

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

2008 Report on Progress of HAVA Implementation

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 echoes the HAVA requirements, stating that identification is required only for first time voters in federal elections. Bills have been introduced in the Oklahoma Legislature every year since 2005 that would require voter identification for all voters, but none of these bills have yet made it to the Governor's desk.

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 Modern Election Support Application (MESA), which is used only by the State Election Board staff, and the Voter Registration Inquiry System (VRIS),

which is available to all 77 County Election Boards on the internet. The full state voter registration database is available on a State Election Board website that requires County Election Board users to register usernames and passwords in order to gain access.

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.

Polling place technology enhancements. [Sec. 301]

The Inspire Vote-by-Phone system was used in federal elections in 2006 and will be used again in 2008 to meet the disability access requirements of HAVA.

Design and/or evaluation of new voting device system.

State Election Board staff members continue to examine and evaluate the offerings of several voting system vendors, but to date none have produced the system we want. Oklahoma is committed to optical scan technology and hopes for a new optical scan device that would also accommodate disability access requirements in a single piece of equipment. Several vendors are working toward that goal, and we expect to purchase a system in 2009.

Support for newly created federal agencies.

No changes have been made in this area.

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

No changes have been made in existing services for uniformed and overseas voters since 2005.

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

As noted above, the telephone voting system was used for federal elections in 2006 and will be used again in 2008. We intend to have a new optical scan voting device system which will accommodate the disability access requirements of HAVA in place by the state Primary Election in July, 2010.

New funds available in FY2008 will be applied to the purchase of the disability access component of the voting device system expected to be acquired in 2009 for implementation in 2010.

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

The telephone voting system includes Spanish-language audio ballots for the two counties currently covered by the minority language provisions of the Voting Rights Act. Printed Spanish-language ballots are also available in these counties.

Improvement in voter outreach programs.

No progress has been made in expanding the existing voter outreach efforts. We anticipate an extensive voter education program in connection with the implementation of new voting equipment in the 2010 elections.

Study of implementation of all-mail elections in Oklahoma.

No progress has been made toward launching a study of all-mail elections in Oklahoma.

Precinct Official training.

Precinct Official training is an ongoing enterprise for Oklahoma election officials. Precinct Official training for the 2008 election cycle began in November, 2007, and will continue as needed throughout the year. All counties conducted training for Precinct Officials who worked in the February 5, 2008, Presidential Preferential Primary Election prior to that election. Training for the 2008 election cycle included emphasis on provisional voting, voter identification, and the telephone voting system.

(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 new funds available in FY2008 will be retained by the State Election Board to be spent on the new voting device system to be purchased in 2009 for implementation in elections in 2010. The new FY2008 funds will be applied to the purchase of the disability access component of the new system.

The new system, once purchased, will be 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 will have a small supply of extra devices and a few counties will likely house additional extra devices for distribution to other counties in case of emergency.

(B) The Secretary of the State Election Board will 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.

A comprehensive program for voter education, for County Election Board official education and training, and for Precinct Official training will be developed by State Election Board staff in cooperation with the vendor of the new voting device system expected to be selected and purchased in 2009. No progress can be reported in this area until the new system is selected.

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

The Secretary of the State Election Board is the only official in Oklahoma authorized by law (Title 26 O.S., Section 21-101) to purchase election equipment. The Secretary is committed to optical scan technology and is currently searching for a system that provides appropriate access to disabled voters as described in Section 201 of HAVA. The Secretary will only purchase a voting device system that complies with all requirements of HAVA and that has been tested and certified by the appropriate authorities. Further, the Secretary intends to purchase a system that has a proven record of accuracy and reliability in use in elections.

Following the expected selection and purchase of the voting device system in 2009, the Secretary will promulgate administrative rules as provided in the Oklahoma Administrative Procedures Act (Title 75 O.S., Section 250 et seq) to govern the use of the new system in all elections conducted by County Election Boards in Oklahoma.

(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, including the new FY2008 funds.

These two funds are subject to procedures of the Oklahoma State Treasurer's

office and of the Office of State Finance. 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: \$1,014,940.85 through December 31, 2007

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

Projected Title I expenditures in 2008: \$260,000 (estimated)

2008 Development of software upgrade for voter registration processing functions

Title II funds (Section 251) received: \$27,659,638

Title II funds (Section 251) spent: \$2,522,702.16 through September 30, 2007

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 \$1,437,288 (estimated)

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 \$341,822 (estimated)

IVS telephone voting system (one election)

Title II funds (Section 261) received: \$694,706

Title II funds (Section 261) spent: \$265,441.15 through September 30, 2007

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 in time for the General Election in 2006. 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 in 2006. 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.

In 2007, 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.

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

The State Election Board anticipates applying most of the remaining Title I and Title II (Section 251) funds for the purchase of the new voting device system and for further software upgrades in the areas of election accounting and election programming. After a voting device system is selected, a budget for its acquisition and implementation will be prepared. The State Election Board anticipates that the voting device system will be selected and purchased in 2009.

(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 the plan and contains no changes to the original plan. The State Plan Advisory Committee has not met since the prior review and progress report was made in 2005.

Since the last State Plan update was published in 2005, a new Secretary has been appointed in Tulsa County. Patricia Brown Bryant is now the Secretary of the Tulsa County Election Board and will sit on the State Plan Advisory Committee in the event it is reconvened.

Also former State Representative Opio Toure, a member of the original State Plan Advisory Committee, died early in 2008. The vacancy left by his death will be filled if and when it becomes necessary for the Advisory Committee to reconvene.

The Local Election Professionals Working Committee has not met since October 24, 2005. One member of this committee, Jason Rousselot left the Wagoner County Election Board at the conclusion of his term on April 30, 2007. His position on the committee has not been filled.