§ 3-105. Administrative complaint procedure. 1. The state board of elections shall establish and maintain a uniform, nondiscriminatory administrative complaint procedure pursuant to which any person who believes that there is a violation (including a violation which has occurred or is occurring or is about to occur) of any provision of title three of the federal Help America Vote Act of 2002 (HAVA), may file a complaint.

2. Initially, any such complaint may be made orally, in person or by telephone, or in writing. Such complaints may be made to the state board of elections or with any local board of elections. A toll-free number shall be made available therefor for telephone calls to the state board of elections. Complaints shall be addressed by election officials expediently and informally whenever possible.

3. All formal complaints shall be filed with the state board of elections. All formal complaints shall be written, signed and sworn by the complainant. The complainant shall use a complaint form promulgated by the state board of elections. The state board of elections or a local board of elections shall assist any person with a disability who requests assistance to file a complaint. Complaints raising similar questions of law and/or fact may be consolidated by the state board of elections.

4. Upon the written request of the complainant, there shall be a hearing on the record, unless prior to the hearing, the state board of elections, in accordance with subdivision four of section 3-100 of this article, sustains the formal complaint as being uncontested. Any party to the hearing may purchase a transcript of such hearing.

5. The evidentiary standard applied to all formal complaints shall be a preponderance of the evidence.

6. Hearings shall be conducted by a panel of two commissioners of the state board of elections of opposite parties or senior staff members of opposite parties as selected by the commissioners of that party. If the panel does not agree to sustain the complaint, the formal complaint

shall be deemed dismissed and shall constitute the determination of the panel.

7. The determination of the hearing panel will be final unless changed by the state board of elections pursuant to subdivision four of section 3-100 of this article, within ninety days of the filing of the formal complaint. A final determination shall be filed and published by the state board of elections within ninety days after the filing of the formal complaint, unless the complainant agrees to a longer period of time. When a violation has been found, the final determination shall include an appropriate remedy for any violation of Title III of the Help America Vote Act of 2002 (HAVA) found by the state board of elections. A final determination dismissing a formal complaint may be filed by any one member of the hearing panel.

8. Whenever a final determination of a formal complaint is not made within ninety days, or any other longer agreed upon time period, the state board of elections shall refer the formal complaint to an independent, alternative dispute resolution agency. Such hearings and determinations shall be conducted by the alternative dispute resolution agency pursuant to regulations promulgated by the state board of elections pursuant to subdivision four of section 3-100 of this article. Such agency shall have sixty days, from the expiration of the original ninety day time period, or any other longer agreed upon time period, to make a final determination. The state board of elections shall contract, pursuant to subdivision four of section 3-100 of this article with one or more such alternative dispute resolution entities for this specific purpose.

9. No provision of this section shall be construed to impair or supersede the right of an aggrieved party to seek a judicial remedy including a judicial remedy concerning any final determination made pursuant to subdivision eight of this section. The state board of elections shall provide notice to all complainants of the provisions of this subdivision.