

Help American Vote Act
State Planning Committee
Minutes March 26, 2003

Chairman and facilitator of the Committee, Dr. James Weatherby, called the meeting to order. Committee members or their representatives in attendance were Tim Hurst, Dr. James Weatherby, Barbara Roberts, Scott Phillips, Sharon Widner, David Navarro, Noel Hales, Bob Fort, Rose Gehring, Randy Bowers, Eleanor Chehey, Tony Poinelli and Brian Kane. Members absent were Kelly Buckland, Dan English, Jim Hansen, Dave Gipson, Representative Wendy Jaquet and Representative Bill Deal. Staff person from the Secretary of State's office, Rex Sermon a member of the Technical Subcommittee Dwain Smith, Minidoka County Clerk and members of the public were also present.

Tim Hurst made the motion to approve the minutes for both the February 13 and March 12 meetings.

Brian Kane seconded the motion.

Discussion called for.

Barbara Roberts noted that Jim Hansen's suggestion to the March 12 minutes had been taken into consideration. The change on the last page reflects discussion was held on voter turnout being used as a measurement of the success of the committee's actions. With that change Barbara could vote to approve the minutes.

Vote unanimous.

Tony Poinelli reported on the response from the counties concerning their participation in the 5% match. Seventeen counties have responded with all but one being positive.

Dr. Weatherby stated that the task of the day would be to address the remaining elements of the State Plan Outline. At the March 12th meeting elements 3,4 and 8 were addressed. The Committee's recommendations will then be incorporated into a draft to be distributed by email on April 7 to be reviewed prior to the meeting scheduled on April 9. The goal is to have a plan ready to submit by June 1st thirty days in advance of the deadline for submission.

The Committee discussed the remaining elements (enumerated) of the State Plan with the following recommendations:

1. How the state will use the requirements payment to meet the requirements of title III and other activities to improve the administration of elections.

Dr. Weatherby asked Mr. Hurst to outline the Secretary of State's proposed use of funds. Mr. Hurst proposed the first five million of early out money be spent for;

1. Statewide voter registration system.
2. Providing every polling place with a handicap accessible voting machine (DRE) which would take approximately two and one-half million.

3. Any remaining money to be used for education and training.

If fully funded, the fifteen million requirements payments would be deposited into the Democracy Fund and made available for;

1. Counties who want to upgrade their voting systems through a grant program over a period of time.
2. Used for the maintenance of the statewide voter registration system.

The funding is over a three-year period of time. Mr. Hurst stated that the law was very clear that there is no fiscal year limitation on spending of any of the funds as long as a State Plan is in place, reviewed yearly and updated as needed.

Lengthy discussion on spending the requirement payments for a uniform statewide voting system was held.

Bob Fort made the motion that this Committee recommends that the Idaho Clerks Association discuss the development and phasing in of a single statewide DRE voting system from a single vendor. In conjunction with counties the state would determine the type DRE to be purchased when replacing a voting system.

Rose Gehring seconded the motion.

Discussion on the motion.

Question called for.

Vote unanimous.

2. (a) How the state will distribute and monitor the distribution of payments to units of local government or other entities in the state including a description of:
 - (b) The criteria to be used to determine the eligibility of such units or entities for receiving the payment.
 - (c) 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.

(a) Mr. Hurst stated that a grant process needs to be in place for distribution of funds from the Democracy Fund to the counties. The Secretary of State's office has never been involved in the grant process and will need to work closely with other state agencies familiar with the process. Eleanor Chehey, recently retired from the Office of Aging and experienced in grant processing procedures, volunteered to assist the Secretary of State's office in setting up the grant program.

Depending on how the money is used will of course determine the complexity of the grant process. If it is determined that the state will purchase a statewide system rather than give the money to the local jurisdictions the process would be much simpler.

- (b) Lengthy discussion was held on what criteria to use in the allocation of funds. Some questions asked and suggestions made were;

1. Would punch card counties be a priority?
2. Should ballot styles be a factor?
3. Population of registered voters – every county receiving an equitable share for a base to use, at their choosing, in upgrading voting equipment. Mr. Hurst noted that registered voters might not be valid criteria that sometimes the number of machines required depends on the geographic size of the county.
4. Legislation allowing for all mail precincts.
5. Need based.
6. Concern about funding – do you change the law requiring a statewide uniform voting system when there is no guarantee of funding.
7. There will not be enough money from the federal government to replace all machines – counties will have to participate.
8. The plan should be flexible.

Brian Kane made the motion that the Committee make the recommendation subject to federal funding of the program and that the Secretary of State, in consultation with IACRC adopt a matching grant program based upon a county by county determination to phase in a statewide voting system based upon voting system upgrade priorities as established through the Secretary of State's interpretation of the HAVA.

Barbara Roberts seconded the motion

Further discussion was held.

Bob Fort clarified that this motion inferred that there was not a choice of whether or not you are going to change but rather a choice of when. Brian noted only upon the approval of the IACRC.

Question called for.

Vote Unanimous.

5. How the state will establish a fund for purposes of administering the state's activities, including information on fund management.

Dr. Weatherby noted that this element has been met with the establishment of the Democracy Fund in 2002.

Brian Kane moved that the Committee endorse and recommend continued pursuit of the Democracy Fund.

Eleanor Chehey seconded the motion.

Question called for.

Vote Unanimous.

6. The state's proposed budget for activities, based on the state's best estimates of the costs of such activities and the amount of funds to be made available.

Money deposited into the Democracy Fund be used in the following order of priority:

1. Statewide voter registration list.
2. Accessibility (DRE) in every precinct.

3. Voter Education.
4. Poll Worker Training.
5. Voting System Replacement.

Grants available directly from Health and Human Services are applied for by individual counties and would not be administered by the State through the Democracy Fund.

Brian Kane made the motion that the priority as listed be adopted and recommended by the Committee and budgets be set in accordance with the recommendations of the Secretary of State's office through this priority list.

Rose Gehring seconded the motion.

Question called for.

Vote Unanimous

7. How the state 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.

Mr. Hurst noted that the County Commissioners need to understand that they must continue to maintain funding for their county's elections outside of the funding provided for by HAVA.

Brian Kane made the motion that the Committee recommended that the Secretary of State and the counties shall maintain funding for the administration of elections.

Tony Poinelle seconded the motion.

Question called for

Vote Unanimous

9. A description of the uniform, nondiscriminatory state-based administrative complaint procedures.

Bob Fort made the motion that the Committee recommend that the Secretary of State's office and the office of the Attorney General continue to cooperate in the creation of uniform nondiscriminatory state-based administrative complaint system in compliance with HAVA and state law.

Tony Poinelli seconded the motion.

Question called for

Vote unanimous.

10. How the state will use Title I money and its effect on the plan;

Dr. Weatherby noted that this element had been previously addressed in #7 of the Outline.

11. How the state will conduct an on-going management of the plan.

Barbara Roberts moved to have the Committee review the plan every six months.

Brian Kane seconded the motion.

Discussion on the motion

Vote unanimous

12. A description of the committee which participate in the development of the state plan and the procedures followed by the committee.

Requires no motion

Tim Hurst informed the Committee that the Technical Committee would be meeting on April 1. Discussion will be held on how the statewide voter registration list would be developed, whether in house or put out to bid for a third party vendor.

Dr. Weatherby stated that a draft of the plan would be emailed to committee members on April 7. He asked members to review the state plan chart handout and offer recommendations or suggestions to the chart. The chart may be an attachment to the State Plan.

Brian Kane moved to adjourn.

Tony Poinelli seconded the motion.

Vote unanimous to adjourn.