



COUNTY OF LUZERNE

Commonwealth of Pennsylvania

County Plan of HAVA Compliance

As Amended, October, 2006

Gregory A. Skrepenak, Chairman
Todd A. Vonderheid
Stephen A. Urban
Luzerne County Commissioners

Samuel T. Guesto, Jr.
County Manager ~ Chief Clerk

Leonard C. Piazza, III
Director of Elections

Michele L. Sparich
Grants Writer

TABLE OF CONTENTS
LUZERNE COUNTY, PENNSYLVANIA

<u>SECTION TITLE / REQUIREMENT</u>	<u>PAGE</u>
Introduction	3
County Plan Requirements	3
County Agreement Requirements	5
County Plan Overview	6
Specific Requirements	8
ELEMENT 1. Title III Requirement Compliance: Use of funds	8
ELEMENT 2. Monitoring and reporting of County Performance Measurement Goals	9
ELEMENT 3. Providing for Education and Training	13
ELEMENT 4. Voting System Guidelines and Processes	14
ELEMENT 5. Establishment of Election Funds	15
ELEMENT 6. Proposed Budget to Achieve Compliance with Title III of HAVA	15
ELEMENT 7. Maintaining County Election Expenditure Levels	17
ELEMENT 8. Performance Goals and Measurements Adoption	17
ELEMENT 9. Grievance Policies and Procedures	18
ELEMENT 10. Use of funds for Title I of HAVA	19
ELEMENT 11. Ongoing Management of the County Plan	19
ELEMENT 12. Managing Changes to the County Plan	20
ELEMENT 13. County Plan Development	21
County Plan Terms, Conditions and Limitations	22

Introduction

In an effort to correct the problems encountered in Florida during the November 2000 presidential election, the United States Congress in October 2002 enacted the Help America Vote Act of 2002 (HAVA), P.L. 107-252 (42 U.S.C. § 15301 *et seq.*). Applicable to all federal elections held in the United States, HAVA does the following:

1. Creates standards for all voting systems used by the States;
2. Requires voting systems to be accessible to individuals with disabilities and those using alternative languages;
3. Requires the use of provisional ballots;
4. Implements identification requirements for those who vote for the first time after registering by mail;
5. Requires States to implement a statewide voter registration database;
6. Provides for a board to establish standards for what constitutes a vote; and
7. Requires States to conduct educational programs for voters and election officials.

HAVA marks the most comprehensive federal involvement in state and local elections since the Voting Rights Act of 1965. More significantly, it marks the first time the U.S. government has provided funds to states to make changes in the election process (source: The Business of Elections, Election Reform Briefing, August 2004, [electionline.org](http://www.eac.gov/electionline.org)). A complete description of HAVA can be found at http://www.eac.gov/law_ext.asp.

County Plan Requirements

Section 254(a) (2) of HAVA requires the Commonwealth to describe in its State Plan how it plans to distribute the requirements payments that it receives under Title II of HAVA to units of county government and other entities in the State for the purpose of meeting the requirements of Title III and, if permissible and as determined by the specific best interests of the County, other activities to improve the administration of elections. The provision also requires the Commonwealth to describe the criteria that it plans to use to determine the eligibility of the units of county government and other entities in the Commonwealth; and the methods it plans to use to monitor the funds that it distributes consistent with the performance goals and measures it intends to use to determine success in carrying out its plan.

The Commonwealth's goal is not only to bring each of its counties into compliance with HAVA, but also to allow them the opportunity to utilize their creativity to expand election administration improvements beyond HAVA. With limited funding available and anticipating many worthwhile projects, the Commonwealth is committed to distributing money from the requirements payment using the most equitable and cost-effective methods.

To the extent authorized by Federal law, the Commonwealth plans to agree that Federal funding allocated to a county by the Commonwealth would remain reserved for use by that county until (a) the county has completed its programs in accordance with its county plans and agreements;
and (b) both the Secretary of the Commonwealth (SOC) and the county board of elections has agreed that the county is in full compliance with HAVA's requirements.

When counties request funding to purchase new voting systems or upgrade existing voting systems, the Commonwealth plans to require them to substantiate the number of individual voting units purchased and to provide detailed information to the Secretary of the Commonwealth regarding planned county and/or vendor-conducted "how to vote" education programs for electors. The Commonwealth plans to require counties to determine the illustrative methods they will use, such as press releases; public service announcements; "how to vote" pamphlets; placement on county websites; newspaper advertisements; public demonstrations; and voting demonstrations at meetings of political, civic, community, senior citizen, and disability groups.

The Commonwealth plans to require counties to provide information to DOS regarding vendor-conducted election staff training on operation and maintenance of the selected voting system and planned on-site vendor support for the first two elections the system is used.

The Commonwealth believes that it is important for the counties to play a major role in determining what measures they believe will bring the county into full compliance with HAVA and provide the best resources for its voters. To do this in a meaningful manner, the Commonwealth believes that each county must set forth its ideas and plans in a written format, or "County Plan," that would provide details regarding the projects the county would implement using funds from the requirements payment and what non-monetary resources the county would commit to the projects. One element of the county plans would be a description of how the County intends to maintain its current level of county funding of election administration activities. HAVA requires that counties maintain the level of election administration funding used in November 2000. Section 254(a)(7) of HAVA makes it clear that the requirements payments are not intended to supplant current county funding of election administration activities. By the same token, the Commonwealth does not intend to use HAVA funding to supplant county funding of election administration.

County Agreement Requirements

Prior to any disbursement of funds, the Commonwealth plans to require the counties requesting funding to enter into an agreement with the Department of State, establishing a contractual relationship. Specific agreement forms have been provided by the Commonwealth of Pennsylvania. The county agreements generally set forth:

- The amount of funding the Commonwealth is providing from the requirements payment;
- The project for which that funding is provided;
- The amount of the county match for the project (only required in the event of HAVA funding shortage)
- The project schedule and timeline;
- The schedule of disbursement for the funding;
- County reporting requirements regarding the expenditure of the funds;
- An audit provision to ensure that the Commonwealth is able to completely account for all funding provided to the county; and
- The penalties incurred by the county for non-compliance with the agreement.

Through the county agreements with the Department, the Commonwealth will require counties to procure services, supplies, or technology in accordance with laws and policies governing county procurement, including competitive bidding requirements. It is the goal of the Commonwealth that any procurement of products and/or service contracts paid for with Federal money is awarded through a process that is fair and open to all qualified vendors: The exception being where there is not more than one qualified vendor able to meet specific needs – single sourcing will be allowed in order to allow the County to move forward in its' HAVA process.

By requiring county agreements, the Commonwealth hopes to minimize miscommunication with the counties as to what will be required of both parties in utilizing the Federal funding. Understanding the basic nature of this type of initiative, the Commonwealth expects that the county agreements would contain a mechanism to modify the agreement to address various issues that may arise. Additionally, the Commonwealth wishes to ensure that the counties are working toward full compliance with the mandates of HAVA. Through the county agreements, the Commonwealth has set forth the consequences to the counties should they fail to use and account for the funds in accordance with HAVA and the County Agreement.

The Commonwealth plans to use the county plans as a means to determine a county's compliance with HAVA. The Commonwealth anticipates that the Department would prescribe the format of the county's report detailing the specific items for which funding might be available and the potential actions a county might take to qualify for funding, as well as required HAVA and Act 150 mandates. In addition, the Department plans

provided training to counties to assist them in completion of the County Plan (completed July/August 2004).

County Plan Overview

The Commonwealth of Pennsylvania has provided an instructional guide to assist county governments in the preparation of county plans necessary to apply for the Pennsylvania Department of State grants from Federal funds that have been provided to the Commonwealth of Pennsylvania by the Election Assistance Commission (EAC) in the form of “requirements payments” under Title II, Subtitle D, Part I of HAVA.

To receive from the Department of State a grant of Federal funds from the requirements payments that the Commonwealth of Pennsylvania has received from the EAC, Luzerne County must submit to the Department of State a detailed County Plan. The Department of State will review the County Plan within forty-five (45) calendar days of receipt. Once the plan is approved, the Commonwealth will send a HAVA Title II Funding Application and Grant Agreement to Luzerne County to initiate the specific funding program. Luzerne will be required to complete and return its funding application to the Department of State within sixty (60) calendar days of mailing by the Department of State in order to receive the HAVA Title II funds.

The Luzerne County Plan describes the programs and activities that the county intends to undertake using a grant of Federal funds that the Commonwealth has received as its requirements payments under Title II of HAVA. The Luzerne County Plan is organized as specified by the Commonwealth and includes the following components, each of which is addressed within this document describes specifically:

Luzerne County HAVA Plan of Compliance
As Amended, October, 2006

HAVA Component	HAVA Description	Cross-Reference to HAVA HR3295
Meeting Title III Requirements and Other Activities	How the County will use the requirements payment to meet the requirements of Title III, and if applicable under Section 251 (a) (2), to carry out other activities to improve the administration of elections.	Section 254 (a) (1)
Payment Distribution and Monitoring	How the County will utilize and track the distribution of the requirements payment to carry out the activities described in paragraph 1 and the methods to be used by the County to monitor its performance consistent with the performance goals and measures adopted under paragraph(8).	Section 254 (a) (2)
Provision for Education and Training	How the County will provide for programs for voter education, election official education and training, and poll worker training which will assist the County in meeting the requirements of Title III.	Section 254 (a) (3)
Voting System Guidelines and Processes	How the County will adopt voting system guidelines and processes which are consistent with the requirements of Section 301.	Section 254 (a) (4)
Fund for Administering County Activities	How the County will establish a fund described in subsection (b) for purposes of administering the County's activities under this part, including information on fund management.	Section 254 (a) (5)
Proposed County Budget	The County's proposed budget for activities under this part, based on the County's best estimates of the costs of such activities and the amount of funds to be made available, including specific information on (A) the costs of the activities required to be carried out to meet the requirements of title III; (B) the portion of the requirements payment which will be used to carry out activities to meet such requirements; and (C) the portion of the requirements payment which will be used to carry out other activities.	Section 254 (a) (6)
Maintenance of Prior Year Expenditures	How the County, in using the requirements payment, will maintain the expenditures of the County for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the County for the fiscal year ending prior to November 2000.	Section 254 (a) (7)
Performance Goals and Measures	How the County will adopt performance goals and measures that will be used by the State to determine its success in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the County will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met.	Section 254 (a) (8)
Administrative Complaint Procedures	A description of the uniform, nondiscriminatory State/County-based administrative complaint procedures in effect under Section 402.	Section 254 (a) (9)
Use of Title I Payment	If the County received any payment under Title I, a description of how such payment will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities.	Section 254 (a) (10)
Ongoing Management of Plan / Managing Changes to Plan	How the County will conduct ongoing management of the plan, except that the County may not make any material change in the administration of the law unless the change (A) is developed and published publicly in accordance with Section 255 in the same manner as the State plan; (B) is subject to public notice and comment in accordance with Section 256 in the same manner as the State plan; and (C) takes effect only after the expiration of the 30-day period which begins on the date the change is published publicly in accordance with subparagraph (A).	Section 254 (a) (11 & 12)
County HAVA Plan Committee	A description of the committee which participated in the development of the County plan in accordance with Section 255 and the procedures followed by the committee under such section and Section 256.	Section 254 (a) (13)

Specific County Requirements Elements

ELEMENT

1. Title III Requirement Compliance: Use of funds

a. Pennsylvania County Plan Requirement

- i. Luzerne County must explain how it will use its grants from the requirements payments to meet the requirements of Title III and to carry out other activities to improve election administration.

b. Luzerne County Compliance Approach

- i. Will provide voters an opportunity to check for and correct ballot errors in a private and independent manner using nationally qualified, and subsequently Pennsylvania certified voting systems;
- ii. Will provide a voting system with a manual audit capacity intended to process voting data absent internal errors generated by the system;
 1. Audit records will be prepared for all phases of elections operations performed using devices controlled by the jurisdiction or its contractors. These records will rely upon automated audit data acquisition and machine-generated reports, with manual input of some information. These records will address the ballot preparation and election definition phase, system readiness tests, and voting and ballot-counting operations. The software will activate the logging and reporting of audit data. It will include at a minimum: Time, sequence and preservation of audit records; error message generation, storage and reporting; and the displaying and reporting of critical status messages as required.
- iii. Will provide at least 1 voting machine per precinct that is accessible to disabled persons not later than January 2006;
- iv. Will provide, pursuant to the Voting Rights Act alternative language accessibility;
- v. Select and implement a voting system whose error rate does not exceed the existing rate as established by the FEC Office of Election Administration or the new Election Assistance Commission;
- vi. Select and implement a voting system where the definition of what constitutes a legal vote has been established by the Commonwealth;
- vii. Provide provisional ballots to ensure individuals are not turned away at the polls;
- viii. Participate with the Commonwealth's uniform, centralized computerized statewide voter registration database to ensure accurate voter lists;
- ix. Educate the public and train election personnel on the requirements for individuals to present a driver's license number, or if the voter does not have a driver's license, the last four digits of their social security number. And if an individual does not have either number, how he or she will be assigned a unique identifier;
- x. Educate the public and train election personnel on the requirements for first time voters who register by mail to provide identification when they cast their ballots; and
- xi. Educate the public and train election personnel on the requirements for individuals who cast their ballots after the designated poll-closing time as a result of a court order, to have their ballots segregated and counted separately.

ELEMENT

2. Monitoring and Reporting of County Performance Measurement Goals

a. Pennsylvania County Plan Requirement

- i. Luzerne County must explain how it will monitor and report upon its performance, consistent with specified performance goals and measures.

b. Luzerne County Compliance Approach

- i. The county wishes to adopt those Commonwealth of Pennsylvania established performance goals and measures that will be used to determine both the Commonwealth's and county's success in implementing HAVA. Once performance goals and measures are firmly established and promulgated to the County, the County will develop appropriate processes and timetables for meeting each of the criteria. It will be the responsibility of the County's Director of Elections / Chief Registrar for ensuring that each, yet to be approved, performance goal is met.
- ii. Until the Commonwealth formally promulgates performance goals and measures, Luzerne County's HAVA County Plan committee intends to utilize the following suggested performance goals and measures:

Administrative/Procedural

Performance Element	Statewide Uniform of Registry of Electors (SURE)
Performance Goal	Participation in SURE, a centralized voter registration and election management system for the Commonwealth's voter registration records maintained by the election authorities of Pennsylvania's 67 counties. Detailed information regarding SURE can be found at http://www.dos.state.pa.us/sure/cwp/view.asp?a=3&Q=439638&sureNav=
Performance Measures	Accuracy and integrity of County's voter registration records
Performance Outcomes	<ul style="list-style-type: none"> • Increase accuracy of voter registration roll • Decrease voter fraud
Timetable	As determined by Commonwealth schedule requirements.
Criteria Used to Measure Performance	Number of problems encountered with voter registration on election day.
Process Used to Develop Criteria	Criteria developed by the County Plan Committee.
Responsible Official	Director of Elections / Chief Registrar
Performance Element	Provisional Voting
Performance Goal	Implementation of a free access system for provisional voters to determine whether their provisional votes counted, and if not, why not.
Performance Measures	Percentage of provisional ballots counted to voter registration.
Performance Outcomes	<ul style="list-style-type: none"> • Lessen confusion at polling places • Educate provisional voters about proper voter registration • Increase voter satisfaction
Timetable	Complete by January 2005.
Criteria Used to Measure Performance	<ul style="list-style-type: none"> • In general, the County will follow the guidelines developed by the Commonwealth located at: http://www.hava.state.pa.us/hava/cwp/view.asp?a=1187&q=442284&havaNav=
Performance Element	County Grievance System
Performance Goal	Implementation of uniform, nondiscriminatory County-based administrative complaint procedures based on Commonwealth procedures identified at

	http://www.hava.state.pa.us/hava/lib/hava/complaints/complaint_procedures.pdf
Performance Measures	Grievances handled within time limits set by law
Performance Outcomes	<ul style="list-style-type: none"> • Increase voter confidence in voting process • Resolve disputes • Increase voter satisfaction
Timetable	Complete by October 2004
Criteria Used to Measure Performance	Number of grievances with successful resolution

Voting Equipment Accessibility

Performance Element	Accessibility for individuals with disabilities
Performance Goal	Implementation of at least one accessible DRE in each polling place in Luzerne.
Performance Measures	Number of polling places equipped with complying voting systems by deadline set by law
Performance Outcomes	<ul style="list-style-type: none"> • Increase accessibility for voters with disabilities • Increase voter satisfaction
Timetable	Complete by January 1, 2006.
Criteria Used to Measure Performance	Functional machine in each polling place
Performance Element	Accessibility for individuals with disabilities
Performance Goal	Complete lever voting machine replacement in Luzerne.
Performance Measures	Number of number of new voting machines to accommodate County voters.
Performance Outcomes	<ul style="list-style-type: none"> • Improve voting process for voters and election administrators • Increase voter satisfaction through ease of use
Timetable	Complete by January 1, 2006.
Criteria Used to Measure Performance	Functional machines in each polling place

Voter Training/Education

Performance Element	Voter Education, Mass Media Campaign
Performance Goal	Develop voter education campaign to instruct the County's electors of the new voting procedures using a new DRE voting system as required by Title III of the Act.
Performance Measures	<ul style="list-style-type: none"> • Pamphlets printed by May, 2006. • Enhanced information to be made available on the County's website by March, 2006. • Airing of television advertisements by May, 2006. • Re-airing of television advertisements by October, 2006.

Luzerne County HAVA Plan of Compliance
As Amended, October, 2006

Performance Outcomes	<p>After receiving information from the various mediums, electors should have:</p> <ul style="list-style-type: none"> • An understanding as to the reason the voting system has changed. • Know the procedures and methods of voting on the selected DRE system. • An understanding of the consequences of over voting and under voting on optical scan absentee ballots and/or provisional ballots. • An increased confidence in the electoral process as a whole.
Timetable	Complete by early November 2006.
Criteria Used to Measure Performance	<ul style="list-style-type: none"> • Luzerne Election officials will provide a report to DOS's office indicating: • The initial date website posted with information; • The initial date pamphlets were mailed to voting households; • The number of pamphlets distributed; • The repetition of the television advertisements • The content of those advertisements.
Performance Element	Voter Education, At Polling Location
Performance Goal	Display posters containing required HAVA information at the polls.
Performance Measures	<ul style="list-style-type: none"> • Posters available by October 2004 • Number of polling places and number of posters displayed in primaries and November general elections
Performance Outcomes	<ul style="list-style-type: none"> • Decrease confusion at the polls • Decrease voter complaints • Increase voter awareness • Increase voter satisfaction • Increase voter turnout
Timetable	Posters developed, designed and printed by end of October 2004; utilization will be made of Commonwealth provided materials such as those at http://www.hava.state.pa.us/hava/lib/hava/election_news_poster.pdf
Criteria Used to Measure Performance	Following each federal election, Luzerne election officials will provide a report to DOS's office indicating: (1) initial date posters were available; (2) number of polling places in which posters were displayed; and (3) number and type of posters displayed.
Performance Element	Voter Education, Pre-Election Public Demonstrations
Performance Goal	Publicly Demonstrate the selected DRE voting system
Performance Measures	Demonstrations to begin upon arrival of voting equipment in the County.
Performance Outcomes	<ul style="list-style-type: none"> • Enhance awareness of the new DRE voting system • Increase voters' ability to use the new DRE system • Increase voters' confidence in the new DRE system
Timetable	Complete by November, 2006
Criteria Used to Measure Performance	<p>Following public demonstrations of new voting equipment, election officials will report to DOS:</p> <ul style="list-style-type: none"> • The number of public demonstrations held leading up to the November, 2006 General Election • Number of voters trained, by venue • Number of demonstrations scheduled and completed • Number and type of publicity campaigns used • Outcome of voter surveys

Performance Element	Voter Education, Military and Overseas Electors (UOCAVA)
Performance Goal	Monitor UOCAVA Activity.
Performance Measures	Election authorities will report to DOS, pursuant to applicable law and Court Order <ul style="list-style-type: none"> • Number of UOCAVA applications received • Number of absentee ballots sent to UOCAVA voters • Number of applications rejected
Performance Outcomes	<ul style="list-style-type: none"> • Decrease voter complaints • Increase voter participation by military and overseas voters
Timetable	Initially complete by January 2004, biennially thereafter.
Criteria Used to Measure Performance	Timeliness of reports received.
Performance Element	Voter Information, Election Day Information
Performance Goal	Provide election specific information to the voting public.
Performance Measures	Provide all information in a timely manner: <ul style="list-style-type: none"> • Election dates, registration dates, absentee voting information and sample ballots available 6 weeks prior to federal elections. • Location of polls and primary election procedures available two weeks prior to election. • Instructions on change of address and procedures for re-registering to vote
Performance Outcomes	<ul style="list-style-type: none"> • Increase voter participation • Decrease voter complaints
Timetable	Complete by October 2004.
Criteria Used to Measure Performance	Luzerne County will report to DOS the adequacy and timeliness of information and the media outlets used prior to each federal election.

Poll Worker Training/Education

Performance Element	Judge of Election Education and Training
Performance Goal	Develop Judge of Election Training Package.
Performance Measures	<ul style="list-style-type: none"> • Develop by January 2006. • Conduct initial session by April 2006. • Evaluate and revise by August 2006.
Performance Outcomes	<ul style="list-style-type: none"> • Increase Judge of Election expertise and knowledge about federal, state and local election laws • Increase knowledge about basic voter information • Increase service to voters • Increase voter satisfaction • Decrease voter complaints
Timetable	Complete program development by September 2006.
Criteria Used to Measure Performance	The Director of Elections / Chief Registrar will maintain records on the number of Judge of Elections attending training sessions and the number completing the certification process on an ongoing basis.
Performance Element	Poll Worker Training
Performance Goal	Develop Poll Worker Training Package.
Performance Measures	<ul style="list-style-type: none"> • Develop by January 2006. • Conduct beta testing by March 2006. • Evaluate, revise and retest by April 2006.
Performance Outcomes	<ul style="list-style-type: none"> • Increase expertise and knowledge of poll workers • Increase service to voters

	<ul style="list-style-type: none"> • Decrease voter complaints • Improve the voting process • Increase voter satisfaction
Timetable	Complete program development by May 2006
Criteria Used to Measure Performance	<ul style="list-style-type: none"> • Number of Poll Workers trained in advance of 2006 primary and general elections • Number and nature of polling place complaints received relative to Poll Worker performance • Percent of accuracy in polling place reports completed by Poll Workers • Number of positive comments received from voters • General assessment by election authorities about Poll Worker performance compared to previous elections

Process Used to Develop Criteria for Each Performance Element	Criteria developed by the County Plan Committee
Responsible Official for Each Performance Element	Director of Elections / Chief Registrar

ELEMENT

3. Providing for Education and Training

a. Pennsylvania County Plan Requirement

- i. Luzerne County must explain how it will provide programs for voter education, Judge of Election education and training, and poll worker training that will assist the county in meeting their requirements of Title III of HAVA.

b. Luzerne County Compliance Approach

- i. In order to promote consistency in election procedures and ensure confidence in the voting process, Luzerne County will produce, and update regularly, manuals and training guides for distribution to its election officials, poll workers and voters;
- ii. The County web site must be improved and maximized by posting voter registration and ballot applications forms, voting guides and information on candidates and ballot measures. Voter and poll worker training material will be provided as well;
- iii. A Voters Bill of Rights and Responsibilities will be posted at every polling place as will voting instructions;
- iv. An aggressive plan for short-term and on-going education of voters and election officials on how to use voting equipment will be developed; this will include allowing voters to practice on voting equipment at various public facilities, such as schools and libraries;
- v. An aggressive partnership program with large businesses within the county to disseminate voter registration forms and other voting information will be developed. Business will be encouraged to assist in certain election-related activities, such as poll worker recruitment, through “adopt a polling place” programs. Community services groups, minority organizations and media outlets will be asked to recommend strategies for increasing voter participation;
- vi. A voter outreach program specifically targeted to young voters will be developed; a library of information on youth-related outreach programs will be made available for schools to use; and

- vii. Poll worker and Judge of Elections training will be made mandatory for each election cycle. Workers may be paid to attend. Training will be comprehensive and uniform, encompassing voting procedures, voter's rights and special needs, and technology at the polling place. The county will be encouraged to dedicate staff members to problem solving and to cultivation of a customer service management approach in each polling place.

ELEMENT

4. Voting System Guidelines and Processes

a. Pennsylvania County Plan Requirement

- i. Luzerne County must describe how it will adopt and follow voting system guidelines and processes that are consistent with the requirements of Section 301 of HAVA.

b. Luzerne County Compliance Approach

- i. To meet this requirement, the voting system selected by the county will meet the following requirements:
 1. Permit the voter to verify (in a private and independent manner) the votes selected by voter on the ballot before the ballot is cast and counted (e.g., ballot summary page).
 2. Provide the voter with the opportunity (in a private and independent manner) to change the ballot or correct any error before the ballot is cast and counted. Depending on the county's voting system selection and implementation, this may include the issuance of a replacement ballot if the voter is otherwise unable to change the ballot or correct any error.
 3. Provide for a voter selecting votes for more than one candidate for a single office:
 - a. Notification that the voter has selected more than one candidate for a single office on the ballot;
 - b. Notification that the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and
 - c. Allow the voter the opportunity to correct the ballot before the ballot is cast and counted.
 4. The County's selected voting system will ensure that any notification, if required above, preserves the privacy of the voter and confidentiality of the ballot.
 5. The County's selected voting system shall produce a permanent paper record with a manual audit capacity for such a system (Ref. 1.b.i and 1.b.ii this document for details)
 6. The County's selected voting system, if so required, will allow the voter with an opportunity to change the ballot or correct any error before a permanent paper record is produced.
 - a. If as part of the county's selected voting system, a paper record is produced, it will be available as an official record for any recount conducted with respect to any election in which the system was used.
 7. The County's selected voting system will be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation for other voters.
 8. The County's selected voting system will provide at least one direct record electronic voting system or other voting system equipped for individuals with disabilities at each polling location.
 9. The County's selected voting system will provide alternative language accessibility pursuant the requirements of Section 203 of the Voting Rights Act of 1965.
 10. The County's selected voting system will have error rates that comply with the error rate standards established under Section 3.2.1 of the voting system standards issued by the FEC which were in effect on the date of the enactment of HAVA.

11. The County's selected voting system will adhere to uniform and nondiscriminatory standards that define what constitutes a vote and what be counted as a vote depending on the voting system selected.
12. The County will comply with Section 301 of HAVA prior to January 2006.

ELEMENT

5. Establishment of Election Funds

- a. **Pennsylvania County Plan Requirement**
 - i. Explain how the county will establish an election fund for the purposes administering the county's federally funded activities, including information on fund management.
- b. **Luzerne County Compliance Approach**
 - i. Working with the County Commissioners, the Luzerne County Election Commission will establish a new program where the funds are kept separate from all other programs within the agency. This fund will be known as the County Election Fund. The County Election Fund will contain ONLY federal grant monies that will be awarded to Luzerne County by the Department of State.
 - ii. The Luzerne County Election Commission and the County Office of Budget and Finance will work with the County Controller and the County Treasurer to follow and enforce all mandated fiscal controls and policies.

ELEMENT

6. Proposed Budget to Achieve Compliance with Title III of HAVA

- a. **Pennsylvania County Plan Requirement**
 - i. Identify the county's proposed budget for activities to achieve compliance with Title III of HAVA, based on the county's best estimates for the cost of such activities and the amount of funds to be made available, including specific information on – (A) the costs of the activities required to be carried out to meet the requirements of Title III of HAVA; (B) the portion of the requirements payment grants that will be used to carry out activities to meet those requirements; and (C) the portion of the requirements payment grants that will be used to carry out other activities.
- b. **Luzerne County Compliance Approach**
 - i. Total available funding for Luzerne via HAVA is **\$3,056,148.75**. This money, in addition to County matching funds, provided from the County's General Revenue Fund will be used to carry out the requirements of Title III as follows:

Luzerne County HAVA Plan of Compliance
As Amended, October, 2006

HAVA Requirements	Total Cost (Estimated)	Section 101 (Distribution Estimated)	Section 102 Funds (Distribution Estimated)	Title II Funds (Distribution Estimated)
Replacement of Lever Voting Machines (RLVM)	\$2,528,000.00	\$0.00	\$1,008,741.52	\$1,519,258.48 * includes Section 301 ADA machines
Education Costs (EC)	\$105,000.00	\$0.00	\$0.00	\$85,000.00
Polling Place Accessibility Costs (ADA)	\$66,121.76	\$0.00	\$0.00	\$66,121.76
Voter Registration and Outreach Programs (VR&O)	\$246,716.83	\$0.00	\$0.00	\$268,716.83
Administrative, Management & Operations Improvements (AM&O)	\$72,500.00	\$0.00	\$0.00	\$70,500.00
Educating Voters concerning voting procedures, voting rights and voting technologies	\$20,810.16	\$20,810.16	\$0.00	\$0.00
Training Election Officials, Poll Workers and election volunteers	\$5,000.00	\$5,000.00	\$0.00	\$0.00
Improving, acquiring, leasing, or modifying voting systems and technology	\$9,000.00	\$9,000.00	\$0.00	\$0.00
Providing assistance to individuals with limited English proficiency	\$3,000.00	\$3,000.00	\$0.00	\$0.00
Total	\$3,056,148.75	\$37,810.16	\$1,008,741.52	\$2,009,597.07

Note: Monies not expended for above purposes within a specific requirement will necessitate a request and approval from the Department of State for reallocation to other HAVA requirements. Above money allocations represents County's best estimate of spending within specific funding groups. Money allocation may subject to change as required and deemed necessary by the County, but only after a written request and approval from the Department of State is received.

ELEMENT

7. Maintaining County Election Expenditure Levels

a. Pennsylvania County Plan Requirement

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

b. Luzerne County Compliance Approach

- i. Consistent with HAVA §254(a)(7), in using any requirements payment, Luzerne will maintain expenditure of the County for activities funded by the payment at a level equal or greater than the level of such expenditures in County Fiscal Year 2000.
- ii. Luzerne County's Fiscal Year 2000 expenditure level was \$1,053,276.38.
- iii. HAVA funds will be maintained completely separate and no HAVA funds will be used to offset either the general fund or primary election fund shortfalls.

ELEMENT

8. Performance Goals and Measurements Adoption

a. Pennsylvania County Plan Requirement

- i. Explain how the county will adopt performance goals and measures that will be used by the county to determine its success in carrying out the plan, descriptions of the criteria the county will use to measure performance and the process used to develop such criteria, and a description of which official or employee is to be held responsible for ensuring that each performance goal is met.

b. Luzerne County Compliance Approach

- i. The County has formed a County HAVA Plan committee. This committee is comprised of members of the County's Voting System Selection Committee which includes representatives of various public and private organizations within the County.
- ii. A list of preliminary Plan goals is provided **Section 2 Monitoring and reporting of County performance measurement goals.**
- iii. This County HAVA Plan committee will revisit the goals of the plan on an on-going basis and make any changes necessary in accordance with Element 12, Section (b) ii of the County Plan.
- iv. An important goal of the County HAVA Plan committee is to ensure a smooth transition for Luzerne to a new voting system while complying with HAVA requirements and assuring accessibility for all voters in compliance with the Americans with Disabilities Act (ADA). The County HAVA Plan committee will determine the final goals, measurements, and related timeframes in accordance with requirements outlined in HAVA.

ELEMENT

9. Grievance Policies and Procedures

a. Pennsylvania County Plan Requirement

- i. Explain and describe the county's policies and procedures for responding to complaints made under Section 402 of HAVA and Section 1206 of the Pennsylvania Election Code, and adhering to requirements that might be imposed upon the county as a result of the disposition of such complaints.

b. Luzerne County Compliance Approach

- i. The County will implement an administrative complaint procedure that complies with HAVA Section 402 (a)(2) and Section 1206.2 (a) of the Pennsylvania Election Code (25 P.S. § 3046.2 (a)). Luzerne County will utilize the detailed procedures developed by the Commonwealth located at http://www.hava.state.pa.us/hava/lib/hava/complaints/complaint_procedures.pdf
- ii. In general, the complaint procedure will provide or perform the following:
 1. Education materials will be provided at the polls on procedures for filing a complaint.
 2. If a voter has a complaint on Election Day, the voter may call the County Election Commission (local, toll-free, or collect call) or visit the County Election Office in person. Complaints that cannot be resolved at the County Election Commission level may be forwarded to the Bureau of Commissions, Elections and Legislation on a special complaint form for a paper hearing. Luzerne interprets the requirement for a complaint hearing to be satisfied by a paper hearing using this complaint form.
 3. The complaint form will be designed and distributed by the Bureau of Commissions, Elections and Legislation. The Bureau of Commissions, Elections and Legislation will establish a numbered form containing the following fields to be completed by the complainant:
 - a. Complainant name
 - b. Address
 - c. Telephone number
 - d. County of residence
 - e. Precinct
 - f. Polling location
 - g. Description of complaint
 - h. Signature
 - i. Notary
 4. This form will be distributed to all County Election Commissions for distribution to poll workers for voters who wish to file a complaint. Counties may assist voters in completing the form if necessary. When a county election official, or poll worker, issues a complaint form, the number on the form will be recorded on a complaint log which will be retained in the County Election Commission office.
 5. The Bureau of Commissions, Elections and Legislation will have 90 days to investigate complaints and will then notify the complainant in writing of the results of that investigation. The 90 day period begins the day the complaint is filed with the Bureau of Commissions, Elections and Legislation.
 6. The Statement of Complaint form to be utilized by Luzerne can be found at http://www.hava.state.pa.us/hava/lib/hava/complaints/statement_of_complaint_form.pdf

ELEMENT

10. Use of Funds for Title I of HAVA

a. Pennsylvania County Plan Requirement

- i. If the county has received, or anticipates receiving, grants of Federal funds that have been provided to the Commonwealth under Title I of HAVA for election administration improvements and the replacement of punch card and lever voting machines, a description of how those grants will affect the activities proposed to be carried out under the county plan, including the amount of funds that the county estimates will be available for such activities.

b. Luzerne County Compliance Approach

- i. Title I monies, in particular Section 101 money, will provide initial funding to start the County's HAVA process; Section 102 money will be used to begin the replacement of the County's lever voting machines. Activities to be initiated in 2004 and funded from Title I money are:
 1. Complying with the requirements of Title III of HAVA (cost estimate @ \$6,000.00 for technical support to identify specific needs, and for the development of requirements and implementation plans)
 2. Improving the administration of elections for Federal Office (@ \$8,000.00);
 3. Educating voters concerning voting procedures, voting rights, and voting technology (@ \$5,000.00);
 4. Training election officials, poll workers and election volunteers (@ \$5,000.00);
 5. Improving, acquiring, leasing, or modifying voting systems and technology (@ \$9,000.00);
 6. Providing assistance to individuals with limited English language proficiency (@ \$4,810.16; and
 7. Replacing lever machines (@ \$1,008,741.52)(estimated 2006/2007 expenditure)
Note: Total amount equals \$1,046,551.68 (Section 101 and 102 total funding)
- ii. Luzerne will also apply for financial assistance for voter registration application processing in the amount of \$15,000.00.

ELEMENT

11. Ongoing Management of the County Plan

a. Pennsylvania County Plan Requirement

- i. Explain how the county will conduct ongoing management of the county plan.

b. Luzerne County Compliance Approach

- i. The County will conduct ongoing management of the plan, except that the County may not make any material change in the administration of the plan unless the change is formally done according to required state mandates, and in accordance with Element 12, Section (b) ii of the County Plan.
- ii. Day-to-day management of the County Plan will be the responsibility of the Director of Elections / Chief Registrar for Luzerne County.
- iii. In addition, the County Plan Committee will meet once each year to review the progress of the provisions of the County Plan. The County Plan Committee will also review the State Plan and recommend any needed changes or improvements. The Election Commissioner may call additional meetings of the County Plan Committee as deemed necessary to carry out the provisions of the County Plan, in accordance with Element 12, Section (b) ii of the County Plan.

ELEMENT

12. Managing Changes to the County Plan

a. Pennsylvania County Plan Requirement

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

b. Luzerne County Compliance Approach

- i. This is Luzerne County's 2006/2007 Plan, and is the County's ongoing plan, as Amended October 12, 2006, this is the latest version of the County Plan. On April 6, 2006, Element 6 was revised to reflect the additional Title II funds awarded to Luzerne County for polling place accessibility costs, and re-allocations of Title II and Section 101 monies. In addition, the performance goals and measures have been updated to reflect the Luzerne County approach now that the County has selected the voting system of use and is able to more clearly define the training and education approach.
- ii. Luzerne County will implement changes in the County Plan only written approval of the Department of State. In order to facilitate Department of State approval of proposed changes to the County Plan, Luzerne County will submit to the Department of State an amended copy of the County Plan.
- iii. Budget Modifications to the County Plan are outlined in their entirety as follows:

BUDGET MODIFICATIONS, APRIL 2006

Title II Changes:

1) FY 2004-2005

- a) Re-allocation of \$10,000 Toll free phone line to Public Service Announcement Development in FY 05-06
- b) Re-allocation of \$5,000 Bilingual voter support to Public Service Announcement Development in FY 05-06.
- c) Re-allocation of \$5,000 Continued SURE compliance training to Public Service Announcement Development in FY 05-06.
- d) FY 2004-2005 has \$0.00 budgeted

2) FY 2005-2006

- a) Increase in Printing of voter education and outreach materials to a total of \$50,000
- b) Increase in Public Service Announcement Development to a total of \$156,716.83
- c) Re-allocation of \$10,000 in Lever Machine Replacement Planning moved to Public Service Announcement Development
- d) Re-allocation of \$1,519,258.48 from FY 2006-2007 for Lever Machine Replacement Costs
- e) Vendor Election Management Software Cost reduced to \$65,500; balance of \$54,500 was moved to Public Service Announcement Development; originally budgeted in FY 06-07
- f) Re-allocation of \$15,000 on-going web training development & implementation to Public Service Announcement Development
- g) Increase in Election officials, poll worker and volunteer training to a total of \$80,000
- h) Re-allocation of \$5,000 in Security, Operations, Logistics, Planning & Implementation to Public Service Announcement Development
- i) Re-allocation of \$5,000 in Bilingual Voter Support to Public Service Announcement Development
- j) Re-allocation of \$5,000 in SURE Compliance Training to Public Service Announcement Development
- k) FY 2005-2006 has a total budget of \$1,903,475.31

3) FY 2006-2007

- a) Printing of voter education and outreach materials reduced to \$10,000; balance moved to FY 05-06
- b) Re-allocation of \$10,000 Repurpose voting system vendor provided training material to Public Service Announcement Development
- c) Election officials, poll worker and volunteer classroom training budget reduced to \$10,000; \$80,000 was moved to 05-06 and \$2,216.83 was re-allocated to Public Service Announcement Development
- d) Re-allocation of \$5,000 in Security, Operations, Logistics, Planning & Implementation to Public Service Announcement Development
- e) Re-allocation of \$10,000 to Election Administration Policy & Procedure Development & Implementation to Public Service Announcement Development
- f) Re-allocation of \$5,000 in SURE Compliance Training to Public Service Announcement Development
- g) FY 2006-2007 has a total budget of \$106,121.76

Section 101 Changes:

- 1) Re-allocation of \$6,000 in Category (a) Complying with the requirements of Title III of HAVA to Category (c) Educating voters concerning voting procedures, voting rights, and voting technology
- 2) Re-allocation of \$8,000 in Category (b) Improving the administration of elections for Federal Office to Category (c) Educating voters concerning voting procedures, voting rights, and voting technology
- 3) Re-allocation of \$1,810.16 from Category (g) Providing assistance to individuals with limited English language proficiency to Category (c) Educating voters concerning voting procedures, voting rights, and voting technology

BUDGET MODIFICATIONS, OCTOBER 2006

Title II Changes:

4) FY 2006-2007

- a) Re-allocation of \$2,000 from Development of HAVA Audit Program Plan to Public Service Announcement Development
- b) Re-allocation of \$20,000 from Election Officials, Poll Worker and Volunteer Training to Public Service Announcement Development

ELEMENT

13. County Plan Development

- a. **Pennsylvania County Plan Requirement**
 - i. Explain the process the county used in developing the county plan.
- b. **Luzerne County Compliance Approach**
 - i. The County HAVA Plan committee, will provide representation from across the County, and included representatives from local organizations, county organizations, elected officials, and interested stakeholders.
 - ii. It is anticipated that the County Plan Committee may be divided into five teams, each of which will focus in depth on a specific functional area of HAVA as it pertains to Luzerne: Administration and Funding, Education, Voting System Requirements, SURE participation and compliance, and Accountability.

County plan terms, conditions and limitations (as identified by the Commonwealth)

1. Luzerne County represents that requirements payments received from the Commonwealth of Pennsylvania from the EAC under Title II, Subtitle D, Part I, of HAVA, will use the grant money only to meet the requirements of Title III, Subtitle A, of HAVA.
2. Luzerne County represents that the use of funds received for the purpose of meeting requirements of Title III of HAVA, will be consistent with the State Plan of the Commonwealth of Pennsylvania that have been filed with the EAC under Section 254 of HAVA.
3. Luzerne County represents that all of its programs and activities relating to HAVA, and the use of Federal funds provided to the county under HAVA, will maintain compliance with the following laws:
 - a. The Voting Rights Act of 1965
 - b. The Voting Accessibility for Elderly and Handicapped Act
 - c. The Uniformed and Overseas Citizens Absentee Voting Act
 - d. The National Voter Registration Act of 1993
 - e. The American with Disabilities Act of 1990
 - f. The Rehabilitation Act of 1973
4. In all of its programs and activities, Luzerne County will maintain compliance with the following:
 - a. The Pennsylvania Election Code, 25 PS subsection 2600 et seq., and regulations and directives of the Department of State and other relevant authorities relating thereto.
 - b. Title 25 of the Pennsylvania Consolidated Statutes and regulations and directives of the Department of State and other relevant authorities relating thereto.
 - c. All other laws, regulations, policies and directives of the Commonwealth of Pennsylvania and its authorized agencies and officials, including the Secretary of the Commonwealth and the Department of State, relating to all aspects of elections and election administration.
5. Luzerne County represents that should it request and receive approval from the Department of State to use a requirement payment grant for activities other than meeting requirements of Title III of HAVA, the county will use the funds consistently with the requirements of Title III and the conditions of Section 251(b) of HAVA.
6. Luzerne County will maintain an Election Fund, established in the treasury of the county government, to be used exclusively to carry out the activities for which the requirements payment grants have been made to the county. The Luzerne Election Fund will include:
 - a. Amounts appropriated or otherwise made available by the county government for carrying out the activities for which the requirements payment grant has been made to the county.
 - b. The requirements payment grants made to Luzerne County by the Department of State.
 - c. Such other amounts as might be provided for such purposes to the county otherwise appropriated for such purposes under law.
 - d. Interest earned on deposits of the fund.
7. Luzerne County represents that at such times as the Department of State shall require, submit a report to the Department of State on the activities conducted with the requirements payment grants made to the county by the Department of State. At a minimum, the Luzerne County report

shall include:

- a. A list of expenditures made with respect to each category of activities described in Section 251(b) of HAVA.
 - b. The number and type of articles of voting equipment obtained with requirements payment grant funds.
 - c. An analysis and description of the activities funded with requirements payment grant funds to meet the requirements of Title III of HAVA and a description of how such activities conform to the State Plan and county plan.
8. Luzerne County represents that consistent with recordkeeping requirements described by Section 902(a) of HAVA, the county will keep such records with respect to grant of HAVA funds made to the county as are consistent with sound Generally Accepted Accounting Practices, including records that fully disclose the amount and disposition of the receipt of funds, the total cost of the project or undertaking for which such funds are used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.
9. Luzerne County represents that it will fully comply with all audits that might be conducted by Federal, State or local officials or agencies that have authority to conduct such audits, in a manner consistent with Section 902(b) of HAVA and all other applicable laws, as well as in a manner consistent with the applicable rules, policies, and directives of all Federal, State, and local agencies having jurisdiction and authority with respect to the subject matter.
10. Luzerne County will be liable to the Commonwealth of Pennsylvania for all losses caused to the Commonwealth of Pennsylvania and its agencies that the Secretary of the Commonwealth or any Federal, State or local official should determine were caused by the county's failure to comply with the requirements of the relevant HAVA-funded program, or that are the result of an excess payment made to the county under any program. In the event that the Secretary or other competent official should determine that the county is so liable, the county will indemnify the Commonwealth of Pennsylvania for any loss to the Commonwealth of Pennsylvania that was or will be caused by the county's failure to comply with the relevant program or its receipt of excess payments under any program.
11. Luzerne County agrees to hold the Commonwealth harmless from any and all claims, demands, lawsuits or other courses of action based upon or arising out of any activities performed by its employees, agents, representatives or independent contractors and subcontractors that involve grant activities that are eligible for Commonwealth assistance under the terms of the State and county plans.

