

# 2009 Update to Florida's HAVA State Plan: Element 13

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This 2009 Update to Element 13 replaces in its entirety Element 13 as written on pages 104-110 of the 2006 HAVA State [Plan](#).

## **Element 13. State Plan Development and HAVA Planning Committee**

*Section 254(a)(13): A description of the committee which participated in the development of the State plan in accordance with section 255 and the procedures followed by the committee under such section and section 256.*

### **1. Introduction**

To comply with the requirements of the Help America Vote Act of 2002 (HAVA), the HAVA State Plan must be developed by the chief State election official through a committee of appropriate individuals. After a preliminary plan is developed, it must be published for public inspection and comment. State officials must take public comments into account in preparing the HAVA State Plan submitted to the Elections Assistance Commission.

### **2. Compliance: Designation and Meetings of HAVA State Planning Committee**

#### **Yes, and no further actions are required.**

Florida's Secretary of State is the Chief State Election Official and has the responsibility under HAVA to develop the HAVA State Plan with the assistance of the statewide HAVA Planning Committee. Section 255(a) of HAVA requires that "The chief State election official shall develop the HAVA State Plan under this subtitle through a committee of appropriate individuals, including the chief election officials of the two most populous jurisdictions within the State, other local election officials, stakeholders (including representatives of groups of individuals with disabilities), and other citizens, appointed for such purpose by the chief State election official."

Members of the 2009-Planning Committee for the State of Florida included:

#### **Chairman:**

Kurt S. Browning, Florida Secretary of State

#### **Chief Election Officials of the Two Most Populous Jurisdictions within the State:**

Brenda Snipes, Supervisor of Elections for Broward County

Lester Sola, Supervisor of Elections for Miami-Dade County

#### **Other Local Election Officials:**

Penny Halyburton, Supervisor of Elections for St. Johns County

#### **Stakeholders/Representatives of Groups of Individuals with Disabilities:**

Richard LaBelle, Executive Director of the Family Network on Disabilities of Florida, Inc.

#### **Other Stakeholders and Citizens:**

Kenneth W. Detzner

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Lois Benson  
Randy Long, Florida Association of Court Clerks and Comptrollers  
Reggie J. Mitchell, Law Offices of Reginald J. Mitchell  
Charlie Parker  
Andy Gardiner, State Senator, District 9  
Richard Glorioso, State Representative, District 62  
Marjorie Turnbull  
Richard Perez, Esq., Holland & Knight LLP

Members of the prior HAVA Planning Committees were as follows:

### 2003 HAVA Committee

**Jim Smith, Chairman**  
Smith, Ballard and Logan

**Kurt Browning**  
Supv. of Elections, Pasco County

**Joe Celestin**  
Mayor, City of North Miami

**Anna Cowin**  
State Senator --District 20

**Dave Evans**  
National Federation of the Blind

**Susan Gill**  
Supv. of Elections, Citrus County

**Jane Gross**  
Florida League of Women Voters

**Lindsay Harrington**  
State Representative --District 72

**Arthur Hernandez, Esq.**  
Attorney at Law

**Shirley Green Knight**  
Supv. of Elections, Gadsden County

**Jim Kracht**  
Miami-Dade County

**Richard LaBelle**  
Fla. Coalition on Disability Rights

**David Leahy**  
Supv. of Elections, Miami-Dade  
County

**Percy Luney**  
Florida A & M University

### 2004 HAVA Committee

**Jim Smith, Chairman**  
Smith, Ballard and Logan

**Kurt Browning**  
Supv. of Elections, Pasco County

**Anna Cowin**  
State Senator, District 20

**Jennifer Carroll**  
House of Representatives

**Joe Celestin**  
Mayor, City of North Miami

**David Evans**  
National Federation of the Blind

**Susan Gill**  
Supv. of Elections, Citrus County

**Jane Gross**  
Florida League of Women Voters

**Arthur Hernandez, Esq.**  
Attorney at Law

**Constance Kaplan**  
Supv. of Elections, Miami-Dade  
County

**Shirley Knight**  
Supv. of Elections, Gadsden County

**Jim Kracht**  
Florida Council of the Blind  
American Council of the Blind

**Richard LaBelle**  
Attorney at Law

### 2006 HAVA Committee

**Jim Smith, Chairman**  
Smith, Ballard and Logan

**Kurt Browning**  
Supv. of Elections, Pasco County

**Jim Kracht**  
Miami, Florida

**Richard La Belle, Esq.**  
Family Network on Disabilities  
of Florida, Inc.

**Reggie Mitchell, Esq.**  
People For the American Way  
Foundation

**Bill Posey**  
State Senator, District 24

**Richard Perez, Esq.**  
Holland and Knight

**Sallie Parks**  
Former Pinellas County  
Commissioner

**Ron Reagan**  
State Representative, District 67

**Lester Sola**  
Supv. of Elections, Miami-Dade  
County

**Brenda Snipes**  
Supv. of Elections, Broward  
County

**Terry Vaughan**  
Supv. of Elections, Bradford

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		County
<b>Reggie McGill</b> City of Orlando	<b>Percy Luney</b> FAMU Law School	<b>Dr. Alec Yasinsac</b> Florida State University
<b>Miriam Oliphant</b> Supv. of Elections, Broward County	<b>Reggie McGill</b> City of Orlando	
<b>Isis Segarra</b> Tampa, Florida	<b>Brenda Snipes</b> Supv. of Elections, Broward County	
<b>Lori Stelzer</b> Florida Association of City Clerks	<b>Lori Stelzer</b> Florida Association of City Clerks	
<b>Raiza Tamayo</b> US Hispanic Chamber of Commerce	<b>Isis Segarra</b> Tampa, Florida	
	<b>Raiza Tamayo</b> U.S. Hispanic Chamber of Orlando	

The HAVA Planning Committee (2006) convened two publicly noticed meetings to update the June 2004 version of the State Plan—Pensacola, Florida, on September 21, 2006, and Miami, Florida, on October 12, 2006. The Collins Center for Public Policy, Inc. a non-profit, non-partisan organization and the Florida Department of State’s Division of Elections served as staff for the committee.

The HAVA Planning Committee (2009) convened for one meeting to discuss and develop changes to the 2006 HAVA State Plan. The meeting was held in Tallahassee, Florida, on March 23, 2009. The Florida Department of State’s Division of Elections provided administrative support.

### 3. Compliance: Public Notice and Comments for State Plan

**Yes, and no further actions are required.**

Section 256 of HAVA requires that the HAVA State Plan meet the following public notice and comment requirements:

- (1) not later than 30 days prior to the submission of the plan, the State shall make a preliminary version of the plan available for public inspection and comment;
- (2) the State shall publish notice that the preliminary version of the plan is so available; and
- (3) the State shall take the public comments made regarding the preliminary version of the plan into account in preparing the plan that will be filed with the Election Assistance Commission.

Each HAVA Planning Committee has operated in an open process with public deliberations, systematic procedures in accordance with *Robert’s Rules of Order*, and majority vote of members who were present when votes were taken. Members of the public and press are welcomed at the meeting and public comments solicited.

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All meetings are held in accessible facilities and are compliant with the Americans with Disabilities Act. Closed captioning service is available, upon advanced request, at all meetings. Agendas are printed in Braille as well as Spanish and Creole, upon advanced request. The HAVA Planning Committee receives a draft of the plan before voting to approve the preliminary draft. The Committee forwards the draft to the Division of Elections for public notice and open comment period. Staff for the Division of Elections is delegated authority to make necessary edits to ensure consistency and accuracy of text and format of the final draft.

After notice is given in the *Florida Administrative Weekly*, the preliminary version or revision of HAVA State Plan is posted on the Department of State's website. A link is made available on the Department's website for receiving public comments. The work of the HAVA Planning Committee is completed when a preliminary version of the HAVA State Plan is prepared, approved by the HAVA Planning Committee, and submitted to the Secretary of State.

After the HAVA State Plan is submitted to the U.S. Election Assistance Commission, the Commission is responsible for publishing the HAVA State Plan in the Federal Register in accordance with Section 255(b).

<b>Help America Vote Act of 2002 State Plan Chart</b>		
<b>Help America Vote Requirement</b>	<b>2006 Status: HAVA State Plan</b>	<b>2006 Status: HAVA State Plan</b>
<b><i>Voting Systems--Section 301 Compliance January 1, 2006)</i></b>		
Verify Ballot	Complies	Complies
Change or Correct Ballot	Complies	Complies
Prevent Overvotes	Complies	Complies
Absentee instructions	Complies	Complies
Absentee privacy and confidentiality	Complies	Complies
Paper record for audits	Complies	Complies
Systems for voters with disabilities	Complies	Complies
Future voting systems purchases comply with HAVA	Complies	Complies
Alternative language accessibility	Complies	Complies
Comply with FEC error rates	Complies	Complies
Define what constitutes a vote	Complies	Complies
<b><i>Provisional Voting and Voter Information--Section 302 (Compliance January 1, 2004)</i></b>		
Laws require notification to cast provisional ballot	Complies	Complies
Provisional ballots permitted with written affirmation of voter eligibility	Complies	Complies
Provisional ballots given to election officials for determination	Complies	Complies
Provisional ballots counted if voter is determined to be eligible	Complies	Complies
Voters provided information to ascertain if provisional ballot counted	Complies	Complies
"Free access system" provided to ascertain if provisional ballot counted	Complies	Complies
Sample ballots are posted for election	Complies	Complies
Date of election and polling place hours are posted	Complies	Complies
Voting instructions and provisional voting instructions are posted on	Complies	Complies

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election day		
Voting instructions for mail-in registrants and first-time voters on election day	Complies	Complies
Voting rights information and provisional ballot information posted	Complies	Complies
Contact information posted for voters whose rights have been violated	Complies	Complies
Information posted on prohibition of fraud and misrepresentation	Complies	Complies
Provisional ballots segregated for those who vote after special extended poll hours	Complies	Complies
<b><i>Voter Registration--Section 303 (Compliance January 1, 2004 or extension January 1, 2006)</i></b>		
Single, uniform, official centralized, interactive computer statewide, voter registration list	Complies	Complies
Can Florida meet January 1, 2004 deadline? Need to apply for January 1, 2006 waiver	Complies	Complies
HAVA's ID requirements for voters who register by mail and not previously voted	Complies	Complies
HAVA's requirement for voter registration language in mail registration forms	Complies	Complies
<b><i>Local Government Payments and Activities [Section 254(a)(2)]</i></b>		
Describe criteria for funding	Complies	Updated
Describe methods to monitor performance	Complies	Updated
<b><i>Voter Education [Section 254(a)(3)]</i></b>		
Describe voter education programs to support Title III	Complies	Updated
Describe election official education and training to support Title III	Complies	Updated
Describe poll worker training to support Title III	Complies	Updated
<b><i>Voting System Guidelines and Processes [Section 254(a)(4)]</i></b>		
Describe Florida's voting system guidelines and processes consistent with Section 301	Complies	Complies
<b><i>HAVA Election Fund [Section 254(a)(5)]</i></b>		
Describe how Florida will establish a HAVA fund	Complies	Updated
Describe how Florida will manage the HAVA fund	Complies	Updated
<b><i>Florida's HAVA Budget [Section 254(a)(6)]</i></b>		
Describe costs of activities to meet Title III	Complies	Updated
Describe portion of requirements payment to carry out requirements activities	Complies	Updated
Describe portion of requirements payment to carry out other activities	Complies	Updated
<b><i>Florida's Maintenance of Effort [Section 254(a)(7)]</i></b>		
Describe how Florida will maintain election expenditures at the 1999-2000 FY	Complies	Updated
<b><i>Florida's Performance Goals and Measures [Section 254(a)(8)]</i></b>		
Describe how Florida will adopt performance goals measures to determine HAVA success	Complies	Updated
<b><i>Administrative complaint process [Section 254(a)(9)]</i></b>		

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<b>Help America Vote Requirement</b>	<b>2006 Status: HAVA State Plan</b>	<b>2006 Status: HAVA State Plan</b>
Established a state-based administrative complaint process to remedy grievances	Complies	Complies
<i><b>Effect of Title I Payments [Section 254(a)(10)]</b></i>		
Describe how Title I payments will affect activities of HAVA plan	Complies	Updated
<i><b>HAVA State Plan Management [Section 254(a)(11)]</b></i>		
Describe how Florida will manage plan and make material changes to plan	Complies	Updated
<i><b>HAVA State Plan for Previous Fiscal Year [Section 254(a)(12)]</b></i>		
Describe how this year's plan changed from the previous fiscal year	Complies	Updated
<i><b>HAVA State Plan Development and Planning Committee [Section 254(a)(13)]</b></i>		
Describe the committee and procedures used to develop the HAVA plan	Complies	Updated