

## 2009 Update to Florida's HAVA State Plan: Element 6

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This 2009 Update to Element 6 replaces in its entirety Element 6 as written on pages 65-76 of the 2006 HAVA State Plan.

### **Element 6 – Florida's Budget for Implementing the Help America Vote Act of 2002 (HAVA)**

*Section 254(a)(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 –*

- (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.*

#### **1. Introduction**

Each of the HAVA Planning Committees has clearly recognized its advisory role in election reform and acknowledged the authority of the Florida Legislature to make funding decisions for Florida. The original budget and subsequent changes reflect the best efforts to divide the funds made available during the timeframe identified in each version of the HAVA Plans submitted.

#### **2. Reimbursement for replacement of punch card and lever machines.**

Following the 2000 General Election, the State of Florida assisted counties by investing approximately \$24 million to replace outdated voting machines. In order to recoup some of this expense, Section 102 federal funds in the amount of \$11,581,377 were returned to the State of Florida as reimbursement.

#### **3. Statewide Voter Registration System.**

In 2003, the Florida Legislature directed the Department of State to begin development of a statewide voter registration system that would meet the requirements of HAVA. To date, approximately \$28 million has been spent to develop and maintain the Florida Voter Registration System.

#### **4. Section 301 Accessible Voting Systems**

The HAVA Planning Committee (2003) recommended the purchase of Direct Recording Equipment (DRE) accessible to persons with disabilities to ensure that each county has one accessible voting system for each polling place. The cost was \$11.6 million during the 2004-05 fiscal year. In addition, the HAVA Planning Committee (2003) recommended reimbursing counties that have already purchased voting systems that meet the HAVA accessibility for voters with disabilities requirements.

For the fiscal year 2004-05 the Legislature appropriated \$11.6 million to assist Supervisors of Elections (SOEs) with purchasing DREs in order to provide one accessible voting system at each polling place. Funds appropriated in FY 2004-05 were distributed to SOEs that had not acquired accessible voting systems by July 1, 2004. Fifty-one counties did not have accessible voting systems at that time. The Division of Elections distributed the funds to those counties for this

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purpose pursuant to the terms of a memorandum of agreement.

For the fiscal year 2005-06 the Legislature appropriated funds to reimburse counties that acquired accessible voting systems prior to July 1, 2004. Funds in the amount of \$13,406,163 were distributed to the sixteen counties that purchased accessible voting systems prior to July 1, 2004. The appropriation was included in the fiscal year 2005-06 General Appropriations Act, specific appropriation 2931. In addition, there were eight counties that received a total of \$63,215 as reimbursement for existing DREs that were not included in the FY 2004-05 appropriations.

### **5. Voter Education**

The HAVA Planning Committee (2003) recommended using HAVA funds for the development and implementation of a comprehensive statewide voter education program. For the fiscal year 2003-04, \$2,976,755 was appropriated and available to Florida counties for voter education programs. For each fiscal year 2004-05 and 2005-06, local governments received \$3 million for comprehensive voter education efforts. For the fiscal year 2006-07, the Legislature appropriated \$2 million to distribute to Supervisors of Elections to assist with voter education activities. Each county was required to provide matching funds of 15%.

Activities relating to voter education include mailing or publishing sample ballots; conducting activities pursuant to the Standards for Nonpartisan Voter Education as provided in Rule 1S-2.033, F.A.C.; print, radio, or television advertising to voters; and other innovative voter education programs, as approved by the Department of State. No Supervisor of Elections was to receive any funds until the county Supervisor of Elections provided to the Department of State a detailed description of the voter-education programs, such as those described above, to be implemented.

The HAVA Planning Committee (2009) recognized concerns that were raised about effective voter education for persons with disabilities, with specific reference to informing all voters with disabilities of the availability of accessible voting machines. The Committee urges the Department of State to encourage Supervisors of Elections to conduct, and assist them with conducting, more effective voter education to accomplish this important goal. The Department and Supervisors are encouraged to work with organizations serving persons with disabilities to accomplish this goal.

### **6. Poll Worker Training**

The HAVA Planning Committee (2003) recommended using HAVA federal funds in the amount of \$250,000 for each fiscal year 2003-04, 2004-05 and 2005-06 for poll worker training. These funds were intended to supplement each county's existing poll worker training budget. The 2004 Legislature did not appropriate federal funds for conducting a poll worker recruitment campaign.

The HAVA Planning Committee (2004) once again recommended using HAVA federal funds in the amount of \$500,000, beginning with FY 2005-06, for poll worker training and recruitment, with a 15% match required of each county. The Legislature appropriated \$4 million for poll worker recruitment and training in FY 2005-06. Of this \$4 million, the Department of State

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distributed \$3 million to Supervisors of Elections to assist with poll worker recruitment and training. The Legislature provided \$1 million for the Department of State to develop a statewide poll worker training curriculum. Each county was required to provide matching funds of 15%.

As provided for in HAVA, Section 251(b)(2)(B), States may use a portion of the requirements payment to carry out other activities to improve the administration of elections for Federal office if the State certifies to the EAC that the amount expended does not exceed the minimum payment amount. Florida's minimum payment amount is \$11,596,803.

In March 2006 the Department of State notified the EAC of its intent to use part of the requirements payment to assist county Supervisors of Elections with recruiting and training poll workers.

In FY 2006-07 the Legislature appropriated \$1.5 million for poll worker recruitment and training activities. Of this amount, the Department of State distributed \$1 million to Supervisors of Elections to assist with recruiting and training individuals to serve as poll workers. The Legislature authorized an additional \$500,000 for the Department of State to use for necessary updates and revisions to poll worker training curriculum that was developed with funds appropriated in FY 2005-06.

The HAVA Planning Committee (2009) recognized concerns raised about insuring that voting machines that are accessible for persons with disabilities are properly set up when polls open, in a physically accessible location, and that all voters with disabilities, regardless of whether their disability is apparent or not, are informed of the availability of the accessible machines. The Committee urges the Department of State to encourage Supervisors of Elections to conduct, and assist them with conducting, training of poll workers to insure that such accessible machines are set up and ready to use, in a physically accessible location, when the polls open in each polling place in a county and that all voters are informed of the availability of such machines. The Department and Supervisors are encouraged to work with organizations serving persons with disabilities to accomplish this goal.

**7. Federal Election Activities.** The Florida Legislature appropriated a total of \$2 million in fiscal year 2007-08 and \$3 million in fiscal year 2008-09 for the counties under the category of "federal election activities." Funds disbursed under this category can be used for election administration activities such as voter education, poll worker recruitment and training, revisions to the statewide poll worker curriculum, standardizing elections results reporting, and other federal election activities as approved by the state. Prior to receipt of these funds, the Supervisors of Election must submit a detailed program plan on how those funds will be expended and the Chair for the Board of County Commissioners must certify that the respective county has provided a 15% match in funds.

### **8. Statewide Poll Worker Recruitment Campaign**

The HAVA Planning Committee (2003) recommended that HAVA federal funds be used to implement, through the Division of Elections, a statewide campaign to help recruit qualified poll workers. The increase in the complexity of voting systems and procedures has resulted in a need

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for more computer literate individuals to staff the polling places and help ensure error-free elections. The 2004 Legislature did not appropriate federal funds for conducting a statewide poll worker recruitment campaign. As indicated under the Poll Worker Training section, the Legislature did appropriate funds in the fiscal years 2005-06 and 2006-07 for poll worker training and recruitment programs.

### **9. HAVA Oversight and Reporting**

The HAVA Planning Committee (2003) recommended that the Department of State create three full time positions to manage HAVA implementation:

- HAVA administrator
- Grants specialist
- Administrative assistant

The Florida Legislature authorized three positions within the Division of Elections for HAVA Oversight and Reporting. For the fiscal year 2003-04, the Division appropriated \$206,079 for salaries and benefits, expenses and operating capital outlay. The three position titles are:

- Senior Management Analyst Supervisor
- Operations and Management Consultant II
- Administrative Assistant II

The actual costs for HAVA oversight and reporting were as follows:

- FY 2004-05 \$171,201
- FY 2005-06 \$193,599
- FY 2006-07 \$188,091
- FY 2007-08 \$170,737

The three positions currently assigned to HAVA oversight and reporting are: Senior Management Analyst Supervisor, Government Analyst I and Administrative Assistant II. Proposed budgets for subsequent fiscal years are as follows and are also included under budget projections in Other Election Administration Activities in tables that appear at the end of this section and in Table 12.1:

- FY 2008-09 \$288,660
- FY 2009-10 \$293,993
- FY 2010-11 \$299,433
- FY 2011-12 \$304,982

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### **9. State Management (HAVA Planning Committee)**

The HAVA Planning Committee (2003) recommended that the Secretary of State require it to meet twice each year in 2003-04 and in 2004-05 to make recommendations and to resubmit the HAVA State Plan to ensure that Florida is meeting the requirements of the Help America Vote Act. The HAVA Planning Committee convened twice in the 2003-04 fiscal year at an estimated cost of \$30,000.

The HAVA Planning Committee (2004) further recommended that it meet twice in the 2004-05 fiscal year at an estimated cost of \$30,000 and twice in the 2005-06 fiscal year at an cost of \$30,000. The HAVA Planning Committee (2006) convened twice in Fiscal Year 2006-07 at an estimated cost of \$25,000. The HAVA Planning Committee (2009) met once in FY 2008-09 to develop revisions to the State Plan.

### **10. Performance Goals and Measures Adoptions**

The HAVA Planning Committee (2003) recommended the Secretary of State utilize the HAVA Planning Committee to determine performance goals and measures.

The HAVA Planning Committee (2004) determined HAVA performance goals and measures to update the HAVA State Plan. The only costs associated with developing the Performance Goals and Measures were costs related to conducting the HAVA State Planning Committee (2004) meetings on May 24, 2004, and June 4, 2004.

The HAVA Planning Committee (2006) updated the performance goals and measures as part of its second update to the original HAVA Plan.

### **11. Election Administration**

The HAVA Planning Committee (2006) recommended using HAVA funds as needed for election administration activities such as printing new voter registration application forms, translating election materials, printing documents and publications, preparing training videos or other election administration activities. Estimated expenditures for these activities may vary each year and will be dependent upon annual legislative appropriations. (Pursuant to a Funding Advisory Opinion 08-005 issued by the U.S. Election Assistance Commission, HAVA funds may not be used to print, copy or revise State voter registration forms or to conduct voter registration drives.)

### **12. Complaint Procedures**

Section 402(a) of HAVA requires each state to establish state-based administrative complaint procedures for any person who believes that there is or will be a violation of any of HAVA's Title III requirements. In 2003, the Florida Legislature enacted Section 97.028, *Florida Statutes*, which provides the administrative complaint procedures for reporting potential violations of HAVA requirements. The process was developed and implemented without utilizing any HAVA funds. However, the HAVA Planning Committee (2006) recommended continued funding in the amount of \$50,000 each year in the event expenditures are necessary to process complaints in the future.

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### 13. Other Election Administration Activities

Pursuant to Section 251(b)(2)(A), States may use the requirements payment to carry out other activities to improve administration of elections for Federal office after the state has provided a certification to the EAC that it has implemented the requirements of Title III.

The HAVA Planning Committee (2004) recommended that the remaining HAVA funds be reserved for future expenses related to the following items:

1. the continued development and implementation of the Florida Voter Registration System
2. future improvements in voting technology
3. continued funds to local counties for voter education programs
4. accessibility for polling places
5. poll worker recruitment and training

In March 2006, Florida notified the Elections Assistance Commission of its intent to use \$4,000,000.00 of the requirements payment to complete major poll worker recruitment and training efforts statewide that primarily begin in June 2006 and end by August 2006, before the primary election scheduled for September 5, 2006. Since the State had not yet met all the requirements of Title III, the State certified that the amount did not exceed the amount equal to the total minimum requirements payment amount applicable to Florida under section 252(c) of Title II of HAVA which has been determined to be \$11,596,803.00. In August 2006 Florida certified to the Elections Assistance Commission (EAC) that it had fully implemented all the requirements of Title III which has allowed Florida to use HAVA requirements funds for other activities to improve the administration of elections for Federal office.

Information on the State's best estimates of the costs of activities to meet the requirements of Title III of HAVA is displayed in charts on the following pages. The HAVA Planning Committee (2009) found that based on projected expenditures for FY 2008-2009, HAVA funds for continued maintenance and enhancements to the Florida Voter Registration System and for support will be exhausted by FY 2015-2016. Thereafter, other funding sources or options for FVRS will need to be explored in order to ensure that Florida remains in compliance with HAVA.

**Table 6.1**

<b>Election Reform Revenues 2003- 2008 Fiscal Years</b>					
	<b>HAVA 101</b>	<b>HAVA 102</b>	<b>HAVA 251</b>	<b>Total Federal Funds</b>	<b>State Matching Funds</b>
<b>2003-04</b>	\$ 14,447,580	\$ 11,581,377	\$ 47,416,833	\$ 73,445,790	\$ 525,000
<b>2004-05</b>	0	0	\$ 85,085,258	\$ 85,085,258	\$ 6,103,018
<b>2005-06</b>	0	0	0	0	0
<b>2006-07</b>				0	0
<b>2007-08</b>				0	375,776
<b>2008-09</b>			\$ 6,477,573	\$ 6,477,573	\$ 340,925
<b>Total</b>	<b>\$14,447,580</b>	<b>\$11,581,377</b>	<b>\$138,979,664</b>	<b>\$165,008,621</b>	<b>6,968,943</b>

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Table 6.2

### HAVA BUDGET FUNDING BY FISCAL YEAR 2004-05 2009 STATE PLAN UPDATE

	FY 2004-05	EXPENDITURES	
	APPROPRIATION	THRU 6-30-05	BALANCE
<b>Title III Requirements</b>			
<i>Sec. 303 Statewide Voter Registration System</i> (Section 101 and Section 251 HAVA Funds)			
FVRS Development/Implementation	12,799,182	11,599,329	1,199,853
<i>Sec. 301 Voting System Standards</i> (Section 251 HAVA Funds)			
Funding to counties/purchase disability compliant voting systems	11,600,000	11,600,000	0
<b>Other Election Administration Activities</b> (Section 101 and Section 251 HAVA Funds)			
Includes voter education, oversight and other election administration activities	3,498,492	3,426,604	71,888
<b>TOTAL</b>	<b>27,897,674</b>	<b>26,625,933</b>	<b>1,271,741</b>

Table 6.3

### HAVA BUDGET FUNDING BY FISCAL YEAR 2005-06 2009 STATE PLAN UPDATE

	FY 2005-06	EXPENDITURES	
	APPROPRIATION	THRU 6-30-06	BALANCE
<b>Title III Requirements</b>			
<i>Sec. 303 Statewide Voter Registration System</i> (Section 101 and Section 251 HAVA Funds)			
FVRS Development/Implementation	11,396,747	11,193,625	203,122
<i>Sec. 301 Voting System Standards</i> (Section 251 HAVA Funds)			
Reimbursement to counties for disability accessible voting systems	17,000,000	11,985,284	5,014,716
<b>Other Election Administration Activities</b> (Section 101 and Section 251 HAVA Funds)			
Includes voter education, oversight and other election administration activities	7,195,000	6,293,124	901,876
<b>TOTAL</b>	<b>35,591,747</b>	<b>29,472,033</b>	<b>6,119,714</b>

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Table 6.4

### HAVA BUDGET FUNDING BY FISCAL YEAR 2006-07 2009 STATE PLAN UPDATE

	FY 2006-07 APPROPRIATION	EXPENDITURES THRU 6-30-07	BALANCE
<b>Title III Requirements</b>			
<i>Sec. 303 Statewide Voter Registration System</i> (Section 101 and Section 251 HAVA Funds)			
FVRS Development/Implementation	2,643,369	3,001,348	(357,979)
Bureau of Voter Registration Services	1,145,805	891,804	254,001
<i>Sec. 301 Voting System Standards</i> (Section 251 HAVA Funds)			
Reimbursement to counties for disability accessible voting systems	1,165,515	591,514	525,001
<b>Other Election Administration Activities</b> (Section 101 and Section 251 HAVA Funds)			
Includes voter education, oversight and other election administration activities	3,891,992	3,493,694	398,298
<b>TOTAL</b>	<b>8,797,681</b>	<b>7,978,360</b>	<b>819,321</b>

Table 6.5

### HAVA BUDGET FUNDING BY FISCAL YEAR 2007-08 2009 STATE PLAN UPDATE

	FY 2007-08 APPROPRIATION	EXPENDITURES THRU 6-30-08	BALANCE
<b>Title III Requirements</b>			
<i>Sec. 303 Statewide Voter Registration System</i> (Section 101 and Section 251 HAVA Funds)			
Section 101 and Section 251 HAVA funds			
FVRS Development/Implementation	4,353,801	2,601,315	1,752,486
Bureau of Voter Registration Services	1,641,915	1,389,114	252,801
<i>Sec. 301 Voting System Standards</i> (Section 251 HAVA Funds)			
Funds to 15 counties to convert to marksense ballot voting system	22,968,625	10,713,625	12,255,000
Funds to 28 counties to purchase early voting ballot-on-demand equipment	4,893,225	4,893,225	0
<b>Other Election Administration Activities</b> (Section 101 and Section 251 HAVA Funds)			
Includes voter education, oversight and other election administration activities	2,460,424	2,294,763	165,661
Transfer to General Revenue		12,512,373	(12,512,373)
<b>TOTAL</b>	<b>36,317,990</b>	<b>34,404,415</b>	<b>1,913,575</b>



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**Table 6.6**

### HAVA BUDGET FUNDING BY FISCAL YEAR 2009 STATE PLAN UPDATE

	FY 2006-07 Actual Expenses	FY 2007-08 Actual Expenses	FY 2008-09 Actual Expenses	FY 2009-10 Proposed Budget	FY 2010-11 Proposed Budget	FY 2011-12 Proposed Budget
<b>Title III Requirements</b>						
<b>Sec. 303 Statewide Voter Registration System</b> (Section 101 and Section 251 HAVA Funds)						
FVRS – Systems (includes positions plus costs for software license fees and ongoing maintenance costs)	3,571,028	2,601,314	4,803,937	5,022,292	7,363,640	5,655,813
FVRS - Bureau of Voter Registration Services (includes positions and regular operating expenses)	1,391,434	1,389,114	1,598,067	2,066,674	2,043,315	2,070,552
<b>Sec. 301 Voting System Standards</b> (Section 251 HAVA Funds)						
Reimburse counties for disability compliant voting systems	591,515	0	0	0	0	0
<b>Other Election Administration Activities</b> (Section 101 and Section 251 HAVA Funds)						
Election Administration Activities including voter education, poll worker recruitment and training, oversight (including positions) and other election administration activities.	5,461,621	30,413,986	3,749,036	3,163,784	2,899,856	2,906,913
<b>TOTAL</b>	<b>11,015,598</b>	<b>34,404,414</b>	<b>10,151,040</b>	<b>10,252,750</b>	<b>12,306,811</b>	<b>10,633,278</b>