



HAVA – The Help America Vote Act What Every Voter Should Know

What is HAVA?

The Help America Vote Act was signed into law by President Bush on October 29, 2002. HAVA is the most important piece of legislation since the Voting Rights Act of 1965. It seeks to increase voter confidence in the election process and make voting more accessible to all.

How Does HAVA Affect Alabama Voters?

HAVA sets rules for the voting system. In general, the voting system shall:

- ✓ Permit the voter to check and correct the ballot in private before the ballot is cast and counted;
- ✓ Provide the voter with the opportunity to obtain another ballot if the voter is unable to change the ballot or correct the error
- ✓ If the voter selects votes for more than one candidate for a single office:
 - Let the voter know that more than one candidate was selected for that office;
 - Discuss with the voter the effect of casting multiple votes for the same office before the ballot is counted, and
 - Provide the voter with the opportunity to correct the ballot before the ballot is counted.
 - Ensure privacy of the voter when advising him or her of the error.
- ✓ Produce a permanent paper record of the vote including any corrected ballots.
- ✓ Be accessible for all individuals with disabilities, including accessibility for the blind and visually impaired, in a manner that insures the same opportunity for access and participation, including privacy and independence as for other voters.
- ✓ Provide language accessibility for voters whose primary language is not English in counties where the bilingual population is 5% or greater.
- ✓ Define what a vote is and what will be counted as a vote.
- ✓ HAVA requires the state to create a single computerized voting list that contains the name and registration information of every legally registered voter in the State. (Note: Alabama has not complied with this HAVA requirement as of May, 2006.)

- ✓ If the voter believes that he or she is registered, but the person's name does not appear on the voter list, then the voter must provide written documentation proving that he or she is a registered voter in that location and eligible to vote in that election. The individual is then permitted to vote, and the ballot is counted when it is proven that the individual is a registered voter and eligible to vote in that election. This ballot is called a provisional ballot. Election officials must notify a voter who cast a provisional ballot whether it was counted, and if not, why not.

What Will the Voter Find at the Polls?

HAVA requires that specific information be posted at the polling place on Election Day:

- ✓ a sample version of the ballot that will be used for the election;
- ✓ information regarding the date of the election and the hours during which polling places will be open;
- ✓ instructions on how to vote, including how to cast a ballot when there is a problem;
- ✓ instructions for voters who registered by mail and first-time voters;
- ✓ general information on voting rights based on federal and state laws, including information on the right of an individual to cast a provisional ballot and how to contact appropriate individuals if these rights have been violated; and
- ✓ information on federal and state laws regarding acts of voting fraud and misrepresentation.
- ✓ HAVA requires that any individual who votes after the polls close vote a provisional ballot that will be counted as their status as a registered voter is proven.

Requirements for Voters Who Register by Mail

HAVA requires an individual who registers by mail and who has never voted in the state before to provide specific identification before being permitted to vote.*

- ✓ Acceptable identification includes: current and valid photo identification or a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter.
 - NOTE: Alabama law requires that the voter present valid identification every time before being permitted to vote. This law also requires an absentee voter to mail a copy of valid ID with the ballot (or present valid ID if returning the ballot in person) in order for the vote to count.

An exception can be made where a driver's license number or last four digits of a social security number given by the voter matches information in the driver's license database of the Alabama Department of Public Safety. Voters who do not present ID must be permitted to cast a ballot (but whether the vote will count is determined by the provisional ballot system). If a first-time voter casts a vote by mail, he or she must submit a copy of one of the documents with the ballot.

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