



HAVA TITLE III VIOLATION COMPLAINT

State Form 57339 (12-23); Indiana Election Division (IC 3-6-4.5-7; IC 3-6-4.5-8)

(IEC-24)

INSTRUCTIONS: A person who believes there is a violation of any provision of Title III of the Help America Vote Act of 2002 (HAVA), 52 U.S.C. § 21081 through 52 U.S.C. § 21085, including a violation that has occurred, is occurring, or is about to occur, may file a complaint with the Indiana Election Division using this complaint form. **The complaint must include: (1) the name and mailing address of the person alleged to be committing the violation of Title III of HAVA; (2) whether the person filing the complaint has filed the same complaint with a county election board; and (3) the nature of the injury suffered or (or about to be suffered) by the person filing the complaint.** The complaint must be signed by the person filing the complaint and notarized before an individual authorized to administer an oath under IC 33-42-9.

The completed and notarized complaint must be mailed or hand-delivered to the Indiana Election Division, 302 W. Washington Street, Room E-204, Indianapolis, IN 46204.

Title III of HAVA (52 U.S.C. § 21081 through 52 U.S.C. § 21085) established requirements for the use of uniform and nondiscriminatory election technology and administration by states when conducting a federal election. This includes:

1. Requirements that a voting system used during a federal election must:
 - a. permit a voter to verify in a private and independent manner that the votes made by the voter are on the voter's ballot before the ballot is cast;
 - b. permit a voter to verify in a private and independent manner that the voter is able to correct any error made on the voter's ballot before the ballot is cast; and
 - c. notify the voter, before the voter casts their ballot, that the voter has voted for more candidates than permitted for an office on the ballot (overvoting) and permit the voter to make a correction to their ballot.
2. Establishing a voter education program that notifies each voter on the effects of overvoting and providing instructions to a voter on how to correct the voter's ballot when the voter votes for more candidates than can be elected to an office (overvoting).
3. Each voting system having the capacity to be audited.
4. The voting system used by the county election board in a federal election to be accessible to voters with disabilities so the voter can vote in a private and independent manner.
5. The voting system providing alternative language accessibility in any county that is required to provide election notices, forms, instructions, assistance, and other materials in an alternative language as required by 52 U.S.C. § 10503.
6. Each voting system having an error rate in counting ballots (which is determined by taking into account only those errors which are attributable to the voting system and not attributable to an act of a voter) that is established in section 3.2.1 of the Voting System Standards adopted by the Federal Election Commission on April 30, 2002, and in effect on October 29, 2002.
7. The state adopting a uniform and nondiscriminatory standard that defines what constitutes a voter and what will be counted as a vote for each category of voting system used in the state.
8. Each county election board providing the option of casting a provisional ballot to:
 - a. each individual who declares they are a registered voter in the county where the individual desires to vote and is eligible to vote in a federal election, but the name of the individual does not appear on the poll list for the polling location;
 - b. each individual an election official asserts the individual is not eligible to vote; or
 - c. each individual who arrives to vote on election day during any extended hours for voting that is ordered by a federal or state court for a federal election.
9. Each county election board posting in each polling location on election day voting information. Voting information includes:
 - a. a sample version of the ballot that will be used for that election;
 - b. information regarding the date of the election and the hours during which polling places will be open;
 - c. instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;
 - d. instructions for any voter required to show additional residency documentation in order to cast a regular ballot (see #13 below);
 - e. general information on voting rights under applicable Federal and State laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and
 - f. general information on Federal and State laws regarding prohibitions on acts of fraud and misrepresentation.
10. The state establishing a statewide voter registration system with adequate technology security measures to prevent unauthorized access.
11. The state and each county voter registration official conducting voter list maintenance on a regular basis in compliance with the National Voter Registration Act of 1993 (NVRA), 52 U.S.C. § 20501 *et. seq.*
12. Each state to require an individual registering to vote to provide on their voter registration application:
 - a. the individual's driver's license number; or
 - b. the individual's last four digits of the Social Security Number (if they do not have a state driver's license number); or
 - c. to indicate the individual has no driver's license number or Social Security Number.
13. Requiring each individual who registers to vote, by mailing in a voter registration application to the county voter registration official, and has not voted before in the state to present additional residency documentation (a copy of the individual's driver's license or government issued ID, current utility bill, bank statement, government check, paycheck, or other government issued document that contains the address where the individual is registering to vote) in order to vote a regular ballot in any federal election after the individual registers to vote. This requirement does not apply to any individual:
 - a. who submits a voter registration application in any manner other than by mail;
 - b. provides additional residency documentation;
 - c. provides the individual's driver's license number or last four digits of their Social Security Number on the voter registration application and the number is matched against information provided by the Bureau of Motor Vehicles; or
 - d. the individual is a military or overseas voter, the individual is an elderly voter or voter with disabilities and their polling location is determined by the election division to be inaccessible, or the individual is otherwise entitled to voter other than in person under federal law.
14. That the voter registration application must include the questions that each individual applying to register to vote must answer "yes" or "no":
 - a. "Are you a citizen of the United States of America?"; and
 - b. "Will you be 18 years of age on or before election day?"

If both questions are not answered, then the county voter registration official must treat the application as incomplete and get the individual the opportunity to complete the application by answering the questions before the next voter registration deadline before the election for a federal office.

If your complaint does not allege a violation of Title III of HAVA, do not file your complaint on this form. Instead, if you have an election law violation complaint, please make that complaint on a separate written document and file it with either the county election board in the county where the alleged incident occurred or with the Indiana Election Commission at 302 W. Washington Street, Room E-204, Indianapolis, IN 46204.

PERSON FILING COMPLAINT

Name *(please print)*

Address *(street, city, state, ZIP code)*

County of Residence

Email Address *(optional)*

Telephone Number

PERSON OR ORGANIZATION ALLEGED TO COMMIT VIOLATION

Name *(please print)*

Mailing Address *(street, city, state, ZIP code)*

Email Address *(optional)*

Telephone Number

NATURE OF THE GRIEVANCE

Please describe the nature of the HAVA Title III complaint *(Attach additional pages to this form if necessary)*

Have you filed this complaint with a county election board? YES NO

CERTIFICATION

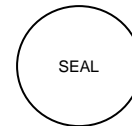
I swear or affirm that the information set forth in this complaint is true to the best of my knowledge and belief.

Signature of Person Filing Complaint: _____

STATE OF _____)

COUNTY OF _____)

Subscribed and sworn to before me this _____ day of _____, 20____.



Notary Public or Other Official Administering Oath according to IC 33-42-9-7

My Commission expires *(applies only to Notary Public)*: _____ County of Residence: _____