The Help America Vote Act of 2002


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The legislation aims to improve the administration of elections in the United States, primarily through three means:

1. creating a new federal agency to serve as a clearinghouse for election administration information;
2. providing funds to states to improve election administration and replace outdated voting systems; and
3. creating minimum standards for states to follow in several key areas of election administration.

Department of Justice Activities

Under Section 401, the Attorney General has enforcement authority for the uniform and nondiscriminatory election technology and administration requirements that apply to States under Sections 301, 302, and 303.

The United States has enforced HAVA through both litigation and by informing jurisdictions of the Department's views on the Act's requirements.

Judicial Filings:


Voting Information Postings under Section 302

Letters and other non-litigation actions:

- Memorandum of Agreement and press release dated November 2, 2005 with the State of California regarding HAVA statewide voter registration database.

http://www.usdoj.gov/crt/voting/hava/hava.html

Letter of September 1, 2005 to the State of Arizona regarding provisional balloting.  (HTML)  (PDF)

Letter of May 10, 2005 to the State of Louisiana regarding deadlines for meeting voting system requirements.  (HTML)  (PDF)

Letter of March 4, 2005 to the State of Mississippi regarding the accessibility of voting systems and polling places.  (HTML)  (PDF)

Letter of November 2, 2004 to the Parish of Orleans regarding the extension of polling place hours.  (PDF)  (HTML)

Letter of October 29, 2004 to the District Court for the Southern District of Ohio concerning provisional ballots.  (PDF)  (HTML)

Letter of October 26, 2004 to the Attorney General of Iowa regarding provisional ballots in Iowa.  (PDF)  (HTML)

Letter of August 24, 2004 to Maryland legislator regarding voter registration of non-citizens.  (HTML)  (PDF)

Letter of July 26, 2004 to the State of Michigan regarding Title III requirements under HAVA.  (HTML)  (PDF)

Letter of June 14, 2004 to the Secretary of State in Minnesota regarding voter registration by mail under HAVA.  (HTML)  (PDF)

Letter of March 16, 2004 to the Secretary of State in Minnesota regarding the collection of drivers license numbers on voter registration applications in compliance with HAVA.  (HTML)  (PDF)

On February 20, 2004, the Department of Justice released a guide to improving accessibility of polling places for disabled voters.  ADA Checklist for Polling Places

Letter of February 11, 2004 to the State of Massachusetts regarding implementation of the voter identification requirements of Section 303(b).  (HTML)  (PDF)

Press releases issued December 31, 2003 from the Department of Justice on HAVA.

Opinion of the Office of Legal Counsel regarding compliance of certain direct recording electronic voting systems with HAVA and the Americans with Disabilities Act.

Letter of September 8, 2003 to the Maryland Attorney General's Office regarding the verification requirements of Section 303 of HAVA.  (HTML)  (PDF)

Letter September 8, 2003 to the Election Center regarding the statewide voter registration list requirements of Section 303 of HAVA.  (HTML)  (PDF)

Letter of August 12, 2003 to the Florida Division of Elections regarding a paperless voter registration system and the requirements of federal law.  (HTML)  (PDF)

Letter May 22, 2003 to the Governor of Louisiana regarding various issues under HAVA.  (HTML)  (PDF)

Letter of May 20, 2003 to the Director of Elections for the State of Texas regarding the requirement in Section 301(a)(3) of HAVA that voting systems be accessible to persons with disabilities.  (HTML)  (PDF)

Examples of Section 303 state voter registration forms.

Letter of March 17, 2003 to the chief election official, governor, and attorney general in each of the 50 states, the District of Columbia, Guam, American Samoa, the U.S. Virgin Islands, and Puerto Rico discussing the HAVA and offering the Civil Rights Division's assistance in the jurisdictions' efforts to comply with the requirements of Title III of the new Act. An example of the letter is available here. (HTML) (PDF)

Letter to Senator Kit Bond on February 26, 2002, regarding the application of Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c, to the voter identification requirements then under consideration in Congress.

Letter of January 13, 2003 to the Attorney General for the State of New Jersey regarding the effective date for Section 303(b) of the Help America Vote Act of 2002. (HTML) (PDF)

Help America Vote Act - FAQ's

If you have questions concerning HAVA, you may contact Chris Herren (202-514-1416) and Brian Heffernan (202-514-4755), who are attorneys in the Voting Section.

Department of Health and Human Services Activities

Under Section 261 and 291 of HAVA, the Department of Human Services is responsible for making grants to States and to protection and advocacy systems to improve access to and participation in the election process for individuals with disabilities.

- HHS Section 261 rules (corrected) from the Federal Register published on May 29, 2003. (HTML) (PDF)
- HHS Section 291 rules (HTML) (PDF)

Federal Election Commission Activities

The Federal Election Commission has further information about HAVA.

Election Assistance Commission Activities

The Election Assistance Commission has further information about HAVA.

General Services Administration Activities

Under Section 101, the General Services Administration is responsible for providing funds to the States.

- Letter of March 19, 2003 from the General Services Administration to chief election officials describing that office's process to distribute funds under Title I of the Help America Vote Act of 2002, 42 U.S.C. 15301 to 15545. (HTML) (PDF)

National Institute of Standards and Technology Activities

The National Institute of Standards and Technology has further information about HAVA.

http://www.usdoj.gov/crt/voting/hava/hava.html