State of New Hampshire

State Plan

As required by Public Law 107-252,
Help America Vote Act 2002, Section 253 (b)

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Introduction by the Secretary of State (State Administrator of Elections)

I am pleased to offer the New Hampshire State Plan for implementing the Help America Vote Act of 2002 (HAVA). This State Plan, developed in conjunction with the State Plan Committee, establishes a framework for achieving compliance with HAVA. The committee and several task forces are comprised of a cross-section of New Hampshire election officials from town, city, and State government, individuals with disabilities and other interested citizens.

This new Federal law requires each state to develop a long-range plan for implementing the Act. The State Plan is organized as specified in HAVA, Section 254. It provides a description of current election procedures used in New Hampshire and outlines how New Hampshire will meet the new requirements mandated by HAVA. We will update and refine the State Plan as necessary over time, to reflect election law changes and future plans.

New Hampshire has long maintained a high level of participation in elections. Our election procedures rely in large part on local election officials and their knowledge of their citizens and communities. As our State has grown, increasing demands have been placed on local election officials to serve as a resource for voters with disabilities and as the primary defenders against voting fraud.

HAVA will help fund a statewide electronic voter registration database, voting machines that will enable voters with disabilities to vote privately and independently, and educational and administrative support provided by the State. HAVA requires some alterations to current election processes and systems, but with the appropriate Federal financial support, the State of New Hampshire will bring local election officials the necessary training and equipment.

Local election officials played an integral role in the development of New Hampshire's State Plan. Implementation of HAVA will be a collaborative effort between the State and the towns and cities of New Hampshire.

I would like to thank the volunteers who served on the State Plan Committee and its task forces, who donated many hours to help ensure the successful implementation of HAVA.

William M. Gardner
Secretary of State

Background

In New Hampshire, local election officials are responsible for conducting the voting process in their communities for all Federal, State and local elections. Town and city clerks receive and process voter registration applications. Elected supervisors of the checklist also receive and process applications for voter registration and are responsible for approving all additions, changes, and deletions to the voter checklist. Moderators, with the help of town, city and ward clerks, selectmen, supervisors of the checklist and other appointed election officers, are responsible for overseeing the conduct of voting. Town and city budgets substantially fund elections in New Hampshire.

In Federal and State elections, the Secretary of State is responsible for the following:

(a) designing, printing and distributing ballots,
(b) tallying and certifying the vote, and
(c) conducting recounts as needed.

This plan will describe the additional responsibilities imposed by HAVA.

New Hampshire has ten local jurisdictions which are subject to Section 5 of the Voting Rights Act of 1965, which requires pre-clearance for any changes in the electoral process.

New Hampshire's voting age population reported in the 2000 Federal census was 911,000. There were 856,516 registered voters at the time of the presidential election in November, 2000.[1]

A qualified individual may register to vote at the town or city clerk's office, with the supervisors of the checklist in each voting precinct at their regular meetings, or at the polling place on election day. Qualified individuals may register to vote in person. Qualified individuals may register by mail if they:

[a] are temporarily residing in another location and do not intend to be present in the city or town in which they are eligible to vote on election day,
[b] have a disability that prevents registering in person,
[c] are absent due to military service, or
[d] are prevented from registering in person due to a religious belief.

Eligible voters may walk into the polls on election day, register, and vote on the same day. This election day registration system is only available in four other states. [2]

[1] Federal Election Commission, Voter Registration and Turnout 2000, printout dated April 29, 2003
[2] Minnesota, Wisconsin, Wyoming and Idaho have election day registration procedures similar to New Hampshire's. Other similar states include North Dakota, which has no voter registration requirement, and Maine, which offers election day registration, but does not require it at the polling place.

If a voter's registration application is incomplete, the town or city clerk or the supervisors of the checklist notify the voter and provide the voter an opportunity to properly complete the application.

New Hampshire has 13 cities, 223 towns[3] for voting purposes and 309 polling places.

In the 2000 presidential election, voter turnout was 62.5% of the voting age population, compared with a national average of 51.3% - the sixth highest state turnout in the nation.

In the 2002 Federal and State elections, 162 polling places utilized optical scanners to count ballots, and 147 polling places hand counted their ballots. Towns and cities choose from among approved optical scanning devices and are responsible for purchasing and maintaining them. Currently, there are no polling places utilizing direct recording electronic (DRE) voting systems in New Hampshire. A significant component of HAVA is to replace punch card voting systems. New Hampshire eliminated punch card machines when the Ballot Law Commission decertified them in 1986.

Voting absentee by mail is an alternative voting method available to New Hampshire voters who are unable to be present to vote at their assigned polling place. Any qualified voter in New Hampshire may apply to receive an absentee ballot by mail if he/she will be absent from their town or city on election day, is disabled and unable to vote in person, or if religious observance prevents the voter from being in public on election day. A new absentee ballot application must be completed for each election. Absentee ballots are available from town or city clerks prior to an election. Voters must request the absentee ballot application from the clerk or submit a request in writing, which must include the voter's name, voting address, mailing address and signature. Clerks may accept completed absentee ballots submitted in person by the voter until 5 p.m. the day before an election or until 5 p.m. on election day if received through the mail.

Individuals seeking to cast ballots are subject to challenge by another voter. An individual so challenged, voting in person, will be allowed to vote provided he/she signs a challenged voter affidavit attesting to his/her identity and qualifications as a voter. The ballot of an absentee voter who is challenged will be cast and counted if the appropriate election official determines the challenge is not well grounded. Otherwise, the ballot is preserved with other ballots, but not counted.

In recent years, regular improvements in the laws have been enacted and carried out for persons with disabilities. Surveys of polling place compliance with accessibility laws were conducted by the Voting Rights Access Committee and the Attorney General's office between 1996 and 2002. Further survey work will be planned to establish the baseline of compliance statewide. With HAVA, the State will continue to be proactive in affording people with disabilities an equal opportunity to vote.

[3] The number of towns reflects 2 unincorporated places organized only for the purpose of voting.

Section 1: Use of Requirements Payments to Meet Title III

Sec 254. (a) IN GENERAL - The State plan shall contain a description of each of the following:

(1) How the State will use the requirements payment to meet the requirements of Title *III (equipment and administration),* and, if applicable under Section 251 (a)(2), to carry out other activities to improve the administration of elections.

The Help America Vote Act of 2002 (HAVA), public law 107-252, establishes minimum election administration standards for votes cast in Federal elections. HAVA provides election reform across the nation with an objective of ensuring that the right to vote has an equal meaning throughout each State. It specifically requires the State of New Hampshire to:

- Provide at least one voting machine in each polling place in the State to enable most voters with disabilities to vote privately and independently;
- Create a new uniform centralized statewide database of registered voters that shall be the source for the official checklist for each town and city;
- Assist towns and cities in ensuring their polling places are accessible for people with disabilities and the elderly;
- Certify new and existing voting systems according to national standards;
- Ensure each qualified individual has an equal right to register and vote through statewide uniform election procedures and standards;
- Provide voter and election official education; and,
- Maintain a statewide complaint system for the uniform, nondiscriminatory investigation and resolution of complaints.

New Hampshire's election law has long established a uniform procedure for registering to vote and casting votes. The Secretary of State is designated as the chief election officer for the State. The Secretary of State publishes an election procedures manual which provides guidance to local election officials regarding: voter qualification; voting system certification; what constitutes a vote; procedures for military or absentee ballots; tabulating and reporting election results. New Hampshire has adopted election day registration.

Legislation is pending before the New Hampshire Legislature to implement those changes in New Hampshire election law required by HAVA. The Secretary of State is revising the State election procedures manual to reflect these changes to New Hampshire law and to ensure election procedures conform to HAVA.

The Federal government is providing funding to the State of New Hampshire for the implementation of HAVA. Congress has authorized $20 million over three years for New Hampshire, however, currently $5.0 million in early monies and $4.2 million in matching funds have actually been appropriated. In order to qualify for funding, the State must meet the

requirements of Title III, maintain the same level of expenditures in the areas funded with HAVA monies as were funded in State fiscal year 2000 and provide five percent matching funds for a portion of the Federal money.

The State has legislation pending that will establish a State election fund, in which monies from HAVA will be deposited. The State has legislation pending that will appropriate 5% of the total Title II funds to be deposited in the State election fund for State fiscal years 2004-2005. State and Federal funds in the election fund are restricted to be used for the purposes allowed by HAVA. The State will certify the establishment of the State election fund and the appropriation of matching funds upon enactment of the pending legislation.

New Hampshire will implement the most comprehensive program of election enhancements possible based on the level of future Federal funding provided. Except for the 5% match required by HAVA, New Hampshire will endeavor to fund the programs set forth in this plan and their future maintenance without seeking additional State funds. This plan calls for limiting the economic effect of HAVA's mandates on New Hampshire's cities and towns, where possible requiring only the shifting of existing resources.

Major HAVA Programs:

HAVA will include the following major programs:

- **STATEWIDE DATABASE**. The Secretary of State will establish in a uniform and nondiscriminatory manner a single, uniform, official, centralized, interactive computerized statewide voter registration list which he will define, maintain, and administer. The centralized checklist will contain the name and registration information of every legally registered voter in the State. The Secretary of State will work with local election officials and other departments of the State to define the functional requirements of the statewide registration list and the responsibilities of each participant in the system. The system will allow local election officials to register voters easily and conveniently, will emphasize ease of registration for voters, and will incorporate all practical means of detecting and deterring voter fraud.

- **ACCESSIBILITY OF THE BALLOT MARKING PROCESS.** Both HAVA and New Hampshire law requires that the voting process be accessible to persons with disabilities. New Hampshire will engage in a statewide effort to ensure the accessibility of voter registration, voting systems, voting information, and voting locations. The prime component of the HAVA accessibility program will be to provide each polling place in New Hampshire with an electronic voting machine or system equipped to enable most persons with disabilities to vote independently and privately. New Hampshire plans to select one or more devices that will produce a printed paper record, possibly in the form of a pre-printed ballot that has been marked by the machine at the direction of the voter, for each voter who uses the system. Implementation of HAVA will not require towns or cities to change the manner in which they count ballots,

although it could impose a need to upgrade equipment in certain cases. The HAVA accessibility program will also include expansion of voter and election official education and a structured program for ensuring compliance with accessibility requirements.

- **ACCESSIBILITY OF THE POLLING PLACE.** The New Hampshire Constitution, as well as State and Federal laws, requires that polling places be accessible for individuals with disabilities. HAVA will provide the State with funds to monitor and ensure that towns and cities maintain accessible polling places. HAVA funds will be used for accessibility equipment for polling places, assessment of compliance, education, and if sufficient Federal funds are made available, assistance for local governments.

- **VOTER AND ELECTION OFFICIAL EDUCATION.**
  HAVA funds will be used to establish and maintain training programs and tools for use in educating both voters and election officials. The State will prepare and distribute training resources that will include an expanded election procedure manual, a 1-800-help line number for election officials and a 1-800-voter complaint line for voters. Training resources may include short video instruction tapes on how to vote, how to conduct the polling place, and how to count ballots, informational posters, brochures, and public service announcements.

- **ELECTION LAW ENFORCEMENT.**
  HAVA funds will be used to establish a formal complaint procedure to investigate and resolve allegations that voting rights protected by Title III of HAVA have been violated. Resources will be allocated to the Attorney General's Office for investigatory, prosecutorial, and educational services in support of ensuring compliance with Federal and State election law.

To ensure that HAVA reform is sustained, the State will also simplify and extend reporting requirements to gauge performance of the State and local officials. These reports will not only provide public access to information on election process performance, but will also be the foundation to determine future modifications required in law, training, or the State election procedures manual.

State role in the administration of elections.

The New Hampshire Secretary of State, several Department of State employees who allocate a portion of their time to elections, and the Attorney General are responsible for administering and supervising State elections conducted by the 236 towns and cities.[4] The local election officials and their respective local governments have the majority of legal and fiscal responsibility for elections. Collaboration between the local officials and the Secretary of State is essential to the conduct of successful elections. In addition to fulfilling Federal election

[4] This number reflects two unincorporated places in New Hampshire which are organized only for the purpose of voting.

responsibilities, the State's elections community works cooperatively to serve State government and, ultimately, the voters.

New Hampshire law assigns responsibility for establishing polling places, registering voters, and conducting balloting in local, State, and Federal elections to the towns and cities. Local government bears the expenses of personnel, equipment, and polling places. The Secretary of State is the chief election officer for the State. The Department of State, with cooperation from local government, manages the filing of State and Federal candidates and preparation of ballots for State and Federal elections. It also tallies the results of voting for State and Federal elections. The Secretary of State publishes an election manual that sets forth guidelines for the election process. The Attorney General is responsible for enforcement of the election laws.

This State Plan is organized as specified in HAVA Section 254. Each section of this document corresponds to a subsection of 254 and addresses a State Plan requirement specified in HAVA. The Plan outlines program milestones to address large-scale system or procedural changes. Additionally, where appropriate, compliance matrices are appended to outline the detailed requirements of HAVA, describe the State's current status in regard to those requirements, and define the actions planned to help the State meet those requirements.

In developing the New Hampshire State Plan, the State Plan Committee used the following themes as a guide:

- Emphasize collaboration with those affected by Federal and State elections;
- Where answers are not known, identify the steps necessary to obtain answers.

Section 301(a), Voting Systems Standards Requirements

Deadline for Compliance: January 1, 2006; no waiver permitted.

In the 2002 Federal and State elections, 147 polling places hand counted their ballots and 162 polling places used optical scanning machines to count votes. For local elections, some towns with optical scanning machines switch to hand counts. In 2002, 39 polling places utilized the Optech IIIP model of scanners and 123 used the Accuvote OS ES-2000 model. The new accessible voting machines will not change how jurisdictions count most of their ballots.

Cities and towns spend an estimated $400 or more to program an optical scanning machine for each election. In an effort to provide ballots which do not jam or stick in the optical scanning machines, cities and towns using optical scanners purchase heavy paper to print their ballots on, often spending $0.20 cents or more per printed ballot. There may be ways to reduce such expenditures.

The accessible voting machines will produce a paper record, possibly by marking a pre-printed ballot, that may be counted by hand or by using an optical scanner.

The State anticipates equipping polling places with at least one voting machine accessible to voters with disabilities. To achieve economies of scale and minimize the burden on towns, the State anticipates managing the maintenance of the accessible machines. The State will work with towns and cities to determine the most cost-effective means of programming these machines. In doing so, it must determine whether to centralize programming at the State level, or to provide programming mechanisms to the towns and cities. The programming process may yield efficiencies, such as:

1) by producing the lay-out design for printing of paper ballots for the State and the towns and cities;

2) by programming optical scanning equipment for the towns and the cities.

I. Voting Systems Standards

A. Voter verification
The paper ballot allows voters to verify what they have marked by using their eyes to review the completed ballot. Accessible voting machines would allow voters to verify how they voted in different ways, depending on the media used.

B. Ballot correction and replacement ballots
New Hampshire will continue to use paper ballots. HAVA requires additional voter education focused on how to correct errors made when marking a ballot, for example when to request a replacement ballot. New Hampshire will engage in direct voter education and will provide

local election officials with additional voter education resources. Educational materials may include pamphlets, posters, websites, and public service announcements.

Optical scanning devices in use in New Hampshire have the capability to detect and report over votes - ballots where the voter has voted for more candidates than allowed. The optical scanners will be set to reject such ballots, affording voters the opportunity to correct over votes.

C. Manual audit capacity
New Hampshire citizens are accustomed to seeing close races resolved by recounts that rely on hand counts. New Hampshire RSA 656:41 and 656:43-a require that no voting machine or device shall be used unless it reads the voter's choice on a paper ballot.

D. Privacy and Independence
New Hampshire intends to purchase direct recording equipment (or the equivalent) voting machines for each polling place so that most voters with disabilities may cast their vote independently and privately.

E. Define what constitutes a legal vote
New Hampshire's Statutes, as interpreted by the New Hampshire Supreme Court and the New Hampshire Ballot Law Commission, define what constitutes a legal vote in New Hampshire. The Secretary of State summarizes these findings in the Election Procedures Manual and provides examples of how to count ballots with common mis-markings.

II. Uniform State Voting Systems Program Milestones

The State is taking actions to ensure full compliance with HAVA Section 301(a) requirements. **Phase I** of the State voting systems program is in progress:

1) <u>Plan</u> voting system compliance
    - Assess procurement options;
    - Establish user group of relevant internal affected participants to discuss next phase of implementation, lessons learned, and guide the voting system program through planning, managing and implementing phases;
    - Create schedules and work plans.
2) <u>Manage</u> the implementation effort through a standardized project management framework
    - Develop reporting structures and performance measures to track progress;
    - Track issues and risks to ensure smooth transition to new uniform voting systems.
3) <u>Implement</u> compliant voting systems
    - Procure equipment and services pursuant to the State's procurement law;
    - Deliver equipment and services;

- Ensure proper training and change management for affected participants using new uniform systems.

Phase II of the State's voting systems program will be operations and maintenance:

1) Operating & Maintaining new uniform State voting systems
    - Maintain and improve voting system software
    - Maintain technical infrastructure for software

The matrix in Appendix A outlines the HAVA Section 301(a) requirements, the State's current status with regard to these requirements and actions planned, where applicable.

Section 302, Provisional Voting and Voting Information Requirements

Provisional Voting

HAVA Section 302 addresses the process of provisional voting to ensure that no individual who goes to the polls intending to cast a ballot is turned away without having the opportunity to vote. New Hampshire law allows election day registration. This enables an individual eligible to vote to register at the polls on election day and then vote in that election.

New Hampshire, pursuant to HAVA Section 302 (a), is exempt from the requirement for provisional voting.

The State's laws allow a voter to be challenged. However, the voter will be allowed to vote provided they sign a challenged voter affidavit.

Details on the current status of challenged balloting and actions planned are found in the compliance matrix in Appendix A.

Posting of Statutes

In addition to provisional voting requirements, HAVA Section 302 mandates that states publicly post specific information at the polls on election day. The State currently displays voting information at each polling place. Legislation has been adopted that would require that the postings comply with HAVA requirements.

The Secretary of State, in cooperation with the Attorney General, will comply with HAVA requirements for voting information by preparing posters containing the information required by HAVA and distributing adequate posters to each polling place.

The HAVA requirement that certain laws be posted will be incorporated into training and educational materials will be provided to election officials. The Department of State intends to track and report on the success of posted voting information.

Details on the current status of voting information and actions planned are found in the compliance matrix in Appendix A.

Extended Hours Voting

HAVA Section 302 further provides that voters who vote (pursuant to a court or other order), during extended hours after the normal close of a polling place, cast provisional ballots. Under HAVA, these ballots must be kept separate from other ballots.

New Hampshire is otherwise exempt from the requirement that there be a system of provisional voting. Legislation is pending that will satisfy the intent and purpose of this HAVA requirement. The legislation requires that, in the event that a court orders a polling place to remain open during extended hours, ballots shall be marked on the back with the letters "EH"

and segregated in storage. This procedure will afford the opportunity for the ballots cast during extended hours to be retrieved, counted, and deducted from the election results should a court determine that these ballots should not have been cast.

The compliance matrix in Appendix A includes the specific requirements of HAVA Section 302, the current status and actions planned.

Section 303, Computerized Statewide Voter Registration List Requirements and Requirements for Voters Who Register by Mail

Deadline for Compliance: January 1, 2004; State can submit a certification stating "good cause" that will move the deadline for Section 303(a) compliance to January 1, 2006.

Official State voter registration records are created and maintained at the local jurisdiction level. Local election officials update and separately maintain voter registration records for their jurisdictions. The Secretary of State does not maintain an aggregate list in database format. After each State and Federal election, local election officials send paper checklists to the Secretary of State's Division of Records Management and Archives and these are scanned and organized in a read-only database of images. This list of images is accessible to persons who approach the Secretary of State to examine the checklists or obtain copies. Because information is not organized according to database fields, the Secretary of State is unable to perform checks for voter registration duplicates from this file.

The State's file of checklist images is not the "single, uniform, official, centralized, interactive, computerized statewide voter registration list" required by HAVA. Moreover, information gathered and maintained on State voters does not uniformly include driver's license numbers or partial social security numbers, as required by HAVA.

The mail-in voter registration form requires redesign to accommodate information on proof of identity, age, and domicile, as required by HAVA. Voter registration processes must be modified to allow for the verification of identification for first-time voters who register by mail.

Statewide Registered Voter Database. Program Milestones

The Secretary of State's Statewide Registered Voter Database program (hereinafter "Statewide Database") will ensure HAVA compliance in both technical and procedural areas of voter registration data management. The Secretary of State, with the assistance of the State Plan Committee and a task force on the Statewide Database, has started the planning and RFP development process.

Planning, using the following steps:

- Assess HAVA Section 303 to determine requirements for system and necessary changes in procedures and regulations/legislation;
- Establish a user group of key participants to guide the Statewide Database program through all phases and milestones;
- Develop a training plan, leveraging expertise from the local election officials. (Note: refer to Section 3 Voter Education, Election Official Education and Training, and Poll Worker Training);
- Research and assess Statewide Database options (Commercial software packages, custom programmed software, synergy of paralleling the vital records system);
- Determine options for development of data verification between Secretary of State and Department of Health and Human Services (DHHS), Department of

Safety (DOS), and the Department of Safety's data verification with the U.S. Social Security Administration;

- Determine the personnel required by the Department of State to maintain the Statewide Database.

Managing the voter Statewide Database effort through a standardized project management framework:

- Create a comprehensive resource plan, schedule, and work plan;
- Develop reporting structures and performance measures to track progress;
- Monitor issues and risks to ensure smooth rollout of the transition from local records systems to the new Statewide Database.

Implementing the new Statewide Database:

- Implement necessary changes to procedures and regulations/legislation;
- Select and procure software and services;
- Design, build, test, and deploy the Statewide Database;
- Develop and deliver appropriate training and support to ensure successful Statewide Database implementation.

Operating and Maintaining the Statewide Database:

- Maintain and improve Statewide Database software;
- Utilize a user group to assist Secretary of State in maintaining and improving voting system software;
- Maintain the communications infrastructure between the Statewide Database and towns and cities;
- Ensure electronic access as required by Section 303 (a)(1)(A)(v).[5]

The compliance matrix in Appendix A includes the specific requirements of HAVA Section 303, the current status and actions planned.

[5] It is anticipated that electronic access will be provided through the computer installed in the town or city clerk's office by the Vital Records program. The current plan does not provide for the statewide database to be available at each polling place.

Section 2: Monitoring the Distribution of Requirements Payments

Sec 254. (a) IN GENERAL - The State plan shall contain a description of each of the following:

(2) How the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in paragraph (1), including a description of -

- **(A) the criteria to be used to determine the eligibility of such units or entities for receiving the payment; and**
- **(B) the methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under paragraph (8).**

There may be a few circumstances in which the State would pay local governments to carry out some of the responsibilities of HAVA. No such areas have been identified. It is expected that the State will implement HAVA by providing equipment, supplies, and services to the towns and cities. In certain circumstances, however, payments to local governments may be appropriate and necessary. This Section describes generally how they would be carried out.

New Hampshire will fulfill its obligations under Title III using federal and State funds deposited in the State Election Fund. The State will administer contracts and disbursements consistent with the State budget plan described in Subsection 6 of HAVA Section 254 (a).

The process for uploading existing data to the statewide database has yet to be established, but may include making a payment to town or city clerks or supervisors of the checklist for keying data maintained on paper records or making a payment for technical services provided by towns or cites whose data is uploaded from an electronic record. It is expected that towns and cities would be afforded the option of having the State send personnel to their offices to perform these functions.

Section 3: Providing for Education of Voters and Election Officials

Sec 254. STATE PLAN (a) IN GENERAL - The State plan shall contain a description of each of the following:

(3) How the State will provide for programs for voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of Title III.

The Secretary of State in cooperation with the Attorney General will enhance the existing system of providing regular training to local election officials. HAVA funds will be used to provide regular regional training programs, to produce and distribute training materials, and to establish other training resources. For State fiscal year 2004 and in preparation for the 2004 first-in-the-nation presidential primary, the Secretary of State and the Attorney General will conduct at least 12 regional training programs throughout the State.

The Secretary of State may use public service announcements in the major media markets in the State as a forum to conduct voter education.

The Secretary of State will include additional training on the Help America Vote Act requirements in the election officer training program. The Secretary of State will include material in the procedures manual for implementing poll worker training and accessible voting systems.

The Secretary of State will adopt voter instructions that will inform each voter that if he or she fails to cast a vote for a candidate or issue, the voter will not be otherwise notified of the under vote (when a voter casts votes for fewer than the permitted number of candidates that he or she is entitled to).

The successful implementation of HAVA, in particular the first use of accessible voting machines, will require comprehensive public education and election official training programs. The proposed educational programs seek to ensure that voters and election officials accept these changes and understand the benefits of the enhancements HAVA brings to voting in New Hampshire.

Currently, training programs in the State are predominantly localized. The Secretary of State distributes an election procedures manual to each town and city. The moderators and town and city clerks are then responsible for how the information is delivered to staff members, poll workers, and the public. Often, knowledge is distributed informally, in meetings and at conferences, rather than in formal training sessions. Turnover of election officials is significant for each biennial election. The Department of State has limited human resources available to support training missions. The Secretary of State provides extensive one-on-one telephone consultation on election procedures, operating what is in effect an election official help line.

The Department of State also maintains a web site providing access to information on registering, voting, polling places, and election laws as well as most public filings related to elections. Training conducted at the State level is usually organized by each distinct area (voter registration, voting systems, etc.). Formal training is usually presented in a paper-based, person-to-person format, with limited use of technology in creating or delivering training.

New Hampshire recognizes that extensive election official and voter education will be required leading up to the first use of accessible voting machines. The State intends to monitor the experiences of those States that use these devices now and adopt as an element of a future New Hampshire State Plan the best practices derived from their experience. This State Plan budgets funds for personnel to research the experiences of other jurisdictions and start development of a New Hampshire program. Emphasis will be placed on a collaborative process that draws from the experience and expertise of local election officials and members of the disabilities community. The training program will also recognize the unique character of New Hampshire's election officials and poll workers.

Training and Outreach Program Milestones

Standardized training and support will help ensure the successful implementation of HAVA.

Managing Training and Outreach Program

The Department of State, with assistance from the Attorney General, will train personnel and develop resources for initial training and ongoing support of local election officials. HAVA funds are budgeted for the Departments of State and Justice for this purpose. The Secretary of State plans to utilize State or private sector personnel qualified in the areas of adult education to assist in developing and implementing training and support efforts.

Planning Training and Outreach Program

Conduct a training needs assessment based on the actions planned to address HAVA requirements. The assessment will include identifying current election officers and documenting current and desired skill levels for voters and election officials.

Training will be based on research and proven methods. New Hampshire's approach to training and support will emphasize web-based and live one-on-one support designed to answer questions and address complaints when the issues surface on election days. HAVA funds are budgeted to establish and maintain toll-free phone numbers for election officials and for voters. New Hampshire plans to staff these help lines with sufficient personnel to satisfy election day demand. For elections occurring during the period covered by this Plan, the Departments of State and Justice along with trained volunteers will staff these help lines in anticipation of a large volume of calls as election law changes prompted by HAVA are implemented.

Implementing Training and Outreach Program

Design, build, test, and implement training. The training method will vary dependent on the approach determined in the planning phase. Regardless of whether training is instructor-led,

on-line, paper-based, etc., the training must still go through the design and build phases and be subject to testing to ensure its success before it is delivered to trainees.

Implement Support and Communication Plan

The Secretary of State and the Attorney General will deliver various training or training resources on a timely basis.

Voter Education Program may include the following:

- Improved web site and other free access systems for voters to obtain voter registration and election information. The web site will include information on or links to local web sites with information on polling place locations, hours, etc.

- Increased delivery of election information through public and commercial television.

- Coordinated voter education and awareness efforts with organizations such as Kids Voting and National Parent/Student Mock Election and community groups, including groups providing services to individuals with disabilities.

- Targeted voter education efforts to address the needs of the disabilities community.

- Improved and increased public notices, public service announcements, and posters used in the polling places.

Section 4: Adopting Voting Machine Guidelines and Processes

Sec 254. (a) IN GENERAL - The State plan shall contain a description of each of the following:

(4) How the State will adopt voting system guidelines and processes which are consistent with the requirements of Section 301.

The State currently meets some of the voting system requirements required under HAVA as outlined in the matrix in Section 1 of Appendix A. The State has procedures established for conducting recounts on a statewide level. The State has a procedure established for voting machine certification. Refer to RSA 656:41. As the State implements a new voting system including incorporation of accessible machines, it will maintain the current procedure and create new procedures, guidelines and processes as necessary. New processes and guidelines may take the form of internal procedures, regulations, changes to Ballot Law Commission rules or State law. Legislation will be proposed to amend RSA 656:41 to allow the use of voting machines designed to assist persons with disabilities casting votes privately and independently, as required by HAVA.

Section 5: Establishing an Elections Fund

Sec. 254 (a) IN GENERAL - The State plan shall contain a description of each of the following:

(5) How the State will establish a fund described in subsection (b) (Elections Fund) for purposes of administering the State's activities under this part, including information on fund management.

House Bill 577 pending before the 2003 legislative session establishes the Elections Fund to implement HAVA. The proposed legislation limits use of election fund monies, consistent with the limitations on use of these funds established by HAVA. New Hampshire plans to ensure the continued maintenance of equipment and programs established to implement HAVA by preserving sufficient monies in the Elections Fund so that interest from the Fund will, over time, fund annual maintenance expenses.

Section 6: Cost of Meeting Title III Requirements

Sec. 254 (a) IN GENERAL - The State plan shall contain a description of each of the following: (6)The State's proposed budget for activities under this part, based on the State's best estimates of the costs of such activities and the amount of funds to be made available, including specific information on -

(A) the costs of the activities required to be carried out to meet the requirements of title III;

(B) the portion of the requirements payment which will be used to carry out activities to meet such requirements; and

(C) the portion of the requirements payment which will be used to carry out other activities.

A. Voting Machines for Persons with Disabilities.

The Secretary of State will utilize HAVA funds to achieve the following:

- Plan and design new voting systems, including upgrading existing systems to interface efficiently with the new systems required by HAVA;
- Purchase, own, maintain and program at least one direct recording machine (DRE), or its equivalent, in each of the polling places in the State;
- Ensure voting machines programming process to be compatible with existing ballot design, printing, and counting;
- Train election officials and voters to utilize the new voting machines;
- Employ management for project implementation;
- Employ ongoing program management.

Subject to complete Federal funding for HAVA, this program will be funded at a rate of 25 percent of the State Election Fund (10 percent for acquisition and 15 percent for operation).

B. Voter Registration New Hampshire (Statewide Database)

The Secretary of State will implement a Statewide Database of registered voters to comply with HAVA Title III.

- Secretary of State shall plan for, acquire, maintain and support a Statewide Database;
- Working with town and city clerks, State election officials, and other participants, the State will define functional requirements, roles and responsibilities of carrying out voter registration data management;
- Plan, purchase and execute installations of communications and security systems that allow the towns and cities to access the Statewide Database;
- Enable towns and cities to interact with the Statewide Database to register voters, import and input voter registration information to the Statewide Database, delete voter registration information, poll resource management, and enable candidate registration for local contests;

- Enable towns and cities to continue to be the point of contact for public access to information on registered voters, the point of purchase for checklists of registered voters in their jurisdictions;
- Enable towns and cities to print checklists from the Statewide Database for use at elections;
- Establish and maintain a system to allow a match of Database records with the motor vehicle records maintained by the Department of Safety and other agencies as required by HAVA;
- Prompt local election officials to complete tasks assigned by law to local elections officials, and will be used by the Attorney General to ensure compliance with those laws;
- Implement training program for election officials and voters in order to communicate HAVA procedural, technological, and legal changes and minimize risks to voting process;
- Enable data entry by city and town clerks into module which permits the State, towns and cities to monitor the degree of their success in fulfilling HAVA requirements – to be used by the Attorney General to ensure compliance with HAVA;
- Employ management for project implementation;
- Employ ongoing program management.

Subject to complete Federal funding of HAVA, the Statewide Database program will be funded at a rate of 60 percent of the State Election Fund (16 percent for acquisition and 44 percent for operation).

C. Voter, Election Official and Poll Worker Training

Voter, election official and poll worker training is already a responsibility, and included in the maintenance of effort for the Secretary of State. Implementation of HAVA will require significant enhancement of the training effort. The existing training program will be augmented with a statewide voter education program as described elsewhere in the Plan. Subject to complete Federal funding of HAVA, additional election official training will be funded at a rate of 4 percent of the State Election Fund (0.7 percent for initial administration and 3.3 percent for operation). Election official and voter education is also included under Section 301 (Voting Machines) and Section 303 (Statewide Database) above.

D. Administrative Complaint Procedures

The Attorney General will implement a statewide administrative complaint procedure to comply with HAVA Title IV. Working with the town and city clerks, moderators, State election officials, and the Secretary of State, the Attorney General will define functional requirements, roles and responsibilities of complaint procedures as defined in Section 9 of the State Plan. Subject to complete Federal funding of HAVA, the Grievance System will be funded at a rate of 6 percent of the State Election Fund (1.2 percent for initial administration and 4.8 percent for operation).

E. Physical Accessibility of Polling Places

HAVA Section 261 provides for use of monies to improve physical accessibility to polling places. The State management of funds to be distributed by the U.S. Secretary of Health and Human Services has not yet been established. Subject to this Plan complying with Federal regulations yet to be published, New Hampshire may use Fiscal Year 2003 physical accessibility funds to provide improved illumination and vision aids for polling booths. New Hampshire is also planning to provide assistance to towns and cities whose polling places require modification to be fully accessible in the form of either direct equipment and services or grants based on need. Physical accessibility funds managed by the U.S. Department of Health and Human Services will be managed by the State in compliance with HHS regulations, which are yet to be published. New Hampshire plans to spend 100% of those funds on equipment or services.

Most of the money New Hampshire will spend on this program will derive from a portion of HAVA spending which is allocated to the U.S. Department of Health and Human Services in a grant program to make polling place facilities accessible to voters with disabilities. There is no state match requirement. In addition to the latter funds, New Hampshire expects to utilize up to $20,000 initially from the Section 101 payments for this purpose. Subject to complete Federal funding of the HAVA and receipt of monies from the U.S. Department of Health and Human Services, State spending on disability access will be funded at a rate of 1 percent of the State Election Fund (0.8 percent for initial administration and 0.2 percent for operation).

F. HAVA Program Administration Costs

To fulfill the requirements of Title III, the Secretary of State will have to provide for the coordination, planning, operation and reporting on these programs. Subject to complete Federal funding of HAVA, the Secretary of State will use funds to administer the implementation of HAVA above the current maintenance effort for Federal elections at a rate of 4 percent of the State Election Fund (0.8 percent for initial administration costs and 3.2 percent for operation).

HAVA appropriations, to date, are significantly less than the amounts authorized. The following table outlines the assumptions regarding Federal funding that the State used in creating its budget for HAVA activities.

Table 6.1: Federal Funding Assumptions for New Hampshire

Federal Fiscal Year	Total Federal Funds	New Hampshire Share	5% State Match Requirement***	Federal Funding Yet?
Early payments	$650,000,000	$5,000,000	0	Yes*
2003	$833,000,000	$4,165,000	$219,211	Yes*
2004	$783,500,000	$3,917,500	$206,184	No**
2005	$783,500,000	$3,917,500	$206,184	No**
Total	$3,650,000,000	$20,000,000	$789,474	

* Federal money has been appropriated.
** Federal money has been authorized but not appropriated.
***5% State Match Requirement is calculated as 5% of the total of the State Match portion plus the Federal requirements payment portion of cost. To determine the 5% State Match based on Federal requirements payment amount, use .052632 as the multiplier (i.e., 5/95 ~ 0.052632).

Based on these funding levels, the State HAVA budget is representative of the activities necessary to implement and conduct operations and maintenance through calendar year 2005 for the HAVA Title III requirements and "other" activities. The budget will be revised in future State plans based on the most current information available regarding Federal funding. If it is necessary to revise the percentage allocations, priority will be given to equipping each polling place with an accessible voting machine and establishing the Statewide Database.

The duration for the State's budget is based on HAVA deadlines and funding. The State is concerned, however, that beyond the three years of Federal funding, the ongoing costs of operating and maintaining the new voting system and Statewide Database will be considerably higher than the State's maintenance of effort level (see Section 7 of the State Plan). New Hampshire plans to retain in the election fund sufficient funds so that the interest earned on those funds, over time, fund annual maintenance costs for all new programs implemented to comply with HAVA. HAVA was presented as a funded Federal program, not an unfunded

mandate. It is New Hampshire's plan to endeavor to avoid seeking State tax dollars to support Federally mandated programs, except for the 5% matching funds.

The State's proposed budget for activities to meet HAVA requirements is provided in Table 6.2. These numbers will ultimately be determined with the Legislature. Pending legislation appropriates the aggregate Federal and State monies in the election fund for the purposes of implementing HAVA:

Table 6.2: New Hampshire's budget for HAVA Activities (in millions)

HAVA Requirements	Total Cost	Total Federal Funds	HAVA 101	HAVA 252, 257	HAVA 261	State 5% match	Implementation	Operations & Maintenance
Title III Requirements								
A) 301 Voting system requirements	5.20	5.00	1.21	3.79	0	.20	1/2003 to 12/2005	1/2006 indefinitely
B) 303 Computerized statewide voter registration list requirements and requirements for voters who register by mail	12.48	12.00	2.91	9.09	0	.48	1/2003 to 12/2005	1/2006 indefinitely
C) 254(3) Voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of Title III	.82	.79	.29	.50	0	.03	10/2003 to 11/2006	12/2006 indefinitely
Other Election-related Activities								
D) 402 State-based administrative complaint procedures to remedy grievances	1.26	1.21	.28	.93	0	.05	1/2003 to 10/2003	11/2003 indefinitely
E) State Plan, Section 6 Physical access to polling places by disabled voters	.21	.21	.02	0	.19	0	1/2003 to 10/2003	11/2003 indefinitely
F) State Plan, Section 11, Program Management	.82	.79	.29	.50	0	.03	1/2003 to 11/2006	12/2006 indefinitely
TOTALS	20.79	20.00	5.00	14.81	.19	.79		

Note:

1. State's portion of HAVA funding is estimated based on the funding assumptions outlined in Table 6.1. Source for the State's portion of these funds is the Congressional Research Service, *Funds Allocations to States Based on P.L. 107-252: the Help America Vote Act of 2002* (November 15, 2002).

Section 7: Maintaining the State Elections Expenditures

Sec. 254 (a) IN GENERAL - The State plan shall contain a description of each of the following:

(7) How the State, in using the requirements payment, will maintain the expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000.

In State Fiscal Year 2000, New Hampshire conducted one statewide election, the presidential primary. This is a once-every-four-years event; therefore to maintain this effort, the State will expend this level of funding only during each year when a presidential primary is held. New Hampshire conducts a statewide primary and general election which includes Federal offices every two years. During those years New Hampshire anticipates spending more than the amount set forth below to maintain its efforts relative to activities funded by HAVA.

Consistent with HAVA Section 254(a)(7), in using any requirements payment, New Hampshire will maintain expenditures of the State for activities funded by the payment at a level equal to or greater than the level of such expenditures in State FY 2000. In State fiscal year 2000, New Hampshire expended $275,541 for activities that will be, or could be, funded with requirements payments.

• Statewide Database	$0
• Accessibility of the balloting process	0
• Accessibility of the polling place	0
• Election official education	2,200
• Ballots, forms, postage, envelopes, telephone, printing	167,126
• Temporary personnel , benefits and travel	63,515
• Full-time personnel, benefits	30,000
• Election law enforcement	12, 700
TOTAL	$275,541

New Hampshire will expend no less than $ 275,541 in State funds to maintain the State's fiscal year 2000 level of effort during comparable fiscal year periods in each year in which a presidential primary is held.

Section 8: Adopting Performance Goals and Measures

Sec. 254 (a) IN GENERAL - The State plan shall contain a description of each of the following:

(8) How the State will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the State 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.

The Secretary of State and the Attorney General, in collaboration with local election officials, will establish performance goals and will institute a process to measure progress toward the achievement of these goals. The Secretary of State and the Attorney General will develop and monitor a uniform performance evaluation process. The process will include self-monitoring by the cities and towns. The Secretary of State, the Attorney General, and the cities and towns will create a report that will include specific data to disclose each jurisdiction's degree of success with HAVA compliance. The Attorney General will also use these reports to help ensure compliance with State and Federal election laws.

The Secretary of State, the Attorney General and local election officials, as designated by State law, are responsible for ensuring the success in meeting each performance goal and objective. The Moderator, Selectmen, Supervisors of the Checklist and the Town Clerk or the equivalent officials in the cities also have a substantial responsibility for meeting performance goals and objectives. Towns and cities will monitor performance measures and will report to the State on a periodic basis. The performance goals and measurement guidelines will be included in the State's election procedures manual. The process will provide local election officials with measurable goals.

The report will be completed for each election and will be filed with the Secretary of State within a certain number of days after each election. The Secretary of State will compile the data in the reports and create a statewide report on election law compliance and the success of implementation of HAVA. The report will include an indication of whether each town or city met the performance goals and objectives.

The Secretary of State has worked with the local election officials and representatives of other affected groups to establish mission, vision, goals, objectives and measurements for HAVA implementation. The HAVA State Plan Committee and four task forces listed below have held a total of seven meetings and a trade fair displaying accessible voting machines:

- Statewide Centralized Voter Registration Database Task Force
- Disabilities Access and Voting Systems Task Force

- Election Officials Education Task Force
- Voter Education Task Force

Summarized results, supplemented by the Secretary of State, are set forth in the table below.

Performance Goal 1: Voting Accessibility

Improving voting accessibility, as required by HAVA, which shall include accessibility for individuals with disabilities as determined in Title III, Section 301 of HAVA, will be accomplished by the Secretary of State and town and city election officials in two steps once the appropriate funds are available:

1) Development by the Secretary of State of a statewide Request for Proposal (RFP) to provide accessible voting machines, and

2) Distribution of machines and implementation. The measure of success for both elements is the successful acquisition, deployment, and use by voters of accessible voting machines by the 2006 Federal election.

Performance measure 1.a	Compliance of cities and towns using accessible voting machines in the 2006 Federal elections
Timetable	January 1, 2003 to Federal election 2006
Description of the criteria used to measure performance	All 305 New Hampshire polling places will require accessible voting machines in the 2006 Federal elections. Success of meeting the performance goal will be based upon the number of registered voters at polling places using voting accessible machines in the 2006 Federal elections.
Process used to develop the criteria	The Attorney General and the Secretary of State adopted this criteria based on advice from the HAVA State Plan Committee and the Disabilities Access and Voting Systems Task Force.
Description of official to be held responsible for ensuring each performance goal is met	Attorney General; Secretary of State.

Performance Goal 2: Centralized Statewide Voter Registration Database System ("Statewide Database")

The State will have a centralized statewide voter registration database ("Statewide Database") operational by January 1, 2006. The Statewide Database will provide towns and cities with a convenient and efficient means to maintain records on registered voters, conduct purges, and produce election day checklists while providing voters with a uniform and user-friendly voter registration process and deterring voter fraud by detecting duplicates and information inconsistent with motor vehicle records.

Performance measure 2.a	The number of registered voters in towns and cities who are utilizing the Statewide Database over the statewide total number of registered voters.
Timetable	January 1, 2003 to the 2006 Federal Election
Description of the criteria used to measure performance	Participation is measured on the scale of interaction. A town or city that does not participate causes a low performance score. Higher degrees of interaction result in higher scores on performance. Success of the Statewide Database will be dependent upon the successful capture, migration and standardization of voter registration information into the central voter registration database as a percentage of the total number of registered voters statewide.
Process used to develop the criteria	The Attorney General and the Secretary of State adopted this criteria based on advice from the HAVA State Plan Committee and the Statewide Voter Registration Database Task Force.
Description of official to be held responsible for ensuring each performance goal is met	The Secretary of State is responsible for implementing the statewide database and coordinating the efforts of all 318 town, city and ward clerks to meet this performance measure.

Performance Goal 3: Statewide Administrative Complaint Procedure

The Department of Justice will implement a statewide administrative complaint procedure. Working with the moderators, town and city clerks, State election officials, and the Secretary of State, the Department of Justice will define functional requirements, roles and responsibilities of the participants. The measurement of success of the statewide administrative complaint procedure will be the ease of access to the process and the timeliness of complaint resolution.

Performance measure 3.a	With respect to the voter registration of each town or city, the following information will be collected to subjectively measure performance:
	• Number of complaints resolved
	  o Number of complaints resolved in 30 days or less
	  o Number complaints resolved in 60 days
	  o Number of complaints resolved in 90 days
	• Number of complaints unresolved
	• Description of reason complaint was left unresolved

Timetable	December 31, 2003 and biennially thereafter
Description of the criteria used to measure performance	The Attorney General will review the total number of complaints received and resolved. Success of the program may be determined by percentage of resolution of all complaints. A formal complaint process will be set up by the 2004 Federal Election. To measure performance, data will be provided covering the number of complaints received, the number of complaints resolved and the timeframe for resolution of complaints.
Process used to develop the criteria	The Attorney General and the Secretary of State adopted this criteria based on advice from the HAVA State Plan Committee.
Description of official to be held responsible for ensuring each performance goal is met	The Department of Justice is responsible for ensuring each performance goal is met, with the assistance and cooperation of each town or city clerk and local election official.

Performance Goal 4: Physical Accessibility

One of the primary goals of HAVA is to improve accessibility of the voting process. This goal is to monitor and report the level of compliance with the physical accessibility standards.

Performance measure 4.a	Towns and cities will report the number of polling places that are 100 percent accessible pursuant to guidelines in the State election procedures manual. For those polling places that are not in compliance, list the number of registered voters, reason for non-compliance, and the steps taken to bring polling place into compliance.
Timetable	January 1, 2004 to December 31, 2004, biennially thereafter.

Description of the criteria used to measure performance	Moderators will complete an inspection of their polling places and determine the accessibility for each polling place. Accessibility requirements for polling places will be included in the State election procedures manual. It is the duty of selectmen to establish accessible polling places. Success will be measured by compliance with the law on physical accessibility. Cities and towns will describe measures taken to bring inaccessible polling places into compliance.
Process used to develop the criteria	The Attorney General and the Secretary of State adopted this criteria based on advice from the HAVA State Plan Committee and the Disabilities Access and Voting Systems Task Force.
Description of official to be held responsible for ensuring each performance goal is met	Attorney General; Secretary of State; Selectmen.

Performance measure 4.b	The Secretary of State, Attorney General and the Governor's Commission on Disability, using internal staff and trained volunteers, will conduct an inspection of all polling places in New Hampshire on the date of the presidential primary in 2004. Compliance with accessibility laws will be assessed.
Timetable	January 2004
Description of the criteria used to measure performance	Each polling place will be scored for compliance with all applicable accessibility laws. Disability access compliance instruments currently in use by the Governor's Commission on Disability/Attorney General will be used.
Process used to develop the criteria	The Attorney General and the Secretary of State adopted this criteria based on advice from the HAVA State Plan Committee and the Disabilities Access and Voting Systems Task Force.
Description of official to be held responsible for ensuring each performance goal is met	Attorney General; Secretary of State; Selectmen.

Performance Goal 5: Voter Education

Measuring the success of voter education is more complicated than just measuring voter participation. Variables that dictate voter participation range from weather, uncontested races, and controversial ballot measures, causing highly subjective results.

Performance measure 5.a	With respect to the voter registration of each town and city, the following information will be measured by exit polling and direct observation:
	• Number of public service announcements
	• Compliance with the statutory information posting requirements.
	• Number of voter education and voter outreach initiatives, including:
	  o Description
	  o Estimated costs
	  o Participation
	• A comparison of voter turnout in a Federal election with the voter turnout in the immediately preceding four-year cycle

Timetable	January 1, 2004 and biennially thereafter
Description of the criteria used to measure performance	The information will summarize the voter outreach and voter education methods employed by the State and each town and city. The cities and towns, with the cooperation of the State, already provide some voter education. By the 2004 Federal Election, additional steps will be taken to ensure voter knowledge of changes in voter registration and voting caused by this act. These steps will be incorporated into the State election procedures manual. The cities and towns will include details of their efforts in the report they file with the Secretary of State certifying their election results and process. Success will be local compliance with the State election procedures manual sections on voter education.
Process used to develop the criteria	The Attorney General and the Secretary of State adopted this criteria based on advice from the HAVA State Plan Committee and the Voter Education Task Force.
Description of official to be held responsible for ensuring each performance goal is met	The Secretary of State, the town and city clerks and other local election officials are all responsible for ensuring the success of voter education. However, the Secretary of State is responsible for the success of all statewide coordinated efforts for voter education.

Performance Goal 6: Election Official Training

Election official training results in positive experiences and smooth elections for voters and the State of New Hampshire. The performance goal is to measure election official training in respect to HAVA.

Performance measure 6.a	With respect to the voter registration of each town and city, the following information will be collected to measure election official training performance:
	• The percentage of people who are authorized to receive voter register applications who have received training.
	
	• The percentage of people who serve as an election official at a polling place who have received training. .
	  o % trained directly by State trainers
	  o % trained by other local election officials
	  o % trained by other means (video, website interactive, CD rom)

Timetable	December 31, 2003 and biennially thereafter
Description of the criteria used to measure performance	Completion of training. The cities and towns, with the cooperation of the State, already provide some election official training. By the 2004 Federal election, additional steps will be taken to ensure election official knowledge of changes in voter registration and voting as it relates to HAVA.
Process used to develop the criteria	The Attorney General and the Secretary of State adopted this criteria based on advice from the HAVA State Plan Committee and the Election Officials (Poll Workers) Task Force.
Description of official to be held responsible for ensuring each performance goal is met	The Secretary of State is responsible for election official training and reporting, as well as the responsibility of establishing the guidelines, reporting requirements and ultimately the success of this performance measure. Each moderator is responsible for ensuring that all poll workers have adequate training.

Section 9: Administrative Complaint Procedures

Sec. 254 (a) IN GENERAL - The State plan shall contain a description of each of the following:

(9) A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under Section 402.

New Hampshire will modify its existing administrative complaint procedure to comply with HAVA. The Department of Justice will be the agency designated to receive administrative complaints. A 1-800 number and an internet/e-mail address will be established and publicized for individuals to initiate the process of filing an administrative complaint.

Administrative complaints related to future or ongoing conduct, for example denial of registration or voting on election day will be immediately assigned to an Assistant Attorney General or paralegal who will make all reasonable efforts to determine if the complaint is valid and if so to correct the situation prior to the close of the pertinent polling place.

Formal administrative complaints, those received in writing which are properly notarized, will be assigned to an Assistant Attorney General. The Attorney General will appoint a hearing officer to conduct the hearings required by HAVA. Pending legislation authorizes the Attorney General to issue State administrative rules defining the administrative complaint procedure and establishing that the Ballot Law Commission shall serve as the alternative dispute resolution body. If the complaint is not resolved by the Attorney General within the timeframe required by HAVA the complainant will be entitled to bring the matter to the Ballot Law Commission for resolution.

The Attorney General is currently drafting administrative rules and plans to initiate the statutory rule adoption process upon enactment of the pending legislation.

Section 10: How Title I payments will be spent

Effect of Title I Payments
If the State 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. -- HAVA Section 254 (a) (10)

Section 101. Payments to States for activities to improve administration of elections.

New Hampshire is eligible for and has received $5 million under Section 101. These funds will be used for implementation and maintenance for activities to meet the following requirements:

301: Accessible voting machines,	$1,210,000
303: Statewide centralized database system	2,910,000
254(3), 301, 302, 303: Voter education, election official training	290,000
402: Administrative complaint procedure	280,000
Physical accessibility of polling places	20,000
Program management	290,000
Total	$5,000,000

Any activities carried out under the Plan will be aimed at improving the administration of elections for Federal office, and the election process as a whole. Subsequently, all activities undertaken by the Division with Title I monies will comply with the requirements under Title III.

Upon receipt of Title I monies, it is the intent of the Secretary of State to use the funds for one or more of the following:

A. Section 301: Improving, acquiring, leasing, modifying or replacing voting systems and technology and methods for casting and counting votes. Establishing voting system standards.

- Establish management staff to plan, implement and manage the programs required for HAVA compliance.

- The Department of State will undertake studies and analysis and hire consultants as required to prepare a Request for Proposal for the purchase of voting systems accessible to the disabled for each polling place in the State and integrated with existing voting systems.

- The State will induce vendors to develop test sites to permit evaluation.

- Purchase accessible voting machines.

- Educate voters concerning voting procedures, voting rights, and voting technology.

- Train election officials, poll workers, and election volunteers.

- Develop improved training systems with the goals of training more election officials and poll workers close to the election.

- Establish voting system standards consistent with HAVA Section 301.

B. Section 303: Planning, designing the statewide centralized database system

- Conduct studies and analysis, hire consultants as required to prepare for Request for Proposal for statewide centralized database system.

- Establish management staff to plan, implement and manage the programs required for HAVA compliance.

- Engage town and city clerks or supervisors of the checklist to enter and upload data as required for the new system. The process and personnel to be used for data entry will be designed to ensure the accuracy and reliability of the statewide database and will recognize the authority of the supervisors of the checklist to make all final determinations as to entering or deleting any person from the checklist.

- Acquire and implement centralized database system.

- Educate voters concerning voting procedures, voting rights, and voting technology. A preliminary investment is needed to increase voter outreach through voter education, public service announcements. Modifications of the Department of State forms, web site, free-access system and training materials used by voters are necessary to comply with the Act.

- Develop improved training systems with the goals of training more election officials and poll workers close to the election about changes in election law, registration requirements, etc.

- Train election officials, poll workers, and election volunteers.

C. Section 402: Begin planning process and engage legal staff to establish administrative complaint procedures.

- Administrative rules will be drafted to implement an administrative complaint procedure that is compliant with HAVA.

- The draft will be reviewed by the HAVA State Plan Committee.

- The rules will be submitted to the Joint Legislative Committee on Administrative Rules (JLCAR) for revision and approval.

- Upon receipt of JLCAR approval, the administrative rules will be adopted and published.

Section 11: Plan Management

Sec. 254 (a) IN GENERAL - The State plan shall contain a description of each of the following:
(11) How the State will conduct ongoing management of the plan except that the State may not make any material change in the administration of the plan unless the change

- **(A) is developed and published in the Federal Register 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 in the Federal Register in accordance with subparagraph (A).**

The Secretary of State will manage the implementation of the New Hampshire State Plan in the manner described elsewhere in this document. New Hampshire will not make any material changes in the administration of the plan unless the change is adopted in conformance with the requirements for changes set forth in Section 254 (a)(11) of HAVA.

- The Secretary of State shall conduct meetings with the HAVA State Plan Committee and Task Forces as necessary to review standards and assess progress in meeting the goals and objectives of the HAVA State Plan.

- The Secretary of State, with the cooperation of the HAVA State Plan Committee and HAVA Task Forces will comply with HAVA deadlines for submitting HAVA State plans in subsequent years.

- The Secretary of State will comply with State planning requirements for implementing new information technology.

Section 12: How the Plan Reflects Changes from the Previous Year

Sec. 254 (a) IN GENERAL - The State plan shall contain a description of each of the following:
(12) In the case of a State with a State plan in effect under this subtitle during the previous fiscal year, a description of how the plan reflects changes from the State plan for the previous fiscal year and of how the State succeeded in carrying out the State plan for such previous fiscal year.

This State Plan is the State Plan required under the Help America Vote Act of 2002 (HAVA). This section will be updated in the next fiscal year, reflecting changes to the State Plan, as well as a summary of the 2003 successes.

Section 13: Description of the HAVA State Plan Committee

Sec. 254 (a) IN GENERAL - The State plan shall contain a description of each of the following:

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

Pursuant to Section 255 of the Help America Vote Act of 2002, on February 7, 2003, the chief State election official, William M. Gardner, New Hampshire Secretary of State, appointed a citizen advisory committee to help in the development of the State Plan. The citizen advisory committee, named the New Hampshire HAVA State Plan Committee, established four task forces listed below to make recommendations on their assigned subject to the HAVA State Plan Committee:

- Voter Registration Database Task Force
- Disabilities Access and Voting Systems Task Force
- Poll Worker Education Task Force
- Voter Education Task Force

Pursuant to Section 255 of HAVA, the HAVA State Plan Committee and its task forces include the chief State election official, the election officials from the two most populous jurisdictions, other local election officials, stake holders and citizens. Committee and task force membership includes a cross-section of people from throughout New Hampshire, including representation of groups of individuals with disabilities.

On March 6, 2003, the Secretary of State established the website at http://www.nh.gov/sos/HAVA/index.htm as an open forum for public review and comment of the HAVA State Plan Committee meeting agendas, minutes of meetings, and back-up material for the State Plan. This information has been available for public inspection during the duration of time the public meetings were held.

The HAVA State Plan Committee held an organizational meeting on February 7, 2003, in compliance with New Hampshire's Open Meeting Laws RSA 91-A:2, and established the four task forces above. Subsequently, the HAVA State Plan Committee's task forces held six public meetings and voting machines trade fair. The HAVA State Plan Committee met again on May 1, 2003 and June 23, 2003 to review versions of the State Plan.

The State Plan has been posted on the Secretary of State's website and made available for public review and comment for a period of more than 30 days. A statewide press release announced the locations where the State Plan was available for public review and comment. Public

hearings on the State Plan were held on August 19, 2003 in Concord and on August 28, 2003 in North Conway.

New Hampshire State Plan Committee membership list:

MEMBER NAME	
David M. Scanlan, Chair	Deputy Secretary of State
Paul R. Bergeron	Nashua City Clerk
Michael P. Dennehy	Citizen member
Christine Dupre	Candia, Town Clerk, Legislative Committee of NH City and Town Clerks Association
Orville B. (Bud) Fitch II	Department of Justice
Hon. Natalie S. Flanagan	Atkinson, State Representative, House Committee on Election Law
Jay W. Flanders	Senate Majority Policy Director; Past Chair, Durham Supervisors of the Checklist
Gary R. Gilmore	Dover, Supervisor of Checklist
William M. Gardner	Secretary of State (ex-officio member)
Linda S. Jette	Atkinson, Town Clerk, Executive Committee, NH City and Town Clerks Association
Leo R. Bernier (Alternate: Carol A. Johnson, Deputy City Clerk)	Manchester City Clerk
Hon. Lionel W. Johnson	Manchester Ward 4, Selectman, State Representative, Hillsborough – 51, Founder and President, Manchester Black Scholarship Foundation, Past President, Manchester N.A.A.C.P.
Carol A. Nadeau	Governor's Commission on Disability
Anthony B. Stevens	Assistant Secretary of State
Hon. Eric G. Stohl	Columbia, Selectman, State Representative, Coos - House Committee on Municipal and County Government
C. Donald Stritch	Auburn, Moderator; Member, Standards Board of Federal Election Assistance Commission; Past Chair, House Election Law Committee, (ex-officio member)
Sarah H. Swenson	Bow, Supervisor of Checklist, Budget Committee
Peter M. Thomson	Orford, Moderator; Coordinator, Highway Safety Agency

The HAVA State Plan Committee assigned work to four task forces, which held meetings on the dates identified below:

Statewide Voter Registration Database Task Force	February 28, 2003 March 7, 2003
Disabilities Access and Voting Systems Task Force	March 14, 2003 March 28, 2003
Election Official (Poll Worker) Task Force	March 21, 2003
Voter Education Task Force	April 4, 2003

On April 15, 2003, the HAVA State Plan Committee and the Disabilities Access and Voting Systems Task Force hosted a Voting Machines Trade Fair, which featured displays by seven vendors and the New Hampshire Association for the Blind. Attendees included the Governor, and members of the House of Representatives and its leadership, the House Election Law Committee, the Ballot Law Commission, the HAVA State Plan Committee, the Disabilities Access and Voting Systems Task Force, local election officials, and the general public.

APPENDIX A:

Compliance with HAVA Title III Requirements

The following chart provides a point-by-point summary of how New Hampshire will satisfy every requirement in Title III of HAVA.

Requirement	New Hampshire's Status (Meets requirements, Partially meets, Does not meet)	Action planned
SEC. 301. VOTING SYSTEMS STANDARDS		
(a) REQUIREMENTS- Each voting system used in an election for Federal office shall meet the following requirements		
(1) IN GENERAL-		
(A) Except as provided in subparagraph (B), the voting system (including any lever voting system, optical scanning voting system, or direct recording electronic system) shall		
(i) permit the voter to verify (in a private and independent manner) the votes selected by the voter on the ballot before the ballot is cast and counted;	Meets requirement.	Additional voter education and instructions planned. See 301 (a)(1)(B).

Requirement	New Hampshire's Status (Meets requirements, Partially meets, Does not meet)	Action planned
(ii) 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 (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error); and	Meets requirement.	Additional voter education and instructions planned. See 301 (a)(1)(B).
(iii) if the voter selects votes for more than one candidate for a single office-- (I) notify the voter that the voter has selected more than one candidate for a single office on the ballot; (II) notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and (III) provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.	Partially Meets. Non-compliant. Systems identify over-voting. Require poll workers to inform voter of the error. The Systems do not show error to voter directly.	The State will partially meet this requirement through installation of accessible voting machines. The State will require optical scanning systems to reject ballots with over votes.
(B) A State or jurisdiction that uses a paper ballot voting system, a punch card voting system, or a central count voting system (including mail-in absentee ballots and mail-in ballots), may meet the requirements of subparagraph (A)(iii) by		
(i) establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and	Partially meets requirement.	Addition voter education and instructions planned.

Requirement	New Hampshire's Status (Meets requirements, Partially meets, Does not meet)	Action planned
(ii) providing the voter with instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error)	Meets requirement.	Additional voter education planned.
(C) The voting system shall ensure that any notification required under this paragraph preserves the privacy of the voter and the confidentiality of the ballot.	Partially Meets requirement.	Uniform use of privacy envelopes for optical scan envelopes will be required. Additional election official education is planned.
(2) AUDIT CAPACITY-		
(A) IN GENERAL- The voting system shall produce a record with an audit capacity for such system.	Meets requirement.	No action needed.
(B) MANUAL AUDIT CAPACITY-		
(i) The voting system shall produce a permanent paper record with a manual audit capacity for such system.	Meets requirement.	No action needed.
(ii) The voting system shall provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced.	Meets requirement.	No action needed.
(iii) The paper record produced under subparagraph (A) shall be available as an official record for any recount conducted with respect to any election in which the system is used.	Meets requirement.	No action needed.

Requirement	New Hampshire's Status (Meets requirements, Partially meets, Does not meet)	Action planned
(3) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES- The voting system shall-		
(A) 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 (including privacy and independence) as for other voters;	Does not meet. **Optech IIIP** does not meet requirements; requires human assistance. **Accuvote OS ES-2000** does not meet requirements; requires human assistance.	Acquire at least one accessible voting machine, certified to meet applicable standards, per polling place.
(B) satisfy the requirement of subparagraph (A) through the use of at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place; and	Does not meet.	Acquire at least one accessible voting machine, certified to meet applicable standards, per polling place.
(C) if purchased with funds made available under title II on or after January 1, 2007, meet the voting system standards for disability access (as outlined in this paragraph).	N/A	The State plans to be fully compliant prior to January 1, 2007.
(4) ALTERNATIVE LANGUAGE ACCESSIBILITY- The voting system shall provide alternative language accessibility pursuant to the requirements of section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa-1a).	Currently not applicable, no New Hampshire communities are subject to the language requirement.	New Hampshire plans to purchase only disabled accessible voting machines with a foreign language capacity.

Requirement	New Hampshire's Status (Meets requirements, Partially meets, Does not meet)	Action planned
(5) ERROR RATES- The error rate of the voting system in counting ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to an act of the voter) shall comply with the error rate standards established under section 3.2.1 of the voting systems standards issued by the Federal Election Commission which are in effect on the date of the enactment of this Act.	Partially meets. Optech IIIP optical scanners are not certified by NASED. Accu-Vote optical scanners are certified by NASED.	Both Accu-Vote and Optech IIIP should be certified by Federal Elections Assistance Commission.
(6) UNIFORM DEFINITION OF WHAT CONSTITUTES A VOTE- Each State shall adopt uniform and nondiscriminatory standards that define what constitutes a vote and what will be counted as a vote for each category of voting system used in the State.	Partially Meets requirement. New Hampshire statutes and case law define what constitutes a vote. The Election Procedure Manual, "Guidelines in Determining Legal Ballots" summarizes the law, providing guidelines on what constitutes a legal vote.	New Hampshire will expand the Election Manual guidelines for determining voter intent, consistent with State Supreme Court decisions.

Requirement	New Hampshire's Status (Meets requirement, Partially meets, Does not meet)	Action needed
SEC. 302. PROVISIONAL VOTING AND VOTING INFORMATION REQUIREMENTS.		
(a) PROVISIONAL VOTING REQUIREMENTS- If an individual declares that such individual is a registered voter in the jurisdiction in which the individual desires to vote and that the individual is eligible to vote in an election for federal office, but the name of the individual does not appear on the official list of eligible voters for the polling place or an election official asserts that the individual is not eligible to vote, such individual shall be permitted to cast a provisional ballot as follows:		
(1) An election official at the polling place shall notify the individual that the individual may cast a provisional ballot in that election.	New Hampshire is exempt pursuant to HAVA section 302 (a). New Hampshire's election day registration law obviates the need for provisional voting.	No action needed.
(2) The individual shall be permitted to cast a provisional ballot at that polling place upon the execution of a written affirmation by the individual before an election official at the polling place stating that the individual is--	New Hampshire is exempt pursuant to HAVA section 302 (a). New Hampshire's election day registration law obviates the need for provisional voting.	

Requirement	New Hampshire's Status (Meets requirement, Partially meets, Does not meet)	Action needed
(A) a registered voter in the jurisdiction in which the individual desires to vote; and	New Hampshire is exempt pursuant to HAVA section 302 (a). New Hampshire's election day registration law obviates the need for provisional voting.	No action needed.
(B) eligible to vote in that election.	New Hampshire is exempt pursuant to HAVA section 302 (a). New Hampshire's election day registration law obviates the need for provisional voting.	No action needed.
(3) An election official at the polling place shall transmit the ballot cast by the individual or the voter information contained in the written affirmation executed by the individual under paragraph (2) to an appropriate State or local election official for prompt verification under paragraph (4).	New Hampshire is exempt pursuant to HAVA section 302 (a). New Hampshire's election day registration law obviates the need for provisional voting.	No action needed.
(4) If the appropriate State or local election official to whom the ballot or voter information is transmitted under paragraph (3) determines that the individual is eligible under State law to vote, the individual's provisional ballot shall be counted as a vote in that election in accordance with State law.	New Hampshire is exempt pursuant to HAVA section 302 (a). New Hampshire's election day registration law obviates the need for provisional voting.	No action needed.

Requirement	New Hampshire's Status (Meets requirement, Partially meets, Does not meet)	Action needed
(5)(A) At the time that an individual casts a provisional ballot, the appropriate State or local election official shall give the individual written information that states that any individual who casts a provisional ballot will be able to ascertain under the system established under subparagraph (B) whether the vote was counted, and, if the vote was not counted, the reason that the vote was not counted.	New Hampshire is exempt pursuant to HAVA Section 302 (a). New Hampshire's election day registration law obviates the need for provisional voting.	No action needed.
(B) The appropriate State or local election official shall establish a free access system (such as a toll-free telephone number or an Internet website) that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted.	Not applicable.	Refer to (5)(A) above.

Requirement	New Hampshire's Status (Meets requirement, Partially meets, Does not meet)	Action needed
States described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-2(b)) may meet the requirements of this subsection using voter registration procedures established under applicable State law. The appropriate State or local official shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by the free access system established under paragraph (5)(B). Access to information about an individual provisional ballot shall be restricted to the individual who cast the ballot.	Meets requirement. New Hampshire is exempt from NVRA, and therefore has an exemption from the provisional voting requirement.	No action needed. .
(b) VOTING INFORMATION REQUIREMENTS-		
(1) PUBLIC POSTING ON ELECTION DAY- The appropriate State or local election official shall cause voting information to be publicly posted at each polling place on the day of each election for federal office.	New Hampshire law requires posting of State statutes related to purity of elections. Partially meets requirement.	Legislation is pending to amend this statute to include the HAVA requirements for posting Federal laws.
(2) VOTING INFORMATION DEFINED- In this section, the term 'voting information' means--		
(A) a sample version of the ballot that will be used for that election;	Meets requirement.	No action needed

Requirement	New Hampshire's Status (Meets requirement, Partially meets, Does not meet)	Action needed
(B) information regarding the date of the election and the hours during which polling places will be open;	Meets requirement.	No action needed
(C) instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;	Partially Meets. New Hampshire is exempt from the provisional ballot requirement.	The State will enhance the voter instruction card to address over votes.
(D) instructions for mail-in registrants and first-time voters under section 303(b);	Does Not Meet. Information not included in current posting	Legislation is pending to amend the State posting statute to include the HAVA requirements for posting this information.
(E) general information on voting rights under applicable Federal and State laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and	Partially Meets. Need more detail for full compliance	Legislation is pending to amend the State posting statute to include the HAVA requirements for posting this information.
(F) general information on Federal and State laws regarding prohibitions on acts of fraud and misrepresentation.	Partially Meets. Federal statutes not listed on the current purity of elections posters.	Legislation is pending to amend the State posting statute to include the HAVA requirements for posting this information.

Requirement	New Hampshire's Status (Meets requirement, Partially meets, Does not meet)	Action needed
(c) VOTERS WHO VOTE AFTER THE POLLS CLOSE- Any individual who votes in an election for Federal office as a result of a Federal or State court order or any other order extending the time established for closing the polls by a State law in effect 10 days before the date of that election may only vote in that election by casting a provisional ballot under subsection (a). Any such ballot cast under the preceding sentence shall be separated and held apart from other provisional ballots cast by those not affected by the order.	Does not meet.	Under HAVA, these ballots must be kept separate from other provisional ballots. Pending legislation will require: such ballots to be counted, but requires the ballots be marked with the letters ("EH"), indicating a court had ordered "extended hours".

Requirement	New Hampshire's Status (Meets requirements, Partially meets, Does not meet)	Action needed
SEC. 303. COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS AND REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.		
(a) COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS-		
(1) IMPLEMENTATION-		
(A) IN GENERAL- Except as provided in subparagraph (B), each State, acting through the chief State election official, shall implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level that contains the name and registration information of every legally registered voter in the State and assigns a unique identifier to each legally registered voter in the State (in this subsection referred to as the computerized list), and includes the following:	Does Not Meet. No registration data exists in a central database. 236 towns and cities – non-uniform local systems, using different data fields, and many different applications, including paper. Official voter registration records are those maintained at the local level.	The State will meet this requirement upon implementation of the Statewide Database program described above. Pending legislation will establish the necessary statutory authorization.

Requirement	New Hampshire's Status (Meets requirements, Partially meets, Does not meet)	Action needed
(i) The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the State.	Does Not Meet. Official voter registration records are those maintained at the local level. Individual checklists are submitted to State Archives after an election, but no central database is created from such lists. Checklist data is managed locally.	The State will meet this requirement upon implementation of the Statewide Database program described above. Pending legislation will establish the necessary statutory authorization.
(ii) The computerized list contains the name and registration information of every legally registered voter in the State.	Does not meet. New Hampshire currently does not have a database that collects voter registration information at the State level.	The State will meet this requirement upon implementation of the Statewide Database program described above. Pending legislation will establish the necessary statutory authorization
(iii) Under the computerized list, a unique identifier is assigned to each legally registered voter in the State.	Does Not Meet. .	The State will meet this requirement upon implementation of the Statewide Database program described above.

Requirement	New Hampshire's Status (Meets requirements, Partially meets, Does not meet)	Action needed
(iv) The computerized list shall be coordinated with other agency databases within the State.	Does Not Meet. No direct coordinated link with the Department of Motor Vehicles. No direct coordinated link with the Division of Vital Records, although municipal clerks can obtain up-to-date death records on-line, or upon request.	Secretary of State will work with other State agencies to meet this requirement.
(v) Any election official in the State, including any local election official, may obtain immediate electronic access to the information contained in the computerized list.	Does Not Meet.	The State will meet this requirement upon implementation of the Statewide Database program described above.
(vi) All voter registration information obtained by any local election official in the State shall be electronically entered into the computerized list on an expedited basis at the time the information is provided to the local official.	Does Not Meet.	The State will meet this requirement upon implementation of the Statewide Database program described above.
(vii) The chief State election official shall provide such support as may be required so that local election officials are able to enter information as described in clause (vi).	Does Not Meet.	The State will meet this requirement upon implementation of the Statewide Database program described above.

Requirement	New Hampshire's Status (Meets requirements, Partially meets, Does not meet)	Action needed
(viii) The computerized list shall serve as the official voter registration list for the conduct of all elections for Federal office in the State.	Does Not Meet. Official list currently created and maintained at the local level.	The State will meet this requirement upon implementation of the Statewide Database program described above. Pending legislation will establish the necessary statutory authorization.
(B) EXCEPTION- The requirement under subparagraph (A) shall not apply to a State in which, under a State law in effect continuously on and after the date of the enactment of this Act, there is no voter registration requirement for individuals in the State with respect to elections for Federal office.	Not applicable.	
(2) COMPUTERIZED LIST MAINTENANCE-		
(A) IN GENERAL- The appropriate State or local election official shall perform list maintenance with respect to the computerized list on a regular basis as follows:		
(i) If an individual is to be removed from the computerized list, such individual shall be removed in accordance with the provisions of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), including subsections (a)(4), (c)(2), (d), and (e) of section 8 of such Act (42 U.S.C. 1973gg-6).	Not applicable.	No action needed.

Requirement	New Hampshire's Status (Meets requirements, Partially meets, Does not meet)	Action needed
(ii) For purposes of removing names of ineligible voters from the official list of eligible voters-- (I) under section 8(a)(3)(B) of such Act (42 U.S.C. 1973gg-6(a)(3)(B)), the State shall coordinate the computerized list with State agency records on felony status; and (II) by reason of the death of the registrant under section 8(a)(4)(A) of such Act (42 U.S.C. 1973gg-6(a)(4)(A)), the State shall coordinate the computerized list with State agency records on death	Partially Meets. Convictions not periodically sent to local election officials, or methodically processed against voter registration rolls. Death information database sent from Division of Vital Records to municipal clerks upon request.	SOS will work with other State agencies to meet this requirement.
(iii) Notwithstanding the preceding provisions of this subparagraph, if a State is described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-2(b)), that State shall remove the names of ineligible voters from the computerized list in accordance with State law.	Applicable to NH. State law calls for removal of names of ineligible voters at least once every ten years, but permits more "purges" if deemed necessary.	New Hampshire is a state described in 4(b) of the NVRA. New Hampshire's database purges must reflect State law requirements.
(B) CONDUCT- The list maintenance performed under subparagraph (A) shall be conducted in a manner that ensures that--		

Requirement	New Hampshire's Status (Meets requirements, Partially meets, Does not meet)	Action needed
(i) the name of each registered voter appears in the computerized list;	Does not meet. No computerized list.	The State will meet this requirement upon implementation of the Statewide Database program described above.
(ii) only voters who are not registered or who are not eligible to vote are removed from the computerized list; and	Does not meet. No computerized list.	The State will meet this requirement upon implementation of the Statewide Database program described above.
(iii) duplicate names are eliminated from the computerized list.	Does not meet. Data entry methods of names not standardized. Date-of-birth not consistently entered in database field.	The State will meet this requirement upon implementation of the Statewide Database program described above.
(3) TECHNOLOGICAL SECURITY OF COMPUTERIZED LIST- The appropriate State or local official shall provide adequate technological security measures to prevent the unauthorized access to the computerized list established under this section.	Does not meet. Each municipality establishes its own process for administering security	The State will meet this requirement upon implementation of the Statewide Database program described above.

Requirement	New Hampshire's Status (Meets requirements, Partially meets, Does not meet)	Action needed
(4) MINIMUM STANDARD FOR ACCURACY OF STATE VOTER REGISTRATION RECORDS- The State election system shall include provisions to ensure that voter registration records in the State are accurate and are updated regularly, including the following:		
(A) A system of file maintenance that makes a reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters. Under such system, consistent with the National Voter Registration Act of 1993 (42 U.S.C. 1973gg *et seq*.), registrants who have not responded to a notice and who have not voted in 2 consecutive general elections for Federal office shall be removed from the official list of eligible voters, except that no registrant may be removed solely by reason of a failure to vote.	Not applicable.	No action needed.
(B) Safeguards to ensure that eligible voters are not removed in error from the official list of eligible voters.	Meets.	No action needed.
(5) VERIFICATION OF VOTER REGISTRATION INFORMATION-		
(A) REQUIRING PROVISION OF CERTAIN INFORMATION BY APPLICANTS-		

Requirement	New Hampshire's Status (Meets requirements, Partially meets, Does not meet)	Action needed
(i) IN GENERAL- Except as provided in clause (ii), notwithstanding any other provision of law, an application for voter registration for an election for Federal office may not be accepted or processed by a State unless the application includes-- (I) in the case of an applicant who has been issued a current and valid driver's license, the applicant's driver's license number; or (II) in the case of any other applicant (other than an applicant to whom clause (ii) applies), the last 4 digits of the applicant's social security number.	Does Not Meet. No procedures for this currently.	The State will meet this requirement upon implementation of the Statewide Database program described above.

Requirement	New Hampshire's Status (Meets requirements, Partially meets, Does not meet)	Action needed
(ii) SPECIAL RULE FOR APPLICANTS WITHOUT DRIVER'S LICENSE OR SOCIAL SECURITY NUMBER- If an applicant for voter registration for an election for Federal office has not been issued a current and valid driver's license or a social security number, the State shall assign the applicant a number which will serve to identify the applicant for voter registration purposes. To the extent that the State has a computerized list in effect under this subsection and the list assigns unique identifying numbers to registrants, the number assigned under this clause shall be the unique identifying number assigned under the list.	Does Not Meet.	The State will meet this requirement upon implementation of the Statewide Database program described above.
(iii) DETERMINATION OF VALIDITY OF NUMBERS PROVIDED- The State shall determine whether the information provided by an individual is sufficient to meet the requirements of this subparagraph, in accordance with State law.	Does not meet.	Pending legislation establishes that an applicant for registration must provide the information required by this subparagraph .
(B) REQUIREMENTS FOR STATE OFFICIALS-		

Requirement	New Hampshire's Status (Meets requirements, Partially meets, Does not meet)	Action needed
(i) SHARING INFORMATION IN DATABASES- The chief State election official and the official responsible for the State motor vehicle authority of a State shall enter into an agreement to match information in the database of the statewide voter registration system with information in the database of the motor vehicle authority to the extent required to enable each such official to verify the accuracy of the information provided on applications for voter registration.	Does Not Meet.	SOS will work with DMV to meet this requirement.
(ii) AGREEMENTS WITH COMMISSIONER OF SOCIAL SECURITY- The official responsible for the State motor vehicle authority shall enter into an agreement with the Commissioner of Social Security under section 205(r)(8) of the Social Security Act (as added by subparagraph (C)).	Does not meet.	The State will meet this requirement upon implementation of the Statewide Database program described above.
(b) REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL-		
(1) IN GENERAL- Notwithstanding section 6(c) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4(c)) and subject to paragraph (3), a State shall, in a uniform and nondiscriminatory manner, require an individual to meet the requirements of paragraph (2) if--	See below.	
(A) the individual registered to vote in a jurisdiction by mail; and	See below.	

Requirement	New Hampshire's Status (Meets requirements, Partially meets, Does not meet)	Action needed
(B)(i) the individual has not previously voted in an election for Federal office in the State; or	See below.	
(ii) the individual has not previously voted in such an election in the jurisdiction and the jurisdiction is located in a State that does not have a computerized list that complies with the requirements of subsection (a).	See below.	
(2) REQUIREMENTS-	See below.	
(A) IN GENERAL- An individual meets the requirements of this paragraph if the individual--	See below.	
(i) in the case of an individual who votes in person-- (I) presents to the appropriate State or local election official a current and valid photo identification; or (II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter;	Partially meets. Current voter registration and polling place voter identification procedures are established by the supervisors of the checklist in each town and city, most require proof of identity, age, citizenship and domicile.	The State will meet this requirement upon implementation of the Statewide Database program described above.

Requirement	New Hampshire's Status (Meets requirements, Partially meets, Does not meet)	Action needed
(ii) in the case of an individual who votes by mail, submits with the ballot-- (I) a copy of a current and valid photo identification; or (II) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.	Partially meets. Current voter registration and absentee voting procedures require an affidavit that these proofs would be provided were the voter to vote in person.	The State will meet this requirement upon implementation of the Statewide Database program described above.
(B) FAIL-SAFE VOTING-		
(i) IN PERSON- An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 302(a).	Not applicable. As an Election Day registration state, NH is exempt from 302(a). Provisional ballot not applicable; person may follow existing Election Day registration procedure.	An applicant for election day registration may register and vote without proofs required by (A)(i) provided they swear to required affidavit(s).
(ii) BY MAIL- An individual who desires to vote by mail but who does not meet the requirements of subparagraph (A)(ii) may cast such a ballot by mail and the ballot shall be counted as a provisional ballot in accordance with section 302(a).	Not applicable. As an Election Day registration state, NH is exempt from 302(a). Provisional balloting not applicable.	Under proposed legislation, this will result in a challenged ballot cast but not counted, unless a court determines ballot shall be counted.
(3) INAPPLICABILITY- Paragraph (1) shall not apply in the case of a person--		

Requirement	New Hampshire's Status (Meets requirements, Partially meets, Does not meet)	Action needed
(A) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) and submits as part of such registration either--		
(i) a copy of a current and valid photo identification; or	Not applicable, because New Hampshire is exempt from the NVRA.	No action needed.
(ii) a copy of a current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter;	Not applicable, because New Hampshire is exempt from the NVRA.	No action needed.
(B)(i) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) and submits with such registration either-- (I) a driver's license number; or (II) at least the last 4 digits of the individual's social security number; and	Does Not Meet. Voter registration forms and procedures are being updated to collect the appropriate numbers.	The State will meet this requirement upon implementation of the Statewide Database program described above.
(ii) with respect to whom a State or local election official matches the information submitted under clause (i) with an existing State identification record bearing the same number, name and date of birth as provided in such registration; or	Does Not Meet. Voter registration forms and procedures being updated to require the matching of records.	The State will meet this requirement upon implementation of the Statewide Database program described above.
(C) who is--		

Requirement	New Hampshire's Status (Meets requirements, Partially meets, Does not meet)	Action needed
(i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);	Partially meets, New Hampshire law exempts UOCAVA voters who are qualified voters from certain pre-registration requirements.	No action needed.
(ii) provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)); or	Partially meets, current law allows a qualified absentee voter to register if they attest that if they registered in person they would produce the referenced proofs.	New Hampshire requires that every polling place be accessible, therefore, the referenced exemption is never utilized.
(iii) entitled to vote otherwise than in person under any other Federal law.	N/A	The State procedure will recognize this exemption.
(4) CONTENTS OF MAIL-IN REGISTRATION FORM-		
(A) IN GENERAL- The mail voter registration form developed under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) shall include the following:		
(i) The question `Are you a citizen of the United States of America?' and boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.	N/A New Hampshire is exempt from the NVRA.	No action planned.

Requirement	New Hampshire's Status (Meets requirements, Partially meets, Does not meet)	Action needed
(ii) The question 'Will you be 18 years of age on or before Election Day?' and boxes for the applicant to check to indicate whether or not the applicant will be 18 years of age or older on Election Day.	N/A	No action planned.
(iii) The statement 'If you checked 'no' in response to either of these questions, do not complete this form.'	N/A	No action planned.
(iv) A statement informing the individual that if the form is submitted by mail and the individual is registering for the first time, the appropriate information required under this section must be submitted with the mail-in registration form in order to avoid the additional identification requirements upon voting for the first time.	N/A	No action planned.
(B) INCOMPLETE FORMS- If an applicant for voter registration fails to answer the question included on the mail voter registration form pursuant to subparagraph (A)(i), the registrar shall notify the applicant of the failure and provide the applicant with an opportunity to complete the form in a timely manner to allow for the completion of the registration form prior to the next election for Federal office (subject to State law).	N/A.	No action planned.