

HAVA COMPLAINT PROCEDURES GUIDE

WHAT IS A HAVA COMPLAINT?

Any person who believes there is a violation of [Title III of the 2002 Help America Vote Act](#) (HAVA) in Kansas may file a complaint with the Office of the Secretary of State. A complaint can be filed if an individual believes a violation has occurred, is occurring or is about to occur. This process is set out in K.S.A. 25-4701 to 25-4716.

HAVA complaints are a narrow administrative procedure to allow people to bring an action to enforce the implementation of provisions contained in Title III of HAVA. These provisions include:

1. basic capability standards for voting equipment
2. voting equipment accessibility for individuals with disabilities
3. alternative language requirements for voting systems
4. basic requirements for the provisional voting process
5. existence of a central voter registration database and basic voter list maintenance
6. posting of certain election information at polling locations
7. basic requirements for registration by mail system

THE ADMINISTRATIVE PROCESS

Individuals wishing to file a complaint should use the [HAVA administrative complaint form](#) provided by the Office of the Secretary of State or local election officials. Complaints are required to be in writing and signed under oath by the person filing the complaint (the complainant). A complaint must be filed within 30 days after the action or event forming the basis for the complaint. For violations that are occurring or about to happen, the complaint should be filed as soon as possible to provide time to address the issue. Complaints may be consolidated if they relate to the same actions or raise common questions of law or fact.

Once received, the Secretary of State will mail a copy of the complaint to the person or entity against whom the complaint is filed (the respondent). If named the respondent, the Secretary of State will direct the complaint to the Kansas Department of Administration for review and investigation.

Complainants may request a hearing on the record on the complaint form. If requested, the Secretary of State, or their designee, will act as hearing officer and conduct a hearing no later than 30 days after receipt of the complaint. The Office of Secretary of the State will give a minimum of five days advance notice of the date, time, and location of the hearing to the complainant and each named respondent. If a hearing is not requested, the Secretary of State will review the complaint and determine the outcome without a hearing. The Secretary of State may request an information conference of the complainant and respondent(s) to resolve the complaint.

If the Secretary of State finds a violation occurred, they will order an appropriate remedy. The Secretary of State will issue a final determination within 90 days after the date the complaint was filed unless the complainant consents, in writing, to an extension. The final determination will be mailed to the complainant and to each respondent and published on the Secretary of State's website. If a final determination is not issued within 90 days and an extension was not agreed to, the complaint will be referred to an arbitrator for resolution within 10 days.

Complaints must be filed with the Kansas Secretary of State at:

Office of the Secretary of State
Memorial Hall
120 SW 10th
Topeka, KS 66612
P: 800-262-8683 | F: 785-291-3051

MOST COMMON PROBLEMS WITH HAVA COMPLAINTS

The most common problem with HAVA complaints filed with our office is that the complaint failed to assert a violation of a provision of Title III of HAVA.

Questions: call **1-800-262-8683** or visit sos.ks.gov.