

# **Advocates' Guide to the Help America Vote Act of 2002**

The "Help America Vote Act of 2002" (HAVA) impacts every part of the voting process, from voting machines to provisional ballots, from voter registration to poll worker training. Election officials, legislators, and advocates in each state are responsible for making HAVA work properly to insure the most inclusive, timely implementation possible.

Under HAVA, states must meet new federal requirements, including provisional ballots, statewide computerized voter lists, "second chance" voting, and disability access. States will receive federal funds for these purposes and to improve the administration of elections. To be eligible for grants, each state must design a plan, pass enabling legislation this year, and appropriate a small amount of state funds. Each state must develop its implementation plan through a process that includes citizen participation and a public review.

## **1. Make the process as inclusive as possible.**

- Request seats for advocates and citizens on the state planning committee, as required by law.
- Monitor the committee's progress and submit comments during the required 30-day public review period.
- Work with the legislature to ensure enactment of required reforms.

## **2. Reform the voting process at the polling place.**

- Set up a statewide provisional ballot system by January 1, 2004, so that every eligible voter who goes to a polling place can cast a ballot.
- Provide for counting any provisional ballot cast for an office for which the voter is eligible to vote. (For example, count a vote for Congress if the voter lives in the district, even if a vote for local office is not counted because the voter is in the "wrong" precinct for the local office.)
- For voters whose provisional ballots are not counted, the provisional ballot should function as a voter registration form.
- Provide for "second chance" voting so that the voting system notifies the voter of a possible error, allows the voter to verify his or her vote, and provides an opportunity to correct any error (including issuance of a replacement ballot).
- Require a statewide training guide for election officials and poll workers to ensure uniform and nondiscriminatory treatment of voters throughout the state and in each polling place.

## **3. Develop a statewide, centralized, electronic list of all eligible voters.**

- Create electronic links between the statewide voter list and databases maintained by the DMV, Medicaid offices, poverty agencies, and disability organizations.
- Use databases, such as the DMV, to supply missing information and correct any errors on voter registration applications.
- Make the entire statewide list available to all local election officials on election day, preferably through an on-line laptop computer at the polling place.
- Ensure uniform, statewide standards and practices for accepting, processing, and correcting voter registrations and notifying voters.
- Before purging registration lists, voters must be notified and provided opportunities to make corrections, just as under the National Voter Registration Act (NVRA).

#### **4. Ensure that ID requirements are fair and nondiscriminatory.**

- Oppose efforts by state legislatures or election officials to distort the federal law by requiring *all* voters to show ID at the polls instead of just first-time voters who register by mail.
- When voters must show ID, acceptable ID should include student ID, EBT cards, Section 8 rent statements, Medicare/Medicaid cards and other similar documents
- Notify voters in time for them to correct voter registration problems.
- Require a statewide training guide for election officials and poll workers to ensure uniform and nondiscriminatory treatment of voters in carrying out ID requirements.
- Set up a state complaint procedure for alleged violations of election laws, including those on election day.

#### **5. Ensure accessible voting.**

- Define and set deadlines for polling site and voting accessibility for people with disabilities.
- Provide at least one voting machine per polling place for private and independent voting by persons with disabilities.
- Ensure that the state, counties and municipalities agree to a “maintenance of effort” in funding election administration.
- Carefully examine whether to buy new voting machines now. Other needs may be more pressing and costs and designs may improve.

#### **6. Attract new voters and broaden participation.**

- Offer voluntary permanent absentee ballots that are automatically sent to any voter who requests one, for any reason.
- Post a Voter’s Bill of Rights at every polling place, mail it to voters, and publish it in local newspapers prior to an election.
- Enact election day registration (EDR) to increase turnout and reduce the need for provisional ballots.
- Educate citizens with felony convictions about their voting rights and procedures by which these rights may be restored.

### **Resources for State Advocates**

For the full text of the new law, and a detailed, step-by-step guide compiled by the Leadership Conference on Civil Rights, visit the Demos website for HAVA advocates below.

Organized under the umbrella of the Leadership Conference on Civil Rights, a diverse coalition of national organizations worked to pass federal requirements and opposed efforts to include potentially disenfranchising provisions. We recommend you replicate this coalition of civil rights, disability rights, and pro-democracy advocates in your state. For a list of these national groups, visit the LCCR at [http://www.civilrights.org/about/lccr/coalition\\_members/](http://www.civilrights.org/about/lccr/coalition_members/)

Online Resources: American Association of People with Disabilities: [www.aapd.com](http://www.aapd.com)  
Demos website for HAVA advocates: [www.demos-usa.org/HAVA](http://www.demos-usa.org/HAVA)  
Leadership Conference on Civil Rights: [www.civilrights.org](http://www.civilrights.org)  
League of Women Voters: [www.lwv.org](http://www.lwv.org)