

Sample HAVA Section 402 Complaint (Title III)

This is a general sample, not legal advice. It is not an official form. Many states require their own form or add rules such as filing deadlines, a required respondent, or a deadline to ask for a hearing. Check your state's entry in the HAVA Complaint Center directory (arsenal.handcountroadshow.org/hava/#states) and your state's rule before you file. Text in [square brackets] is a placeholder to replace or delete.

BEFORE THE [NAME OF STATE OFFICE THAT DECIDES HAVA COMPLAINTS, e.g., Secretary of State, State Board of Elections]

VERIFIED COMPLAINT UNDER SECTION 402 OF THE HELP AMERICA VOTE ACT OF 2002, 52 U.S.C. 21112, AND [STATE RULE CITATION]

Alleged violation of HAVA Title III, Section [301 / 302 / 303 / 304], 52 U.S.C. [21081 / 21082 / 21083 / 21083a]([subsection])

Election for federal office concerned: [name and date of election, e.g., General Election, November 3, 2026]

1. Complainant

[Full legal name]

[Street address, city, state, ZIP]

[Telephone] | [Email]

[If true: I am a registered voter in [County/Town], [State].]

Note: HAVA lets "any person" file (52 U.S.C. 21112(a)(2)(B)), but some states limit who may file. Check your state.

2. Respondent

[Name and official title of the state or local election official or office responsible for the requirement], in

[his/her/its] official capacity

[Address]

Note: Name the official or office that has the legal duty. Complaints have been dismissed or returned because they named a body that is not an "election authority" (Michigan, Jan. 17, 2024), named the agency that decides the complaints (Wisconsin and Hawaii), or named the wrong level of government (Minnesota, 2022). Some states require you to send the respondent a copy (for example, Illinois 26 Ill. Adm. Code 150.25).

3. Nature of the complaint

This complaint concerns one issue: [state the issue in one sentence, e.g., "No voting system accessible to voters with disabilities was available and working at [polling place] on [date]."]

I believe this violation [has occurred / is occurring / is about to occur] (52 U.S.C. 21112(a)(2)(B)).

This is not an election contest. I do not ask to change any election result and I do not seek money damages. I ask for the appropriate remedy under 52 U.S.C. 21112(a)(2)(F).

Note: Use one complaint per issue. If you have several unrelated problems, file separate complaints.

4. Title III requirement

Section [number] of HAVA, 52 U.S.C. [section and subsection], requires: "[quote the exact words of the requirement]."

Note: Title III covers voting systems (sec. 301), provisional ballots and polling-place information (sec. 302), the statewide voter list and ID for some first-time mail registrants (sec. 303), and congressional observers (sec. 304). Problems under other laws, such as state-only rules, the National Voter Registration Act, or a state's HAVA plan, are usually dismissed from this procedure.

5. Facts

5.1 On [date], at about [time], I was at [polling place or office name and street address], [precinct, town, county].

5.2 I saw or heard the following: [describe exactly what happened, in order, in plain words].

5.3 The election officials involved were [names and titles, if known]. I asked [what you asked]. I was told [exact words, as best you remember].

5.4 Other people who saw this: [names and contact information of witnesses, if they agree].

5.5 Facts I know from other sources: [describe, and name the source, such as a public record or notice]. Facts stated on information and belief are identified as such.

Note: Be specific. "Poll workers were unhelpful" is weak. "At 7:40 a.m. on November 3, 2026, at Lincoln School, 12 Main St., the clerk told me the accessible machine was 'not set up today', and no other accessible machine was offered" is strong. Several New York determinations that found violations rested on exactly this kind of detail.

6. Why these facts violate Title III

[Explain in two or three sentences how the facts in Section 5 fail to meet the requirement quoted in Section 4.]

7. Timeliness

The events described occurred on [date]. This complaint is filed on [date], which is within [number] days. [State rule] sets a filing deadline of [number] days. [If no state deadline: The state rule sets no filing deadline.]

[If the violation is continuing or about to occur, state the specific, current facts that show it, such as a written procedure, an announced plan, or equipment decisions for an upcoming election.]

Note: Federal law sets no filing deadline, but 28 jurisdictions set one (as short as 10 days in Virginia). File as soon as you can. New York dismissed a complaint about past elections as untimely even though it was framed as a continuing violation (CMP 26-01, June 3, 2026).

8. Requests

8.1 Please accept this complaint and state in writing the date on which it was received and filed.

8.2 Hearing. I request a hearing on the record under 52 U.S.C. 21112(a)(2)(E) [and state rule]. I ask to present the following witnesses: [names].

8.3 Deadline. Please make a final determination within 90 days of filing (52 U.S.C. 21112(a)(2)(H)). I do not consent to any extension of the 90-day period unless I agree in writing. If no final determination is made within 90 days, I ask that the complaint be resolved within 60 days under alternative dispute resolution, using the record of these proceedings (52 U.S.C. 21112(a)(2)(I)).

8.4 Records. Please preserve all records relating to this complaint, including [list: logs, equipment records, notices, correspondence], and keep election records for the period required by 52 U.S.C. 20701 where it applies.

8.5 Remedy. I ask the State to [describe a remedy the State can actually order, such as placing a working accessible voting system at the polling place, issuing training directives, correcting a procedure, or correcting a record].

8.6 [If an election is near:] I ask for expedited consideration because the next election for federal office is on [date].

8.7 If the State finds no violation, I ask that it dismiss the complaint and publish the results, as 52 U.S.C. 21112(a)(2)(G) requires.

9. Exhibits

Exhibit A: [e.g., photo of posted notice, where lawful]

Exhibit B: [e.g., copy of public-records request and response]

Exhibit C: [e.g., signed witness statement]

10. Verification and signature

I, [full name], swear or affirm under penalty of perjury that I have read this complaint and that the facts stated in it are true to the best of my knowledge, information and belief. Facts stated on information and belief are identified as such, with their source.

Signature: _____ Date: _____

Printed name: [full name]

Notary acknowledgment

State of _____ County of _____

Subscribed and sworn to (or affirmed) before me on _____ (date) by _____
(name of complainant), proved to me on the basis of satisfactory evidence to be the person who appeared before
me.

Notary signature: _____

Printed name: _____ My commission expires: _____ [Seal]

Note: HAVA requires the complaint to be "in writing and notarized, and signed and sworn" (52 U.S.C. 21112(a)(2) (C)). Use your state's notary wording if its form has one. Missouri requires a notary commissioned in Missouri.

Filing checklist

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.