

Amended Texas State Plan  
Pursuant to the Help America Vote Act of 2002  
(HAVA)  
January, 2005

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## Amended Texas State Plan

### **1. How the requirements payments (i.e., Title II funds) will be used to meet the mandates in Title III (new federal requirements)**

#### **Brief Overview of State Elections Structure**

The Secretary of State (“SOS”) is the chief election officer of the state and is required to maintain uniformity in elections held in the state and to advise and assist local officials who actually conduct elections. The Secretary of State also has authority to adopt administrative rules to gain uniformity in interpretation of state election laws and procedures.

The conduct of elections in Texas is decentralized. The statutory requirements for elections are set out in the Texas Election Code. The county clerk or county election administrator, in those counties that have created the office, is generally the official charged with conducting county elections. County voter registrars maintain the official list of registered voters; the voter registrar is generally either the county tax assessor-collector, or again the election administrator. The county political parties conduct primary elections in Texas, with the county chair as the chief elections official. Early voting in the primary is conducted by the county elections official.

Other elections are conducted by the political subdivision. City elections are held by the city, school district elections by the school, and so on. These political subdivisions often contract with the county to conduct their election or hold joint elections with one another, but they are not required to do so. They utilize the county list of registered voters appropriate for their locality.

The Secretary of State maintains an unofficial state list of registered voters. The Secretary of State’s office houses and maintains a state master file of all registered voters. The Secretary of State also maintains the Texas Voter Registration Online System (“TVRS”), which is a voluntary online voter registration system currently used by 164 of 254 counties. For those counties utilizing the TVRS system, the state database reflects their “official” voter file. The master file has approximately 12.1 million active voters and also stores approximately 2.5 million cancelled voters at any given time. The state master file maintains two separate tables defined for either “offline” or “online” counties. An offline county updates the masterfile through a web browser application, on a weekly basis in a pre-specified standard record layout. TVRS counties update in real time with all transactions validated and updated per session. At present, voter registration systems are reviewed by the Secretary of State’s office to ensure that they are capable of submitting reports in a standard format as required by the state.

Texas is a state covered under Section 5 of the federal Voting Rights Act, which requires changes in election processes to be submitted to the Voting Section of the U.S. Department of Justice (“DOJ”) for review prior to enforcing the change. At the state level, the Secretary of State submits changes in state election procedures. At the local level, each county must submit its changes to DOJ. These include polling place changes, change in the method of election, and adoption of new voting systems, among others.

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According to the 2000 decennial census, the voting age population of Texas was 14,965,061. The state had 12,365,235 registered voters for the 2000 general election. In the 2002 November general election, the number of registered voters was 12,563,459.

Turnout in the 2000 November general election for state and county officers was 6,407,637, which constituted 51.8% of the registered voters and 42.8% of the voting age population. Turnout in the 2002 general election for state and county officers was 4,553,979, which constituted 36.2% of registered voters and 30.4% of the voting age population, using the 2000 census numbers.

In November 2000, the breakdown of election systems used by counties was:

Paper Ballot:	90
Optical Scan:	150
Punch Card:	14
Lever Machine:	3
DRE:	4

Attached as Table 2 (page 22) is a list of the county by county breakdown of voting systems. The Secretary of State is the authority charged with certifying voting systems for use in the state.

How the state will meet the Title III requirements is described in Table 1 below. The charts have been updated to reflect the current status and action planned as of January 2005.

**Table 1**

<b>Voting System Standards</b>	<b>Sec. 301</b>	
<b>HAVA Requirement</b>	<b>State of Texas Current Status</b>	<b>Action Planned</b>
All voting systems shall permit a voter to verify/review selections before casting the vote.	Meets the requirement. Texas Election Code (TEC) Sections 64.007 and 129.001(b).	No action needed.
Allow voter to change or correct any error on the ballot before casting the vote.	Meets the requirement. TEC Section 64.007.	No action needed.
Prevent or alert voter if he/she overvotes on the ballot.	Partially meets the requirement. DRE systems and precinct count optical scan systems alert the voter of an overvote.  Manually counted paper ballots, centrally counted optical scan ballots, and punch card ballots do not alert the voter of overvotes.  Current process on mail-in paper absentee ballots would not meet the requirement.	A voter education campaign will be implemented in all centrally counted optical scan and paper ballot precincts no later than January 1, 2006, to educate voters on the effect of an overvote on these systems.

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<b>Voting System Standards</b>	<b>Sec. 301</b>	
<b>HAVA Requirement</b>	<b>State of Texas Current Status</b>	<b>Action Planned</b>
All voting systems must be able to produce a paper audit trail of all votes cast.	Meets the requirement; state law currently requires real time audit of all election activity. TEC Section 122.001(a)	No action needed.
Voting systems must be accessible for individuals with disabilities, including non-visual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for privacy and independence as other voters.  This requirement may be met by having at least one DRE or other system equipped for individuals with disabilities at each polling site.	Partially meets the requirement.  13 counties have adopted an accessible DRE voting system. Most counties do not meet this requirement.	Upgrade existing voting systems or purchase new systems. All polling places will be required to be equipped with at least one DRE no later than January 1, 2006 pursuant to House Bill 1549.
Voting systems shall provide alternative language accessibility pursuant to the requirements of Section 203 of the Voting Rights Act of 1965.	All certified voting systems meet this requirement for Spanish language, and one voting system has been certified for the Vietnamese language.	No action needed.
All voting systems shall have error rates (machine errors only) that do not exceed the Federal Election Commission standards.	Meets the requirement.  This requirement was added to state law in HB 1549.	No action needed.
A uniform definition of what constitutes a vote for each voting system in use in the state.	Meets this requirement.  State law was passed to provide a uniform definition for what constitutes a vote. House Bill 1549 (2003)	No further action required.

<b>Provisional Voting and Voting Information Requirements</b>	<b>Sec. 302</b>	
<b>HAVA Requirement</b>	<b>State of Texas Current Status</b>	<b>Action Planned</b>
A provisional voter is to be allowed to vote a paper ballot or an electronic ballot upon the completion of an affidavit. The ballot will be sealed in an envelope or electronically stored separately from the regular votes. The provisional ballot is to be transported to the appropriate election officials for determination of eligibility and counted if voter	State law was amended to provide procedures to meet this requirement effective January 1, 2004 pursuant to House Bill 1549. The Secretary of State has adopted administrative rules to provide specific procedures and has adopted forms to assist in the implementation of this new process.	No further action needed.

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<b>Provisional Voting and Voting Information Requirements</b>	<b>Sec. 302</b>	
<b>HAVA Requirement</b>	<b>State of Texas Current Status</b>	<b>Action Planned</b>
is deemed eligible.		
Each voter who casts a provisional vote shall be given written information on how he or she can ascertain whether his or her vote was counted, and if not why.	State has developed administrative rules and has adopted forms to implement this requirement.	No further action needed.
Establish a free access system, such as toll-free phone number or Internet website, allowing provisional voters to ascertain whether their vote was counted, and if not why.	State rules require the provisional voter to be notified via mail whether the voter's ballot was counted, and if the ballot was not counted, the reason why it was not counted.	No further action needed.
Post in each polling place a sample version of the ballot that will be used on election day.	State law passed to make it mandatory to post a sample ballot at each polling location.	No further action needed.
Post information regarding the day of the election and polling hours.	State law passed to require this posting.	No further action needed.
Post general information on state and federal voting rights and the right to a provisional vote if the requirements to vote are met.	State has prescribed language on the voter information poster required to be posted at each polling place beginning January 1, 2004.	No further action needed.
Post general information on federal and state laws prohibiting acts of fraud and misrepresentation.	State has prescribed language on the voter information poster required to be posted at each polling place beginning January 1, 2004.	No further action needed.
Any voter who casts a vote as the result of a federal or state court order extending polling hours, shall do so on a provisional ballot, and it shall be kept separate from other provisional ballots.	State law amended to provide for this occurrence and law became effective January 1, 2004. Precinct election forms were designed to accommodate this occurrence.	No further action needed.

<b>Computerized Statewide Voter Registration System</b>	<b>Sec. 303</b>	
<b>HAVA Requirement</b>	<b>State of Texas Current Status</b>	<b>Action Planned</b>
State shall implement a uniform, official, centralized, interactive computerized statewide voter registration list.	Does not meet the requirement.  Currently, 164 counties use the Secretary of State voter registration program to register and maintain their lists of voters. The data is held at the Secretary of State's Office.	State law was amended to require a statewide official list maintained at the Secretary of State's office. The state

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<b>Computerized Statewide Voter Registration System</b>	<b>Sec. 303</b>	
<b>HAVA Requirement</b>	<b>State of Texas Current Status</b>	<b>Action Planned</b>
	State law requires the state to maintain a copy of the list of registered voters, and counties have to update to the state database once a week. The state database is not considered the official list of voters.	completed the procurement process and signed a contract for the development of a complaint statewide system on November 8, 2004. Development of the system is underway.
Perform list maintenance to ensure only qualified voters appear on the list, including felons and deaths of registrants.  Ensure that only voters who are not registered or who are not eligible are removed from the computerized list.	State meets this requirement. State receives information from other state agencies regarding deaths and felons and provides this information to county voter registrars on a weekly basis.  State meets this requirement. State law prescribes narrow guidelines regarding canceling a voter's registration. Only with a positive name and identification number match can a voter be canceled. The local county voter registrar, not the state, cancels voters. Voter registrars may not cancel based on information provided by a vendor unless that information is verified by the voter registrar by a public record. TEC, Chapter 16 and Section 18.0121.	No action needed.  No action needed.
Ensure that voter registration records are accurate and updated regularly.	Does not meet the requirement.	State law was amended to require a statewide official list maintained at the Secretary of State's office. The state completed the procurement process and signed a contract for the development of a complaint statewide system on November 8, 2004. Development of the system is underway.
State to verify applicant's driver's license or social security number prior to approval of applicant.	Does not meet the requirement.	State law was amended to require a statewide official list maintained at the Secretary of State's

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<b>Computerized Statewide Voter Registration System</b>	<b>Sec. 303</b>	
<b>HAVA Requirement</b>	<b>State of Texas Current Status</b>	<b>Action Planned</b>
		office. The state completed the procurement process and signed a contract for the development of a complaint statewide system on November 8, 2004. Development of the system is underway.
State to assign unique identifier if applicant does not have driver's license or social security number.	Does not meet this requirement.	State law was amended to require a statewide official list maintained at the Secretary of State's office. The state completed the procurement process and signed a contract for the development of a complaint statewide system on November 8, 2004. Development of the system is underway.
Require appropriate identification for first time voters if a computerized list has not been implemented.	State law was amended to require identification at time of registration for first time voters registering to vote by mail effective January 1, 2004.	No further action required.
Voter registration application is required to have additional information printed on it.	State has prescribed new form, and has distributed to all counties.	No further action required.

**2. How Title II requirement payments will be monitored and distributed for the purpose of meeting the mandates in Title III, including determining the eligibility for receipt of payments and our methods for monitoring the performance of the local entities' continued eligibility.**

The SOS has developed an online grant application and management system. This system is essential for the SOS to establish an infrastructure and the necessary controls to effectively manage the HAVA funds and to accurately report the necessary programmatic and financial information to the federal government. Figure 1 (page 15) outlines the currently approved

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requirements payments budget for the 2003 fiscal year appropriation and the proposed budget for the 2004 fiscal year appropriation. The following is a description of how the funding has and will be distributed to funding recipients as well as a description of the funding allotments to each county.

### **Grant Award Process**

In September 2004, an award agreement was sent to each Texas county judge. As the chief executive officer of the county, the judge is required to sign the award agreement. To secure the funding, there are three basic steps:

1. The award agreement must be signed and returned to the Office of the Secretary of State.
2. A resolution from the county's governing body (i.e., county commissioners court) must be submitted as well. Required language for the resolution is included in the award agreement.
3. The online forms located on the Texas HAVA online grant system must be satisfactorily completed. The forms require information such as the official county address as well as the county's Employer Identification Number, State Vendor ID (VIN), and 3-digit Mail Code. The State Vendor ID is assigned by the State Comptrollers Office when an entity receives funds from the state and is comprised of the federal ID number plus a few other digits. The mail code determines which account the funds will be direct deposited into or whether a state warrant will be mailed. The county financial officer (i.e., county auditor or treasurer) will have this information. The county is also required to enter a detailed budget for each funding allocation. Guidelines regarding eligible uses for each funding allocation are included in the award agreement as well as the online forms. Grant activities must also be entered into the grant system where applicable.

**DEADLINE TO APPLY FOR FUNDING** - The FY 2003 funds will be available through August 31, 2006. Because not all counties will develop their funding priorities at the same rate, there are no deadlines currently imposed by the SOS for the counties to complete the online forms. However, all counties are encouraged to submit the signed grant award agreement that was sent to the county judge along with the required resolution from the commissioners court as soon as possible. The SOS may impose deadlines if an excessive amount of time elapses and the county has taken no action to secure the funding.

**RESOLUTION** - In addition to the parties that typically sign a resolution for the county (e.g., the county judge and the commissioners), the county election official(s) and the county financial officer must also sign the resolution.

**GRANT AWARD APPROVAL AND REQUESTING REIMBURSEMENT** - After the SOS has received the signed agreement that was sent to the county judge, the required resolution from the commissioners court as outlined in the award agreement, and the online forms have been submitted via this system, the SOS will review the documents and online forms for accuracy and completeness. Upon SOS approval, an email notification will be sent to the county judge, the election official(s), and the financial officer (Note: an email notification will only be sent if the



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user provides one when entering his or her contact information). At that time, the county financial officer will have access to submit reimbursement requests via the grant system.

### **Funding Allocations - Fiscal Year 2003 Appropriation**

#### Accessible Voting System in Each Polling Place

These funds are to be used for reimbursement of county costs incurred as a result of obtaining a HAVA-compliant accessible voting system in each polling location. This requirement may be met by having at least one accessible direct recording electronic voting system (“DRE”) or other system equipped for individuals with disabilities at each polling site. The reimbursable amount each county is eligible for is calculated based on the number of precincts (polling places) used during the 2000 federal election multiplied by \$3,000.

#### General HAVA Compliance

These funds may be used by the county for voter education, election worker education, upgrading voting systems to comply with new federal standards – including compatibility with the new statewide voter registration system, and acquiring an accessible voting system in each polling place. Priority will be given to acquiring an accessible voting system in each polling place because of the January 1, 2006 compliance mandate.

The reimbursable amount each county is eligible for is calculated based on the county’s voting age population during the 2000 federal election as a percentage of the state’s total voting age population and the total budgeted amount for general HAVA compliance. However, each county that would receive less than \$5,000 based on the formula will receive \$5,000.

### **Funding Allocations - Fiscal Year 2004 Appropriation**

Because the FY 2003 allotment of funding will not cover all of the county costs to purchase an accessible voting system in each polling location, Texas has proposed to increase the Requirements Payments to the counties by 200 percent. By fully funding the costs associated with acquiring at least one accessible voting system for each polling location, counties will be less likely to object to the HAVA mandate. Additionally, the counties may seize the opportunity afforded by the available federal dollars to fully update their outdated voting systems, rather than simply purchasing the HAVA-required minimum of one accessible system per polling location. The SOS will likely amend the current award agreement between the state and the counties or draft a new agreement to accommodate the additional funding.

### **Grant Regulations and Grant Oversight**

The Secretary of State will develop a monitoring plan in 2005. The monitoring function may be outsourced or may be handled internally or a combination of the two may be employed. This grant program falls under the general requirements of the Uniform Grant Management Standards (“UGMS”) prescribed by the Texas Office of the Governor. UGMS prescribes a standard set of

financial management procedures and definitions and ensures accountability for expenditure of public funds. UGMS also incorporates the following federal regulations:

- OMB Circular A-87
- OMB Circular A-102
- “Common Rule”, Administrative Requirements, 53 FR 8087, March 11, 1988
- OMB Circular A-133

Per the terms and conditions of the award agreement, any funding received by the county, regardless of the purpose, is contingent on each polling place within the county must have a voting system that is SOS-certified as accessible for individuals with disabilities, including non-visual accessibility for the blind and visually-impaired, in a manner that provides the same opportunity for privacy and independence as other voters no later than January 1, 2006.

### **3. Voter Education, Election Official Education and Training, and Poll Worker Training**

#### **a. Voter Education Plan Goal**

The state will develop a comprehensive voter education plan to educate voters on certified voting systems and the proper use of those voting systems, with special emphasis on accessibility issues as it relates to the use of voting systems. Components of the education plan will include the statewide voter registration system, and how to vote a provisional ballot. The state has a responsibility to ensure that the voting process and our systems of voting are accurate, secure, and accountable. Our voter outreach efforts will need to be designed to reflect and incorporate the diverse populations of Texas through a well-executed, adaptable program, delivered in an easy-to-use format, and in alternative formats for individuals with disabilities. The mediums for delivery of this voter education program will need to be equally diverse.

#### **b. Educating the Voter**

- The state surveyed the 254 counties, compiled a list of best practices, and developed resources to supplement existing training materials for the voter. The Secretary of State will release an RFP in 2005 for the HAVA Education piece that will be consistent with applicable state and federal laws and regulations, including the Texas Government Code and the Texas Building and Procurement Commission. HAVA funding will be used for education as it relates to Title III of HAVA, which includes educating the voter on: 1) How to verify/review selections before casting the vote. 2) How to change or correct any error on the ballot before casting the vote. 3) How to avoid over voting. 4) How individuals with disabilities, including non-visual accessibility for the blind and visually impaired, can access the voting system in a matter that provides the same opportunity for privacy and independence as other voters. 5) How the county’s voting system provides alternative language accessibility pursuant to the requirements of Section 203 of the Voting Rights Act of 1965. 6) What constitutes the uniform definition of the voting

system(s) in use in the county? And 7) How to vote a provisional ballot, including written information on how the voter can ascertain whether his or her vote was counted, and if not, why.

Although HAVA funds were not spent on education prior to the 2004 elections we, at the state level:

- Revised all of our brochures, including Services Available to Voters with Special Needs, Texas Voting, Early Voting in Texas, and Volunteer Deputy Registrar Guide. Those brochures are on our web site and also available in hard copy.
- The following brochures have been developed, and are available via our web: Young Texas Voters; When Your Home is Your Polling Place; and Conducting a Successful Voter Registration Campaign.
- The following new items/brochures were developed and disseminated statewide to election officials and upon request to voters: What Every Texan Needs to Know About Elections in Texas (targeting First Time Voters); Voter Rights Poster and Overvote/Undervote Poster.
- We developed and disseminated the Project V.O.T.E. (Voters of Tomorrow through Education) Student Mock Election Curriculum for teachers regarding the conduct of a mock election, for Texas students, kindergarten through 12th grades. Over a half million students participated in the 2004 Texas Student mock election.
- A PowerPoint Presentation was developed titled "Voter Education-A General Overview." This presentation was/is designed for civic groups, charitable and non-profit organizations for conducting voter registration drives.
- The Secretary of State appointed a virtual voter education advisory committee composed of voter advocacy groups and other interested stakeholders to advise the Secretary of State on HAVA-related voter education materials and programs.

### **c. Election Officials Education and Training**

- The state developed a comprehensive training component for Election Officials that included videos; pamphlets; updated handbooks; and an election-based training module prior to January 2004. The new training program and educational resources explain all the components of HAVA, including: overvote and undervote; provisional voting; DRE's; voters rights; the administrative hearing process; new voting system requirements; statewide voter registration system requirements; methods of poll worker training; accessibility for people with disabilities; and alternative language requirements.
- The state will look into the possibility of developing an outreach program working with the Department of Public Safety (DPS) to provide resources and materials to improve the voter registration process no later than July 2006.

- The state will continue to work proactively with election officials to assist and advise in the recruitment of college and university students as poll workers.
- The state will investigate the possible creation of an on-line training module for election officials, with a possible certification component no later than January 2006.

**d. Training of Poll Workers**

- The State has developed and disseminated statewide a new curriculum for Election Judges and Clerks, complete with a training video for preparing the polling place, qualifying voters, closing the polling place and discussing new law and HAVA. The curriculum for Election Judges and Clerks also has a testing component. We were successful in training over 49,000 poll workers before our 2004 Primary Elections.
- Regional schools for the training of election judges and clerks for the 2004 Election were conducted prior to the Primary and General Elections. Secretary of State staff traveled the state, educating election officials about Texas law, HAVA, and in some locations, we partnered with the Coalition of Texans with Disabilities, who presented a unit on voters with disabilities and educating election officials on the rights of disabled voters.

**4. How the state will adopt voting system guidelines consistent with Sec. 301 (Sec. 254, a, 4).**

Voting System Standards

The state of Texas' voting systems standards contained at Section 122.001 of the Texas Election Code are already in substantial compliance with the requirements set out in Section 301(a)(1) of HAVA. Pursuant to an administrative rule adopted by the Secretary of State, Rule 81.61, before any voting system may be certified for use in a Texas election, the voting system must meet the voluntary voting systems standards promulgated by the Federal Election Commission. Texas Administrative Code § 81.61 (Tex. Sec. of State).

Overvote and Opportunity to Correct Ballot

All systems used in Texas allow a voter to change his or her vote. In a paper or optical scan ballot system, a voter may receive up to two replacement ballots if he or she makes an error marking the original ballot. Texas currently posts voting instructions that inform the voter of his or her right to replace a spoiled ballot.

Precinct-level optical scan voting systems inform the voter of an overvote in a particular race and give the voter an opportunity to correct the ballot. Texas Administrative Code § 81.52 (Tex. Sec. of State). Direct Recording Electronic voting systems ("DRE's") currently certified for use in Texas and mechanical lever machines do not allow for overvoting. In those entities using hand-counted paper ballot, central count optical scan, mechanical lever machines or punch card voting systems, the voter is not informed when he or she overvotes in a race. However, language will be added to voter instructions to inform voters of the

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definition and consequences of an overvote, and Texas will establish a voter education program to explain the effect of overvoting. Punch card and lever voting systems will be phased out of use. The Texas Legislature passed legislation this year to prohibit their use after January 1, 2006.

All of the systems used in Texas allow voters to view their choices before they cast their ballot. DRE voting systems are already required under current state law to present voters with a summary screen of the entire ballot to allow voters to review and change their choices prior to the final cast of the ballot.

### Manual Audit

Electronic voting systems are required under state law to provide records from which the operation of the voting system may be audited. In addition, the Secretary of State has adopted an administrative rule, Section 81.61, which requires a real time audit log that records all significant election events and records the date and time of each event. Also, due to the fundamental inability of lever machines to produce a manual audit of its records, Texas has recently passed a law that prohibits the use of these systems in elections after January 1, 2006.

### Accessibility

Under HAVA, the voting system must be accessible to individuals with disabilities in a manner that provides the same opportunity for access and participation as for other voters. HAVA provides that this requirement may be met by placing a DRE or other accessible voting unit in each polling place.

Texas law currently requires voting systems acquired on or after September 1, 1999 to comply with Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Section 794) and its subsequent amendments and Title II of the federal Americans with Disabilities Act (42 U.S.C. Section 12131 et seq.) and its subsequent amendments; and to provide a practical and effective means for voters with physical disabilities to cast a secret ballot. Detailed guidelines as to what constitutes an accessible voting system have been adopted by administrative rule which is enclosed. In all the remaining polling places throughout the state which use voting systems that do not meet the accessibility guidelines, counties will purchase at least 1 DRE per polling place in order to satisfy the requirements.

The state legislation implementing HAVA repeals the current voting system accessibility law and replaces it with language which tracks the federal law for accessibility. Until the Election Assistance Commission issues HAVA-compliant accessibility standards, Texas will continue to evaluate accessibility based on the state rule and FEC accessibility standards.

### Language Accessibility

Because Texas is a state covered by Section 1973aa-1a and Section 1973b(f)(4) of the federal Voting Rights Act, voting systems are already required to provide alternative language

accessibility to the ballot. Statewide, Spanish has been required since 1975 and ballots have been required to be in English and Spanish since that time. As a result of the 2000 census, in some areas of the state, Vietnamese, Kickapoo, and Pueblo languages are required. Review of whether a voting system provides alternative languages is already an element of voting system certification in Texas.

Error rates

HAVA requires that the counting error rate of voting systems must comply with the standards established under the Federal Election Commission. Secretary of State Administrative Rule 81.61 requires that before a voting system may be certified for use in Texas, the voting system must meet the voluntary voting system standards promulgated by the Federal Election Commission. In addition, the state legislation adopted to implement HAVA amends the Texas Election Code to require that all voting systems comply with the error rate standards adopted by the Federal Election Commission.

Definition of “Vote”

Current state law contains a detailed definition of a punch card vote. Texas has recently passed legislation that fully defines what constitutes a vote cast under hand-counted paper ballot, optical scan, and lever machine systems. See Exhibit D.

**5. How the Election Fund will be established and managed (Sec. 254, a, 5).**

The Texas Legislature created an “Election Improvement Fund” as a dedicated account in the general revenue fund and consists of federal funds designated for election improvement, matching funds from the state or a political subdivision, and depository interest earned on the assets of the fund. The state has appropriated funds to satisfy the five percent match requirement of Section 253 of HAVA in House Bill 1549, 78<sup>th</sup> Regular Session, 2003. The fund will be managed according to the Uniform Grant Management Standards prescribed by the Texas Office of the Governor and the terms and conditions of the federal grant award(s). The SOS has also hired a grant manager as well as an accountant to oversee and administer the grant program.

**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.**

The budget below is based on the state’s best estimate. The SOS anticipates some adjustments will be necessary; however, the Secretary of State will reconvene the HAVA Advisory Committee for advice on how to reallocate the funds if the change is substantive. It should be noted that the “free access system for provisional voters has been adjusted to \$0 because the state is already in compliance with that requirement.

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**Figure 1**

	<b>FY03 Approp.</b>		<b>FY04 Approp.</b>
Title I Federal Award:	\$23,476,116		\$0
	<u>Estimated Amount</u>	<u>Actual Budget</u>	<u>Proposed Budget</u>
Punch Card and Lever Replacement	\$6,269,521	\$6,269,521	N/A
Preliminary Planning For Statewide Voter Registration System	\$500,000	\$465,836	N/A
State Plan Administration	\$ 2 – 4 million	\$3,726,690	N/A
Voter Education	\$ 2 – 3 million	\$2,795,017	N/A
Election Official and Poll Worker Training	\$ 2 – 3 million	\$2,795,017	N/A
County Compatibility with New Statewide Voter Registration System	\$ 6 million	\$5,590,035	N/A
County Education Fund	\$1 – 2 million	\$1,834,000	N/A
Total:	\$ 19.77 – 24.77 million	\$23,476,116	N/A
Title II Federal Award:	\$57,504,778		\$103,187,171
Required State Match:	\$3,026,567		\$5,430,904
Total Available:	\$60,531,345		\$108,618,075
	<u>Estimated Amount</u>	<u>Actual Budget</u>	<u>Proposed Budget</u>
SOS Admin (State Plan Administration)	N/A	N/A	\$5,000,000
Free Access System for Provisional Voters	\$ 1 million	\$0	\$0
Statewide Voter Registration System	\$ 10 – 15 million	\$14,773,345	\$5,000,000
Accessible Voting System in Every Polling Place	\$ 25.5 million	\$25,758,000	\$91,618,075
Grant Funding to Counties for HAVA (Title III) Compliance	\$ 20 million	\$20,000,000	
County Compatibility with New Statewide Voter Registration System	N/A	N/A	\$5,000,000
Voter Education, Election Official and Poll Worker Training	N/A	N/A	\$2,000,000
Total:	\$ 56.5 – 61.5 million	\$60,531,345	\$108,618,075

**7. Statement that the state will, in using the requirements payments, provide for maintaining the funding for activities funded by the payments at a level not less than the fiscal year ending before November 2000 (Sec. 254, a, 7).**

The Secretary of State has determined that the activities funded by the requirements payments as outlined in this state plan will not reduce the level of expenditures maintained by the state for the fiscal year ending prior to November 2000. Additionally, since the initial state plan was filed, the SOS has determined that the requirements payments activities as outlined in this plan have never been funded by the state to the counties prior to the fiscal year ending before November 2000. Consequently, the counties need not certify they are in compliance with the maintenance of effort requirement as originally proposed as it is not applicable.

**8. How the state will adopt performance goals and measures to determine success in carrying out the plan (Sec. 254, a, 8).**

The Secretary of State and county election officials are responsible for ensuring the success in meeting each performance goal. Each county’s voter registration and elections office also have a substantial responsibility in meeting performance goals in that the counties will monitor performance measures and will report to the state on a regular basis.

**The performance goals include:**

**ELIMINATION OF PUNCH CARD VOTING AND LEVER EQUIPMENT**

- a. Timetable: January 1, 2006
- b. Criteria: Replacement of punch card voting equipment and lever machines in 17 counties that used voting equipment in 2000.

- c. How criteria is measured: Assess 17 counties after January 1, 2006 to determine if any punch card or lever machines are being used in federal elections.
- d. The county election officials are responsible for meeting this measure with the advice and assistance of the Secretary of State.

## **VOTING SYSTEM STANDARDS**

- a. **VOTING SYSTEMS**
  - (1) Timetable: January 1, 2006
  - (2) Criteria: All voting precincts in the state will have a voting system that provides voters an opportunity to check for and correct ballot errors in a private and independent manner, notifies the voter of any overvotes cast and the effect of casting an overvote, allows the voter to correct the overvote before the ballot is cast, has a manual audit capacity, and an error rate that does not exceed the existing rate established by the FEC or Office of Election Administration. For the precincts that do not have such a system in place, an extensive voter education program will be developed and used in each county. A program will be developed for each type of voting system and paper ballot to educate the voter on what constitutes a legal vote for each type of voting machine and how to correctly cast a ballot for each type of voting system.
  - (3) How the criteria is judged: Assess all counties to ensure 100% participation in using voting systems that meet the HAVA requirements or using the education program developed by the Secretary of State.
  - (4) The county election officials are responsible for meeting this measure with the advice and assistance of the Secretary of State.
- b. **ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES**
  - (1) Timetable: January 1, 2006
  - (2) Criteria: Provide at least one direct recording voting device in each polling place in the state that will allow voters with disabilities the opportunity to cast a ballot without assistance.
  - (3) How criteria is judged: Assess each county to ensure 100% of the polling places have implemented a direct recording voting device that allows voters with disabilities the opportunity to cast a ballot without assistance.
  - (4) The county election officials are responsible for meeting this measure with the advice and assistance of the Secretary of State.
- c. **ALTERNATE LANGUAGE ACCESSIBILITY**
  - (1) Timetable: Currently
  - (2) Criteria: Provide alternative language accessibility pursuant to the federal Voting Rights Act.



- (3) How criteria are judged: Texas has provided alternative language for all voting systems, voting materials and forms used in the polling place since 1975. Before a voting system is certified by the Secretary of State, the voting system must demonstrate alternate language accessibility.
- (4) The county election officials are responsible for meeting this measure with the advice and assistance of the Secretary of State.

## **PROVISIONAL VOTING**

### **a. PROVISIONAL BALLOTS PROVIDED**

- (1) Timetable: January 1, 2004
- (2) Criteria: Provide provisional ballots to ensure no individual is turned away at the polls.
- (3) How criteria is judged: Assess all counties to ensure the new procedures for provisional voting are in place and that all election workers have been trained on the new procedures.
- (4) The county election officials are responsible for meeting this measure with the advice and assistance of the Secretary of State.

### **b. FREE ACCESS SYSTEM**

- (1) Timetable: January 1, 2004
- (2) Criteria: Implement a free access system in each county so that the voters can determine if their provisional ballot was counted.
- (3) How criteria is judged: Success of meeting this performance goal is based on the establishment of a free access system in each county so that voters can determine if their provisional ballot was counted.
- (4) The county election officials are responsible for meeting this measure with the advice and assistance of the Secretary of State.

### **c. INFORMATIONAL VOTING POSTER**

- (1) Timetable: January 1, 2004
- (2) Criteria: Voter information must be posted at each polling place, to include: sample ballots; dates and hours of voting; instructions for voters registering by mail and for first time voters; voter rights (including the right to vote a provisional ballot); and legal notice prohibiting voter fraud and misrepresentation.
- (3) How criteria is judged: Survey all counties to ensure that the voting poster is included with election supplies and that all election workers have been instructed to post such information in the polling place.
- (4) The Secretary of State will prescribe and distribute informational posters to all counties prior to January 1, 2004. The county election officials are responsible for ensuring the poster is properly posted in each precinct.

**STATEWIDE VOTER REGISTRATION SYSTEM**

- a. **COMPUTERIZED STATEWIDE VOTER LIST**
  - (1) Timetable: January 1, 2006
  - (2) Criteria: Implementation of a single, uniform, official, centralized, interactive, computerized statewide voter registration list that is defined, maintained, and administered at the state level.
  - (3) How criteria is judged: Success of meeting this performance goal is based on the implementation of a statewide voter registration system that meets the requirements of HAVA.
  - (4) The Secretary of State in conjunction with the county election officials is responsible for meeting this measure.
  
- b. **NEW VOTER REGISTRATION APPLICATION**
  - (1) Timetable: January 1, 2004
  - (2) Criteria: Prescribe, print and distribute new voter registration applications that meet the requirements of HAVA.
  - (3) How criteria is judged: The Secretary of State will prescribe, print and distribute a new voter registration application to all counties prior to January 1, 2004.
  - (4) The Secretary of State in conjunction with the county election officials is responsible for meeting this measure.

The Secretary of State will collect specific data to identify the successes of each county as it relates to the implementation of the Help America Vote Act of 2002 (HAVA). The Secretary of State will compile the data in report(s) for tracking purposes and to share with interested parties such as the EAC. The report will include an indication of whether each county met the performance goals. If the Election Assistance Commission or any other federal agency should prescribe such a report or survey, the state will use the federal form in lieu of the state form.

**9. Description of state based administrative complaint procedures (Sec. 254, a, 9):**

The Secretary of State has adopted an administrative complaint procedure through its rulemaking authority. Complaints are limited to those arising from violations of Title III of HAVA. As required under Section 402(2) of HAVA, complaints shall be required to be in writing, signed by the complainant, and notarized. The Secretary of State will have authority to consolidate complaints for efficiency and to resolve any complaints through an informal process, if warranted.

Review of the complaint will be held pursuant to the right of notice, hearing, and adjudication as set out in the administrative rule.

**10. A description of how payments for punch card replacement and early out money affects the activities under the plan, including the amount of funds available (Sec. 254, a, 10).**

Punch card and lever voting system replacement award agreements were sent to all eligible counties in April 2004. The Title I funds will be distributed, administered, and monitored using the same standards as the requirements payments that are distributed to the counties.

**11. Description of how the state will conduct ongoing management of the plan (Sec. 254, a, 11):**

The Secretary of State has hired a HAVA grant manager, a HAVA grant accountant, a project manager to oversee the development and implementation of the HAVA-compliant statewide voter registration system, and will hire monitoring staff or outsource that function. All procurement with HAVA funds will be consistent with applicable state and federal laws and regulations, including the Texas Government Code and the Texas Building and Procurement Commission. All sub-awarded grants will include an award agreement with the terms and conditions governing the use of the funds and will adopt by reference the State of Texas Uniform Grant Management Standards, OMB Circular A-87, OMB Circular A-102, "Common Rule", Administrative Requirements, 53 FR 8087, March 11, 1988, and OMB Circular A-133.

If material changes to the state plan are necessary, the Secretary of State will propose the change in the Texas Administrative Register. In addition, the Secretary of State intends to continue working with the HAVA Advisory Committee as the plan is implemented. The State Plan provides a general framework of HAVA implementation in Texas, but the Secretary of State will continue, as needed, to adopt administrative rules to define specific procedures for provisional voting and other HAVA-related issues as well as modify and design forms as the implementation of HAVA continues to evolve. As rules are proposed and as new voter forms are drafted, the Secretary of State will distribute the drafts to the HAVA Advisory Committee for comments and suggestions.

**12. Description of how the plan reflects changes from the state plan for the previous fiscal year.**

Each section has been updated accordingly and reflects the current state plan.

**13. A description of the committee that participated in the development of the plan (Sec. 254, a, 13).**

An advisory committee was appointed by the Secretary of State to help develop the State Plan. We enlisted professional associations, voter advocacy groups and other relevant associations, and requested that each association appoint a representative to serve on the advisory committee. The Committee conducted public meetings on the following dates: April 3, 2003, May 1, 2003, June 27, 2003, February 20, 2004, and November 12, 2004. Minutes of all Committee meetings are posted on the Secretary of State website at <http://www.sos.state.tx.us/elections/hava/index.shtml>. The Preliminary Texas State Plan was

**Help America Vote Act 2002  
Texas State Plan**

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posted on the web on July 25, 2003 and also published in the Texas Register on August 1, 2003. Public comment was accepted through September 2, 2003.

The proposed amended budget was posted on the Secretary of State agency website on November 5, 2004 and was discussed at the November 12, 2004 meeting of the HAVA Advisory Committee. In addition, notice of the proposed amended budget was published in the Texas Register on November 5, 2004.

**Help America Vote Act 2002  
Texas State Plan**

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**Advisory Committee Members:**

**Teresa Aguirre**  
Texas Association of  
Counties

**Phil Barrett**  
Texas Department of  
Information Resources

**Paul Bettencourt**  
Harris County Tax Assessor-  
Collector

**Paulette Burke**  
Texas County & District  
Clerks Association  
Rockwall County Clerk

**Brett Carr**  
Senate State Affairs

**The Honorable Mary Denny**  
Texas State Representative  
Chair, House Elections  
Committee

**Judge Robert Eckels**  
County Judges and  
Commissioners Association

**Frank Elder**  
Assistant Chief  
Texas Department of Public  
Safety

**Claude Foster**  
ACLU of Texas, Inc.

**Barbara Hankins**  
Texas League of Women  
Voters

**David Hanna**  
Texas Legislative Council

**Beverly Kaufman**  
Harris County Clerk

**Bob Lydia**  
President  
NAACP

**Molly Beth Malcolm**  
Chairwoman  
Texas Democratic Party

**Germaine Martinez**  
Program Specialist  
Texas Department of Public  
Safety

**The Honorable Jane Nelson**  
Texas State Senator

**Jodi Park**  
Coalition of Texans with  
Disabilities

**Nina Perales**  
MALDEF

**Sharon Rowe**  
President Texas Association  
of Elections Administrators  
Collin County Elections  
Administrator

**Rudy Sandoval**  
Chief of Staff  
LULAC

**Michael Scholfield**  
Assistant General Counsel  
Governor's Policy  
Office of the Governor

**Jonas Schwartz**  
Program Services Manager  
Advocacy, Inc.

**Bruce Sherbet**  
Dallas County Elections  
Administrator

**Sandra Vice**  
State Auditor's Office

**Bea Westbrook**  
President  
Texas Association of Tax  
Assessor-Collectors  
Newton County Tax Assessor  
Collector

**Chad Wilbanks**  
Texas Republican Party

**Don Willett**  
Deputy Attorney General,  
General Counsel  
Office of the Texas Attorney  
General

FUNDING ALLOCATIONS TO TEXAS COUNTIES

**Table 2**

COUNTY	VOTING SYSTEM	PRECINCTS	VOTING AGE POP.	FY03 Approp.			FY04 Approp.
				County Education Fund	Accessible Voting System	General HAVA Compl. w/ \$5,000 Minimum	200% FY03 Accessibility and Gen. HAVA Comp. Funding
ANDERSON	Optical Scan	25	43,678	\$7,000	\$75,000.00	\$58,022	\$266,341
ANDREWS	Paper	5	8,903	\$7,000	\$15,000.00	\$11,827	\$53,714
ANGELINA	Optical Scan	40	57,974	\$7,000	\$120,000.00	\$77,013	\$394,466
ARANSAS	Optical Scan	7	17,151	\$7,000	\$21,000.00	\$22,784	\$87,665
ARCHER	Optical Scan	14	6,358	\$7,000	\$42,000.00	\$8,446	\$101,005
ARMSTRONG	Paper	9	1,589	\$7,000	\$27,000.00	\$5,000	\$64,071
ATASCOSA	Optical Scan	25	26,373	\$7,000	\$75,000.00	\$35,034	\$220,314
AUSTIN	Optical Scan	19	17,215	\$7,000	\$57,000.00	\$22,869	\$159,915
BAILEY	Paper	8	4,597	\$7,000	\$24,000.00	\$6,107	\$60,281
BANDERA	Optical Scan	12	13,292	\$7,000	\$36,000.00	\$17,657	\$107,434
BASTROP	Optical Scan	22	41,589	\$7,000	\$66,000.00	\$55,247	\$242,765
BAYLOR	Paper	6	3,135	\$7,000	\$18,000.00	\$5,000	\$46,051
BEE	Optical Scan	18	24,794	\$7,000	\$54,000.00	\$32,937	\$174,067
BELL	AVM	43	169,236	\$9,000	\$129,000.00	\$224,815	\$708,419
BEXAR	Optical Scan	626	996,458	\$11,000	\$1,878,000.00	\$1,323,705	\$6,410,551
BLANCO	Paper	9	6,368	\$7,000	\$27,000.00	\$8,459	\$70,998
BORDEN	Paper	8	550	\$7,000	\$24,000.00	\$5,000	\$58,065
BOSQUE	Optical Scan	18	13,003	\$7,000	\$54,000.00	\$17,273	\$142,706
BOWIE	Optical Scan	37	67,135	\$7,000	\$111,000.00	\$89,183	\$400,812
BRAZORIA	Punch Card	68	172,664	\$9,000	\$204,000.00	\$229,369	\$867,704
BRAZOS	Punch Card	109	119,680	\$9,000	\$327,000.00	\$158,984	\$973,052
BREWSTER	Paper	8	6,902	\$7,000	\$24,000.00	\$9,169	\$66,411
BRISCOE	Paper	7	1,305	\$7,000	\$21,000.00	\$5,000	\$52,058
BROOKS	Optical Scan	10	5,459	\$7,000	\$30,000.00	\$7,252	\$74,587
BROWN	Optical Scan	18	27,943	\$7,000	\$54,000.00	\$37,120	\$182,443
BURLESON	Optical Scan	16	12,047	\$7,000	\$48,000.00	\$16,003	\$128,149
BURNET	Optical Scan	24	25,779	\$7,000	\$72,000.00	\$34,245	\$212,727
CALDWELL	Optical Scan	20	23,068	\$7,000	\$60,000.00	\$30,644	\$181,490
CALHOUN	Optical Scan	30	14,767	\$7,000	\$90,000.00	\$19,617	\$219,478
CALLAHAN	Optical Scan	8	9,527	\$7,000	\$24,000.00	\$12,656	\$73,393
CAMERON	Optical Scan	84	221,932	\$9,000	\$252,000.00	\$294,817	\$1,094,853
CAMP	Paper	13	8,447	\$7,000	\$39,000.00	\$11,221	\$100,554
CARSON	Paper	10	4,700	\$7,000	\$30,000.00	\$6,244	\$72,568

FUNDING ALLOCATIONS TO TEXAS COUNTIES

COUNTY	VOTING SYSTEM	PRECINCTS	VOTING AGE POP.	FY03 Approp.			FY04 Approp.
				County Education Fund	Accessible Voting System	General HAVA Compl. w/ \$5,000 Minimum	200% FY03 Accessibility and Gen. HAVA Comp. Funding
CASS	Optical Scan	26	22,869	\$7,000	\$78,000.00	\$30,379	\$217,001
CASTRO	Paper	9	5,541	\$7,000	\$27,000.00	\$7,361	\$68,798
CHAMBERS	Punch Card	14	18,507	\$7,000	\$42,000.00	\$24,585	\$133,318
CHEROKEE	Optical Scan	29	34,383	\$7,000	\$87,000.00	\$45,675	\$265,645
CHILDRESS	Paper	5	5,989	\$7,000	\$15,000.00	\$7,956	\$45,963
CLAY	Paper	17	8,271	\$7,000	\$51,000.00	\$10,987	\$124,113
COCHRAN	Paper	8	2,554	\$7,000	\$24,000.00	\$5,000	\$58,065
COKE	Paper	8	2,922	\$7,000	\$24,000.00	\$5,000	\$58,065
COLEMAN	Paper	15	7,053	\$7,000	\$45,000.00	\$9,369	\$108,860
COLLIN	Punch Card	127	350,368	\$9,000	\$381,000.00	\$465,432	\$1,694,753
COLLINGSWORTH	Paper	8	2,360	\$7,000	\$24,000.00	\$5,000	\$58,065
COLORADO	Optical Scan	19	15,171	\$7,000	\$57,000.00	\$20,153	\$154,479
COMAL	Optical Scan	31	58,107	\$7,000	\$93,000.00	\$77,190	\$340,759
COMANCHE	Paper	17	10,475	\$7,000	\$51,000.00	\$13,915	\$129,975
CONCHO	Paper	9	3,328	\$7,000	\$27,000.00	\$5,000	\$64,071
COOKE	Optical Scan	26	26,421	\$7,000	\$78,000.00	\$35,098	\$226,448
CORYELL	Optical Scan	21	55,305	\$7,000	\$63,000.00	\$73,468	\$273,240
COTTLE	Paper	6	1,448	\$7,000	\$18,000.00	\$5,000	\$46,051
CRANE	Paper	5	2,722	\$7,000	\$15,000.00	\$5,000	\$40,045
CROCKETT	Optical Scan	5	2,914	\$7,000	\$15,000.00	\$5,000	\$40,045
CROSBY	Paper	11	4,898	\$7,000	\$33,000.00	\$6,507	\$79,101
CULBERSON	Paper	7	2,018	\$7,000	\$21,000.00	\$5,000	\$52,058
DALLAM	Paper	10	4,244	\$7,000	\$30,000.00	\$5,638	\$71,355
DALLAS	Optical Scan/DRE	791	1,599,868	\$11,000	\$2,373,000.00	\$2,125,280	\$9,006,595
DAWSON	Paper	12	11,148	\$7,000	\$36,000.00	\$14,809	\$101,732
DEAF SMITH	Optical Scan	9	12,380	\$7,000	\$27,000.00	\$16,446	\$86,988
DELTA	Paper	11	3,964	\$7,000	\$33,000.00	\$5,266	\$76,617
DENTON	Optical Scan	126	312,866	\$9,000	\$378,000.00	\$415,614	\$1,588,999
DEWITT	Paper	17	15,253	\$7,000	\$51,000.00	\$20,262	\$142,683
DICKENS	Paper	7	2,250	\$7,000	\$21,000.00	\$5,000	\$52,058
DIMMIT	Optical Scan	8	6,847	\$7,000	\$24,000.00	\$9,096	\$66,265
DONLEY	Paper	10	2,972	\$7,000	\$30,000.00	\$5,000	\$70,078
DUVAL	Optical Scan	12	9,252	\$7,000	\$36,000.00	\$12,290	\$96,689
EASTLAND	Optical Scan	10	14,050	\$7,000	\$30,000.00	\$18,664	\$97,437

FUNDING ALLOCATIONS TO TEXAS COUNTIES

COUNTY	VOTING SYSTEM	PRECINCTS	VOTING AGE POP.	FY03 Approp.			FY04 Approp.
				County Education Fund	Accessible Voting System	General HAVA Compl. w/ \$5,000 Minimum	200% FY03 Accessibility and Gen. HAVA Comp. Funding
ECTOR	Punch Card	42	84,303	\$7,000	\$126,000.00	\$111,989	\$476,509
EDWARDS	Paper	6	1,546	\$7,000	\$18,000.00	\$5,000	\$46,051
ELLIS	Optical Scan	60	77,716	\$7,000	\$180,000.00	\$103,239	\$567,109
EL PASO	Punch Card/DRE	156	462,199	\$9,000	\$468,000.00	\$613,990	\$2,166,393
ERATH	Optical Scan	27	24,889	\$7,000	\$81,000.00	\$33,063	\$228,380
FALLS	Paper	13	13,440	\$7,000	\$39,000.00	\$17,854	\$113,834
FANNIN	Optical Scan	20	23,992	\$7,000	\$60,000.00	\$31,871	\$183,947
FAYETTE	Optical Scan	28	16,747	\$7,000	\$84,000.00	\$22,247	\$212,731
FISHER	Paper	11	3,304	\$7,000	\$33,000.00	\$5,000	\$76,085
FLOYD	Paper	12	5,332	\$7,000	\$36,000.00	\$7,083	\$86,262
FOARD	Paper	5	1,203	\$7,000	\$15,000.00	\$5,000	\$40,045
FORT BEND	Optical Scan	104	240,980	\$9,000	\$312,000.00	\$320,120	\$1,265,650
FRANKLIN	Paper	10	7,159	\$7,000	\$30,000.00	\$9,510	\$79,108
FREESTONE	Optical Scan	16	13,645	\$7,000	\$48,000.00	\$18,126	\$132,400
FRIO	Optical Scan	11	11,592	\$7,000	\$33,000.00	\$15,399	\$96,906
GAINES	Optical Scan	9	9,402	\$7,000	\$27,000.00	\$12,490	\$79,068
GALVESTON	Optical Scan	77	183,289	\$9,000	\$231,000.00	\$243,483	\$950,024
GARZA	Paper	10	3,506	\$7,000	\$30,000.00	\$5,000	\$70,078
GILLESPIE	Optical Scan	16	16,327	\$7,000	\$48,000.00	\$21,689	\$139,533
GLASSCOCK	Paper	5	935	\$7,000	\$15,000.00	\$5,000	\$40,045
GOLIAD	Optical Scan	11	5,135	\$7,000	\$33,000.00	\$6,821	\$79,732
GONZALES	Optical Scan	16	13,421	\$7,000	\$48,000.00	\$17,829	\$131,804
GRAY	Optical Scan	15	17,282	\$7,000	\$45,000.00	\$22,958	\$136,067
GRAYSON	Optical Scan	54	82,620	\$7,000	\$162,000.00	\$109,753	\$544,113
GREGG	Optical Scan	23	81,588	\$7,000	\$69,000.00	\$108,382	\$355,160
GRIMES	Optical Scan	21	17,715	\$7,000	\$63,000.00	\$23,533	\$173,259
GUADALUPE	Optical Scan/DRE	83	63,693	\$7,000	\$249,000.00	\$84,610	\$667,965
HALE	Paper	19	25,532	\$7,000	\$57,000.00	\$33,917	\$182,037
HALL	Paper	8	2,753	\$7,000	\$24,000.00	\$5,000	\$58,065
HAMILTON	Optical Scan	15	6,270	\$7,000	\$45,000.00	\$8,329	\$106,777
HANSFORD	Paper	9	3,795	\$7,000	\$27,000.00	\$5,041	\$64,154
HARDEMAN	Paper	6	3,526	\$7,000	\$18,000.00	\$5,000	\$46,051
HARDIN	Optical Scan	18	34,715	\$7,000	\$54,000.00	\$46,116	\$200,455
HARRIS	Punch Card	935	2,416,022	\$11,000	\$2,805,000.00	\$3,209,467	\$12,042,351



FUNDING ALLOCATIONS TO TEXAS COUNTIES

COUNTY	VOTING SYSTEM	PRECINCTS	VOTING AGE POP.	FY03 Approp.			FY04 Approp.
				County Education Fund	Accessible Voting System	General HAVA Compl. w/ \$5,000 Minimum	200% FY03 Accessibility and Gen. HAVA Comp. Funding
HARRISON	Optical Scan	29	45,441	\$7,000	\$87,000.00	\$60,364	\$295,057
HARTLEY	Paper	7	4,385	\$7,000	\$21,000.00	\$5,825	\$53,710
HASKELL	Paper	11	4,646	\$7,000	\$33,000.00	\$6,172	\$78,431
HAYS	Punch Card	35	73,683	\$7,000	\$105,000.00	\$97,881	\$406,215
HEMPHILL	Paper	9	2,412	\$7,000	\$27,000.00	\$5,000	\$64,071
HENDERSON	Optical Scan	31	55,426	\$7,000	\$93,000.00	\$73,628	\$333,629
HIDALGO	Optical Scan	95	368,461	\$9,000	\$285,000.00	\$489,467	\$1,550,662
HILL	Optical Scan	28	23,961	\$7,000	\$84,000.00	\$31,830	\$231,918
HOCKLEY	Optical Scan	16	16,098	\$7,000	\$48,000.00	\$21,385	\$138,924
HOOD	Votronic II	16	31,407	\$7,000	\$48,000.00	\$41,721	\$179,643
HOPKINS	Optical Scan	22	23,605	\$7,000	\$66,000.00	\$31,357	\$194,931
HOUSTON	Optical Scan	22	17,807	\$7,000	\$66,000.00	\$23,655	\$179,510
HOWARD	Punch Card	21	25,488	\$7,000	\$63,000.00	\$33,859	\$193,933
HUDSPETH	Paper	12	2,203	\$7,000	\$36,000.00	\$5,000	\$82,091
HUNT	Optical Scan	36	56,268	\$7,000	\$108,000.00	\$74,747	\$365,902
HUTCHINSON	Optical Scan	15	17,310	\$7,000	\$45,000.00	\$22,995	\$136,141
IRION	Paper	6	1,298	\$7,000	\$18,000.00	\$5,000	\$46,051
JACK	Paper	11	6,712	\$7,000	\$33,000.00	\$8,916	\$83,926
JACKSON	Paper	13	10,448	\$7,000	\$39,000.00	\$13,879	\$105,876
JASPER	Optical Scan	20	26,165	\$7,000	\$60,000.00	\$34,758	\$189,727
JEFF DAVIS	Paper	6	1,668	\$7,000	\$18,000.00	\$5,000	\$46,051
JEFFERSON	Punch Card	106	186,727	\$9,000	\$318,000.00	\$248,050	\$1,133,363
JIM HOGG	Optical Scan	5	3,613	\$7,000	\$15,000.00	\$5,000	\$40,045
JIM WELLS	Optical Scan	22	26,975	\$7,000	\$66,000.00	\$35,834	\$203,895
JOHNSON	Optical Scan	35	90,294	\$7,000	\$105,000.00	\$119,947	\$450,397
JONES	Optical Scan	16	16,111	\$7,000	\$48,000.00	\$21,402	\$138,959
KARNES	Optical Scan	22	12,081	\$7,000	\$66,000.00	\$16,049	\$164,280
KAUFMAN	Optical Scan	35	50,486	\$7,000	\$105,000.00	\$67,066	\$344,516
KENDALL	Optical Scan	12	17,277	\$7,000	\$36,000.00	\$22,951	\$118,033
KENEDY	Optical Scan	7	293	\$7,000	\$21,000.00	\$5,000	\$52,058
KENT	Paper	7	682	\$7,000	\$21,000.00	\$5,000	\$52,058
KERR	Optical Scan	17	33,760	\$7,000	\$51,000.00	\$44,847	\$191,908
KIMBLE	Paper	8	3,412	\$7,000	\$24,000.00	\$5,000	\$58,065
KING	Paper	5	236	\$7,000	\$15,000.00	\$5,000	\$40,045

FUNDING ALLOCATIONS TO TEXAS COUNTIES

COUNTY	VOTING SYSTEM	PRECINCTS	VOTING AGE POP.	FY03 Approp.			FY04 Approp.
				County Education Fund	Accessible Voting System	General HAVA Compl. w/ \$5,000 Minimum	200% FY03 Accessibility and Gen. HAVA Comp. Funding
KINNEY	Paper	5	2,511	\$7,000	\$15,000.00	\$5,000	\$40,045
KLEBERG	Optical Scan	31	22,949	\$7,000	\$93,000.00	\$30,486	\$247,247
KNOX	Paper	11	3,073	\$7,000	\$33,000.00	\$5,000	\$76,085
LAMAR	Optical Scan	33	35,831	\$7,000	\$99,000.00	\$47,598	\$293,524
LAMB	Paper	13	10,353	\$7,000	\$39,000.00	\$13,753	\$105,624
LAMPASAS	Optical Scan	10	12,864	\$7,000	\$30,000.00	\$17,089	\$94,282
LASALLE	Optical Scan	7	4,143	\$7,000	\$21,000.00	\$5,504	\$53,066
LAVACA	Optical Scan	20	14,562	\$7,000	\$60,000.00	\$19,344	\$158,866
LEE	Paper	13	11,148	\$7,000	\$39,000.00	\$14,809	\$107,738
LEON	Optical Scan	15	11,610	\$7,000	\$45,000.00	\$15,423	\$120,980
LIBERTY	Optical Scan	30	50,777	\$7,000	\$90,000.00	\$67,453	\$315,257
LIMESTONE	Optical Scan	21	16,451	\$7,000	\$63,000.00	\$21,854	\$169,897
LIPSCOMB	Paper	10	2,214	\$7,000	\$30,000.00	\$5,000	\$70,078
LIVE OAK	Paper	15	9,570	\$7,000	\$45,000.00	\$12,713	\$115,555
LLANO	Optical Scan	13	14,333	\$7,000	\$39,000.00	\$19,040	\$116,210
LOVING	Paper	5	54	\$7,000	\$15,000.00	\$5,000	\$40,045
LUBBOCK	Optical Scan	94	180,367	\$9,000	\$282,000.00	\$239,601	\$1,044,366
LYNN	Paper	15	4,506	\$7,000	\$45,000.00	\$5,986	\$102,085
MADISON	Optical Scan	9	10,207	\$7,000	\$27,000.00	\$13,559	\$81,209
MARION	Paper	16	8,496	\$7,000	\$48,000.00	\$11,286	\$118,705
MARTIN	Paper	10	3,136	\$7,000	\$30,000.00	\$5,000	\$70,078
MASON	Optical Scan	9	2,902	\$7,000	\$27,000.00	\$5,000	\$64,071
MATAGORDA	Optical Scan	19	26,575	\$7,000	\$57,000.00	\$35,302	\$184,811
MAVERICK	Optical Scan	15	29,838	\$7,000	\$45,000.00	\$39,637	\$169,463
MCCULLOCH	Paper	11	6,019	\$7,000	\$33,000.00	\$7,996	\$82,083
MCLENNAN	Optical Scan	98	156,687	\$9,000	\$294,000.00	\$208,145	\$1,005,409
MCMULLEN	Paper	6	652	\$7,000	\$18,000.00	\$5,000	\$46,051
MEDINA	Optical Scan	24	27,925	\$7,000	\$72,000.00	\$37,096	\$218,435
MENARD	Paper	7	1,788	\$7,000	\$21,000.00	\$5,000	\$52,058
MIDLAND	Optical Scan	54	80,975	\$7,000	\$162,000.00	\$107,568	\$539,737
MILAM	Optical Scan	22	17,582	\$7,000	\$66,000.00	\$23,356	\$178,912
MILLS	Paper	11	3,835	\$7,000	\$33,000.00	\$5,094	\$76,274
MITCHELL	Paper	7	7,777	\$7,000	\$21,000.00	\$10,331	\$62,732
MONTAGUE	Optical Scan	15	14,528	\$7,000	\$45,000.00	\$19,299	\$128,742

FUNDING ALLOCATIONS TO TEXAS COUNTIES

COUNTY	VOTING SYSTEM	PRECINCTS	VOTING AGE POP.	FY03 Approp.			FY04 Approp.
				County Education Fund	Accessible Voting System	General HAVA Compl. w/ \$5,000 Minimum	200% FY03 Accessibility and Gen. HAVA Comp. Funding
MONTGOMERY	Optical Scan	73	207,036	\$9,000	\$219,000.00	\$275,029	\$989,159
MOORE	Optical Scan	9	13,368	\$7,000	\$27,000.00	\$17,758	\$89,616
MORRIS	Optical Scan	11	9,759	\$7,000	\$33,000.00	\$12,964	\$92,030
MOTLEY	Paper	7	1,084	\$7,000	\$21,000.00	\$5,000	\$52,058
NACOGDOCHES	Optical Scan	29	44,995	\$7,000	\$87,000.00	\$59,772	\$293,871
NAVARRO	Optical Scan	35	32,830	\$7,000	\$105,000.00	\$43,612	\$297,555
NEWTON	Optical Scan	22	11,127	\$7,000	\$66,000.00	\$14,781	\$161,743
NOLAN	Optical Scan	10	11,521	\$7,000	\$30,000.00	\$15,305	\$90,710
NUECES	Optical Scan	123	224,528	\$9,000	\$369,000.00	\$298,265	\$1,336,019
OCHILTREE	Paper	5	6,254	\$7,000	\$15,000.00	\$8,308	\$46,668
OLDHAM	Paper	8	1,420	\$7,000	\$24,000.00	\$5,000	\$58,065
ORANGE	Optical Scan	30	61,783	\$7,000	\$90,000.00	\$82,073	\$344,530
PALO PINTO	Optical Scan	20	20,004	\$7,000	\$60,000.00	\$26,574	\$173,340
PANOLA	Optical Scan	22	17,015	\$7,000	\$66,000.00	\$22,603	\$177,403
PARKER	Optical Scan	34	64,139	\$7,000	\$102,000.00	\$85,203	\$374,823
PARMER	Optical Scan	10	6,721	\$7,000	\$30,000.00	\$8,928	\$77,943
PECOS	Optical Scan	10	12,160	\$7,000	\$30,000.00	\$16,153	\$92,410
POLK	Optical Scan	21	31,698	\$7,000	\$63,000.00	\$42,108	\$210,450
POTTER	Optical Scan	32	81,747	\$7,000	\$96,000.00	\$108,594	\$409,643
PRESIDIO	Paper	8	4,915	\$7,000	\$24,000.00	\$6,529	\$61,126
RAINS	Paper	8	6,968	\$7,000	\$24,000.00	\$9,256	\$66,587
RANDALL	Optical Scan	32	77,100	\$7,000	\$96,000.00	\$102,420	\$397,283
REAGAN	Paper	7	2,189	\$7,000	\$21,000.00	\$5,000	\$52,058
REAL	Paper	7	2,333	\$7,000	\$21,000.00	\$5,000	\$52,058
RED RIVER	Paper	26	10,900	\$7,000	\$78,000.00	\$14,480	\$185,166
REEVES	Punch Card	13	9,214	\$7,000	\$39,000.00	\$12,240	\$102,594
REFUGIO	Optical Scan	11	5,784	\$7,000	\$33,000.00	\$7,684	\$81,458
ROBERTS	Paper	6	665	\$7,000	\$18,000.00	\$5,000	\$46,051
ROBERTSON	Optical Scan	17	11,485	\$7,000	\$51,000.00	\$15,257	\$132,661
ROCKWALL	Optical Scan	14	30,127	\$7,000	\$42,000.00	\$40,021	\$164,225
RUNNELS	Paper	10	8,398	\$7,000	\$30,000.00	\$11,156	\$82,404
RUSK	Optical Scan	38	35,581	\$7,000	\$114,000.00	\$47,266	\$322,892
SABINE	Optical Scan	11	8,258	\$7,000	\$33,000.00	\$10,970	\$88,038
SAN AUGUSTINE	Optical Scan	12	6,822	\$7,000	\$36,000.00	\$9,062	\$90,225

FUNDING ALLOCATIONS TO TEXAS COUNTIES

COUNTY	VOTING SYSTEM	PRECINCTS	VOTING AGE POP.	FY03 Approp.			FY04 Approp.
				County Education Fund	Accessible Voting System	General HAVA Compl. w/ \$5,000 Minimum	200% FY03 Accessibility and Gen. HAVA Comp. Funding
SAN JACINTO	Optical Scan	12	16,647	\$7,000	\$36,000.00	\$22,114	\$116,358
SAN PATRICIO	Optical Scan	34	46,260	\$7,000	\$102,000.00	\$61,452	\$327,269
SAN SABA	Optical Scan	8	4,460	\$7,000	\$24,000.00	\$5,925	\$59,916
SCHLEICHER	Paper	5	2,115	\$7,000	\$15,000.00	\$5,000	\$40,045
SCURRY	Optical Scan	12	12,245	\$7,000	\$36,000.00	\$16,266	\$104,649
SHACKELFORD	Paper	8	2,421	\$7,000	\$24,000.00	\$5,000	\$58,065
SHELBY	Optical Scan	15	18,518	\$7,000	\$45,000.00	\$24,599	\$139,354
SHERMAN	Paper	8	2,186	\$7,000	\$24,000.00	\$5,000	\$58,065
SMITH	Punch Card	72	128,208	\$9,000	\$216,000.00	\$170,313	\$773,487
SOMERVELL	Paper	7	4,874	\$7,000	\$21,000.00	\$6,475	\$55,011
STARR	Optical Scan	11	33,555	\$7,000	\$33,000.00	\$44,575	\$155,323
STEPHENS	Optical Scan	11	7,313	\$7,000	\$33,000.00	\$9,715	\$85,525
STERLING	Paper	5	993	\$7,000	\$15,000.00	\$5,000	\$40,045
STONEWALL	Paper	10	1,307	\$7,000	\$30,000.00	\$5,000	\$70,078
SUTTON	Paper	6	2,904	\$7,000	\$18,000.00	\$5,000	\$46,051
SWISHER	Paper	11	6,040	\$7,000	\$33,000.00	\$8,024	\$82,139
TARRANT	Optical Scan	535	1,039,747	\$11,000	\$1,605,000.00	\$1,381,210	\$5,979,082
TAYLOR	Punch Card	39	92,895	\$7,000	\$117,000.00	\$123,403	\$481,342
TERRELL	Paper	5	794	\$7,000	\$15,000.00	\$5,000	\$40,045
TERRY	Optical Scan	9	9,143	\$7,000	\$27,000.00	\$12,146	\$78,379
THROCKMORTON	Paper	6	1,384	\$7,000	\$18,000.00	\$5,000	\$46,051
TITUS	Optical Scan	20	19,600	\$7,000	\$60,000.00	\$26,037	\$172,266
TOM GREEN	Optical Scan	60	76,879	\$7,000	\$180,000.00	\$102,127	\$564,883
TRAVIS	Optical Scan	230	619,336	\$11,000	\$690,000.00	\$822,732	\$3,028,838
TRINITY	Optical Scan	20	10,625	\$7,000	\$60,000.00	\$14,114	\$148,394
TYLER	Optical Scan	18	16,034	\$7,000	\$54,000.00	\$21,300	\$150,767
UPSHUR	Optical Scan	21	25,771	\$7,000	\$63,000.00	\$34,234	\$194,686
UPTON	DRE	7	2,406	\$7,000	\$21,000.00	\$5,000	\$52,058
UVALDE	Optical Scan	16	17,795	\$7,000	\$48,000.00	\$23,639	\$143,438
VAL VERDE	Optical Scan	21	30,474	\$7,000	\$63,000.00	\$40,482	\$207,195
VAN ZANDT	Optical Scan	29	35,841	\$7,000	\$87,000.00	\$47,612	\$269,523
VICTORIA	AVM	36	59,586	\$7,000	\$108,000.00	\$79,155	\$374,727
WALKER	Optical Scan	19	50,642	\$7,000	\$57,000.00	\$67,273	\$248,824
WALLER	Optical Scan	20	24,277	\$7,000	\$60,000.00	\$32,250	\$184,705

FUNDING ALLOCATIONS TO TEXAS COUNTIES

COUNTY	VOTING SYSTEM	PRECINCTS	VOTING AGE POP.	FY03 Approp.			FY04 Approp.
				County Education Fund	Accessible Voting System	General HAVA Compl. w/ \$5,000 Minimum	200% FY03 Accessibility and Gen. HAVA Comp. Funding
WARD	Optical Scan	9	7,573	\$7,000	\$27,000.00	\$10,060	\$74,203
WASHINGTON	Optical Scan	22	22,868	\$7,000	\$66,000.00	\$30,378	\$192,971
WEBB	Optical Scan	42	123,255	\$9,000	\$126,000.00	\$163,733	\$580,113
WHARTON	Optical Scan	23	29,351	\$7,000	\$69,000.00	\$38,990	\$216,221
WHEELER	Paper	11	3,969	\$7,000	\$33,000.00	\$5,272	\$76,630
WICHITA	Punch Card	53	98,544	\$7,000	\$159,000.00	\$130,907	\$580,460
WILBARGER	Paper	13	10,582	\$7,000	\$39,000.00	\$14,057	\$106,233
WILLACY	Optical Scan	13	13,730	\$7,000	\$39,000.00	\$18,239	\$114,606
WILLIAMSON	Optical Scan	85	175,065	\$9,000	\$255,000.00	\$232,558	\$976,204
WILSON	Optical Scan	17	22,956	\$7,000	\$51,000.00	\$30,495	\$163,172
WINKLER	Optical Scan	6	5,033	\$7,000	\$18,000.00	\$6,686	\$49,427
WISE	Optical Scan	23	34,990	\$7,000	\$69,000.00	\$46,481	\$231,220
WOOD	Optical Scan	12	28,725	\$7,000	\$36,000.00	\$38,159	\$148,483
YOAKUM	Optical Scan	7	4,972	\$7,000	\$21,000.00	\$6,605	\$55,271
YOUNG	Paper	13	13,458	\$7,000	\$39,000.00	\$17,878	\$113,882
ZAPATA	Optical Scan	8	8,157	\$7,000	\$24,000.00	\$10,836	\$69,749
ZAVALA	Optical Scan	7	7,644	\$7,000	\$21,000.00	\$10,154	\$62,378
		8,586	14,965,061	\$1,834,000	\$25,758,000	\$20,000,000	\$91,618,074

## Chart D-Definitions of “Vote”

<p>Punch Card</p>	<p>Current law-Section 127.130(d) of the Texas Election Code:</p> <p>(d) Subject to Subsection (e), in any manual count conducted under this code, a vote on a ballot on which a voter indicates a vote by punching a hole in the ballot may not be counted unless:</p> <p>(1) at least two corners of the chad are detached;</p> <p>(2) light is visible through the hole;</p> <p>(3) an indentation on the chad from the stylus or other object is present and indicates a clearly ascertainable intent of the voter to vote; or</p> <p>(4) the chad reflects by other means a clearly ascertainable intent of the voter to vote.</p> <p>(e) Subsection (d) does not supersede any clearly ascertainable intent of the voter.</p>
<p><b>Optical Scan, Direct Recording Electronic, and Paper Ballot Systems</b></p>	<p>Effective January 1, 2004, Section 65.009(d) of the Texas Election Code will provide:</p> <p>The intent of the voter in marking a ballot may be determined by: (1) a distinguishing mark adjacent to the name of a candidate or political party or a voting choice associated with a proposition; (2) an oval, box, or similar marking clearly drawn around the name of a candidate or political party or a voting choice associated with a proposition; (3) a line drawn through: (A) the names of all candidates in a manner that indicates a preference for the candidates not marked if the names of the candidates not marked do not exceed the number of persons that may be elected to that office; (B) the name of each political party except one in a manner that clearly indicates a preference for the political party not marked; or (C) a voting choice associated with a proposition in a manner that clearly indicates a preference for the other voting choice associated with the proposition; or (4) any other evidence that clearly indicates the intent of the voter in choosing a candidate or political party or deciding on a proposition.</p>