



Susan Bysiewicz
SECRETARY OF THE STATE
CONNECTICUT

September 23, 2005

To: Connecticut Mayors & First Selectmen

Re: Lever Voting Machines

As many of you may already know, it appears that the Federal Government has banned the use of lever machines in the 2006 election. The Election Assistance Commission (EAC) recently issued an advisory opinion stating that lever voting systems have significant barriers, which make compliance with Section 301(a) of the Help America Vote Act (HAVA) difficult and unlikely. Please refer to the attachment for a copy of the EAC opinion.

This is a stunning decision because the EAC has issued this advisory opinion just four months before the federal deadline. The EAC has had 3 years to act and says this for the first time 4 months before the deadline. My Office and the rest of the states have been forced to proceed in implementing the provisions of the Help America Vote Act without guidance from the EAC. If this advisory opinion is binding, municipalities must replace **ALL** of their lever machines for the 2006 elections. The timing of the EAC advisory opinion is critical to Connecticut. HAVA was signed into law in October 2002 and the EAC has just now issued this opinion with less than 4 months to comply.

However, HAVA did provide an option for states to receive additional federal funds if they agree to replace their lever machines by 2004 (or 2006 if given an extension). Contrary to my advice, former Governor Rowland did not exercise this option. Given the lack of guidance from the EAC on the future use of lever machines and given former Governor Rowland's rejection of additional federal funds to assist in this effort, my Office has since proceeded prudently and cautiously on their eventual replacement under a phase-in plan that has been outlined in our HAVA State Plan since July, 2003. The correspondence with former Governor Rowland and a copy of the HAVA State Plan are also attached.

Specifically, as mandated under HAVA, I established a State Planning Committee represented by a diverse group of stakeholders, including the leadership of the Connecticut Conference of Municipalities and the Connecticut Council of Small Towns. This Committee developed a plan for, among other things, the future of voting machines in Connecticut. The Committee agreed that the towns would have the option to phase-in its replacement of lever voting machines once the initial HAVA "one per polling place" accessibility deadline for the 2006 election has been met.

Our State Plan was submitted to the Federal Government for their approval in July, 2003. Approval and funding were received in August 2003. The EAC never sent a contrary opinion regarding the timeline for our future replacement of lever machines. Our Plan for phasing in new machines has not changed. The plan included local choice and that has not changed.

What may **change** are the options available to the towns and cities in Connecticut. Before the ruling the options available to municipalities were:

1. Lever voting machines
2. Optical Scan machines (approved for use in CT since 2001)
3. HAVA Complaint machines under the RFP

After the ruling the options available to municipalities are:

- Optical Scan machines
- HAVA Compliant machines under the RFP

Therefore, I am working with chief municipal and election officials and legislative leaders to ensure that Connecticut is prepared to comply with the federal ruling. The Connecticut Conference of Municipalities and the Connecticut Council of Small Towns will play a vital role in the process. Due to this sudden EAC advisory opinion, I have asked Attorney General Blumenthal to explore and look at remedies available to the State of Connecticut.

As the Chief Elections Official for the State of Connecticut, I will work swiftly and prudently to address this advisory opinion. Thank you for all of your hard work and I look forward to working with you regarding this important issue. Feel free to contact me at (860) 509-6200 if you have any questions.

Sincerely,



Susan Bysiewicz
Secretary of the State

Attachments



U.S. Election Assistance Commission
1225 New York Ave. – Suite 1100
Washington, DC 20005

September 8, 2005

EAC Advisory 2005-005: Lever Voting Machines and HAVA Section 301(a)

The U.S. Election Assistance Commission (EAC) has recently received numerous inquiries regarding whether lever voting machines meet the requirements of Section 301(a) of the Help America Vote Act (HAVA) (42 U.S.C. §15481). After careful review of HAVA Section 301(a), the EAC concludes that lever voting systems have significant barriers which make compliance with Section 301(a) difficult and unlikely.¹

HAVA does not specifically outlaw the use of lever machines, per se. However, the statute does require that the voting system meet the standards found in HAVA Section 301(a).² This section, titled *Voting Systems Standards*, sets minimum statutory requirements all voting systems must meet if they are to be used in an election for Federal office. In applying these requirements to lever voting machines, the EAC has identified a number of areas which create compliance problems for these voting systems. These areas of non-compliance would have to be addressed and remedied before a lever system could be lawfully used in an election for Federal office on or after January 1, 2006. EAC's concerns are fourfold.

Audit Capacity. Section 301(a) requires that all voting systems used in an election for Federal office "produce a permanent paper record with a manual audit capacity..." (HAVA Section 301(a)(2)(B)(i)). This paper record must be available for use as an official record in recount proceedings. (HAVA Section 301(a)(2)(B)(iii)). While most lever machines in use today do not have the capability to produce a paper record, a few systems have the facility to create a limited record. Such systems can record the total number of votes cast on a given machine by imprinting the raised numbers on the counters at the close of an election.

Clearly, those lever voting systems that are not capable of producing a paper record are not in compliance with HAVA Section 301(a)(2)(B). Similarly, it is the position of the EAC that those machines which produce a limited paper record (documenting only vote totals) also do not meet these requirements. HAVA makes it clear that the reason it requires a paper record trail is to

¹ The EAC is the Federal agency charged with the administration of HAVA. HAVA requires the Commission to draft guidance to assist states in their implementation of Section 301(a). Although EAC's administrative interpretations do not have the force of law associated with legislative rules, the Supreme Court has long held that the interpretations of agencies charged with the administration of a statute are to be given deferential treatment by Courts when faced with issues of statutory construction. *York v. Secretary of Treasury*, 774 F. 2d 417, 419 – 420 (10th Cir. 1985) (citing *Compensation Commission of Alaska v. Aragon*, 329 U.S. 143, 153 – 154 (1963)); See also *Christian v. Harris County*, 529 U.S. 576 (2000); *Edelman v. Lynchburg College*, 122 S. Ct. 1145 (2002).

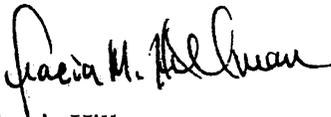
² A State's acceptance or repudiation of Federal Funds to replace lever machines under HAVA Section 102 in no way affects its obligation to meet minimum voting system requirements under HAVA Section 301(a).

ensure all voting systems create a permanent, manually auditable record for use in a recount. (HAVA Section 301(a)(2)(B)(i) and (iii)). Given these facts, to meet HAVA's *Audit Capacity* requirement, systems must create a paper record that can serve as an audit trail. In other words, the document must be a "chain of evidence connecting... summary results to original transactions."³ A document is not an appropriate audit tool when it is, itself, a summary that cannot show the original actions that make up its whole.

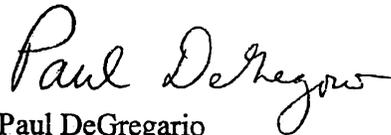
Error Rate. Section 301(a) requires that all voting systems have a test error rate that complies with error rate requirements "established under Section 3.2.1 of the voting systems standards issued by the Federal Election Commission, which are in effect on the date of the enactment of [HAVA]." (HAVA Section 301(a)(5)). That standard (in testing) is a maximum of one error for every 500,000 ballot positions.⁴ Thus, in order to comply with HAVA Section 301(a), a voting system must have a tested error rate that falls below the one per 500,000 standard. The EAC is unaware of any lever voting system that has a documented, tested error rate. A lever voting system cannot meet the requirements of Section 301(a)(5) without a documented, tested error rate that meets the one per 500,000 standard.

Alternative Language Accessibility. Section 301(a) requires voting systems provide alternative language accessibility pursuant to the requirements of the Voting Rights Act of 1965 (42 U.S.C. § 1973aa-1a). While lever voting systems are capable of providing ballots in more than one language, the number of languages such systems may present is limited. Election officials must ensure that the number of languages a particular lever voting system can accommodate meets the number of alternative languages required in a given jurisdiction by the Voting Rights Act.

Accessibility for Individuals with Disabilities. Section 301(a) requires that, at a minimum, election officials provide at least one voting system equipped for individuals with disabilities at each polling place. Such systems must provide disabled individuals the same opportunity for access (including privacy and independence) as other voters. (HAVA Section 301(a)(3)). The EAC is unaware of any lever voting system that is presently capable of meeting the disability standards in Section 301(a)(3). No system may be used exclusively at a polling place unless it complies with Section 301(a)(3).



Gracia Hillman
Chair



Paul DeGregorio
Vice Chairman



Ray Martinez III
Commissioner



Donetta Davidson
Commissioner

³ "Audit trail" as defined in Black's Law Dictionary 131 (6th ed. 1990).

⁴ Voluntary Voting System Standards, Volume I: Performance Standards, Federal Election Commission (April 2002), Section 3.2.1.



April 29, 2003

Susan Bysiewicz
SECRETARY OF THE STATE
CONNECTICUT

The Honorable John G. Rowland
Governor
210 Capitol Avenue
Hartford, CT 06106

Dear Governor Rowland:

This letter is to inform you that as of 11:00 A.M. I filed certification under Sections 101 and 102 of the Help America Vote Act on behalf of the State of Connecticut. I was disappointed when, yesterday, your office called at 9:30 A.M. to cancel our meeting scheduled for 10:00 A.M. on Monday April 28, 2003. This would have been an excellent opportunity to discuss many of the issues you raise in your letter dated April 29, 2003 and received by my office via hand delivery at 1:30 P.M.

Today, at my scheduled Help America Vote Act State Planning meeting held at 10:00 A.M., your designee to the committee was absent and the sole representative from the Office of Policy and Management could not report on the official position of your office when asked about the upcoming certification. Therefore, as the Chief Election Official in the State of Connecticut, I found it necessary to file certification with the Federal government on behalf of the State of Connecticut within the prescribed timeline.

My office contacted attorneys from both political parties representing the United States Senate and the United States House of Representatives who were able to confirm my understanding of the circumstances and penalties associated with certification under Section 102 of the Act.

When the State of Connecticut filed certification under Section 102 of the Help America Vote Act, the State certified that it would replace all lever voting systems that were in use during the 2000 Presidential election. If the State does not complete this task by January 1, 2006 (using the available waiver), the State of Connecticut must return a percentage of the funds associated with Section 102 certification. Since the minimum payment guaranteed to the State of Connecticut pursuant to Title I is \$5 million, the only funds subject to penalty would be a percentage of the additional \$1.7 million that the State of Connecticut receives pursuant to certification under Section 102 of the Act. Apart from this penalty, I was advised that there is no additional obligation on the part of the State of Connecticut to continue to replace all lever voting systems after submission of the monetary penalty.

Upon certification pursuant to Section 102 of the Act, the State of Connecticut is required to replace approximately 3,300 voting systems. Using an average cost of \$5,000 for electronic machines, it will cost the State of Connecticut approximately \$16.5 million to

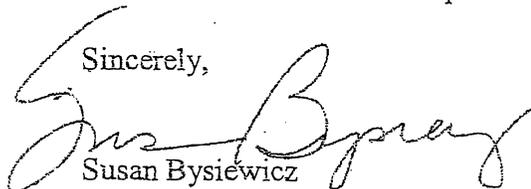
replace all lever voting systems. The State of Connecticut is already slated to receive approximately \$17 million in Federal payments in the first fiscal year alone. This funding, already appropriated by Congress, would certainly cover the cost of compliance with Section 102 of the Act.

In addition, your Office of Protection and Advocacy has testified in both 2002 and 2003 before the Government Administration and Elections Committee indicating their support for electronic voting systems. They have stated that this technology would allow 200,000 to 300,000 citizens with disabilities, in Connecticut, to vote privately and independently.

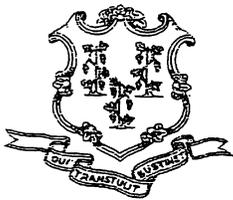
Finally, Governor George Pataki of New York State has recommended phasing out lever voting systems in his State. This means that the State of Connecticut would be the only State left that is completely reliant on lever voting systems. Also, it has been indicated that democracy advocacy groups are looking into initiating civil actions regarding the constitutionality of lever voting systems. Should such a case be litigated in Federal Court, the decision will become binding upon the State of Connecticut.

As Chief Elections Official, I felt that it was prudent to certify under Section 102 of the Act to maximize all Federal money available to our state. If, after reviewing the available technology, the State of Connecticut does not wish to fully pursue electronic voting technology, the State would simply return an amount equal to the "noncompliant precinct percentage" of the \$1.7 million received pursuant to Section 102 of the Act. If, however, the State of Connecticut did not certify under Section 102, the State of Connecticut would have lost \$1.7 million in Federal funding. In times of fiscal crisis, I feel it would have been irresponsible to pass this loss along to the municipalities.

Sincerely,



Susan Bysiewicz
Secretary of the State



STATE OF CONNECTICUT
EXECUTIVE CHAMBERS

REC'D APR 29 2003
11:30 P.M.

HAND DELIVERED

JOHN G. ROWLAND
GOVERNOR

April 29, 2003

The Honorable Susan Bysiewicz
The Secretary of the State
State Capitol, Room 104
Hartford, Connecticut 06106

Dear Secretary Bysiewicz:

The Help America Vote Act of 2002, was signed into law by President George W. Bush on October 29, 2002. The states are eligible to receive federal funding to assist them in meeting new federal voting requirements. In order to receive that federal funding, the states must file a formal certification under Title I of the Act by today.

Were the state to file a certification under Section 102 of the Act, that section then requires the state to ensure that all lever voting machines in each of the 780 precincts across the state are replaced by next year's federal election or, with a one-time waiver, by January 1, 2006. While I certainly support taking all steps necessary to meet the new federal voting requirements, I do not wish to file a Section 102 certification and mandate that the municipalities replace all of their existing lever voting machines within the time allotted, without affording them the opportunity to explore alternatives available to them under the Act. Indeed, the Act does not require Connecticut's municipalities to replace their existing lever equipment, so long as the voting equipment meets federal voting requirements.

Please file the requisite electronic certification under Section 101, and not under Section 102, on behalf of the State of Connecticut.

I appreciate your efforts as the Chief Election Official in keeping this office abreast of federal voting requirements and assisting the municipalities in meeting those requirements. I look forward to the results of this November's demonstration project with the electronic voting machines that your office is overseeing.

Sincerely,

JOHN G. ROWLAND
Governor

NT BY: OFFICE OF THE CFO;

202 501 1124

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GSA

GSA Office of the Chief Financial Officer

MAY 14 2003

The Honorable Susan Bysiewicz
The Secretary of the State
State Capitol, Room 104
Hartford, Connecticut 06106

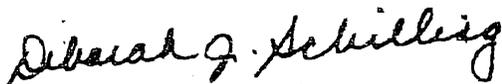
Dear Secretary Bysiewicz:

Thank you for your participation in the Help America Vote Act, Title I application and certification process. As part of that process, you certified electronically to both Section 101 and 102. However, we subsequently received a fax memorandum (enclosed) from Melinda Decker, Assistant Legal Counsel for Governor Rowland, with a letter attached that the Governor had sent to you, concerning Connecticut's filing of a certification only under Section 101 of the Help America Vote Act.

Our Office of General Counsel reviewed the letter, and advised us that the Governor's letter should be considered the state's "official" certification. Section 101(a) of HAVA provides that, "... the Administrator shall make a payment to each State in which the chief executive officer of the State, or designee, in consultation and coordination with the chief election official, notifies the Administrator not later than 6 months after the date of the enactment of this Act that the State intends to use the payment in accordance with this section." In this case the Governor, the Chief Executive Officer of the State, clearly and unambiguously stated the State's intent to apply for funding under Sec. 101 only. This notification was coordinated with the Secretary of State, the Chief Election Officer and we received it within 6 months of the enactment of HAVA. Therefore, the Governor's letter meets the statutory requirements of HAVA for certification from the State of Connecticut.

In accordance with the opinion cited above, we have modified Connecticut's certification to reflect certification of section 101 only. This change does not affect Connecticut's eligibility for the \$5,000,000 minimum disbursement. Please call me on 202-501-0719, or Stephen Kulenguski on 202-501-4496, if you have any comments or questions. Thank you.

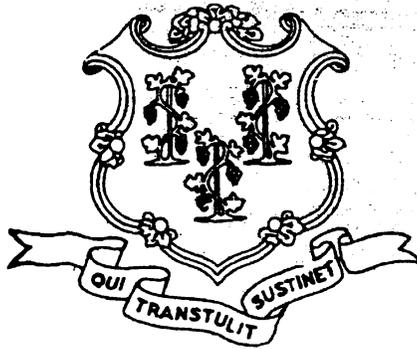
Sincerely,



Deborah J. Schilling
Director of Budget

Enclosure

U.S. General Services Administration
1800 F Street, NW
Washington, DC 20405-0002
www.gsa.gov



State of Connecticut

State Plan

As required by the Help America Vote Act

Public Law 107-252, Section 253(b)

July 23, 2003

Secretary of the State Susan Bysiewicz
State Capitol
210 Capitol Avenue
Suite 104
Hartford, CT 06106



STATE PLAN APPROACH

The State of Connecticut administers elections through a two-tiered system. The Secretary of the State is the Chief Election Official and through the Secretary's agency administers and supervises the electoral process at the state level. Each of the 169 towns in Connecticut have a town clerk who is either elected or appointed and two registrars of voters who are elected for two or four year terms. These officials work in cooperation to effectively administer successful elections at the local level. The Secretary of the State, as an advisor, the town clerks, and registrars of voters must work together to serve all political candidates and the nearly 2 million registered voters in Connecticut.

Status of State of Connecticut's HAVA implementation:

The State of Connecticut is near completion of a centralized voter registration system that will connect all 169 towns to a central database of all registered voters in the State. Currently, the State of Connecticut has 149 towns out of 169 towns connected to the centralized voter registration system. An additional 10 towns have committed to joining the system before the Federally mandated deadline and have sent in the appropriate information to the State of Connecticut to enable them to join. Upon completion, the centralized voter registration system will allow registrars of voters to effectively monitor their official registry list, to keep track of those electors who may have moved in or out of their municipalities, and to more effectively prevent voter fraud and duplicate registration.*

Considerable efforts are necessary for the State to meet all of the other HAVA requirements. The State of Connecticut will need to complete the centralized voter registration system by adding the remaining towns to the system (in accordance with recent State legislation passed, Connecticut Public Act 03-117, An Act Concerning the State-Wide Centralized Voter Registration System, requiring all towns to participate on the centralized voter registration system by September 1, 2003), redesign the election administration processes, establish a provisional ballot system, revamp training, and investigate voting system alternatives (through passage of H.B. 6592, An Act Concerning Implementation and Administration of the Help America Vote Act). The State of Connecticut's ability to provide ongoing operations as well as maintenance of new and required capabilities is dependent on adequate resources and funding from the Federal level.

State of Connecticut's Future Approach:

This State Plan is organized as specified in HAVA §254. Each section of this document corresponds to a subsection of §254 and addresses a State Plan requirement specified in HAVA. The plan outlines HAVA requirements and the State's current status in regard to those requirements, and defines the actions planned to help the State meet those requirements.



STATE PLAN REQUIRED ELEMENTS

A. TITLE III REQUIREMENTS AND OTHER ACTIVITIES

How the State will use the requirements payment to meet the requirements of title III, and, if applicable under section 251(b)(2), to carry out other activities to improve the administration of elections. (HAVA §254(a)(3)).

1) §301(a) Voting System Standards Requirements

Deadline for Compliance: January 1, 2006

The State currently uses two voting systems in its 169 towns, lever voting systems, and optical scan voting systems. Before the enactment of HAVA, the State of Connecticut began investigating other voting technologies. In the 2001 and 2002 legislative and special sessions there was proposed legislation that would have allowed at least three municipalities to participate in a voting demonstration project using electronic voting technology. This legislation was not passed. In the 2003 legislative session, the Secretary of the State again proposed legislation that would allow at least three municipalities to participate in a voting demonstration project using electronic voting technology. On April 29, 2003, Governor John Rowland signed Connecticut Public Act 03-7, An Act Concerning a Demonstration Project for the use of Electronic Equipment for the Casting and Counting of Ballots and Prohibiting the use of Punch-Card Voting Machines, that allows the State of Connecticut to test electronic voting technologies in different municipalities. After the demonstration, a full report will be issued to the legislative committee having cognizance over this matter detailing the success and failures of the different voting technologies along with individual voter feedback. This report will be useful as the State of Connecticut begins the process of moving toward electronic voting systems.

Three of Connecticut's 169 municipalities currently use optical scan voting systems to tabulate the results of the full election ballot. Several of the State's 169 municipalities use optical scan voting systems for absentee balloting. The remaining municipalities use lever voting systems. Pursuant to Connecticut General Statutes §9-238, one lever voting machine is required for each nine-hundred or fraction of nine-hundred electors whose names appear on the last completed registry list of the municipality. This results in approximately 3,308 lever voting systems used throughout the entire State. Research with regard to the electronic voting systems capacity as to how many voters the electronic systems can accommodate during an election must be continued. The electronic voting systems will be closely monitored during the demonstration project to determine the actual number of voters each electronic voting system can accommodate during Election Day.

It is expected that the State of Connecticut will incur significant costs to train poll workers and election officials and to conduct voter outreach on the use of the new electronic voting equipment. Adequate federal funding is vital to ensure the State of



Connecticut's compliance with this provision of HAVA. If the electronic voting equipment available can accommodate 900-1000 voters per Election Day, it would require Connecticut to purchase 3,308 electronic voting systems. Implementation of these systems would cost approximately \$16 million for hardware (3,308 x \$5000 / per machine).

In addition, the State of Connecticut is actively reviewing whether the current lever machines used in the municipalities would be compliant with HAVA if they were "retro-fitted" with a "print-o-matic" function. This function would allow election officials to make a carbon copy of the official counters located inside the machine by use of a special device that makes an imprint on the carbon paper. This method would produce a paper record of the machine results for audit purposes. It remains unclear whether the paper audit record required by HAVA is a paper audit record for the machine or a paper audit record for each vote. The State of Connecticut understands that several of the electronic voting systems available comply with both the disability and audit requirements provided in HAVA.

The ultimate goal of the Secretary of the State was to replace all lever voting systems within the State. However, with the rejection of the State of Connecticut's HAVA §102 application, which would have provided additional funds and authority to replace all lever voting systems in the State, this ultimate goal may be delayed. Therefore, to fully comply with the provisions of HAVA regarding accessibility for individuals with disabilities, the State of Connecticut will purchase one electronic voting system for each polling location in Connecticut (currently 746 statewide) for use by individuals with disabilities. In addition, the State of Connecticut is now working with all municipalities on a "Phase-In" plan (described below) for replacement of lever voting systems.

Finally, §301(a) of HAVA requires states to define what constitutes a legal vote for each type of voting system used in the State. Connecticut already complies with this provision. For each voting system in current use, the Secretary of the State produces a manual defining what constitutes a legal vote in the case of a canvass or recanvass. The State will continue to define a legal vote in a uniform manner for each voting system used in the State.

Implementation of Connecticut's Voting System Compliance will progress as follows:

- a) Planning - Connecticut will conduct a demonstration project using electronic voting technology pursuant to Connecticut Public Act 03-7. Such demonstration project will require a full written report of the results of such project. The report will then be used as a reference when Connecticut proceeds with final certification of electronic voting equipment.
- b) Implementation - The State of Connecticut will place one electronic voting system in each polling location in Connecticut. After such initial step, Connecticut will require each municipality to assess the overall condition of their voting equipment and submit a plan to the Secretary of the State



indicating whether the municipality will seek to replace all lever voting systems; only a portion of the lever voting systems; or continue to rely solely on such systems for all elections in the municipality. Such plan will also detail the municipality's plan of implementation if lever voting systems are to be replaced. Upon receipt of such plan, Connecticut will review procurement options for the electronic voting systems and create schedules, work plans and trainings to effectively replace all noncompliant voting systems in the State.

A more detailed explanation of Connecticut's compliance with Section 301, Voting System Standards, can be found in *Appendix A*.

2) §302, Provisional Voting and Voting Information Requirements

Deadline for Compliance: January 1, 2004

HAVA addresses the process of provisional voting to ensure that no individual who appears at the polls intending to cast a ballot is turned away without having the opportunity to do so. Currently, Connecticut General Statutes §9-232 allows an elector to cast a challenge ballot if the elector's name appears on the last completed registry list but the elector is challenged on the grounds of want of identity, disfranchisement or lack of bona fide residence.

In reaction to the passage of HAVA, the Office of the Secretary of the State assessed the State's current challenge ballot procedures to determine those elements needing modification in order to fully comply with HAVA. The Secretary of the State determined that the HAVA requirements on provisional ballots differ greatly from the current challenge ballot procedures in state statute. Therefore, the Secretary of the State drafted new legislation, H.B. 6502, An Act Concerning Implementation and Administration of the "Help America Vote Act", currently before the General Assembly, that creates a provisional ballot procedure compliant with the procedures set forth in HAVA.

In addition to provisional voting requirements, HAVA mandates that states publicly post specific information at the polls on Election Day. Connecticut currently displays certain voting information at each polling place, however, the Secretary of the State must adjust and include some content to these postings in order to comply with HAVA.

HAVA further provides that voters who vote (pursuant to a court or other order), during extended hours after the normal close of a polling place, cast provisional ballots. These ballots must be kept separate from other provisional ballots. As with other provisional ballot requirements, the State of Connecticut does not currently have this provision in state statute. Therefore, H.B. 6592 creates a procedure for this circumstance.

Implementation of Connecticut's Provisional Voting Procedures will progress as follows:

- a) Impact Assessment - The Secretary of the State assessed the requirements of HAVA §302 and reviewed and compared existing State law with HAVA.



APPENDIX

A



State of Connecticut's Current Status (Meets Requirement, Partially Meets, Does Not Meet)		Actions Planned
Requirement		
SEC. 301. VOTING SYSTEMS STANDARDS		
(a) REQUIREMENTS- Each voting system used in an election for Federal office shall meet the following requirements		
(1) IN GENERAL-		
(A) Except as provided in subparagraph (B), the voting system (including any lever voting system, optical scanning voting system, or direct recording electronic system) shall		
(i) permit the voter to verify (in a private and independent manner) the votes selected by the voter on the ballot before the ballot is cast and counted;	Does Not Meet.	The State of Connecticut will meet this provision after implementation of the Voting System Standards plan set forth above.
(ii) provide the voter with the opportunity (in a private and independent manner) to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error); and	Does Not Meet.	The State of Connecticut will meet this provision after implementation of the Voting System Standards plan set forth above.
(iii) if the voter selects votes for more than one candidate for a single office- (I) notify the voter that the voter has selected more than one candidate for a single office on the ballot; (II) notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and (III) provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.	Meets.	No action needed.
(B) A State or jurisdiction that uses a paper ballot voting system, a punch card voting system, or a central count voting system (including mail-in absentee ballots and mail-in ballots), may meet the requirements of subparagraph (A)(iii) by		



State of Connecticut's		
Requirement	Current Status (Meets Requirement, Partially Meets, Does Not Meet)	Actions Planned
(i) establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and	Meets.	No action needed.
(ii) providing the voter with instructions on how to correct the ballot before it is cast and counted (including the instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error)	Meets.	No action needed.
(C) The voting system shall ensure that any notification required under this paragraph preserves the privacy of the voter and the confidentiality of the ballot.	Meets	No action needed.
(2) AUDIT CAPACITY-		
(A) IN GENERAL- The voting system shall produce a record with an audit capacity for such system.	Partially Meets. <ul style="list-style-type: none"> A portion of lever machines used by municipalities have a "print-o-matic" function. The remaining lever machines do not have the "print-o-matic" function but maybe capable of being retro-fitted with such a function. 	The State of Connecticut needs to further investigate the issue of whether lever voting machines with "print-o-matic" functions comply with the audit capacity provisions of HAVA.
(B) MANUAL AUDIT CAPACITY-		
(i) The voting system shall produce a permanent paper record with a manual audit capacity for such system.	Does Not Meet. <ul style="list-style-type: none"> Lever machines that have a "print-o-matic" function are capable of producing a permanent paper record of the total votes cast on the system. CT will continue to research whether the paper audit trail required by HAVA is a record of the voting system or of each vote cast. 	If lever machines with a "print-o-matic" function do comply with the provisions of HAVA all lever machines would need to be retro-fitted with that function. If lever machines with a "print-o-matic" function do not comply with the provisions of HAVA new voting systems will have to be implemented statewide as explained above.



State of Connecticut's Current Status (Meets Requirement, Partially Meets, Does Not Meet)			Actions Planned
Requirement	Meets.	Meets.	No action needed.
(ii) The voting system shall provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced.			No action needed.
(iii) The paper record produced under subparagraph (A) shall be available as an official record for any recount conducted with respect to any election in which the system is used.			No action needed.
(3) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES- The voting system shall-			
(A) be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters;	Does not meet		The State will meet this requirement upon implementation of the State voting systems program described above.
(B) satisfy the requirement of subparagraph (A) through the use of at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place; and	Does not meet.		The State will meet this requirement upon implementation of the State voting systems program described above.
(C) if purchased with funds made available under title II on or after January 1, 2007, meet the voting system standards for disability access (as outlined in this paragraph).	N/A		The State will meet this requirement upon implementation of the State voting systems program described above.
(4) ALTERNATIVE LANGUAGE ACCESSIBILITY- The voting system shall provide alternative language accessibility pursuant to the requirements of section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa-1a).	Partially Meets.		The State will continue to educate the local election officials regarding their duties pursuant to this requirement.



State of Connecticut's Current Status			Actions Planned
Requirement	(Meets Requirement, Partially Meets, Does Not Meet)		
(5) ERROR RATES- The error rate of the voting system in counting ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to an act of the voter) shall comply with the error rate standards established under section 3.2.1 of the voting systems standards issued by the Federal Election Commission which are in effect on the date of the enactment of this Act.	Meets.		No action needed.
(6) UNIFORM DEFINITION OF WHAT CONSTITUTES A VOTE- Each State shall adopt uniform and nondiscriminatory standards that define what constitutes a vote and what will be counted as a vote for each category of voting system used in the State.	Meets.		The State will continue to develop procedure manuals that define what constitutes a vote for each system used in the State.