

State of Oklahoma Plan
for the Implementation of the
Help America Vote Act of 2002

Final Report on HAVA Implementation
July, 2013

SEC. 254. STATE PLAN. (42 USC 15404)

(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, and, if applicable under section 251(a)(2), to carry out other activities to improve the administration of elections.**

Implementation of provisional voting. [Sec. 302(a)]

Provisional voting was implemented for federal elections in 2004, and expanded by state law to all elections conducted by the County Election Boards on July 1, 2005.

Implementation of voter identification requirements. [Sec. 303(b)(2)]

Voter identification requirements set forth in HAVA were implemented for federal elections in 2004. State law in effect since 2005 echoed the HAVA requirements, stating that identification was required for first time voters in federal elections.

However, State Question 746, a legislative referendum of a voter identification bill, appeared on the ballot on November 2, 2010, and was approved by a wide margin (74.34%). The law enacted by the approval of State Question 746 requires all voters in all elections to show either a form of photographic identification issued by the state or the federal government or by a tribal government or the voter identification card issued by the County Election Board. Persons voting in person either during early voting or at a precinct polling place on election day who do not have identification that meets the requirements of the law may vote by provisional ballot. The law does not apply to voters who receive and cast absentee ballots by mail since most absentee ballots in Oklahoma are either notarized or witnessed. Among absentee voters in Oklahoma, only voters covered by the UOCAVA are exempted from notarization and/or witnessing requirements.

Coordination of state databases. [Sec. 303(a)]

Since January, 2006, the State Election Board has been sending voter registration data to the Oklahoma Department of Public Safety (DPS) each month to be matched against driver license records. We transmit all new records that have been submitted by mail and that have been entered in the system since the last transmission.

All records for which there is no match with DPS records and that have the last four digits of the Social Security number are submitted to the Social Security Administration for additional matching.

Upgrades for state voter registration database. [Sec. 303(a)]

The state voter registration database, a key component of the Oklahoma Election Management System, was upgraded in 2006 to meet fully the HAVA requirements. Currently, there are two voter registration database applications in use – the Voter Registration Inquiry System (VRIS), which is available to all 77 County Election Boards on a State Election Board website requiring registration of usernames and passwords for access, and the Modern Election Support Application (MESA), which represents a new generation of the OEMS system.

As part of the implementation of VRIS, the State Election Board assisted County Election Boards in the acquisition of computers and internet access. A total of \$850,000 was allocated to reimburse counties for the purchase of computer hardware and software, for internet access and e-mail service, and for the installation and/or maintenance of computer hardware and software.

The first County Election Board module of the MESA software system was implemented in 2008. It provided voter look-up functions, the ability to generate and print Precinct Registries, and the ability to give voters credit for voting after elections. Early in 2009, voter registration application data entry was added to the available MESA functions. All remaining voter registration functions, including absentee ballot processing, were implemented in MESA in May, 2011.

Polling place technology enhancements. [Sec. 301]

The Inspire Vote-by-Phone system was used in federal elections from 2006 through 2010 to meet the disability access requirements of HAVA.

In January, 2011, the State Election Board signed a contract with Hart InterCivic, Inc. to purchase the eScan A/T voting system, consisting of precinct-based optical scan voting devices with an integrated audio tactile interface (ATI) device that enables physically disabled voters, including visually disabled voters, to vote an audio ballot privately and independently. The eScan A/T system has been used successfully in all elections conducted in Oklahoma since February 14, 2012.

Design and/or evaluation of new voting device system.

The State Election Board acquired the services of consultant Keith Long in May, 2010, to develop and issue an RFP for a new voting device system. The RFP was issued on September 14, 2010. A contract was awarded to Hart InterCivic, Inc., on January 7, 2011.

Support for newly created federal agencies.

No changes.

Improved process for uniformed services and overseas voters. [Title VII, UOCAVA, and MOVE Act]

The Oklahoma Legislature passed Senate Bill 115 in 2011 to implement the Uniform Military and Overseas Voters Act (UMOVA). Oklahoma was one of the first states to adopt the uniform law. Also in 2011, House Bill 1615 (known as the Let the Troops Vote Act) was passed and signed into law to expand the Oklahoma election calendar. It moved the candidate filing period to mid-April and the Primary Election to the last Tuesday in June, ensuring that absentee ballots can be prepared and issued to voters covered by the UOCAVA not less than 45 days preceding the Primary, Runoff Primary, and General Elections in even-numbered years.

On July 11, 2013, the State Election Board issued an RFP for an on-line ballot delivery and tracking system for use by voters covered by the UOCAVA. We anticipate that the system will be in place for all elections in Oklahoma on and after January 1, 2014.

Improved process for disabled voters. [Sec. 301(a)(3)]

As noted above, the telephone voting system was used for federal elections from 2006 through 2010.

In 2012, Oklahoma implemented the Hart InterCivic eScan A/T voting system, an optical scan device with an integrated audio tactile interface (ATI) device that enables a physically disabled voter, including a visually disabled voter, to cast an audio ballot independently and privately.

Improved process for language minority voters. [Sec. 301(a)(4)]

The telephone voting system used in 2006, 2008, and 2010 included Spanish-language audio ballots for the two counties covered at the time by the minority language provisions of the Voting Rights Act. Printed Spanish-language ballots also were available in the covered counties.

Oklahoma's new voting device system includes features to accommodate other languages both with printed ballots and the audio ballot.

Currently, no Oklahoma counties are required to provide ballots and other election materials in any language other than English.

Improvement in voter outreach programs.

Prior to the start of the 2012 election "season" in Oklahoma, we conducted a "Best

of Oklahoma" mock election. Using a "famous Oklahoma name" ballot, each county made the new voting system available to interested persons for several days in December, 2011, or in January, 2012, to demonstrate the functions of both the new optical scan voting device and of the integrated ATI. Throughout 2012, and continuing in 2013, State Election Board staff members have demonstrated the ATI device to organizations representing a range of disabled voters.

Study of implementation of all-mail elections in Oklahoma.

Although the study contemplated in the original State Plan was never developed, the concept of all-mail elections, especially for special elections by towns, cities, and school districts remains a matter of interest and may be pursued in the future.

Precinct Official training.

Precinct Official training is an ongoing enterprise for Oklahoma election officials. Precinct Official training for the 2012 election cycle began in the fall of 2011 to prepare Precinct Officials to use the new Hart InterCivic eScan A/T voting devices beginning with the Annual School Elections on February 14, 2012. All Precinct Officials were required to participate in a training program consisting of two parts – a classroom presentation followed by hands-on practice as part of the mock election process in December, 2011, (in Oklahoma and Tulsa Counties), or in January, 2012, (in the other 75 counties).

Additional training for Precinct Inspectors was provided prior to the June 26, 2012, Primary Election. Mandatory "refresher" training was provided for all Precinct Officials in counties holding elections on August 28, 2012, the date of the Runoff Primary Election, and prior to the General Election for all Precinct Officials in counties that did not hold elections in August. The "refresher" sessions were successful and reduced the number of Precinct Official errors both with the new devices and with routine procedures. The Secretary of the State Election Board is considering mandating such refresher training again prior to the General Election in 2014.

- (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).**

- (A) Since July 1, 1989, the Secretary of the State Election Board has been the only official authorized by law (Title 26 O.S., Section 21-101) to purchase election equipment in Oklahoma. Therefore, the funds available from HAVA were retained by the State Election Board to be spent on a new voting device system that includes an integrated disability-access component.

The new system has been allocated to the County Election Boards in a manner similar to the one in place since 1992, with at least one unit per precinct per county. Each county has a small supply of extra devices and a few counties house additional extra devices for distribution to other counties in case of emergency.

- (B) The Secretary of the State Election Board continues to monitor the performance of the 77 County Election Boards and the performance of the new system by the same methods described in this section of the original State Plan (August 18, 2003).

- (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.**

No substantial changes from the statement in the original State Plan.

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

No substantial changes from the statement in the original State Plan.

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

In 2003, two funds were created by law in the State Treasury. These funds, the "State Election Board Election System Revolving Fund" and the "State Election Board Help America Vote Act Revolving Fund" are used for the receipt and expenditure of HAVA funds.

These two funds are subject to procedures of the Oklahoma State Treasurer's office and of the Oklahoma Office of Management and Enterprise Services. They also are subject to audit by the office of the State Auditor and Inspector. The

funds are managed by the State Election Board personnel responsible for managing the agency's other financial resources.

- (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.**

Title I funds received: \$5,000,000

Title I funds spent: \$4,903,733.80 through September 30, 2012

- 2003 Provisional voting and voter identification
- 2004 Provisional voting and voter identification, Precinct Official training, payments to Provisional Voting Officers in polling places
- 2005 Software development for voter registration database upgrade and Precinct Official training
- 2006 Software development for voter registration database upgrade and Precinct Official training
- 2007 Maintenance and upgrade of voter registration database
- 2008 Development of software upgrade for voter registration processing functions
- 2009 Maintenance and upgrade of voter registration database and training for county personnel on use of upgrades
- 2010 Development of software upgrade for remaining voter registration processing functions, including absentee processing and street guide, as well as training for county personnel on use of the upgrades.
- 2011 Development of software upgrade and implementation to interface with new voting system affecting the candidate filing, absentee ballot processing, and election preparation functions in MESA.

2012 Development of additional software upgrade and implementation to interface with new voting system hardware and software, election results reporting, and design of election official management and election accounting functions in MESA.

Title II funds (Section 251) received: \$30,200,723

Title II funds (Section 251) spent: \$20,495,754.31 through September 30, 2012

2/17/05 — 9/30/05 0

10/1/05 — 9/30/06 \$1,574,588.25

IVS telephone voting system, reimbursements to counties for telephone equipment and service, and training; hardware for voter registration database upgrade; software for database upgrade; reimbursement to Oklahoma Department of Public Safety (DPS) for database coordination

10/1/06 — 9/30/07 \$948,113.91

IVS telephone voting system, reimbursements to counties for telephone equipment and service, and training for telephone voting system; reimbursement to counties for computer hardware and software; website development for voter registration database upgrade; reimbursement to DPS for database coordination

10/1/07 — 9/30/08 \$581,759.24

IVS telephone voting system (annual maintenance fee plus three elections); hardware and software for voter registration processing system upgrade

10/1/08 — 9/30/09 \$772,041.68

IVS telephone voting system (one election); reimbursement to counties for telephone equipment and service; reimbursement to counties for computer hardware and software; hardware, software, and licenses for database upgrade; reimbursement to Department of Public Safety for records matching

10/1/09 – 9/30/10 \$1,207,757.92

IVS telephone voting system (two elections in 2010); hardware, software, and licenses for database maintenance; reimbursement to Department of Public Safety for records matching; reimbursements to counties for computer hardware and software; reimbursements to counties for telephone equipment and service; development of RFP for HAVA-compliant voting system and review of subsequent proposals

10/1/10 – 9/30/11 \$3,082,944.98

IVS telephone voting system (General Election in 2010); selection of vendor for HAVA-compliant voting device system; ongoing hardware, software and licenses for database management; initial payments for voting system hardware; acceptance testing of voting system; reimbursement to counties for computer hardware and software; reimbursement to counties for telephone equipment and service; development of training for State Election Board staff, County Election Board personnel, and Precinct Officials for new voting system

10/1/11 – 9/30/12 \$12,328,548.33

County Election Board staff training for use of new voting system hardware and software; Precinct Official training for 2012 election cycle, including use of new voting devices; development and implementation of election certification and election results reporting functions in MESA; payments for voting system hardware and software; project management for installation of voting system; delivery of voting equipment to counties and removal of old equipment; installation and support of VPN for results reporting; servers and related hardware for use with voting system

Title II funds (Section 261) received: \$950,307

Title II funds (Section 261) spent:\$357,535.05 through September 30, 2012

The State Election Board staff created a list of products that could be used to improve polling place accessibility. The list included such items as signs, portable ramps, portable mats, doorknob adaptors, accessible voting booths, accessories to make voting booths accessible, and other products that can be moved from one polling place to another as needed. Each County Election Board was provided with a budget based on the number of precincts in the county and was asked to order items from the list. Using the state competitive bid process, the State Election Board purchased the requested items and provided them to the County Election Boards. The State Election Board also purchased and distributed to each County Election Board a large quantity of signature guides. The State Election Board worked with the state Office of Disability Concerns and several disability organizations to produce a videotape concerning polling place accessibility and sensitivity to persons with a full range of disabilities. The video was distributed to all County Election Boards for use in Precinct Official training. Also, the State Election Board purchased buttons with the wheelchair logo and the words "Please ask me for assistance" for Precinct Officials to wear on election day. The State Election Board worked with the state Library for the Blind to have voter information materials recorded on audiotape cassettes and compact discs.

Prior to the 2008 election cycle, the State Election Board contracted with the University of Oklahoma to develop an online training program on the use of the telephone voting system. The online training program contained modules for County Election Board staff and one for Precinct Officials. The on-line training was used again in 2010.

The State Election Board launched an upgraded website in 2010. Additional information and features for voters with disabilities are available at www.elections.ok.gov.

The State Election Board also purchases and distributes to the 77 County Election Boards disposable covers for the headphones used by voters utilizing the ATI controller for the audio ballot.

Future expenditures of Title I and Title II (Section 251 and Section 261) funds

Most Title I and Title II (Section 251) funds were applied to the purchase of the new voting device system and for MESA software upgrades in the areas of election programming, election results reporting, and election accounting.

Remaining funds will be applied to further compliance with the requirements of the MOVE Act and other projects yet to be identified.

- (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.**

No change.

- (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.**

No change.

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

No change.

- (10) 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.**

No change.

- (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).**

No change.

- (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.**

The original state plan and the previously published updates were reviewed by State Election Board staff and this document was developed to identify areas in which specific tasks have been completed or in which progress has occurred, and those in which no action has yet been taken. This state plan update includes details of funds received and funds spent (see item 6).

- (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.**

The development of the State Plan was described in this section of the original plan (August 18, 2003). This document represents only a review of and progress report on implementation of the plan and the only changes to the original plan are those relating to the purchase and implementation of the HAVA-compliant voting device system and initial implementation of the MOVE Act.

The State Plan Advisory Committee last met on June 3, 2003.

The Local Election Professionals Working Committee has not met since October 24, 2005.

(14) How the State will comply with the provisions and requirements of and amendments made by the Military and Overseas Voter Empowerment Act.

State law, as well as the federal MOVE Act, requires Oklahoma election officials to accept applications for absentee ballots by electronic mail from uniformed services and overseas voters, and also to transmit blank absentee ballots and balloting materials to these voters by electronic mail. The Secretary adopted emergency rules late in 2009 which became effective January 1, 2010, to implement these requirements. The emergency rules were superseded by permanent rules on June 1, 2010.

The State Election Board staff prepared and published a document entitled *E-mailing and Faxing Absentee Ballots Kit*, which contains instructions for County Election Board personnel to use to prepare and transmit absentee ballots and balloting materials to UOCAVA voters by e-mail and by fax.

In 2010, the State Election Board received PDF files of all state absentee ballot styles for the Primary, Runoff Primary, and General Elections, and transmitted those PDF files to the appropriate County Election Boards. These PDFs were used by County Election Board personnel to fulfill requests from UOCAVA voters for absentee ballots to be e-mailed.

Also in 2010, in order to comply with the 45-day deadline for mailing absentee ballots to UOCAVA voters for the General Election, the State Election Board ensured that all state absentee ballots, which include candidates for United States Senate and United States Representative, were printed and shipped to the County Election Boards in time for ballots to be received, proofed, and tested, and for packets to be prepared and mailed to UOCAVA voters by the end of business on Friday, September 17, 2010. All 77 County Election Board Secretaries met this deadline for the General Election.

In 2011, a bill popularly known as the Let the Troops Vote Act was passed by the Oklahoma Legislature and signed into law by the Governor. Key among the bill's provisions were those that changed the dates of Oklahoma's candidate filing period for federal, state, and county offices to mid-April and the date of the Primary Election to the last Tuesday in June in even-numbered years. This provided enough additional time between election events to allow absentee ballots to be printed, shipped to County Election Boards, and for ballots to be mailed, e-mailed, or faxed to all voters covered by the UOCAVA not less than 45 days prior to the election.

In 2012, the 45-day deadline was met for the Presidential Preferential Primary Election on March 6, for the Primary Election on June 26, for the Runoff Primary Election on August 28, and for the General Election on November 6. In addition to providing ballots for federal, state, and county offices, ballots for special elections held on those dates also were available for all elections beginning with the June 26 Primary Election.

One of the State Election Board's highest priorities for the 2014 elections is to provide a more robust solution for voters covered by the UOCAVA to apply for, receive, and track their absentee ballots. The State Election Board released an RFP for an online ballot delivery and tracking system to be used by UOCAVA voters on July 11, 2013. Proposals are due August 22, 2013, with a goal of awarding a contract by October 1, 2013, and implementing the system for all elections held after January 1, 2014.