

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: <http://www.gpoaccess.gov/nara/index.html>.

Dated: July 28, 2005.

John H. Hager,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 05-15254 Filed 8-2-05; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

Arbitration Panel Decision Under the Randolph-Sheppard Act

AGENCY: Department of Education.

ACTION: Notice of arbitration panel decision under the Randolph-Sheppard Act.

SUMMARY: The Department gives notice that on November 9, 2004, an arbitration panel rendered a decision in the matter of *Arland Stratton v. Illinois Department of Human Services, Office of Rehabilitation Services (Docket No. R-S/03-1)*. This panel was convened by the U.S. Department of Education, under 20 U.S.C. 107d-1(a), after the Department received a complaint filed by the petitioner, Arland Stratton.

FOR FURTHER INFORMATION CONTACT: You may obtain a copy of the full text of the arbitration panel decision from Suzette E. Haynes, U.S. Department of Education, 400 Maryland Avenue, SW., room 5022, Potomac Center Plaza, Washington, DC 20202-2800. Telephone: (202) 245-7374. If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1-800-877-8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

SUPPLEMENTARY INFORMATION: Under section 6(c) of the Randolph-Sheppard Act (the Act), 20 U.S.C. 107d-2(c), the Secretary publishes in the **Federal Register** a synopsis of each arbitration panel decision affecting the administration of vending facilities on Federal and other property.

Background

This dispute concerns the alleged improper termination of Mr. Arland Stratton's vending license as a blind licensee under the Randolph-Sheppard vending facility program by the Illinois Department of Human Services, Office of Rehabilitation Services, the State licensing agency (SLA), in violation of the Act (20 U.S.C. 107 *et seq.*), the implementing regulations in 34 CFR part 395, and State rules and regulations.

A summary of the facts is as follows: Mr. Arland Stratton (complainant) operated Vending Facility #451 (Facility #451) at the Illinois Prairie Rest Area, I-57 in Champaign, Illinois, until April 1, 2002, when his vending license was terminated.

Previously, on March 28, 2002, complainant alleged that he reported to his business counselor at the SLA during the counselor's onsite visit to Facility #451 that a possible bookkeeping error may have resulted in his using program assets for personal use. Upon complainant's disclosure of the alleged bookkeeping error, the business counselor informed the SLA's Director of the Business Enterprise Program (BEP). The Director of the BEP instructed the business counselor to do a complete inventory of Facility #451 and to remove the keys from complainant's possession.

Complainant further alleged that the SLA's termination of his vending operator's license and removal from Facility #451 occurred without first providing him with an opportunity for a full evidentiary hearing, in violation of the Act and implementing regulations.

The SLA alleged that complainant, as a blind vendor, had been licensed, trained, and certified in the operation and management of vending facilities in the Illinois BEP. The SLA also stated that complainant was aware of the policies governing vending facilities and, in particular, the rules concerning use of program funds for personal use.

The SLA further alleged that in August 2001 the complainant's business counselor found him to be deficient in financial management practices and his paperwork to be unorganized. In January 2002, complainant received a written reprimand for a second violation of a State rule regarding accounting procedures. On March 19, 2002, the complainant's business counselor scheduled a financial audit. At the time of the audit, the business counselor alleged that complainant provided incomplete and incorrect paperwork, and the vendor was given one week to provide all of the correct information.

Following termination of his vending license, complainant filed for an administrative hearing. The hearing was held on June 10, 2002. In a decision dated July 8, 2002, the hearing officer affirmed the SLA's decision to terminate complainant's vending license and removal from Facility #451. The SLA adopted the hearing officer's decision as final agency action, and complainant sought review of that decision by a Federal arbitration panel.

Arbitration Panel Decision

The issues heard by the panel were: (1) Did the SLA violate 20 U.S.C. 107 *et seq.*, the implementing regulations in 34 CFR part 395, and its own regulations in allegedly improperly terminating the vendor's operating license and removing him from Facility #451, and (2) Did the SLA violate Federal law by removing the complainant as the vendor of Facility #451 and terminating his license before providing him with a full evidentiary hearing in those decisions?

After reviewing all of the records and hearing testimony of witnesses, the panel ruled as follows: On the first issue, the panel ruled that the Federal regulations in 34 CFR 395.7(b) provide for the termination of a vendor's license *after* an SLA has afforded the vendor a full evidentiary hearing and must be applied as written. The panel concluded that a vendor's license could not be terminated before a State fair hearing was held. However, the panel noted that the SLA's authority to remove complainant from his facility was not in question as distinguishable from terminating his vending license.

Concerning the second issue, the panel ruled that the termination of complainant's vending license was not consistent with the rehabilitative purposes of the Act to provide training and additional services to blind licensees.

Finally, the panel was divided on the appropriate remedy. The majority of the panel ruled that complainant's license must be restored, and, upon successful completion of a retraining program, complainant was to be placed in a suitable location with provisions for follow-up supervision and training by the SLA. The panel further ruled that, since the SLA had not previously collected the outstanding debt from complainant, it should be forgiven allowing him to begin anew.

One panel member concurred with the majority decision on the finding of a violation but dissented in part regarding the appropriate remedy, believing that complainant was entitled to lost wages, compensatory relief, and attorney's fees.

The views and opinions expressed by the panel do not necessarily represent the views and opinions of the U.S. Department of Education.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: <http://www.ed.gov/news/fedregister>.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: <http://www.gpoaccess.gov/nara/index.html>.

Dated: July 28, 2005.

John H. Hager,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 05-15284 Filed 8-2-05; 8:45 am]

BILLING CODE 4000-01-P

ELECTION ASSISTANCE COMMISSION

Sunshine Act Notice

* * * * *

ACTION: Notice of Public Meeting for the Executive Board of the EAC Standards Board.

DATE & TIME: Tuesday, August 23, 2005, 6:30 a.m.-8:30 p.m.

PLACE: Adam's Mark Hotel, 1550 Court Place, Denver, CO 80202.

TOPICS: The Executive Board of the U.S. Election Assistance Commission (EAC) Standards Board will meet to plan and prepare for the meeting of Standards Board, to plan and prepare a presentation of recommendations to the Standards Board on the Voluntary Voting System Guidelines proposed by EAC, and to handle other administrative matters.

* * * * *

PERSON TO CONTACT FOR INFORMATION: Bryan Whitener, telephone: (202) 566-3100.

* * * * *

Thomas R. Wilkey,

Executive Director, U.S. Election Assistance Commission.

[FR Doc. 05-15449 Filed 8-1-05; 1:18 pm]

BILLING CODE 6820-YN-M

ELECTION ASSISTANCE COMMISSION

Voluntary Guidance on Implementation of Statewide Voter Registration Lists

AGENCY: United States Election Assistance Commission.

ACTION: Notice; publication of final Voluntary Guidance on the Implementation of Statewide Voter Registration Lists.

SUMMARY: The U.S. Election Assistance Commission (EAC) is publishing its final voluntary guidance on Section 303(a) of the Help America Vote Act of 2002 (HAVA). HAVA was enacted to set standards for the administration of Federal elections. Included in these standards is a requirement that each State develop and maintain a single, statewide list of registered voters. The voluntary guidance published here by the EAC will assist the States in understanding, interpreting and implementing HAVA's standards regarding statewide voter registration lists.

FOR FURTHER INFORMATION CONTACT:

Gavin S. Gilmour, Associate General Counsel, Washington, DC, (202) 566-3100, Fax: (202) 566-1392.

SUPPLEMENTARY INFORMATION:

Background. HAVA mandates that the EAC draft and publish voluntary guidance to assist States in implementing the HAVA requirements for computerized statewide voter registration lists. (42 U.S.C. 15501(b)). To meet its obligation, the EAC gathered information and sought input from experts and stakeholders. Specifically, the EAC held public meetings, receiving testimony from State election officials whose States had implemented statewide voter registration lists. Additionally, the EAC, assisted by the National Academies, convened a two-day working group of State and local election officials. The working group received technical assistance from technology experts invited by the academies and representatives of the country's motor vehicle administrators.

Following this research and information gathering, the EAC drafted its *Proposed Voluntary Guidance on Implementation of Statewide Voter Registration Lists*. This proposed voluntary guidance was published with a request for public comment on April 18, 2005. (70 FR 20114). The public comment period was open until 5 p.m. e.d.t. on May 25, 2005. All comments received were considered in the drafting of this final guidance.

Discussion of Comments. The EAC received 310 comments from the public. The overwhelming majority of these

comments came from public interest groups or their members (221 comments in all). The EAC received 14 comments from State and local officials. Finally, 75 of the comments the EAC received were either not relevant to the subject matter, broad in nature or otherwise provided no specific recommendation.

The comments received from public interest groups were generally consistent in content, focusing primarily on what they perceived were missing from the guidelines. These groups focused on the need to provide additional information and guidance to States. They recommended that the guidance be expanded to provide States direction on (1) list verification and maintenance processes and protocols, (2) implementation of policies to protect registrants against removal from registration lists in error, (3) coordination with voter registration agencies, (4) security procedures to both prevent unauthorized access and protect database information and (5) database features such as public access portals and election management. The comments from State and local officials were more diverse. Most of the comments focused upon the types of databases that meet HAVA requirements. While the comments differed and often conflicted in their conclusions, as a whole they made it clear that further guidance on database structure and operation was desired. A number of comments from State and local officials also expressed concern over definitions with the guidance, fearing that they were absent, overly broad or might otherwise conflict with definitions under State law. Finally, a few State and local officials shared the concerns articulated by the public interest groups regarding security (specifically, limiting database access).

The EAC reviewed and considered each of the comments presented. In doing so, it also gathered additional information and performed research regarding the suggestions. The EAC's commitment to public participation is evident in the final version of the voluntary guidelines. The guidelines have been enhanced in a number of areas in response to conscientious public comment. The document has been reorganized to improve readability. Definitions for "statewide voter registration list" and "chief State election official" have been added. Similarly, the definition of "local election official" has been clarified. Additional guidance was added regarding (1) the creation of stricter standards by States; (2) election officials' responsibility to track voter history; (3) security requirements