

HAVA COMPLAINT PROCEDURES GUIDE

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 Secretary of State. A complaint can be filed if an individual believes a violation has occurred, is occurring or about to occur. HAVA complaints include a problem with voting equipment, accessibility, alternative language, provisional voting, central voter registration, posting of election information at polling locations and identification of voters.

Individuals wishing to file a complaint should use the administrative complaint form provided by the Office of 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 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 determinations will be mailed to the complainant and to each respondent and published on the Office of 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 Secretary of State
Memorial Hall
120 S.W. 10th
Topeka, KS 66612
P: 800-262-8683 | F: 785-291-3051

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