

Ms. Ann McGeehan
Director
Elections Division
Office of the Texas Secretary of State
208 East 10th Street
Rusk Building, Third Floor
Austin, Texas 78701

April 25, 2003

Dear Ms. McGeehan,

Attached are comments to the draft State Plan for implementation of the Help America Vote Act (HAVA). Texas Appleseed and the Southwest Voter Registration Education Project jointly submit these comments. They reflect our mutual concern that voter education be given adequate regard in the HAVA planning process.

We appreciate the efforts of your office in making the HAVA State Plan development process as open as possible. We are committed to improving the elections process in Texas and look forward to continued work with your office and the Advisory Committee as Texas moves towards finalizing a State Plan.

Sincerely,

Annette LoVoi
Executive Director

Southwest Voter Registration Education Project and Texas Appleseed
Comments on the
Texas State Plan Draft for HAVA Implementation

April 25, 2003

1. Under question 2, on page 2, the plan specifies that county funding patterns must be consistent with funding as of February 20, 2003. HAVA requires that funding be consistent with expenditures as of the fiscal year preceding November 2000, as specified in Sec. 254 (a)(7) of the law. Why was the date February 20, 2003 chosen?

2. Under question 2, on page 3, a list of “new” authorized projects is a welcomed idea. However, the State should make every effort to distinguish voter education from training projects. HAVA Section 101 (a)(1)(C) clearly specifies the types of Voter Education projects, while Section 101 (a)(1)(D) outlines those dealing with non-voter trainings.

3. Under question 4, on page 4, the text describes existing programs as “new”. The subheadings that describe current and planned initiatives are unclear and inconsistent. The first subheading addresses election worker training and voter education. The second addresses election official training and outreach programs for voter education. It is essential that wording be both consistent and unambiguous regarding the target audience.

Under “Explanation of Current Election Worker Training and Voter Education,” the draft plan points to the many “voter education initiatives” currently provided and the Secretary of State’s Office promises to continue current efforts and, “plan on implementing an exhaustive and aggressive voter outreach campaign.” What the plans describes as “new” initiatives are the same as the ongoing efforts. We are worried that no new plans for voter education are being contemplated at this time.

Given the very limited amount of funds, only \$2.5 million for the entire State, we feel that HAVA money should be used to improve current voter education. It should not be used to fund the maintenance of current programs. Current programs should be covered as part of already existing county and State budgets.

The State should make every effort to distinguish voter education from training projects. HAVA Sec. 101(a)(1)(C) clearly specifies voter education projects to be funded under the Act, while Sec. 101(a)(1)(D) addresses non-voter training. The State Plan should also make clear distinctions and offer distinct strategies and performance measures related to voter education and other training categories. We recommend a new HAVA-specific Outreach program with two components: one for Voter Education and another for General Training, as specified in HAVA Section 101 (A)(1) (C) and (D).

4. Under question 4, on page 6, under, “Explanation of Plans for Election Official Training and Outreach Program for Voter Education, ” a good effort is being made to include as many constituencies as possible under HAVA. However, we are concerned that by mixing voter

education with other training programs, the end result will be that no new resources are allocated to voter education.

The following additions or changes are suggested:

Add the following two bullet points:

- Voter education efforts must encompass education with regard to the voting procedures, voting technologies, voting rights and voter information that improves the administration of elections, such as widely available sample ballots prior to elections. The state will work with counties to design comprehensive voter education outreach strategies that address all of the types of voter education listed above. Different strategies will be designed for urban and rural counties, as well as strategies to reach specific populations, such as non-English speakers, immigrants who recently gained citizenship, disabled persons and youth. The work designing the various templates will be coordinated by the Secretary of State's Office, with county input as well as input from community, regional, and State level organizations involved in voter education issues.
- Each county and the Secretary of State's Office must designate at least one employee to be in charge of producing and distributing voter education materials. As part of the employee's responsibilities, the employee must conduct outreach to community-based organizations (for county employees) or State and regional voter education advocacy organizations (for the Secretary of State's Office) to get feedback on voter education proposals. The employee(s) must also be available to meet with interested organizations that have input regarding voter education strategies.

Changes to existing text:

- The first bullet, though called, "The Voter Education Training Component," does not focus on voter education issues, rather it focuses on other areas of training related to the voting process.
- As a supplement to bullet three, the State should compile existing county voter education materials and strategies, supplement the resources, and produce templates for voter education programs for various county types (urban and rural) and for various populations (non-English speaking, immigrant, persons with disabilities, youth, as well as the general population). The templates would include brochures and outreach strategies.
- Under bullet 4, though the special emphasis on local community public access channels is good, it is unclear how many people this approach would actually reach. The State should also put an emphasis on working with community-based organizations to publicize and disseminate information.
- Statewide public service announcements should be directed at community newspapers, if those newspapers are not already included in the project.
- The student directed programs (Student Mock Election the Graduate Card, and the Student Essay Contest) should target all Texas high schools, if all are not already being targeted. To supplement the Student Mock Election program, counties and the State could cooperate to make this experience more akin to the real voting process. The county could administer the election using current voting equipment and the results could be transferred to the State in the same way they would be in a real election. The students could be involved in all aspects of the process, including educating their peers on how to use voting equipment.
- Under bullet 6, what organizations/entities would be represented on the Voter Advocacy Team? How would the team be formed? For how long would members serve? We propose that if such a team were formed, the Secretary of State would be required to post notice of the formation of the

team in the Texas Register and on the Secretary of State website and take applications from organizations interested in participating.

- Under bullet 7, the Internet Online Voter Tutorial is an excellent idea; however, extra measures would need to be taken to ensure that the tutorial is easily accessible to Spanish speaking populations. The tutorial should also be publicized in a way to ensure that non-traditional Internet users know of its existence and know where to go to access it (eg. libraries and schools). Currently, many Websites provide elections information in Spanish, but it is difficult to access for non-English speakers. This problem should be addressed as the Internet plays a larger role in disseminating voter education information. It would also be a good addition to such a program to allow voters to register online.
5. Under question 5, on page 7, under “Overvote and Opportunity to Correct Ballot”, there is no discussion of how the overvote and opportunity to correct issues will be addressed with central count optical scan systems.
 6. Under question 5, on page 8, the statement under the accessibility requirement is unclear, “...counties will purchase at least one DRE per polling place in order to satisfy the requirements, if required.” What entity makes the decision as to whether or not the DRE system in each polling place would be required and when will that decision be made?
 7. Under question 7, page 8, we have a number of questions and a request to reconfigure the budget allocation for education activities:

Questions:

- Who will have access to the information in the statewide voter registration database?
- Will the unique identifier for each voter be accessible to individuals or organizations outside of entities that administer elections?
- Will counties be able to access information from other counties?
- Will it be possible for workers at polling locations to access the database?

Budget Reallocation:

- With regard to the proposed budget for voter education and training, we recommend that the Secretary of State provide a rationale for why the money was allocated as it was. Barring compelling information, we recommend that the budget be increased to the following amounts:
 - \$5 million for the development and implementation of Statewide Voter Education Programs.
 - \$5 million for the development and implementation of Statewide Election Official Training Programs.

There must be a distinct budget allocation for voter education and it should encompass at least half of the funds available for education and training programs.

8. Under question 9, on page 9:
 - It would be helpful to provide a copy of the report currently submitted for the National Voter Registration Act of 1993 reporting requirements for organizations that are not affiliated with

counties or the State to understand the format and content of the report, and better assess how it may be used as a tool to monitor the implementation of HAVA. In addition, all HAVA related reports must be available to the public.

- The State should also add performance goals related to voter education, including the number of community organizations targeted for voter education efforts, the number and type of voter education brochures distributed, the number of voter education outreach events executed and the number of staff or volunteers available to provide voter education outreach in languages other than English. There should also be a measure to determine how well a county has met the HAVA voter education goals of educating voters in voting technology, voting procedures, and voting rights.