant stating such and listing the various forms of acceptable identification. The applicant is also provided a self-addressed envelope which is marked in red on the outside with the stamp "First Time Voter". This stamp ensures the return envelope is immediately forwarded to the absentee ballot clerks.

There are instructions printed on Bucks County's absentee ballots advising voters of the acceptable procedure to vote. The instructions also state that if the voter spoils the ballot, the voter should "not erase, but ask for a new ballot."

All absentee voters who come into the office to vote their ballot are instructed on voting only for the number of candidates permitted.

#### *Bucks County's Planned Action:*

Bucks County will include notification to the absentee voter of the effects of over voting. If permitted, this will be accomplished by instructions printed on each absentee ballot.

### **Uniform Definition of What Constitutes a Vote**

Bucks County distributes an "Election Day Digest" to all polling locations throughout the County. This booklet is also handed out at election official classes held throughout the County and is given to the public on request. In the back of this booklet is listed seven (7) pages of diagrams of how to count an absentee ballot. The procedures of absentee balloting are reviewed at our election official classes which are held throughout the County

in the spring of each year and at the Courthouse in the fall of each year. The classes are specifically for election officials, but all are invited to attend and no one is refused attendance.

*Bucks County's Planned Action:*

Bucks County will enhance its instruction to election officials on "What Constitutes a Vote" on absentee ballots by way of additional mailings/handouts accomplished with HAVA funds and will also improve this section of the election official training classes.

**Accessibility of Voting Systems for Electors with Disabilities**

Bucks County is not able to provide ballots to voters with disabilities in the same manner as it provides ballots to other voters. Bucks County has an extensive list of voters who vote by absentee ballot due to physical disability. At the present time, these absentee voters are maintained in an Excel spreadsheet. However, it is anticipated that these voters can be indicated on the SURE system and, consequently, mailing labels produced. These absentee voters are automatically mailed an Absentee Ballot Application prior to every election by producing labels from the Excel sheet.

Bucks County conducted a polling place accessibility survey during this past year of all polling locations in the County. The survey and evaluation was coordinated and performed by the Freedom Valley Disability Center of Newtown Square, PA. The inaccessible polls were advertised in two newspapers of general circulation prior to the General Election of 2004.

*Bucks County's Planned Action:*

With the purchase of a new HAVA complaint voting system, all voters in Bucks County would be treated in the same manner while casting their ballots. Bucks County would procure: a disabled-accessible voting device selected by an agency of the Commonwealth; or a county-selected disabled-accessible device. This purchase would be accomplished by federal funds available to the County.

Of the polling sites that reflected areas of concern regarding disability access, these were addressed by the various site owners and corrected. All polling sites that require, or would require in the future, increased accessibility would be accomplished with federal funds available to the County. All new polling locations would be accepted only if the location met the disabled accessibility guidelines used in the Commonwealth.

**Alternative Language Accessibility**

To date, there has not been a need for Bucks County to provide an alternative language for voters. However, there are areas in the County that are experiencing an increase in an alternative language.

*Bucks County's Planned Action:*

Bucks County plans on continually monitoring the voting percentage of alternative languages in the County. The County will seek assistance from the Commonwealth on pursuing ways to make the ballots, polling place information and obtaining interpreters or translation services. The County will hold as many additional election classes in that area of the County as there is a need. An interpreter or translator will be required to be hired to attend the class(es).

## **PROVISIONAL VOTING AND VOTING INFORMATION REQUIREMENTS**

Provisional Balloting was implemented in Bucks County with the April 27, 2004, General Primary. Under Congressional mandate, if an individual declares that he/she is a registered voter in the jurisdiction in which the individual desires to vote in an election for Federal office, but the name of the individual does not appear on the official list of eligible voters for the polling place or an election official asserts that the individual is not eligible to vote, the individual must be permitted to cast a "provisional ballot."

### **Provisional Balloting Requirements**

Extensively detailed instructions were given out at election official classes and letters were mailed out periodically to Judges of Election reinforcing the procedures of: (1) notifying the individual that he or she may cast a provisional ballot; (2) permitting the individual to cast a provisional ballot upon the execution of a written affirmation by the individual before the election official affirming that the individual is a registered voter in the jurisdiction in which the individual desire to vote and is eligible to vote in the election; (3) transmitting the ballot cast by the individual to the appropriate election official; and (4) giving the individual one-half of the bar-coded receipt with instructions on how to determine if their ballot was counted.

*Bucks County's Planned Action:*

Bucks County plans to use funds received under section 101 of HAVA for website development under the sub-heading of "Provisional Ballot".

The Department of State maintains a SURE automated process whereby the individual who voted by provisional ballot is able to track the status of their ballot by dialing the Commonwealth's toll-free phone number.

### **Voting Information Requirements**

The County forwarded each voting district Judge of Elections five (5) copies of the sample ballot and copies of the identification requirements, provisional ballots and complaint information contained on the Commonwealth's Election News with instructions to post at the polling place. Each polling district also had a sample voting machine on display. The

County printed the date of the election, hours of voting and locations of all polls in Bucks County in two newspapers of general circulation.

Copies of Ready-Set-Vote were also distributed which contained instructions on Provisional Balloting. Six (6) additional telephone lines exclusively for the election officials were installed in the Bucks County Board of Elections office and Judges of Election were told to check with the Board of Elections office prior to permitting any individual to vote a Provisional Ballot. The telephone communication was for the purpose of confirming that all avenues were exhausted in trying to locate the registration of a voter.

*Bucks County's Planned Action:*

Bucks County plans to follow the dictates of section 1210 of the Election Code as amended by Act 2002-150 which fully implement HAVA requirements.

In conjunction with the Commonwealth, the County distributed a Voting Rights and Penalty Card for posting at each polling location which contained general information on voting rights under applicable Federal and State laws; information on the right of an individual to cast a provisional ballot; instructions on how to contact the appropriate officials if these rights are alleged to have been violated and general information on Federal and State laws regarding prohibitions on fraud and misrepresentations. The County also distributed complaint forms with instructions to all voting districts Judges of Election.

**COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST  
REQUIREMENTS AND REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL**

Bucks County has been on the computerized Statewide Uniform Registry of Electors since July of 2003.

**Computerized Statewide Voter Registration List Requirements**

Bucks County utilizes the Statewide Uniform Registry of Electors system as its single system for storing and managing the official list of registered voters in Bucks County. This system contains the name and registration information of every legally registered voter in the County. Every registered voter has been assigned a unique identifying number and the system is connected with fifty-five (55) other counties in the Commonwealth. This system serves as the official voter registration list for the conduct of all elections in the County.

Bucks County performs maintenance on the computerized list on a regular basis. Removal of voters from the computerized list is accomplished in accordance with the National Voter Registration Act of 1993. Consistent with the National Voter Registration Act, registrants who have not responded to a notice and have not voted in two consecutive general elections for federal office may be removed from the official list of registered voters except that no registration may be removed solely by reason of failure to vote. Bucks County provides adequate technological security measures to prevent the unauthorized access to the computerized list. Each registrar in the County office is given access to the SURE system through the Commonwealth.

The County voter registrars assure that voter registration information is accurate before the voter's name is added to the computerized registration list. Effective January 1, 2006, an application must include the applicant's driver's license number or, if the applicant is not a licensed driver, the last four digits of the applicant's Social Security number. If this information is omitted on the application, the application will not be accepted. In this instance, the County will mail a letter to the applicant asking for the missing information.

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

In compliance with HAVA (and with some exceptions), applicants who register by mail and vote in person must present to the election official a current and valid photo identification, 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. This same requirement is necessary for those who vote by mail. Voters who are not able to produce the required identification are entitled to cast a provisional ballot. These provisions were effective January 1, 2004.

First-time mail registrants submitted on or after January 1, 2003, are required to present identification prior to voting in person or by absentee ballot even if the required identification is submitted with the registration application or the registrant includes either his or her driver's license number or at least the last four digits of their social security number and such information is able to be matched to the information submitted on an existing state identification record bearing the same number, name and date of birth as provided on the application.

Identification requirements are not necessary for voters who are entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act, or who are entitled to vote by alternative ballot under the Voting Accessibility for the Elderly and Handicapped Act or are entitled to vote otherwise than in person under any other Federal law.

Mail –in registration forms must include answers to questions asking whether the applicant meets citizenship and age requirements and, if not, instructions state the applicant is not to complete the form. Applications that are received in the County that are missing required information will be mailed a letter stating the omission(s) and allowing the registrant the opportunity to complete the application.

### **Pennsylvania Law**

#### *Computerized Statewide Voter Registration List*

Prior to connecting to the SURE system, Bucks County maintained its own record of registered voters in the County. The County did not have a means to crosscheck Bucks voters with the records of other counties and there was no way to check for duplicate registration between the counties in the Commonwealth. Bucks promptly updates information contained in its registration records.

In compliance with Mixon, et al. v. Commonwealth of Pa., et al, citizens of the County who have been convicted of a felony may register to vote and vote after they have been released from prison. There is no provision that requires the registration of a convicted felon to be cancelled.

Bucks County's registration list is administered in coordination with the computerized list from the Department of Health.

The Voter Registration Mail Application Form is accessible on the website of the County of Bucks. The applications are also distributed to post offices, municipal offices, wine and spirit shoppes, libraries and elected official offices through the County. The Voter Registration Mail Application requires a driver's license number or the last four digits of the applicant's social security number. However, if the applicant marks "None" in the space for both of these areas, the SURE system will assign a unique identification number to the voter, as required by HAVA.

First-time voters who vote through the Federal alternative ballot or other Federal law alternatives are exempted from the first-time voter identification requirements.

*Bucks County's Planned Action:*

The County will continue to require the posting at each polling place of a notice which details the acceptable forms of identification required of voters who appear to vote in an election district for the first time. The County also plans to educate voters regarding voter identification requirements imposed upon first-time voters and the rights of such voters to cast a provisional ballot in the event that they are unable to produce identification required by the Election Code. This will be accomplished by instilling this information in all election officials through our election official classes and by printed material available for distribution to residents of the County, the League of Women Voters and any facility where such information would be viewed.

**COUNTY PLAN ELEMENT 2**

How the County will monitor the distribution of the requirements payment to units of local government or other entities in the County for carrying out the activities described in State Plan Element 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 County to monitor the performance of units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under County Plan Element 8.

HAVA Section 254(a)(2) (42 U.S.C. §15404(a)(2)).

## **COUNTY PLAN**

The County realizes its importance in being in full compliance with HAVA and providing the best resources for its voters. The County will set forth its ideas and plans in its “County Plan” which will provide details regarding the projects it would implement using funds from the requirements payment and what non-monetary resources the county would commit to the projects. The county plan will describe how it intends to maintain its current level of funding of election administration activities. The County will submit monthly reports on its progress. The Director will be responsible for monitoring the County’s progress. HAVA requires that the County maintain the level of election administration funding used in November 2000. Section 254(a)(7) of HAVA makes it clear that the requirements payments are not intended to supplant current County funding of election administration activities and the County does not intend to do so.

## **COUNTY AGREEMENT**

The County will enter into an agreement with the Department of State establishing a contractual relationship. The County Agreement will set forth:

The amount of funding the County is requesting for the requirements payment.

The project for which that funding is provided.

The amount of the County match for the project.

The project schedule and timeline.

The schedule of disbursement for the funding.

County reporting requirements regarding the expenditure of the funds.

An audit provision to ensure that the County is able to completely account for all funding provided to it.

The penalties incurred by the County for non-compliance with the agreement.

### **COUNTY PLAN ELEMENT 3**

How the County 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 of HAVA.

HAVA Section 254(a)(3) (42 U.S.C. §15404(a)(3)).

## **VOTER EDUCATION**

The County believes that voter education is the solution to eliminating much of the confusion that surrounds an election. Therefore, Bucks County, through the Pennsylvania Department of State, intends to embark on an extensive education effort using all the tools at its disposal to educate its voters regarding their voting rights and the correct procedures to be used at their polling place. To this end, the County’s Director and Assistant Director have attended all conferences and training sessions conducted by the Department of State.

Through the Department of State, the County plans to do the following:

Coordinate with high schools, libraries and the League of Women Voters in distributing the Ready-Set-Vote pamphlets printed by the Department of State. These booklets are available to all non-registered voters and/or any voters who would like to be more informed on the procedures in registering to vote and being informed of all aspects of voting and casting a ballot, including absentee voting and provisional ballot voting. This would start at the grass-roots level of municipal primaries. Too many voters do not vote in primaries, and especially municipal primaries, due to lack of understanding of how much of an impact municipal elections have on the community. Bucks County realizes the importance of educated and well-trained election officials to serve the voters on Election Day.

Throughout the year, various groups will hold voter registration drives. Ample voter registration forms are given to these groups along with the Ready-Set-Vote booklets and instructions on the proper way to complete an application.

All individuals who come into the office to complete a Voter Registration Application are given instructions on the identification requirements needed for the first time they vote. The Election News is prominently displayed in the Board of Elections office which lists all acceptable forms of identification for first-time voters. Instructions are also given to voter registration drives to inform all applicants that they will be required to present identification the first time they vote. This requirement is also given to all voters who come into the office requesting to update their voter registration due to a relocation.

The election official classes that are held throughout the County are intensive. The classes are specifically geared toward election officials and/or all individuals working the election. However, it is stressed that the public is welcome and, in fact, encouraged to attend. Hand-outs are distributed at these classes which consist of:

- Bucks County's Election Official Manual;
- Election News Digest;
- Sample Ballot;
- Return Sheet;
- Sample of a poll book page.

However, all of the information is augmented by a Power Point presentation since the County believes that the more you view something, the more you are able to retain it. Copies of a return sheet and poll book page are presented on the screen. Detailed instructions are given to all attendees on provisional balloting, along with actual samples. The County welcomes a question and answer session during the classes. The Department of State's presentation of HAVA – Help America Vote Act of 2002 is presented.

The County distributes Voter Registration Application forms to all libraries, wine and spirits shoppes, post offices, municipal offices and elected offices. An excel spreadsheet is maintained of the amounts and dates of distribution. Voter Registration Applications are also handed out to groups interested in registering voters.

At the time when Bucks County experiences an alternative language voting age population of five (5) percent or more, it will provide voter education materials in such language.

Bucks County maintains a Voting and Elections website which lists all important information, links to a Voter Registration Application, Absentee Ballot Application and Federal Post Card Application, locations of all polls situated in the County, elections and voting registration dates and any other information pertinent to the voter.

Groups of students and scout organizations frequently come to the Courthouse for a visit and will ask for a presentation by the Board of Elections. We willingly oblige these groups and gear our talk to the age of the participants. Since there is always a voting machine in the Courthouse for demonstration purposes, an individual can see how to cast a ballot and how it is recorded. It is also demonstrated how you cannot over-vote on the lever voting machine currently used by Bucks County, but that you can under-vote if the individual so chooses. Bucks County has eight sample models of the voting machine which it also lends out during the year.

### **POLL WORKER EDUCATION**

Bucks County lends some of its lever voting machines out to the public upon request. It also lends some of its machines to local schools.

Bucks County implements comprehensive poll worker training education. A voting machine is present at all election official training classes to demonstrate first-hand how to canvass the votes from the machine. When Bucks County has its new voting system in place, a sample voting machine will be taken to all election official training classes.

### **COUNTY PLAN ELEMENT 4**

How the County will adopt voting system guidelines and processes that are consistent with the requirements of section 301 of HAVA (relating to voting systems standards).

HAVA Section 254(a)(4) (42 U.S.C. §15404(a)(4)).

Section 254(a)(4) of HAVA requires the County to describe in its County Plan how it intends to adopt voting system guidelines and processes that are consistent with the requirements of section 301 of HAVA, including the requirement for a computerized statewide voter registration list and new federal requirements for voters who register by mail.

Bucks County is connected to the Statewide Uniform Registry of Electors system and interacts with the other fifty-five counties who are connected.

Prior to purchasing a new voting system, Bucks County will ensure the voting system vendor provide proof of Federal certification . This will mean that the voting system has been approved according to standards developed by the Federal Election Commission prior to receiving the Commonwealth’s approval.

Bucks County will purchase voting equipment that will:

1. Permit the voter to verify in private the votes selected on the ballot before the ballot is cast.
2. Provide the voter with the opportunity to change his/her ballot in private before it is cast.
3. Provide notification in private that the voter has over voted and/or under voted and provide the voter to opportunity to correct the ballot prior to it being cast.
4. Permit accessibility for individuals with disabilities, non-visual and visually impaired, in the same manner that accessibility is provided to other voters.
5. Provide one DRE, or similar, voting system for individuals with disabilities at each polling location.
6. Provide alternative language accessibility if necessary.
7. Adhere to nondiscriminatory and uniform standards which define what constitutes a vote.
8. Adhere to January 1, 2006, deadline for purchase.

**COUNTY PLAN ELEMENT 5**

How the County will establish the fund required by section 254(b) of HAVA (relating to requirements for election fund) for purposes of administering the State’s activities under Part 1 of HAVA (relating to requirements payments) of Title II, Subtitle D (relating to election assistance), including information on fund management.

HAVA Section 254(a)(5) (42 U.S.C. §15404(a)(5)).

Section 254(a)(5) of HAVA requires the County to describe how it plans to establish the election fund required by section 254(b) of HAVA, including information on fund management. The purpose of the required election fund is to administer the County’s activities relating to its requirements payments. Section 254(b) requires an election fund to be “established in the treasury of the County government,” “exclusively to carry out the activities for which the requirement payments” have been made to the County. The election fund is to include:

- A- Amounts appropriated or otherwise made available by the County for carrying out the activities for which the requirements payment has been made;
- B- The requirements payments made to the County under HAVA Part II;
- C- Such other amounts as may be appropriated under law;

D- Interest earned on deposits of the fund.

The County recognizes it must keep the funds from the requirements payment completely separate and independent from other funds to ensure that they are used exclusively for activities mandated by HAVA. The County plans to establish and manage the election funds in a separate restricted interest-bearing account in a Pennsylvania bank in accordance with Federal and Commonwealth standards and policies. This account will be managed by the County's Finance Department and all mandated fiscal controls and policies will be followed. The County's Finance Director and Board of Elections Director must approve all expenditures out of this account and will follow all mandated fiscal controls and policies.

## **COUNTY PLAN ELEMENT 6**

The County's proposed budget for activities under Part II of HAVA, based on the County's best estimates of the costs of such activities and the amount of funds to be made available, including specific information on-

A-the costs of the activities required to be carried out to meet the requirements of title III;

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

C-the portion of the requirements payment which will be used to carry out other activities.

HAVA Section 254(a)(6) (42 U.S.C. §15404(a)(6))

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

The reform effort that HAVA represents is extensive and far-reaching. Its success is dependent on Federal funding. The County's Plan is dependent upon full funding according to the timetable contained in HAVA. If full funding is not forthcoming, the success of the County Plan will be seriously jeopardized.

## **Distribution of Federal Funds**

*Section 101 Funds:* Bucks County will receive \$51,367.43 of the Federal funds provided under section 101 of HAVA. These funds will be used towards elections official classes, printing of updated Election Official Manuals with sections on What Constitutes a Vote and Provisional Balloting, a toll-free telephone number, projector, screen and cart for presentation of Power Point to all election official classes and the purchase of any item for polling place accessibility.

*Section 102 Funds:* Bucks County will receive \$951,281.56 of the Federal funds provided under section 102 of HAVA. These funds are distributed as a result of the County’s lever voting machines. These monies will be used solely towards the purchase of new HAVA compliant DRE’s or other HAVA compliant systems.

*Title II Funds:* Bucks County will receive \$2,179,853.39 of the Federal funds under Title II. These funds will be used towards the purchase of new HAVA compliant DRE’s or other HAVA compliant systems and remodeling a section of the lever voting machine warehouse into a climate-controlled area in which to store the new voting systems, if necessary.

<b>ACTIVITY</b>	<b>FUNDS</b>	<b>PURPOSE</b>
Voting Systems	\$951,281.56 Sec. 102	Purchase of new voting equipment pursuant to sec. 102 of HAVA.
Provisional Ballots	\$5,000.00 Sec. 101	Provide separate storage for all provisional ballot material for each precinct.
Federal Elections Administration	\$9,660.00 Sec. 101	Hire additional office personnel to process increase in voter registration & absentee ballot requests by deadlines.
Education of Voters Training	\$7,550.00 Sec. 101	Newspaper ads and handouts regarding voting rights and new machine technology.
Election Official Training	\$9,016.00 Sec. 101	Improve election classes w/visual aid presentation; increase newsletters per year
Voter technology Improvement	\$15,141.43 Sec. 101	Provide one ADA machine for every polling precinct.
Voter accessibility	\$3,000.00 Sec. 101	Provide signs/ramps where needed in polling precincts.
English language Voter proficiency	\$500.00 Sec. 101	Provide assistance to voters who have limited English language proficiency
Toll-free Voter Telephone	\$1,500.00 Sec. 101	Acquire separate telephone numbers for election officials and for voters
Implementation of Title II	\$2,179,853.39 TITLE II	Purchase of HAVA compliant voting systems

**COUNTY PLAN ELEMENT 7**

How the County, in using the requirements payment, will maintain the expenditures of the County for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the County for the fiscal year ending prior to November 2000.

HAVA Section 254(a)(7) (42 U.S.C. §15404(a)(7))

Section 254(a)(7) of HAVA requires the County to describe in its Plan how it will use the requirements payment consistent with its obligation under HAVA to maintain its pre-November 2000 expenditure effort for the activities that it will use the requirements payments to support.

The County plans to maintain expenditures of the County for activities funded by the payment at a level no less than the level of such expenditures in fiscal year ending December 31, 1999, namely, \$1,126,124. The County will file an annual report to assure that it has complied with the requirement of HAVA that it maintain this effort as a condition of receiving funds under Title II of HAVA.

### **COUNTY PLAN ELEMENT 8**

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

HAVA Section 254(a)(8) (42 U.S.C. §15404(a)(8))

Section 254(a)(8) of HAVA requires the County to state in its County Plan how it plans to adopt performance goals and measures to be used by the County to determine Pennsylvania's success in carrying out the County Plan.

### **HAVA ADMINISTRATOR/DIRECTOR OF ELECTIONS**

The Bucks County Board of Elections Director will have the responsibility of overseeing the HAVA project. The Director would be responsible for monitoring the progress of the county, overseeing the county agreements and, together with the Finance Director, keeping account of the status of the requirements payment fund. The HAVA Administrator keeps the County Commissioners informed of the County's compliance with HAVA and the various projects established by the County.

### **MONITORING OF DEPARTMENT ACTIVITIES**

The County will issue an annual report on its progress and will seek the assistance of the Department of State regarding any concerns that might require action. The Board of

Elections Director sits on Advisory Boards and meets regularly with Commonwealth representatives to discuss various concerns.

## **PERFORMANCE GOALS AND MEASURES**

The County understands that the Department of State will establish performance goals and measurement processes to continuously monitor and review the County's progress through the HAVA Administrator.

The planned performance goals include:

### **a. Elimination of lever voting machines and punch card electronic voting systems**

*Timetable:* January 1, 2006

*Criteria:* Bucks County will replace its lever voting machines in compliance with Title III requirements and these machines will be replaced in time for the first election for Federal office held after January 1, 2006. The County is awaiting notification of the vendors that have been approved by the Commonwealth, keeping in mind that the time limit for County inspection and approval and production deadline for a vendor is becoming increasingly untenable.

*Responsible Official:* Bucks County Board of Elections with the cooperation and assistance of the Secretary of the Commonwealth.

### **b. Implementation of the Statewide Uniform Registry of Electors**

*Timetable:* January 1, 2006

*Criteria:* Bucks County was one of the first large counties to be integrated into the SURE system and has been operational since July 2003.

*Responsible Official:* Bucks County Board of Elections with the cooperation and assistance of the Secretary of the Commonwealth.

### **c. Polling Place Accessibility**

*Timetable:* January 1, 2004

*Criteria:* Bucks County completed a polling place disability accessibility survey in compliance with the Department of State. Said survey was performed by the Freedom Valley Disability Center in Delaware County, Pennsylvania. Appropriate measures were taken to notify those sites that needed improvement.

*Responsible Official:* Bucks County Board of Elections with the assistance from the Director.

#### **d. Voter Education Program**

*Timetable:* January 1, 2004

*Criteria:* Bucks County implemented a voter education program providing voters with information relative to voting procedures, voting identification, complaint procedures, provisional ballots and voting information specific to its voting system. Bucks County held classes throughout the County and distributed the Commonwealth's Ready-Set-Vote pamphlets to local organizations and residents in the County.

*Responsible Official:* Bucks County Board of Elections with assistance from the Director.

#### **e. Poll Worker/Election Officer Training**

*Timetable:* January 1, 2006

*Criteria:* Bucks County has a long history of holding election official classes at different locations throughout the County. Standardized polling place procedures are explained as well as voluminous handouts are distributed. Classes are geared toward election officials, but are open to the public. Many committee people attend Bucks County's classes. Instructions are reinforced with a Power Point demonstration although the Board of Elections must actively seek out equipment to rent in order to present these demonstrations.

*Responsible Official:* Bucks County Board of Elections with assistance from the Director.

#### **f. Accessibility for individuals with disabilities**

*Timetable:* January 1, 2006

*Criteria:* Bucks County will be purchasing at least one DRE that is usable by individuals with a disability in each polling place in the County. Bucks County redistricted/re-aligned four separate voting districts in the year 2004 and anticipates doing the same to other overly-populous voting districts. This will entail additional polling places which will be surveyed for disability access. If it becomes necessary for the County to utilize a non-disability access site, the County will negotiate with the owners of said site to upgrade the poll so as to be in compliance with HAVA polling place requirements.

*Responsible Official:* Bucks County Board of Elections with assistance from the Director.

#### **g. Alternate Language Accessibility**

*Timetable:* January 1, 2004

*Criteria:* Bucks County has not experienced a voting district which encompasses more than five (5) percent alternative language. When the voting age population of a district reaches this point, the County will initiate an outreach program to said community to apprise them of their voting rights and the correct voting procedures and offer alternative language services to the counties requesting them.

*Responsible Official:* Bucks County Board of Elections with assistance from the Secretary of the Commonwealth and the Director.

#### **h. Provisional Balloting**

*Timetable:* January 1, 2004

*Criteria:* Bucks County utilized provisional balloting during the General Primary and General Election of 2004. Voters were given bar code receipts with a toll free number to call to determine the status of their vote. A majority of provisional ballot voters were either not registered or registered at a district other than the one they appeared at.

*Responsible Official:* Bucks County Board of Elections with assistance from the Secretary of the Commonwealth and the Director.

#### **COUNTY PLAN ELEMENT 9**

A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under section 402 of HAVA (42 U.S.C. §15512).

HAVA Section 254(a)(9) (42 U.S.C. §15404(a)(9))

Section 254(a)(9) of HAVA requires the County to describe in its County Plan the administrative complaint procedures that it has established as required by section 402 of HAVA.

#### **SUMMARY OF REQUIREMENTS UNDER COUNTY PLAN ELEMENT 9**

As a condition of receiving any Federal funds, section 402(a)(1) of HAVA requires the County to adhere to State-based administrative complaint procedures that meet requirements prescribed by section 402(a)(2). Section 402(a)(2) mandates the following requirements:

- A. The procedures shall be uniform and nondiscriminatory.
- B. Under the procedures, any person who believes that there is a violation of any provision of Title III( including a violation that has occurred, is occurring, or is about to occur) may file a complaint.

- C. Any complaint filed under the procedures shall be in writing and notarized, and signed and sworn by the person filing the complaint.
- D. The State may consolidate complaints filed under subparagraph (B).
- E. At the request of the complainant, there shall be a hearing on the record.
- F. If, under the procedures, the State determines that there is a violation of any provision of Title III, the State shall provide the appropriate remedy.
- G. If, under the procedures, the State determines that there is no violation, the State shall dismiss the complaint and publish the results of the procedures.
- H. The State shall make a final determination with respect to a complaint prior to the expiration of the 90-day period that begins on the date the complaint is filed, unless the complainant consents to a longer period for making such a determination.
  - I. If the State fails to meet the deadline applicable under subparagraph (H), the complaint shall be resolved within 60 days under alternative dispute resolution procedures established for purposes of this section. The record and other materials from any proceedings conducted under the complaint procedures established under this section shall be made available for use under the alternative dispute resolution procedures.

## **PENNSYLVANIA LAW**

Section 11 of Act 2002-150 established the uniform, nondiscriminatory State-based administrative complaint procedure required by section 402 of HAVA. The Department of State established a procedure for review of complaints regarding the administration of Title III of HAVA. A complaint form was produced which requires the signature of the complainant, an affidavit and notarization and the attachment of any supporting documentation.

When a complaint pertains to local or county employees/officials, the Department is required to provide the County Board of Election with a copy of the complaint within three days of receipt. The County would have twenty days to reach an agreement or file a written response. The Department would provide the complainant a copy of this response and an opportunity to request an informal hearing. If a hearing is requested the County would be given notice and the opportunity to participate. The Department would issue a final determination and remedial plan, if necessary, no later than 90 days of the complaint filing. If the Department fails to issue its determination within 90 days, it would be required to provide alternative dispute resolution for the disposition of the complaint. The law requires the alternative process to be completed within 60 days.

All complaints that come to the Board of Elections are forwarded to the Director for individual research and response. Election officials have been instructed on complaint procedures at the polling places. Complaint forms are distributed to all precincts and

election officials are instructed on the procedure. The Election News poster is posted in all polls, in the Board of Elections office and on the Bucks County website.

**COUNTY PLAN ELEMENT 10**

If the County receives any payment under Title I of HAVA, 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, will be available.

HAVA Section 254(a)(10) (42 U.S.C. §15404(a)(10)).

Section 254(a)(10) of HAVA requires the County to describe in its County Plan how funds that it has received under section 101 or 102 of HAVA (relating to payments to counties for activities to improve administration of elections and replacement of punch card and lever voting machines) will affect the activities that the County plans to carry out under the County Plan. Section 254(a)(10) also requires the County to state in its County Plan the amount of funds available for its proposed activities.

In 2004, due to a tremendous increase in voter registration applications and absentee ballot requests, the County was forced to employ additional help to process such applications by the applicable dates. We received a grant of \$20,000 from Title II to help defray the additional personnel costs.

The County plans to use the funding it receives under Title I of HAVA to accomplish the requirements of HAVA. The County intends to use the Title I funding in the following manner:

<b>Section 101 Funding</b>	
Provisional Ballots	5000.00
Federal elections administration	9660.00
Training Education of Voters	7550.00
Election Officials training	9016.00
Voting technology improvement	15141.43
Voter accessibility	3000.00
English language voter proficiency	500.00
Toll free voter telephone	1500.00
<b>TOTAL</b>	<b>51367.43</b>
<b>Section 102 Funding</b>	
Replacement of Lever Voting Machines	951281.56

**COUNTY PLAN ELEMENT 11**

(A) How the County will conduct ongoing management of the plan.

HAVA Section 254(a)(11) (42 U.S.C. §15404(a)(11)).

Section 254(a)(11) of HAVA requires the County to describe in its County Plan how it will manage its Plan on an ongoing basis.

The Board of Elections consisting of three Commissioners, the Director of the Board of Elections and the Finance Director for Bucks County, under the guidance of the Secretary of the Commonwealth, will be responsible for the activities, management and implementation of the County Plan. Any changes to the County Plan will require the written approval of the Department of State prior to implementation by submitting an amended County Plan. The County will develop a detailed implementation plan based on the new voting machines that it purchases. The County will file all required reports with the Commonwealth.

The County understands and agrees to comply with HAVA requirements related to ongoing management of the County Plan.

**COUNTY PLAN ELEMENT 12**

In the case of a County with a County plan in effect under Subtitle D (relating to election assistance) of Title II of HAVA 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 County plan for the previous fiscal year.

HAVA Section 254(a)(12) (42 U.S.C. §15404(a)(12)).

Bucks County had no County Plan in effect for the previous fiscal year. However, the County embarked on a number of initiatives in election administration over the past two years. The initiatives included implementation into the Statewide Uniform Registry of Voters, expanding the instructions given to election officials with updates in voter administration and weekly mailings to election officials reinforcing election procedures, such as voter identification, provisional ballots and complaint procedures, etc. The County also hired Freedom Valley Disability Center of Delaware County to conduct a polling place disability accessibility survey. Areas of concern that were noted were addressed by the responsible site owners. A sufficient supply of Provisional Ballot materials were distributed to all polling locations in both elections in 2004. The County

distributed copies of the Ready-Set-Vote pamphlets throughout the County and also distributed copies to various groups conducting voter registration drives, high schools and individuals coming into the office to register in person. The County officials also attended all meetings held by the A.E.P.C.E.P. thereby keeping abreast of areas of concerns and/or any changes. The Director continually offers input to the Department of State as a member of different Advisory Boards. All training sessions conducted by the Department of State were also attended.

**COUNTY PLAN ELEMENT 13**

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

After a careful review of the law, regulations and guidelines provided by the Department of State, Bucks County's Board of Elections Director and Assistant Director developed the County Plan. The State Plan was used as a reference.