

HAVA Section 402 complaint: filing checklist

General information, not legal advice. Check your state's rules in the HAVA Complaint Center directory.

Before you file

- ☐ Confirm the problem is a Title III requirement (sections 301 to 304) in an election for federal office.
- ☐ Open your state in the directory. Note the filing office, deadline, required form, who may file, and how to ask for a hearing.
- ☐ Write down what happened the same day: date, time, place, what you saw and heard, names, and witnesses.
- ☐ If records matter, send a written records-preservation request and a public-records request first. Federal law requires many election records to be kept for 22 months (52 U.S.C. 20701).
- ☐ Pick the correct respondent: the official or office with the legal duty.
- ☐ Check whether someone has already filed on the same issue (see the complaint tracker).

Writing the complaint

- ☐ One issue per complaint.
- ☐ Cite the exact Title III section and subsection.
- ☐ State the facts: who, what, where, and when. Separate what you saw yourself from what you learned from others.
- ☐ Request a hearing on the record in the complaint itself. Some states require the request in the complaint or within a set time.
- ☐ State in writing that you do not consent to extending the 90-day deadline.
- ☐ Ask the state to confirm in writing the date it received your complaint.
- ☐ Ask for a remedy the state can order, such as equipment, training, a corrected procedure, or a corrected record.
- ☐ If an election is near, ask for expedited consideration.

Signing and sending

- ☐ Sign and swear before a notary. Bring photo ID. Banks and some election offices notarize for free or at low cost.
- ☐ Make a full copy of everything, including exhibits.
- ☐ Send by certified mail with return receipt, or hand-deliver and ask for a date-stamped copy. Use email only if your state accepts it.
- ☐ Serve a copy on the respondent if your state requires it, and keep proof.

After you file

- ☐ Mark your calendar for day 90 (final determination due) and day 150 (60-day alternative dispute resolution period ends).
- ☐ Answer requests from the state on time and attend any hearing. In some states, missing a hearing ends the complaint.
- ☐ Keep all letters and the decision. If the state finds no violation, it must publish the results.
- ☐ If you disagree with the decision, check your state's appeal route in the directory.

HAVA Complaint Center, Hand Count Road Show (arsenal.handcountroadshow.org/hava/). General information, not legal advice. Research current as of October 21, 2026.