

HAVA Implementation in Alabama (as of 6/10/05)

According to AL Secretary of State's Office, HAVA is on track in AL. There are problems, though. Although federal money is available, some enabling legislation has failed to pass. There are possible alternative solutions. Also, HAVA necessitates changes in oversight responsibility and election process and procedures. This has led to a contentious atmosphere between the office of the SoS and state and local election officials in AL. However, it is expected that HAVA will be fully implemented in AL by January 1, 2006 (deadline).

HAVA Legislation passed early on in AL:

- Uniform polling hours (7 am to 7 pm across the state)
- Process for restoration of voting rights of former felons.
- Voter ID – AL actually has 2 voter ID laws on books now:
 - 1) Those registering by mail to vote in AL must present ID (HAVA requirement)
 - 2) ID required each time voter goes to the polls (not HAVA requirement). AL uses very comprehensive list similar to GA's. GA may tighten up. SoS considering whether AL should also reduce list of accepted ID forms.

HAVA requires that each state “create, develop and maintain a statewide, uniform, centralized voter registration system, housed with the state's Chief Election Official.” Regarding this, the AL SoS issued a press release dated 5/27/05.

“Secretary of State Nancy Worley announced today the selection of Diebold Election Systems, a company specializing in election data information management, to implement Alabama's new statewide voter registration system.....

“Alabama's new system will electronically connect the voter registration database, maintained by the Alabama Secretary of State, with the following agencies, the Alabama Department of Public Safety, the Administrative Office of Courts, and the Alabama Department of Public Health. Connection to the Department of Public Health will assist in the removal of dead individuals from the voter rolls, while the electronic relationship with the Administrative Office of Courts will provide for the accurate removal of felons. Registrars will also be able to compare voter registration information with driver's license records maintained by the Alabama Department of Public Safety.

“Worley commented, ‘Implementing a new statewide voter registration system is a major step toward increasing public confidence in the accuracy of voter lists and the honesty of Alabama's elections.’”

It was announced that Diebold's proposed project cost is \$2.3 million (vs. other bids of \$3.88 million for EDS/Syscon and \$3.92 million for ESS/Unisys).

HAVA compliant voting machines in AL

For the general population -- The few lever machines still in use in AL when HAVA passed in 2002 are gone. 64 / 67 AL counties currently use optical scan voting machines. Most of these are HAVA compliant, that is they provide privacy, independence and audit capability for the general (English speaking, fully able) population. However, machines in some counties must be modified to provide for precinct level vote counting (HAVA requirement) as opposed to counting at the county courthouse as has been the case in 9 counties. 3 counties use early-generation Shuptronic (sp.?) DRE machines (Mobile, Montgomery, DeKalb) that are not HAVA compliant because they do not provide an auditable paper trail. These can be modified, but SoS is recommending procurement of optical scan machines to assure uniform voting system throughout state.

Other voting machines yet to be procured and installed -- These include a HAVA compliant DRE voting machine in every precinct for citizens with disabilities and in each precinct of counties where population is > 5% of those for whom English is a second language (will probably impact 3 – 5 counties). **Legislation enabling bid process for these machines (HB496) failed in the 2005 AL regular legislative session.** Therefore, SoS is now in a difficult position. Possible solutions – use administrative rule making process or ask gov. to add HAVA enabling legislation to a Special Legislative Session expected later this summer (necessary anyway to get passage of state budget).

Money for implementation of HAVA in AL

Alabama met the 5% matching money requirement to receive its federal funds for HAVA implementation. AL has received \$41 million, 100% of all federal money possible.

HAVA education in AL

Public awareness -- The state Election Officer (SoS) is required to provide public education about HAVA. The AL SoS issued PSAs for newspapers, radio, TV and Internet. “What you should expect at the polling place” is (or should be) prominently posted at every polling place in AL now as required by HAVA.

The LWV of AL also issued several HAVA PSAs to newspapers, radio and TV stations throughout AL prior to the Nov. ‘04 General Election. During the election season, the LWVAL website focused closely on voter education, including changes in the process brought about by HAVA. The LWVAL Ed Fund developed and provided to local Leagues for distribution a flyer entitled “The Help America Vote Act: What Every Voter Should Know”. LWVAL-EF also developed an educational Power Point presentation about HAVA and made this available to local Leagues for program presentation.

SoS published a booklet on how to conduct a successful registration drive in effort to shore up confidence in voting process. (Some do not return voter registration forms and citizens mistakenly believe they have officially registered.)

HAVA education for election officials – The SoS’s office has presented 9 provisional voting seminars to election officials across AL (using “grassroots approach to HAVA education”). The SoS’s office highly praised LWV’s “The Help America Vote Act: Safeguarding the Vote” and “The Help America Vote Act: A Guide to Implementing the New

Federal Provisional Ballot Requirement” and reported extensive use of these publication in educating election boards across AL. The SoS also published (with help of the AL Law Institute) the “AL Election Handbook” describing duties and the law, process and procedures for election officials.

HAVA Implementation Problems in AL

HAVA’s greatest hurdles in AL seem to revolve around changing responsibility for administrative oversight and adjusting to new processes and procedures, in particular navigating the complexity of the provisional voting process. Politics and personality conflicts have exacerbated these problems in AL.

According to the federal Justice Department, the SoS has responsibility for the election process in AL. The SoS also believes that consolidated responsibility for the election system in AL is vital for good management. The Supervisor of Voter Registration is now under the supervision of the SoS although that office has traditionally operated independently of the SoS. Local Boards of Registrars have worked under direction of the Supervisor of Voter Registration, and have not previously had to answer to the SoS. A further complication, according to the SoS’s office, is that the AL AG issued an opinion stating that no one has supervisory authority over local Boards of Registrars. (In AL the local Board of Registrars is, with the exception of Jefferson Co., made up of 3 political appointees – one each by the Gov., the Sect’y of Agriculture, and the Speaker of the House (?)). The SoS can now remove a Registrar “for cause”. Many Registrars feel that their integrity and professionalism is being challenged, and they do not feel that they are receiving the support and assistance they need from the SoS’s office. A contentious atmosphere prevails.

HAVA has replaced AL’s “challenged ballot” with the provisional ballot. Although this fail-safe voting process is, on its face, highly preferable, there are complaints that the public - and some poll workers - do not understand the provisional voting process and that this results in many invalid votes. The SoS claims that only approximately 100 complaints were received about the Nov. General Election and that the majority of these were regarding long lines at the polls – not a problem considered substantive. However, the League’s national “voter hotline” and local Registrar offices received many complaints that may not have been registered by the SoS’s office.

We hope that the absentee voting process and the provisional absentee voting process can be simplified. With a series of envelopes and exacting process for casting of a valid ballot, it is extremely complex, especially for the elderly and uninformed.

In conclusion, HAVA will most likely be fully implemented by January 1, 2006, but we have far to go to inform the voters about the many changes they will see in the voting process. And we need the assistance of local and state election officials working cohesively together for the good of the voting public if we are to have truly successful HAVA implementation in AL.