

Commonwealth of Pennsylvania

Tioga County Plan

The Help America Vote Act of 2002

Commissioners

- **Erick J. Coolidge, Chairman**
- **Mark L. Hamilton**
- **M. Sue Vogler**

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ELEMENTS OF THE COUNTY PLAN

COUNTY PLAN ELEMENT 1

How the County will use its grants from the requirements payment to meet the requirements of Title III of HAVA and to carry out other activities to improve the administration of elections.

The requirements mandated by Title III of HAVA are divided into three sections section 301 (relating to voting system standards); section 302 (relating to provisional voting and voting information requirements); and section 303 (relating to computerized statewide voter registration list requirements and requirements for voters who register by mail). Within each of those Sections of Title III are various subsections. For purposes of organizational clarity, this County Plan addressing Element 1 follows the organization of Title III.

VOTING SYSTEM

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.

The voting system used in any 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)

The voting system must meet all requirements of alternative language access of section 203 of the Voting Rights Act of 1965 (42 U.S.C. § .1973aa-1a) and other provisions of the Voting Rights Act to the extent applicable.

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

Tioga County plans on using \$352,000.00 for the purchase of a Touch Screen Voting System. The balance of the remaining monies (\$53,091.03) will be used as follows: \$18,000.00 for the Development of a brochure for voters explaining the changes made for a new voting system, and \$6,600.00 will be used for mandatory training for all poll workers for the new system.

COUNTY PLAN ELEMENT 2

How the County will monitor and report upon its performance, consistent with specified performance goals and measures.

Tioga County's goal is to be in compliance with HAVA, but also to have the opportunity to utilize our creativity to expand election administration improvements beyond HAVA.

When Tioga County requests funding to purchase a new voting system, the County plans to use methods, such as press releases; public service announcements; "how to vote" pamphlets; newspaper advertisements; public demonstrations; and voting demonstrations at meetings of political, civic, community, senior citizens, and disability groups.

Tioga County plans on using the remaining \$28,491.00 for:

- Open House
- How to vote pamphlets
- Newspaper advertisements

The Tioga County Board of Elections along with the Director of Elections will monitor the performance of the new voting equipment accordance with the specified performance goals and measures listed in eliminate 8.

The performance of the new equipment will be monitored during each election process, by the Tioga County Election Board and the Director of Elections. To insure all performance goals are met.

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.

Section 254(a)(3) of HAVA requires the County to describe in its County Plan how it will provide for voter education, election official education and training, and poll worker training that will assist the County in meeting the requirements of Title III.

In addition, the General Assembly explicitly recognized the need for well-trained and educated county election officials when it passed Act 150 of 2002 in December. Act 150 gives the Secretary of the Commonwealth the authority to develop a voluntary professional certification and poll worker-training program for county election officials.

VOTER EDUCATION

The County believes that voter education is the solution to eliminating much of the confusion that led to the debacle in Florida during the November 2000 election. Therefore, Pennsylvania, through the Department of State, plans 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.

EDUCATION OF DISTRICT ELECTION OFFICIALS

The County, through the Department of State, developed, implemented and conducted an extensive program to educate district election officials (i.e., poll workers) regarding the changes to Federal and State election laws. As of April 2004, Tioga County held a week long training session. The training involved an extensive Power Point presentation and a printout of the presentation for poll workers to use on Election Day.

The County plans to develop the training program further to include current law and procedures relative to processing voters on Election Day, the operation of the voting system, and the procedures to follow when canvassing votes and counting ballots (including absentee and provisional ballots) after the close of the polls.

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).

Among the changes made by the Pennsylvania Legislature in Act No. 2002-150 are provisions dealing with the approval of voting systems. All voting systems used in Pennsylvania must be examined and approved by the Secretary of the Commonwealth.

Act 150, section 1105-A of the Election Code, requires all electronic voting system vendors to provide proof of Federal certification before presenting their electronic Voting systems to the Secretary of the Commonwealth for approval. In accordance with section 222(e) of HAVA, the EAC requires that current Federal guidelines in effect are those adopted by the Federal Election Commission in 2002. Therefore, any voting system deemed to be HAVA compliant must meet the 2002 voting system standards. Consequently, no new electronic voting system may be approved in Pennsylvania without meeting the high standards of the Federal government, including "second chance voting," accessibility standards for individuals with disabilities, error rate, and audit capacity requirements. Electronic voting systems approved by the Secretary of the Commonwealth before the establishment of these standards will have to be reexamined to ensure compliance with HAVA prior to use in any election after January 1, 2006.

Tioga County has looked at three vendors that are State Certified under the old Standards. When the appropriate time comes Tioga County will make a purchase as follows:

- Cost
- User friendly
- Contract Services
- Customer Service

COUNTY PLAN ELEMENT 5

How the County will establish the fund for the purposes of administering the county's federally funded activities, including information on fund management.

The County will establish a new line item for HAVA monies. Separate line items will enable the tracking of funds expended under the various monies received. Grant monies will be maintained separately and independently from other County funds. The funds will be managed as restrictive accounts in accordance with the Federal and County standards and policies. The County plans to manage the Election fund as a restricted account in accordance with Federal and County standards and policies. The County's Election Director and County Commissioners each by personal signature must approve all expenditures out of this account. Expenditures accompanied by documentation describing the expenditure, such as an approved county purchase must be requisition or an invoice under such an agreement.

COUNTY PLAN ELEMENT 6

The County's proposed budget for activities to achieve compliance with Title III of HAVA will be 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 of HAVA.*
- (B) *The portion of the requirements payment grants that will be used to carry out activities to meet those requirements.*
- (C) *The portion of the requirements payment grants that will be used to carry out other activities.*

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

Distribution of Federal Funds:

- Section 101: Educate voters, Train poll workers, Polling place accessibility
- Title II Purchase new voting system
- Section 261: Reimbursements
- Section 251 Polling Place Accessibility

The chart below lists activities and costs of HAVA to be implemented in Tioga County using Title II monies for each activity outlined in this plan. The data provided in the chart will reflect, the monies received from the State.

A.	B.	C.
ACTIVITY	ALLOTMENTS OF DOLLARS APPROPRIATED 2004/2005	PURPOSE
Title II Voting System	\$352,000.00	For the Purchase of new Voting equipment.
Section 101 Complying with requirements of Title II Improving Administration for Fed. Office Educating Voters Training Election Officials Improving Accessibility Polling Places Providing Assistance with limited English Toll Free line	\$22,228.95 \$2,728.95 \$900.00 \$3,000.00 \$4,000.00 \$9,000.00 \$500.00 \$2,100.00	Complying with Title III, Administration of Elections for Federal Office, Educate voters on election procedure; Training elections officials, Improving accessibility of polling places, Assistance with limited English language, Establishing toll-free telephones.
Title II Training and Education Printing Telephone Telephone Equipment Installation Travel Supplies and Materials-Polling Places Postage Advertising Open House Training/Certifying Boards (Poll Workers)	\$53,091.00 \$15,100.00 \$10,791.00 \$1,400.00 \$300.00 \$2,500.00 \$11,000.00 \$5,600.00 \$4,800.00 \$1,000.00 \$600.00	Educate voters on election procedure; Training elections officials, provide voting assistance to individuals with disabilities.
Section 261	\$2,548.00	Polling place accessibility
Section 251	\$3,199.44	Polling place accessibility

The efficient allocation and expenditure of Title II funds is vitally important to the overall success of providing both the County and the Commonwealth with the maximum resources available, both to implement the requirements of HAVA and continue to improve the administration of elections for Tioga County Voters.

COUNTY PLAN ELEMENT 7

How the County, in using the requirements payment grants, 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.

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

Though the Commonwealth appreciates the commitment that the Federal government has made to election assistance both by enacting HAVA and providing funding to the States to allow them to fully realize the ultimate goals of HAVA - a free and open election process for all citizens - the Commonwealth realizes that it still has the primary responsibility to maintain the programs that it was funding prior to November 2000 and to develop new and innovative programs to make the Commonwealth a leader in election administration.

To this end, in using its requirements payment, the Commonwealth 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 FY 1999-2000. The County will prepare an annual report to assure the State they are in compliance with the HAVA requirements.

Tioga County plans on continuing its support of the Election Office as in the past, by providing monies for meetings, printed materials and postage expenses related to keeping poll workers, County Election workers and the public informed of changes required by HAVA.

\$339,159.00 is the portion that the County has designated to support the activities of the Voter Registration and Elections Department to maintain the efforts as required by 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 in carrying out 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 or employee is to be held responsible for ensuring that each performance goal is met.

HAVA ADMINISTRATOR/ELECTION DIRECTOR

The County Commissioners has assigned the Director of Elections the responsibility to oversee the HAVA project. The Director/HAVA Administrator is responsible for monitoring the progress of the county, overseeing the county agreements, and the requirements of the payment fund. The Director/HAVA Administrator has met regularly with the County Commissioners as to the status of the County's compliance with HAVA and the various projects established by the county

MONITORING OF DEPARTMENT ACTIVITIES

Throughout the implementation stage of HAVA, the County has informed all interested parties of the County's progress and attempted to address any concerns expressed by members of the advisory committees. Beginning at the end of calendar year 2004, the County will issue an annual report of the County's progress with respect to HAVA and address any concerns that might require action by the Department of State or the Secretary of the Commonwealth.

PERFORMANCE GOALS AND MEASURES

The County has established performance goals and measurement processes to monitor the progress under the County Plan. This will better enable the Director/HAVA Administrator to measure progress in achieving the goals. The County will continuously monitor and review the performance of each initiative that is funded by requirements payment to determine progress.

The planned performance goals listed below are intended to apply to elections that occur during the year identified. The planned performance goals include:

- a. Elimination of Optic Scan voting system and purchasing DRE's that are usable by individuals with a disability and all other voters throughout Tioga County.

Timetable: January 1, 2006

Criteria: Replacement of Optic Scan voting system, to be replaced by DRE's for all Voters in Tioga County including person's with Disabilities, which will be in compliance with Title III requirements for the 44 Voting Districts that utilized Optic Scan in the November 2000 Election.

Responsible Official: The County Boards of Elections, with the cooperation and assistance of the Secretary of the Commonwealth.

- b. Polling place accessibility

Timetable: April 2005

Criteria: Survey all polling places in Tioga County to determine accessibility under the Federal Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973gg et seq.) and work to increase the number of accessible polling places in Pennsylvania.

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

c. Voter education program

Timetable: January 1, 2004

Criteria: Establishment and implementation of a voter education program providing the voters with information relative to voting procedures, voting identification, complaint procedures, provisional ballots and voting information specific to each type of voting system that clearly explains to the voter how to correctly cast a ballot; how to correct an error; how to obtain a replacement ballot; and the effect of casting multiple votes for an office.

Responsible Official: The County Board of Elections, with the help from the Director of Elections.

d. Poll Worker/Election Officer Training

Timetable: January 1, 2006

Criteria: Establishment and implementation of a training program for district election and county election officials to insure that procedures used in polling places are standardized across the Commonwealth to the greatest extent possible.

Responsible Official: The County Board of Elections, with the help from the Director of Elections.

e. Provisional Voting

Timetable: January 1, 2004

Criteria: Implementation of provisional balloting where an individual may cast a ballot.

Responsible Official: The County Board of Elections, with the help from the Director of Elections.

COUNTY PLAN ELEMENT 9

A description of the county's policies and procedure for responding to complaints made under section 402 of HAVA (42 U.S.C. § 15512). Section 1206.2 of the Pennsylvania Election Code (25 P.S. § 3046.2), and adhering to the requirements that might be imposed upon the county as a result of the disposition of such complaints.

SUMMARY OF REQUIREMENTS UNDER COUNTY PLAN ELEMENT 9

- (A) The procedures shall be uniform and nondiscriminatory,
- (B) Under the procedures, any person who believes 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, notarized, signed and sworn by the person filing the complaint. Complaints must be filed with the Department of State.
- (D) At the request of the complainant, there shall be a hearing on the record.
- (E) If, under the procedures, the State determines there is a violation of any provision of Title III, the State shall provide the appropriate remedy.
- (F) If, under the procedures, the State determines there is no violation, the State shall dismiss the complaint and publish the results of the procedures.
- (G) 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.
- (H) 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 - effective December 9, 2003 - the uniform, nondiscriminatory State-based administrative complaint procedure required by section 402 of HAVA. The Department of State established within its Bureau of Commissions, Elections and Legislation or successor bureau a procedure for the review of complaints regarding the administration of Title III of HAVA. The Department also provided a complaint form that requires the signature of the complainant; an affidavit and notarization (as required by § 402(a)(2)(C) of HAVA and § 1206.2(a) of the Election Code); and the attachment of any supporting documentation (as required by section 1206.2(a)).

When a complaint pertains to the Department of State, the Department is required to forward it to the Pennsylvania Office of General Counsel within three business days of its receipt. The Department would then have 20 days either to reach an agreement with the complainant or to file a written response to the complaint. The Office of General Counsel must provide the complainant with a copy of the response and an opportunity for an informal hearing, as required by section 402(a)(2)(E) of HAVA. If a hearing is requested, the Department will be given notice and the opportunity to participate. The Office of General Counsel must issue a final determination and remedial plan, if necessary, no later than 90 days after the filing of the complaint. If the Office of General Counsel should fail to issue its determination within 90 days, it must provide alternative dispute resolution for the disposition of the complaint. HAVA requires the

alternative process and be completed within 60 days. When a complaint pertains to a local or county employee or official, the Department is required by section 1206.2(b)(1) to provide the county board of elections with a copy of the complaint within three days of receiving it. The county board of elections would have 20 days under section 1206.2(b)(2) either to reach an agreement with the complainant or to file a written response.. The Department would provide the complainant a copy of this response and an opportunity to request an informal hearing, as required by section 402(a)(2)(E) of HAVA and section 1206.209(3) of the Election Code. If a hearing is requested, the county board of elections would be given notice and the opportunity to participate. As both HAVA and the Election Code require, the Department will issue a final determination and remedial plan, if necessary, no later than 90 days after the filing of the complaint. Should the Department fail 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, as required by HAVA.

Proceedings before the Department and decisions made under section 1206.2 are not considered to be administrative adjudications under the Administrative Agency Law, and a determination made with regard to county complaints is not to be regarded, as an agency. The determination is subject to appellate review. Either party in this case may initiate a de novo appeal from the Department's final order in the court of common pleas of the county where the election board is located. Determinations made by the Office of General Counsel with regard to complaints made against the Department of State are agency determinations subject to appellate review.

Tioga County will supply complaint forms at all its Voting Districts as well as the Election Office. Poll workers and voters will be educated as to the complaint process. When complaint forms are received, they will be forwarded to the appropriate office (DOS).

COUNTY PLAN ELEMENT 10

If the County has received or anticipates receiving grants of Federal funds that have been provided to the Commonwealth under Title I of HAVA for election administration improvements (see 42 U.S.C. . § 15301 and the replacement of punch card and lever voting machines see (42 U.S.C. . § 15302), a description of how those grants will affect the activities proposed to be carried out under the County plan, including the amount of funds that the County estimates will be available for such activities.

Tioga County will receive \$434,579.69 in funding -- \$352,000.000 under portion Title II to replace their voting system, from Optic Scan to DRE's. The \$22,228.95 under Section 101 will be used for Polling Place Accessibility, Voter Education, Poll Worker Training, Provisional Balloting and Miscellaneous/County Plan Expenses. Under Title II \$53,091.03 will be used for Educate voters on election procedure; Training elections officials, provide voting assistance to individuals with disabilities. Under section 261 polling place modifications in the amount of \$2,548.00. Under section 251 polling place modifications in the amount of \$3,199.44. Under Title II HAVA financial assistance \$1,512.27 was used to hired additional help to process voter registration applications, through the period of October 1, 2004 to November 2, 2004.

The chart below represents the expenditures made to date from. Section 261 funds since January 1, 2004.

Section 261 Funding	Actual Expenditures
Polling Place Accessibility Modifications	\$2,548.00
TOTAL:	\$2,548.00

COUNTY PLAN ELEMENT 11

How the County will conduct ongoing management of the County plan

Tioga County plans to use its County Plan as the basis for managing the activities necessary for the implementation of the requirements of HAVA. The Director of Elections/HAVA Administrator, under the guidance of the County Commissioners/Election Board, Bureau of Commissions, Elections, and Legislation (CEL) and the Secretary of the Commonwealth, is responsible for the continuous management and implementation of the County Plan.

The Director of Elections/HAVA Administrator is responsible for implementation of that part of the County Plan that is to be carried out at the County level, with State involvement via the State Plan Advisory Board on various projects. The County Elections Office, through the Election Board, is responsible for tracking resource requirements; approving and tracking expenditures of HAVA funds; coordinating decision-making; and ensuring that implementation activities are on track. These responsibilities include reporting project activities, progress, and resource needs/expenditures, as well as conducting the voter education and poll worker training efforts.

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

COUNTY PLAN ELEMENT 12

When changes are made to a County Plan, how the alterations to the County Plan reflect changes from the existing plan and how the county succeeded in carrying out the county plan before making alterations.

County Voting System and Actions:

The County will be replacing their Voting System Optic Scan, with DRE's for all voters, including those with disabilities, throughout all of Tioga County's voting districts.

Accessibility of Voting Systems for Electors with Disabilities:

The Commonwealth asked counties to conduct a survey of all polling places in the Commonwealth to determine their accessibility under the guidelines issued by the Department of State under the Voter Accessibility for the Elderly and Handicapped Act (42 U.S.C. § 1973ee, et seq.). Tioga County had conducted their survey showing, using the ADA Checklist for Polling Places issued by the U.S. Department of Justice's Civil Rights Division to the counties. The County along with the DOS (Department of State) reviewed the surveys. Upon the completion of the survey review, the County and Commonwealth came up with 24 Accessible, 4 Accessible/Inaccessible and 16 Inaccessible polling sites. Tioga County will contact the Municipalities and inform them of the survey and make adjustments where needed.

Provisional Voting in Tioga County:

In an effort to create standardized procedures for provisional balloting, the Director of Elections along with DOS, provided training to all Poll Workers. The Director of Elections followed procedures to be followed in processing and tabulating such ballots. The procedures adopted by the Secretary of the Commonwealth include a required notice containing instructions on how to cast a provisional ballot.

Instructions must be posted in accordance with the applicable provisions of HAVA.

During the April 27, 2004 General Primary, 19 provisional ballots were cast in Tioga County. Of those, 89% of the provisional ballots were counted, 17% were partially counted, and 17% were not counted for various reasons.

All materials provided to individuals who vote by provisional ballot have been provided to the county boards of elections in English and Spanish in a format that allows both languages to appear on the same form.

Voting Information Requirements:

Tioga County will be sending out pamphlets throughout the County and public Buildings. Poll Workers will be informed, with HAVA related materials and the new laws. Tioga County will also post the HAVA friendly posters in each polling place for any election held after January 1, 2004.

Voter Education:

Tioga County will be printing pamphlets and fliers, and distributing them throughout the County, in Library's, Church's, and County Offices. The county will also have press releases, radio ads and newspaper ads, along with the publishing that needs to be done.

Education for County Officers:

Tioga County attended the Eastern Election Personnel Associations in December 2003 and June of 2004, respectively, to discuss provisional voting, voter identification, HAVA Title III complaints, and poll worker training in preparation for the April 27, 2004 General Primary.

Education of District Election Officials:

Tioga County gives a 3 day update of voting procedure, in three different areas in Tioga County. These updates are given two weeks prior to each Election. The county has provided training, on HAVA ID requirements, Provisional Voting and Complaint forms. This training was conducted over a one week time frame with the Director of Elections having the opportunity to work with smaller groups.

Changes to the County Plan will be made upon the approval of the Director of Elections/Voter Registration and the County Commissioners.

Prior to developing the current County Plan, the Director and the County Commissioners determined the policies in accordance with the State requirements to update poll workers, voters and all other individuals involved with the Elections.

Tioga County has amended their County Plan for Title II Section 251 for Polling Place Accessibility to include path of travel, entrances to polling place, long with ramps and doors. The amendment of the County Plan includes Elements 6 and 10. Element 6 we added to the chat of spending plan on Polling Place Accessibility. Element 10 we added a line item for Section 251 monies for a total amount of \$3,199.44.

No changes will be made to the county plan without obtaining written approval from the DOS.

COUNTY PLAN ELEMENT 13

The process the county used in developing the County Plan.

The County had the Director of Elections, George F. Coxe, Jr., County Solicitor, Raymond E. Ginn, Jr. and Arlene Welch work on the County Plan. The County used part of the State Plan for guidance.

Tioga County used the State Plan as a guide for their County Plan. Once the initial plan was drafted, copies were distributed to the County Commissioners and the County Solicitor for their review. A meeting was held with the County Commissioners, County Solicitor, Director of Elections/Voter Registration Office and the Grant Writer, to answer questions and receive the approval from County Commissioners.