



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW – Suite 1100
Washington, DC 20005

OFFICE OF THE CHAIRMAN

May 6, 2004

The Honorable Jeb Bush
Governor
The Capitol
400 South Monroe Street
Tallahassee, FL 32399-0001

Dear Governor Bush:

The Help America Vote Act (hereafter “HAVA” or the “Act”) authorizes payments to States, U.S. Territories and the District of Columbia (hereafter “States”) to assist in meeting the “Uniform and Nondiscriminatory Election Technology and Administration Requirements” in Title III of the Act. In order to be eligible for receipt of a requirements payment, a State must file with the U.S. Election Assistance Commission (hereafter “EAC” or “Commission”) a certification statement for the fiscal year, which declares that such State is in compliance with the required conditions set forth in section 253(b) of the Act. Title II requirements payments for Fiscal Years 2003 and 2004 are available at this time.

Timing for Filing a Statement of Certification (Section 253(a) and (d))

To receive funds for a fiscal year, HAVA requires the chief executive officer of the State, or designee, in consultation with the chief State election official, to file with the EAC a statement certifying that the State is in compliance with the conditions set forth in section 253(b).³¹ This statement may not be filed until *after* the expiration of a 45-day period that began on March 24, 2004 – which was the day that all 55 State plans were published in the Federal Register by the Commission. The 45-day period expires on May 8, 2004.

Language for Statement of Certification (Section 253(a))

Recommended language for the certification statement is contained in Section 253(a) of the Act. Thus, the certification statement for a fiscal year may state the following:

“ _____ hereby certifies that it is in compliance with the requirements referred to in section 253(b) of the Help America Vote Act of 2002.”

³¹ For the purpose of the requirements payments, the *chief State election official* is the individual designated by the State under section 10 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-8) to be responsible for coordination of the States responsibilities under such Act.

021047

Condition for Receipt of Funds (Section 253(b))

The conditions for receipt of a requirements payment contained in section 253(b) require that a state certify to the Commission that, for the fiscal year(s) in which funds are requested, it:

- has filed a State plan with the EAC covering the fiscal year and which the State certifies:
 - contains each of the elements required to be in the State plan, according to section 254, including how the State will establish a State Election Fund in accordance with section 254(b),³²
 - is developed in accordance with section 255, which describes the process of using a committee of appropriate individuals, including the chief election officials of the two most populous jurisdictions, other local election officials, stake holders (including representatives of groups of individuals with disabilities), and other citizens to develop the plan; and
 - meets the 30-day public notice and comment requirements of section 256.
- has filed with the EAC a plan for the implementation of the uniform, non-discriminatory administrative complaint procedures required under section 402 (or has included such a plan in the State plan), and has such procedures in place. If the State does not include such an implementation plan in the State plan, the *Federal Register* publication and the committee development requirements of sections 255(b) and 256 apply to the implementation of the administrative complaint procedure in the same manner as they apply to the State plan.
- is in compliance with each of the following federal laws as they apply to the Act:
 - The Voting Rights Act of 1965;
 - The Voting Accessibility for the Elderly and Handicapped Act;
 - The Uniformed and Overseas Citizens Absentee Voting Act;
 - The National Voter Registration Act of 1993;
 - The Americans with Disabilities Act of 1990; and
 - The Rehabilitation Act of 1973.
- has provided that, to the extent that any portion of the Title II requirements payment is used for activities other than meeting the requirements of Title III:
 - the State's proposed uses of the requirements payment are not inconsistent with the requirements of Title III; and

³² Section 254(b)(1) and (2) of the Act describes the State Election Fund as a fund that is established in the treasury of the State government, which must be used by the State exclusively to carry out the activities for which the requirements payment (title II, Subtitle D, Part 1) is made to the State, and which consists of:

- amounts appropriated or otherwise made available by the State for carrying out the activities for which the requirements payment is made;
- the requirements payment to the State;
- such other amounts as may be appropriated under law; and
- interest earned on deposits of the fund.

HAVA section 254(b)(3) provides that, in the case of a State that requires State legislation to establish a State Election Fund, the EAC is required to defer disbursement of the requirements payment to such State until such time as legislation establishing the fund is enacted.

021048

- the use of the funds under this paragraph is consistent with the requirements of section 251(b); and
- has appropriated funds for carrying out the activities for which the requirements payment is made in an amount equal to **5 percent** of the total amount to be spent for such activities (taking into account the requirements payment and the amount spent by the State) and, in the case of a State that uses a requirements payment as a reimbursement for voting equipment under 251(c)(2), an additional amount equal to the amount of such reimbursement.³³

Accordingly, prior to submission of a certification statement for a fiscal year(s) to the EAC, the Commission strongly encourages all States to verify compliance with the required conditions set forth in section 253(b). Should the Commission have any concerns that a particular State – which has submitted a certification statement to the EAC – has not met one of the required conditions, the EAC will immediately contact that particular State and/or communicate its concern in writing.

General Services Administration (GSA) Procedures for Payments

GSA, which will disburse the Title II requirements payments to States under the direction of the EAC, requests that the following procedures be used for disbursement and receipt of these payments:

- **Step One – Registration.** State representatives should contact Sharon Pugh (Sharon.Pugh@GSA.gov) or Brad Farris (Brad.Farris@GSA.gov) on (816) 823-3108, as soon as possible, with information on State contact points, including name, address and email address. These contacts may very well be the same personnel that GSA worked with in distributing HAVA Title I funding. GSA will verify this information.
- **Step Two – EFT Setup.** GSA will contact the State representatives to obtain banking information required for an Electronic Funds Transfer (EFT). Again, this may be the same information submitted for HAVA Title I funding. Payments should be made into the Election Fund described in HAVA Section 254(b)(1). All funds will be disbursed via EFT.
- **Step Three – State Certification Statement to EAC** – States will submit required certification information to the EAC, as outlined above, after the completion of the 45-day period for publication of the State plan in the Federal Register.
- **Step Four – Notification to GSA by EAC** – Based upon the certification statement, the EAC will notify GSA that a State is due receipt of its Title II payment for a particular fiscal year (i.e., either FY 2003 funds, FY 2004 funds, or both).
- **Step Five – Disbursement of Title II Funds** – GSA will disburse the Title II funds for a particular fiscal year to the accounts specified by the States, and will notify the States and the EAC of the disbursement in writing.

³³ For purposes of declaring sufficient funds are available for the State to carry out activities to meet Title III requirements, if the requirements payment is to be used as a reimbursement for voting equipment obtained on and after January 1, 2004 through multi-year contracts, the activity is not treated as an activity to meet Title III requirements.

Finally, the Commission has received numerous inquiries regarding the concern that the Title II requirements funds will no longer be available for disbursement to the States after the end of the current fiscal year (i.e., September 30, 2004). However, the Commission points to section 257(b) of the Act, which states in part:

“(b) AVAILABILITY- Any amounts appropriated pursuant to the authority of subsection (a) shall remain available *without fiscal year limitation until expended.*” (Emphasis added.)

Based upon the above statutory language, the Commission believes Congress’ intent was clear in that the Title II funds remain available to the States until fully disbursed by the EAC.

The Commission looks forward to working closely with all States as we enter into this next phase of HAVA implementation. Should you have any questions or need further clarification as to the contents of this letter, please do not hesitate to contact Peggy Sims at 1-866-747-1471 (toll free) or 202-566-3100.

Sincerely yours,



DeForest B. Soaries, Jr.
Chairman

cc: The Honorable Glenda Hood, Florida Secretary of State

021058



U.S. ELECTION ASSISTANCE COMMISSION
1225 NEW YORK AVENUE, N.W., SUITE 1100
WASHINGTON, D.C. 20005

OFFICE OF THE CHAIRMAN

February 17, 2006

The Honorable Sue Cobb
Secretary of State
R. A. Gray Building
500 S. Bronough Street, Room 316
Tallahassee Florida 32399-0250

Dear Secretary Cobb:

This letter serves as a reminder that reports on funds provided to States under the Help America Vote Act of 2002 (HAVA), Title I, Sections 101 and 102, and Title II, Section 251, are due soon to the U.S. Election Assistance Commission (EAC). Attached is a chart summarizing the due dates for the reports, the CFDA numbers applicable to the funds provided, the coverage dates for each report, and the form and content of the reports.

All reports on the HAVA Title I funds and Title II, Section 251 requirements payments should be submitted to the following address:

State HAVA Funding Reports
U.S. Election Assistance Commission
1225 New York Avenue, NW – Suite 1100
Washington, DC 20005

If you have any questions about this matter, please contact Peggy Sims, Election Research Specialist. You can reach her by email at psims@eac.gov, or by phone at 1-866-747-1471 (toll free) or 202-566-3120.

Sincerely yours,

Paul S. DeGregorio
Chairman

Attachment

SCHEDULE OF HAVA REPORTS DUE TO EAG IN 2006

Due Date	HAVA Title & Section	CFDA #	Coverage Dates	Report Form and Contents²
February 28, 2006	Title I, Section 101	39.011	January 1, 2005-December 31, 2005	Standard Form 269 with the following attached: <ul style="list-style-type: none"> • a detailed list of expenditures by program, function, or task (including dollar amount) made with respect to each category of activities described for the permissible use of funds in HAVA Section 101(b); • the number and type of articles of voting equipment obtained with the funds; and • an analysis and description of the activities funded and how such activities conform to the submitted State plan.
February 28, 2006	Title I, Section 102	39.011	January 1, 2005-December 31, 2005	Standard Form 269 with the following attached: <ul style="list-style-type: none"> • a detailed list of expenditures (including dollar amount) made for the replacement of punchcard and lever voting systems in accordance with HAVA Section 102(a)(2); • the number and type of articles of voting equipment obtained with the funds; and • an analysis and description of how the expenditures conform to the submitted State plan.
March 30, 2006	Title II, Section 251	90.401	October 1, 2004-September 30, 2005	Standard Form 269 with the following attached: <ul style="list-style-type: none"> • a list of expenditures made with respect to each category of activities described for the use of funds in HAVA Section 251; • the number and type of articles of voting equipment obtained with the funds; and • an analysis and description of the activities funded to meet HAVA requirements and how such activities conform to the submitted State plan.

¹ Reports are due if the State has received funds under the HAVA title and section noted, and has not previously reported the expenditure of all such funds (including interest earned and, in the case of Title II, Section 251 payments, the 5% match).

² Standard Form 269 may be accessed at <http://www.whitehouse.gov/omb/grants/sf269.pdf>.

021052



U.S. ELECTION ASSISTANCE COMMISSION
1225 NEW YORK AVENUE, N.W., SUITE 1100
WASHINGTON, D.C. 20005

OFFICE OF THE CHAIRMAN

January 26, 2005

The Honorable Glenda Hood
Secretary of State
R. A. Gray Building
500 S. Bronough Street, Room 316
Tallahassee, Florida 32399-0250

Dear Secretary Hood:

This letter is in response to numerous State inquiries about future reporting responsibilities for funds provided under Title I, Sections 101 and 102, of the Help America Vote Act (HAVA).

In a July 2003 letter, the General Services Administration (GSA) notified your State that separate reports for Section 101 and 102 funds, covering financial activity from the date of GSA's disbursement of the funds to your State through December 31, 2003, were to be filed with GSA by January 21, 2004. GSA noted that States should report using Standard Form 269, with a separate form to be filed for Section 101 and, if applicable, 102 funds received by the State. GSA required each funding recipient to submit verification of actual purchases and expenditures.

The GSA letter also noted that the agency would provide information from these reports to Election Assistance Commission (EAC), once it was up and running, and that reporting dates would be subject to change by EAC. EAC has assumed the responsibility for receiving reports regarding these funds, in accordance with the agency's assumption of its audit responsibilities under HAVA, Title IX, Section 902.

EAC therefore requests that your State file your next report(s) no later than February 28, 2005 regarding all HAVA Title I funds provided to your State that had not been disbursed as of December 31, 2003 (the closing date of the report to GSA). Separate reports must be filed for the Section 101 and, if applicable, 102 funds that were received by your State; should cover financial activity during the period beginning January 1, 2004 and ending December 31, 2004; and must include the following information:

- a detailed list of expenditures by program, function, or task (including dollar amount) made with respect to each category of activities described for the permissible use of funds in HAVA sections 101(b) and 102(a)(2);

- the number and type of articles of voting equipment obtained with the funds; and
- an analysis and description of:
 - the activities funded to meet HAVA requirements; and
 - how such activities conform to the submitted State plan.

States should submit Standard Form 269 as part of each report. This form may be found at the <http://www.whitehouse.gov/omb/grants/sf269.pdf>.

Subsequent reports providing the same information on HAVA Title I expenditures will be due annually on February 28, covering the financial activity for the previous calendar year, until the State has filed final reports indicating that no such funds remain to be disbursed.

All reports on the HAVA Title I funds must be submitted to the following address:

State HAVA Funding Reports
U.S. Election Assistance Commission
1225 New York Avenue, NW – Suite 1100
Washington, DC 20005

If you have any questions about this matter, please contact Peggy Sims, Election Research Specialist, by email at psims@eac.gov or by phone at 1-866-747-1471 (toll free) or 202-566-3120.

Sincerely yours,



Gracia M. Hillman
Chair



GSA Office of the Chief Financial Officer

July 28, 2003

The Honorable Jeb Bush
Governor of Florida
Tallahassee, FL 32399

Dear Governor Bush:

This letter describes the final distribution of funds by the General Services Administration (GSA), in carrying out our responsibilities under Title 1 of Public Law (P.L.) 107-252, the Help America Vote Act (HAVA, "the Act"). The Act tasks GSA with responsibility for disbursing funds to the States, the District of Columbia and the Territories to implement various improvements to the Federal election process, including the replacement of voting equipment. Please see the enclosed letter (Enclosure 1) for background information on the program, original plans for applying for funds, timeline, et cetera.

Payments

Florida applied and certified timely to Sections 101 and 102 of HAVA, Title I. GSA, as described in Enclosure 1, processed an initial payment of \$5,000,000.00, which was transferred electronically on 4/23/2003 to the account specified by Edward Kast, Director, Division of Elections. Once all of the State applications were received and verified, GSA determined the final distribution of funds to the States, according to HAVA instructions, and processed the final payments. An additional payment of \$21,028,957.00 was made to the same account specified, again by Electronic Funds Transfer (EFT), and GSA verified receipt of the funds to that account on Monday, June 16, 2003. Thus, Florida received a total of \$26,028,957.00, consisting of a Section 101 payment of \$14,447,580.00, and a Section 102 payment of \$11,581,377.00. We will assume that your Chief Election Official and designee for payment of funds is Glenda Hood, Secretary of State, unless you notify us differently.

The Section 101 payment is for one or more of the following purposes, as indicated by Florida's certification of Section 101:

- Complying with the requirements of Title III of the Act;
- Improving the administration of elections for Federal office;
- Educating voters concerning voting procedures, voting rights, and voting technology;

U.S. General Services Administration
1800 F Street, NW
Washington, DC 20405-0002
www.gsa.gov

021055

- Training election officials, poll workers, and election volunteers;
- Developing the State plan for requirements payments to be submitted under Part 1 of Subtitle D of Title II (Sections 251-257) of the Act;
- Improving, acquiring, leasing, modifying, or replacing voting systems and technology and methods for the casting and counting of votes;
- Improving the accessibility and quantity of polling places, including providing physical access for individuals with disabilities, providing non-visual access for individuals with visual impairments, and providing assistance to Native Americans, Alaska Native citizens, and to individuals with limited proficiency in the English language; and/or
- Establishing a toll-free telephone hotline that voters may use to report possible voting fraud and voting rights violations, to obtain general election information, and to access detailed automated information on their own voter registration status, specified polling place locations, and other relevant information.

The Section 102 payment is for the following purpose as indicated by Florida's certification of Section 102, for 3,628 total qualifying precincts, consisting of 3,588 punch card precincts and 40 lever voter system precincts:

- A State is obligated to use the funding (either directly or as a reimbursement for costs incurred on or after January 1, 2001) to replace punch card voting systems or lever voting systems in precincts within that State that used such systems in the November 2000 election ("qualifying precincts").
- A State that receives funding for this program must ensure that all of the punch card voting systems or lever systems in the qualifying precincts within that State will be replaced in time for the regularly scheduled general election for Federal office to be held in November 2004 (unless a waiver is obtained under Section 102(a)(3)(B)).
- Section 102(a)(3)(B) says that States may request a waiver by certifying to the Administrator of General Services not later than January 1, 2004, that the State will not meet the deadline specified above, for good cause and including in the certification the reasons for the failure to meet such deadline, the State shall ensure that all of the punch card voting systems or lever voting systems in the qualifying precincts within the State will be replaced in time for the first election for Federal office held after January 1, 2006.
- Section 102(d) deals with repayment of funds for failure to meet the deadline, and says that if a State receiving Section 102 funds fails to meet the deadlines stated above, the State shall pay to the Administrator an amount equal to the noncompliant precinct percentage of the amount of the funds provided to the State under the program. This amount will be \$3,192.22 per noncompliant precinct.
- The State will continue to comply with current voting laws stated in Section 906; and,
- The replacement voting systems will meet the requirements of Title III, Section 301.

021056

Method of Calculations

The following describes the method of calculations for distribution of the HAVA Title I funds, which was reviewed and cleared with both House and Senate staff, our General Counsel's office, and our Inspector General's office.

Total Availability. The total amount available for distribution is \$649,500,000, calculated by taking the total \$650,000,000 appropriated for this purpose in Public Law 108-7, and subtracting the \$500,000 allowed for GSA administrative costs.¹ For initial calculations, this amount is divided evenly between Sections 101 and 102 at \$324,750,000 per section.

Section 101. Step one of two gives one-half of one percent of \$324,750,000 to each State and the District of Columbia (\$1,623,750) and one tenth of one percent of the total (\$324,750) to Guam, Puerto Rico, the U.S. Virgin Islands and America Samoa. The total distributed under step one is \$84,110,250.

The second step allocates funds from the \$324,750,000 not allocated in the first step (totaling \$240,639,750) based on each State and Territory's proportionate share of the voting age population as reported in the 2000 Census (total 212,050,630, including Territories). The sum of the funds allocated in the first step and the second step equals \$324,750,000.

Section 102. First, \$4000 was allocated to each State for each precinct that used punch card or lever voting machines in the 2000 election, as certified by the State, totaling \$376,312,000. The State totals were then reduced on a pro rata basis to 86.29807 percent of the original total, so that the nationwide total of funds allocated did not exceed \$324,750,000.

Section 103. Section 103 of the Act guarantees that each State will receive a minimum payment of \$5,000,000 and each territory will receive a minimum payment of \$1,000,000. If a State were to receive less than \$5,000,000 (or a Territory less than \$1,000,000) for both programs, based on the calculations described above for Sections 101 and 102, that State's or Territory's payment was increased to the minimum. The remaining States' payments under Sections 101 and 102 were reduced on a pro rata basis, per Section 103(b), so that the total did not exceed the \$649,500,000 total availability. The amount of the reduction to the remaining States' payments was \$44,460,348. This required a pro rata reduction of 7.52341 percent to the remaining State's Sections 101 and 102 payments. After all reductions, the net amount per qualifying precinct for voting machine replacement is \$3,192.22.

¹ GSA's administrative costs will be substantially less than \$500,000, and the amount not used by GSA will be transferred to the Election Assistance Commission when it becomes operational.

Reporting and Conformance

By January 21, 2004, States will provide reports to GSA on actual expenditures as of December 31, 2003. Each funding recipient will be required to submit verification of actual purchases and expenditures. States should report using Standard Form 269 for Sections 101 and 102 categories. A separate form should be used for each section. Information regarding actual funds expended will be reconciled against funding provided. GSA will provide this information to the Election Assistance Commission once it becomes operational, and reporting dates are subject to change by the Commission.

State recipients of these funds are required to conform to the following Office of Management and Budget (OMB) grant guidelines found at <http://www.whitehouse.gov/omb/circulars/index.html> :

- OMB Circular A-87, Cost Principles for State, Local and Indian Tribal Governments (Cost Principles)
- OMB Circular A-102, Grants and Cooperative Agreements With State and Local Governments (Administrative Requirements)
- Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments ("Common Rule", Administrative Requirement, 53 FR 8087, March 11, 1988)
- OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations (Single Audits, Audit Requirements).
- In addition, Title I funds are subject to the Cash Management Improvement Act (CMIA) that is generally applicable to all Federal grants. State Treasurers/Chief Financial Officers are very familiar with CMIA and should be able to offer guidance on requirements.

The Catalog of Federal Domestic Assistance number assigned to this project is 39.011, Election Reform Payments. Please see the following reference for further information:

- <http://www.cfda.gov/public/viewprog.asp?progid=1668>

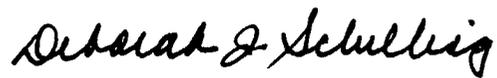
Audits

Title IX, Section 902 of Public Law 107-252, states that with respect to any grant or payment made in accordance with this Act by GSA, the Election Assistance Commission must be regarded as the office making the grant or payment, for the purposes of audits.

Assistance

If you have any questions or comments, please feel free to contact me at 202.501.0719, or Stephen Kulenguski at 202.501.4496. Questions about transfers of funds may be addressed to Sharon Pugh or Brad Farris at 816.823.3108 in our regional Finance Center. The GSA Regional Administrator for Florida is Edwin E Fielder, Jr., telephone 404.331.3200. Thank you.

Sincerely,



Deborah J. Schilling
Director of Budget

Enclosures

Copies sent to:
Chief Election Official, Glenda Hood, Secretary of State
Chief Financial Officer, Tom Gallagher, State Treasurer
Regional Administrators

FAX

Department of State

Division of Elections

Room 316, R.A. Gray Building

500 South Bronough Street

Tallahassee, Florida 32399-0250



Date 01/12/07 4:20 PM

Number of pages including cover sheet

To:

Mr. Edgardo Cortes

Election Assistance Commission

Phone # 202-566-3100

Fax # 202-566-1392

From:

Amy K. Tuck

Director, Division of Elections

Phone # (850) 245-6200

Fax # (850) 245-6217

REMARKS:

Per Your Request For your review Reply ASAP Per Conversation

Re: CERTIFICATION: USE OF HAVA SECTION 102 FUNDS AND REPLACEMENT OF PUNCH CARD AND LEVER MACHINES

021060



CERTIFICATION: USE OF HAVA SECTION 102 FUNDS AND REPLACEMENT OF PUNCH CARD AND LEVER MACHINES

I, the undersigned, having investigated or caused to be investigated each matter, below; certify, affirm and acknowledge that each of the following numbered statements, and any attachments to this certification document, are true and accurately reflect the status, condition and operations of Florida (hereinafter "state") as they related to the use and status of Help America Vote Act (HAVA) Section 102 Funds and the replacement of punch card or lever machines.

I understand that by certifying the information below, I am making a statement or representation to the U.S. Election Assistance Commission, an independent Federal Agency, necessary for the agency to determine Florida's required compliance with HAVA Section 102. (42 U.S.C. §15302). Compliance with HAVA Section 102 is required by the state as a result of its accepting Federal funds under that provision. As a condition of receiving 102 funds, the state certified that it would "use the payment... to replace punch card voting systems or lever voting systems (as the case may be) in the qualifying precincts within the state by the deadline prescribed... [regularly scheduled general election for Federal office to be held in November 2004]." (42 U.S.C. §15302(b)).

I further understand that to the extent any of the below (or attached) representations or certifications are found to be materially false, the Federal funds received by the state will be subject to audit and possible recoupment. Further, such false statements may subject the undersigned to criminal prosecution under 18 U.S.C. §1001 or other Federal Statutes.

I. BACKGROUND. Read the statements below and initial the items that you certify as true and accurate. If you are not able to certify one or more of the following statements, you must line through the statement at issue and attach a signed explanation identifying it and explaining why it may not be certified. The statement (attachment) should provide all necessary facts and concisely explain the conditions that make certification a problem. The explanation shall be labeled "Attachment A, Background."

1. **Signing Official.** I hereby certify that I am the Chief State Election Official for Florida, per 42 U.S.C. 1973gg-8 (National Voter Registration Act).

Initials: *[Signature]*

2. **Triggering Election.** The regularly scheduled general election for Federal Office in November 2004 (triggering the deadline noted in 42 U.S.C. 15302 (a)(3)(A)) for the state was held on November 2, 2004.

Initials: *[Signature]*

3. **Funds Received.** The State received \$11,581,377.00 in Federal Funds pursuant to HAVA section 102.

Initials: *[Signature]*

IL PUNCH CARD OR LEVER MACHINE REPLACEMENT. *Read the statements below and initial the items that you certify as true and accurate. If you are not able to certify one or more of the below statements, you must line through the statement at issue and attach a signed explanation identifying it and explaining why it may not be certified. The statement (attachment) should provide all necessary facts and concisely explain the conditions that make certification a problem. The explanation shall be labeled "Attachment B. Punch Card or Lever Machine Replacement."*

1. **Qualified Precincts.** The State had 3,628 total qualified precincts (precincts which used punch card or lever machines to administer the regularly scheduled general election for Federal office held in November of 2000).

Initials: *[Signature]*

2. **Qualified Precincts: No Punch Card or Lever Machine Used.** None of the qualifying precincts, noted in statement 1 above, used a lever or punch card machine in an election for Federal office on or after November 2, 2004.

Initials: *[Signature]*

3. **No Punch Card or Lever Machine Used in State.** No precinct in the state used a punch card or lever machine for an election for Federal office on or after November 2, 2004.

Initials: *[Signature]*

4. **Replacement Machines.** All machines purchased, leased or otherwise procured to replace punch card or lever machines in qualifying precincts meet the requirements of HAVA section 301 (42 U.S.C. §15481) and comply with all other relevant Federal statutory requirements (noted in 42 U.S.C. §15545). This includes the requirement that each polling place have at least one voting system equipped for individuals with disabilities. *Please provide (below) a complete list of all voting systems procured, leased or otherwise obtained to replace the state's punch card or lever machines.*

Manufacturer	Name	Version	Quantity
1. ES&S	iVotronic	6.1.3.1	19,416
2. ES&S	iVotronic 15"	6.2.0.3	37
3. ES&S	M100	4.5.5	146
4. Sequoia	Edge 1	3.1	11,220
5. Global (Diebold)	Accuvote	1.94	511
6.			
7.			

If you need additional space, please continue this table on a separate, signed attachment.

Initials: *[Signature]*

5. **Voting Systems in Place.** All voting systems procured to replace punch card or lever machines were in place and used in the state's November 2, 2004 Federal election.

Initials: *[Signature]*

III. HAVA § 102 FUNDS. Read the statements below and initial the items that you certify as true and accurate. If you are not able to certify to either response "a" or "b" in statement 1 or statement 2, below, you must line through the statement and attach a signed document explaining why you could not make a certification. The explanation (attachment) should provide all necessary facts and concisely explain the conditions that make certification a problem. The explanation shall be labeled "Attachment C, HAVA §102 Funds."

1. **Status of HAVA §102 Funds.** Please check the statement below that applies to your state. (Check only one statement).

(a) The state had none of the \$11,581,377 it received pursuant to HAVA §102 remaining in its election fund after November 2, 2004. This means that as of this date, all 102 funds were expended. Funds are expended when finally transferred to another party (manufacturer or vendor) for consideration (voting system).

(b) The state had only obligated funds remaining in its election fund after November 2, 2004. This means that as of this date, all funds were either expended or obligated. Funds are expended when finally transferred to another party (manufacturer or vendor) for consideration (voting system). Funds are properly obligated when the state has incurred a legally enforceable liability (such as a grant agreement, contract or lease) to another party (such as a local government or contractor) for a specific portion of the 102 funds. If the state had only obligated funds in its election funds after the above date, attach a statement explaining the obligation(s). This statement must clearly explain and state the value of the obligated funds remaining and the nature of the obligation. Documentation regarding the obligation should also be attached and explained (e.g. documents from vendor contracts or agreements with local governments). This explanation and supporting documentation shall be labeled "Attachment D, Obligated Funds."

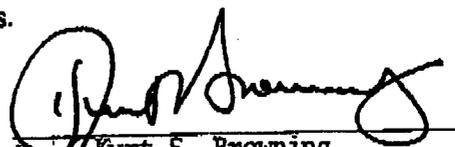
Initials: *AB*

2. **Use of HAVA §102 Funds.** All HAVA §102 funds expended or obligated by the state were used to replace punch card or lever machines in qualifying precincts per 42 U.S.C. §15302(a)(2).

Initials: *AB*

I, by signing my name below, certify, affirm and acknowledge, under penalty of Federal law, that each of the above numbered paragraphs initialed above accurately represent the operations, conditions and practices of Florida as they related to the use and status of HAVA Section 102 Funds and the replacement of punch card or lever machines.

Signed this day, 1/12/07 :
Date


Name: Kurt S. Browning
Secretary of State
Title



CERTIFICATION: USE OF HAVA SECTION 102 FUNDS AND REPLACEMENT OF PUNCH CARD AND LEVER MACHINES

I, the undersigned, having investigated or caused to be investigated each matter, below; certify, affirm and acknowledge that each of the following numbered statements, and any attachments to this certification document, are true and accurately reflect the status, condition and operations of Florida (hereinafter "state") as they related to the use and status of Help America Vote Act (HAVA) Section 102 Funds and the replacement of punch card or lever machines.

I understand that by certifying the information below, I am making a statement or representation to the U.S. Election Assistance Commission, an independent Federal Agency, necessary for the agency to determine Florida's required compliance with HAVA Section 102. (42 U.S.C. §15302). Compliance with HAVA Section 102 is required by the state as a result of its accepting Federal funds under that provision. As a condition of receiving 102 funds, the state certified that it would "use the payment... to replace punch card voting systems or lever voting systems (as the case may be) in the qualifying precincts within the state by the deadline prescribed... [regularly scheduled general election for Federal office to be held in November 2004]." (42 U.S.C. §15302(b)).

I further understand that to the extent any of the below (or attached) representations or certifications are found to be materially false, the Federal funds received by the state will be subject to audit and possible recoupment. Further, such false statements may subject the undersigned to criminal prosecution under 18 U.S.C. §1001 or other Federal Statutes.

I. BACKGROUND. *Read the statements below and initial the items that you certify as true and accurate. If you are not able to certify one or more of the following statements, you must line through the statement at issue and attach a signed explanation identifying it and explaining why it may not be certified. The statement (attachment) should provide all necessary facts and concisely explain the conditions that make certification a problem. The explanation shall be labeled "Attachment A, Background."*

1. **Signing Official.** I hereby certify that I am the Chief State Election Official for Florida, per 42 U.S.C. 1973gg-8 (National Voter Registration Act).

Initials: 

2. **Triggering Election.** The regularly scheduled general election for Federal Office in November 2004 (triggering the deadline noted in 42 U.S.C. 15302 (a)(3)(A)) for the state was held on November 2, 2004.

Initials: 

3. **Funds Received.** The State received \$11,581,377.00 in Federal Funds pursuant to HAVA section 102.

Initials: 

021064

II. PUNCH CARD OR LEVER MACHINE REPLACEMENT. Read the statements below and initial the items that you certify as true and accurate. If you are not able to certify one or more of the below statements, you must line through the statement at issue and attach a signed explanation identifying it and explaining why it may not be certified. The statement (attachment) should provide all necessary facts and concisely explain the conditions that make certification a problem. The explanation shall be labeled "Attachment B, Punch Card or Lever Machine Replacement."

1. **Qualified Precincts.** The State had 3,628 total qualified precincts (precincts which used punch card or lever machines to administer the regularly scheduled general election for Federal office held in November of 2000).

Initials: *[Signature]*

2. **Qualified Precincts: No Punch Card or Lever Machine Used.** None of the qualifying precincts, noted in statement 1 above, used a lever or punch card machine in an election for Federal office on or after November 2, 2004.

Initials: *[Signature]*

3. **No Punch Card or Lever Machine Used in State.** No precinct in the state used a punch card or lever machine for an election for Federal office on or after November 2, 2004.

Initials: *[Signature]*

4. **Replacement Machines.** All machines purchased, leased or otherwise procured to replace punch card or lever machines in qualifying precincts meet the requirements of HAVA section 301 (42 U.S.C. §15481) and comply with all other relevant Federal statutory requirements (noted in 42 U.S.C. §15545). This includes the requirement that each polling place have at least one voting system equipped for individuals with disabilities. Please provide (below) a complete list of all voting systems procured, leased or otherwise obtained to replace the state's punch card or lever machines.

	Manufacturer	Model	Version	Quantity
1.	ES&S	iVotronic	6.1.3.1	19,416
2.	ES&S	iVotronic 15"	6.2.0.3	37
3.	ES&S	M100	4.5.5	146
4.	Sequoia	Edge 1	3.1	11,220
5.	Global (Diebold)	Accuvote	1.94	511
6.				
7.				

If you need additional space, please continue this table on a separate, signed attachment.

Initials: *[Signature]*

5. **Voting Systems in Place.** All voting systems procured to replace punch card or lever machines were in place and used in the state's November 2, 2004 Federal election.

Initials: *[Signature]*

III. HAVA § 102 FUNDS. Read the statements below and initial the items that you certify as true and accurate. If you are not able to certify to either response "a" or "b" in statement 1 or statement 2, below, you must line through the statement and attach a signed document explaining why you could not make a certification. The explanation (attachment) should provide all necessary facts and concisely explain the conditions that make certification a problem. The explanation shall be labeled "Attachment C, HAVA §102 Funds."

1. **Status of HAVA §102 Funds.** Please check the statement below that applies to your state. (Check only one statement).

(a) The state had none of the \$11,581,377 it received pursuant to HAVA §102 remaining in its election fund after November 2, 2004. This means that as of this date, all 102 funds were expended. Funds are expended when finally transferred to another party (manufacturer or vendor) for consideration (voting system).

(b) The state had only obligated funds remaining in its election fund after November 2, 2004. This means that as of this date, all funds were either expended or obligated. Funds are expended when finally transferred to another party (manufacturer or vendor) for consideration (voting system). Funds are properly obligated when the state has incurred a legally enforceable liability (such as a grant agreement, contract or lease) to another party (such as a local government or contractor) for a specific portion of the 102 funds. *If the state had only obligated funds in its election funds after the above date, attach a statement explaining the obligation(s). This statement must clearly explain and state the value of the obligated funds remaining and the nature of the obligation. Documentation regarding the obligation should also be attached and explained (e.g. documents from vendor contracts or agreements with local governments). This explanation and supporting documentation shall be labeled "Attachment D, Obligated Funds."*

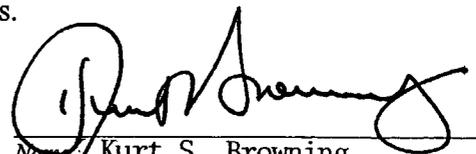
Initials: *KB*

2. **Use of HAVA §102 Funds.** All HAVA §102 funds expended or obligated by the state were used to replace punch card or lever machines in qualifying precincts per 42 U.S.C. §15302(a)(2).

Initials: *KB*

I, by signing my name below, certify, affirm and acknowledge, under penalty of Federal law, that each of the above numbered paragraphs initialed above accurately represent the operations, conditions and practices of Florida as they related to the use and status of HAVA Section 102 Funds and the replacement of punch card or lever machines.

Signed this day, 1/12/07 :
Date


Name / Kurt S. Browning
Secretary of State
Title

021066



U. S. ELECTION ASSISTANCE COMMISSION
 OFFICE OF THE EXECUTIVE DIRECTOR
 1225 New York Avenue, NW, Suite 1100
 Washington, DC. 20005

FILE COPY

December 14, 2006

Sue Cobb
 Secretary of State
 R. A. Gray Building
 500 S. Bronough Street, Room 316
 Tallahassee, Florida 32399-0250

RE: Certification—HAVA 102 Funding

Dear Secretary Cobb,

The purpose of this letter is to obtain a certification from you, as Florida's Chief State Election Official, regarding the state's use of funds provided under section 102 of the Help America Vote Act (HAVA). These funds were granted to the state for the replacement of punch card or lever voting machines (42 U.S.C. §15302). The U.S. Election Assistance Commission (EAC or Commission) is the Federal agency responsible for administering HAVA §102 funds. The regularly scheduled general election for Federal office in November 2004 was held on November 2, 2004. The date of this election represents the deadline for the state's use of the Federal funds it received pursuant to HAVA section 102. (42 USC §15302(a)(3)) Now that this deadline has passed, the state must demonstrate that the funds it received were used for the purpose and by the deadlines set forth in HAVA (42 U.S.C. §15302 (a) & (b)). A certification document has been enclosed for this purpose. If Florida cannot certify the proper and timely use of the 102 funds, HAVA requires that they are returned to the EAC to be dispersed as requirements payments. (42 U.S.C. §§ 15304 & 15401).

Replacement of Voting Systems. In order to avoid repayment of funds, Florida will be required to certify the total number of qualified precincts⁵ which replaced all punch card or lever machines in time for the regularly scheduled general election for Federal office in November 2004 that took place on November 2, 2004. This means that no punch card or lever voting systems were used in the qualified precinct.⁶ The replacement systems must (1) not use punch cards or levers, (2) meet the requirements of HAVA section 301 (42 U.S.C. §15481) and (3) comply with all other relevant Federal statutory requirements (noted in 42 U.S.C. §15545). Failure to demonstrate compliance will require repayment. The repayment provisions of HAVA require repayment of funds on a prorated basis. The rate is established by taking the total

⁵ Those precincts which used punch card or lever machines to administer the regularly scheduled general election for Federal office held in November of 2000.

⁶ Replaced punch card or lever voting systems may not be transferred for use in a different precinct.

021067

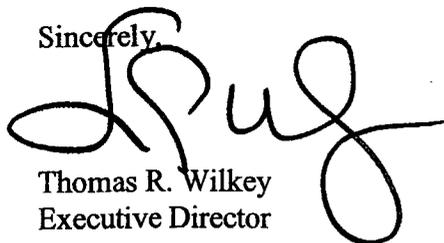
number of qualifying precincts which have **fully** met the requirements of HAVA, as a function of the total number of qualifying precincts within the State. (See 42 USC §15302(d)).

Timely Expenditure of Funds. To avoid repayment, Florida must also show that all HAVA 102 funds received were used for their designated purpose prior to the November 2, 2004 HAVA deadline. This means that all 102 funds were either expended (finally transferred to another party for consideration) and/or obligated in such a way that the state incurred a legally enforceable liability to another party (such as a local government or contractor) for the full value of its 102 funding. Florida must be able to document and certify the status of the 102 funding it received. In the event Florida possesses unobligated 102 funds after the deadline, the state will be required to return either an amount equal to the noncompliant precinct percentage, as discussed above, or the total amount of unobligated 102 funds, whichever is greater.

Certification. As Chief State Election Official, we ask that you carefully review the enclosed certification and its instructions. The document shall be filled out by initialing each statement that is true and accurate. If a statement may not be certified as true and accurate it must be lined through and a written and signed explanation attached (see instructions in italics). **The certification must be completed and received by the Commission no later than January 15, 2007. Failure to timely file the enclosed certification will result in the Commission's forwarding of this matter to the EAC's Office of the Inspector General for action.**

Thank you for your attention to this matter. All questions or correspondence should be directed to Edgardo Cortes, Election Assistance Commission, 102 Funds Certification, 1225 New York Ave., NW, Suite 1100, Washington, D.C. 20005 [(202) 566-3100].

Sincerely,



Thomas R. Wilkey
Executive Director

Enclosure

021068



CERTIFICATION: USE OF HAVA SECTION 102 FUNDS AND REPLACEMENT OF PUNCH CARD AND LEVER MACHINES

I, the undersigned, having investigated or caused to be investigated each matter, below; certify, affirm and acknowledge that each of the following numbered statements, and any attachments to this certification document, are true and accurately reflect the status, condition and operations of Florida (hereinafter "state") as they related to the use and status of Help America Vote Act (HAVA) Section 102 Funds and the replacement of punch card or lever machines.

I understand that by certifying the information below, I am making a statement or representation to the U.S. Election Assistance Commission, an independent Federal Agency, necessary for the agency to determine Florida's required compliance with HAVA Section 102. (42 U.S.C. §15302). Compliance with HAVA Section 102 is required by the state as a result of its accepting Federal funds under that provision. As a condition of receiving 102 funds, the state certified that it would "use the payment... to replace punch card voting systems or lever voting systems (as the case may be) in the qualifying precincts within the state by the deadline prescribed... [regularly scheduled general election for Federal office to be held in November 2004]." (42 U.S.C. §15302(b)).

I further understand that to the extent any of the below (or attached) representations or certifications are found to be materially false, the Federal funds received by the state will be subject to audit and possible recoupment. Further, such false statements may subject the undersigned to criminal prosecution under 18 U.S.C. §1001 or other Federal Statutes.

I. BACKGROUND. *Read the statements below and initial the items that you certify as true and accurate. If you are not able to certify one or more of the following statements, you must line through the statement at issue and attach a signed explanation identifying it and explaining why it may not be certified. The statement (attachment) should provide all necessary facts and concisely explain the conditions that make certification a problem. The explanation shall be labeled "Attachment A, Background."*

1. **Signing Official.** I hereby certify that I am the Chief State Election Official for Florida, per 42 U.S.C. 1973gg-8 (National Voter Registration Act).

Initials: _____

2. **Triggering Election.** The regularly scheduled general election for Federal Office in November 2004 (triggering the deadline noted in 42 U.S.C. 15302 (a)(3)(A)) for the state was held on November 2, 2004.

Initials: _____

3. **Funds Received.** The State received \$11,581,377.00 in Federal Funds pursuant to HAVA section 102.

Initials: _____

021069

II. PUNCH CARD OR LEVER MACHINE REPLACEMENT. *Read the statements below and initial the items that you certify as true and accurate. If you are not able to certify one or more of the below statements, you must line through the statement at issue and attach a signed explanation identifying it and explaining why it may not be certified. The statement (attachment) should provide all necessary facts and concisely explain the conditions that make certification a problem. The explanation shall be labeled "Attachment B, Punch Card or Lever Machine Replacement."*

1. Qualified Precincts. The State had 3,628 total qualified precincts (precincts which used punch card or lever machines to administer the regularly scheduled general election for Federal office held in November of 2000).

Initials: _____

2. Qualified Precincts: No Punch Card or Lever Machine Used. None of the qualifying precincts, noted in statement 1 above, used a lever or punch card machine in an election for Federal office on or after November 2, 2004.

Initials: _____

3. No Punch Card or Lever Machine Used in State. No precinct in the state used a punch card or lever machine for an election for Federal office on or after November 2, 2004.

Initials: _____

4. Replacement Machines. All machines purchased, leased or otherwise procured to replace punch card or lever machines in qualifying precincts meet the requirements of HAVA section 301 (42 U.S.C. §15481) and comply with all other relevant Federal statutory requirements (noted in 42 U.S.C. §15545). This includes the requirement that each polling place have at least one voting system equipped for individuals with disabilities. *Please provide (below) a complete list of all voting systems procured, leased or otherwise obtained to replace the state's punch card or lever machines.*

Manufacturer	Model	Version	Quantity
1.			
2.			
3.			
4.			
5.			
6.			
7.			

If you need additional space, please continue this table on a separate, signed attachment.

Initials: _____

5. Voting Systems in Place. All voting systems procured to replace punch card or lever machines were in place and used in the state's November 2, 2004 Federal election.

Initials: _____

III. HAVA § 102 FUNDS. *Read the statements below and initial the items that you certify as true and accurate. If you are not able to certify to either response "a" or "b" in statement 1 or statement 2, below, you must line through the statement and attach a signed document explaining why you could not make a certification. The explanation (attachment) should provide all necessary facts and concisely explain the conditions that make certification a problem. The explanation shall be labeled "Attachment C, HAVA §102 Funds."*

1. **Status of HAVA §102 Funds.** Please check the statement below that applies to your state. *(Check only one statement).*

___ (a) The state had none of the \$11,581,377 it received pursuant to HAVA §102 remaining in its election fund after November 2, 2004. This means that as of this date, all 102 funds were expended. Funds are expended when finally transferred to another party (manufacturer or vendor) for consideration (voting system).

___ (b) The state had **only** obligated funds remaining in its election fund after November 2, 2004. This means that as of this date, all funds were either expended or obligated. Funds are expended when finally transferred to another party (manufacturer or vendor) for consideration (voting system). Funds are properly obligated when the state has incurred a legally enforceable liability (such as a grant agreement, contract or lease) to another party (such as a local government or contractor) for a specific portion of the 102 funds. *If the state had only obligated funds in its election funds after the above date, attach a statement explaining the obligation(s). This statement must clearly explain and state the value of the obligated funds remaining and the nature of the obligation. Documentation regarding the obligation should also be attached and explained (e.g. documents from vendor contracts or agreements with local governments). This explanation and supporting documentation shall be labeled "Attachment D, Obligated Funds."*

Initials: _____

2. **Use of HAVA §102 Funds.** All HAVA §102 funds expended or obligated by the state were used to replace punch card or lever machines in qualifying precincts per 42 U.S.C. §15302(a)(2).

Initials: _____

I, by signing my name below, certify, affirm and acknowledge, under penalty of Federal law, that each of the above numbered paragraphs initialed above accurately represent the operations, conditions and practices of Florida as they related to the use and status of HAVA Section 102 Funds and the replacement of punch card or lever machines.

Signed this day, _____:

Date

Name

Title

021071

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to: Sue Cobb A.A. Gray Bldg 500 S. Bronough St Rm. 316 Tallahassee FL 32399	B. Received by (Printed Name) C. Date of Delivery D. Is delivery address different from item A? If YES, enter delivery address below:
2. Article Number (Transfer from service label)	DEPT OF STATE DEC 20 2006 CLEARED
PS Form 3811, February 2004	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes 7005 0390 0002 5027 6914 Domestic Return Receipt 102595-02-M-1540

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

7005 0390 0002 5027 6914



UNITED STATES POSTAGE

 FITNEY BOWES
 02 1A \$ 00.00
 0004354297 DEC 14 2006
 MAILED FROM ZIP CODE 20005

Sent To	Sue Cobb Sec. of State RA Gray Bldg
Street, Apt. No., or PO Box No.	500 S. Bronough St. Rm 316
City, State, ZIP+4	Tallahassee, FL 32399-0250

PS Form 3800, June 2002 See Reverse for Instructions

021072



**STATE OF FLORIDA
DEPARTMENT OF STATE**

JEB BUSH
Governor

SUE M. COBB
Secretary of State

28 August 2006

Thomas R. Wilkey
Executive Director
U.S. Election Assistance Commission
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005

Dear Mr. Wilkey:

On behalf of Secretary of State, Sue M. Cobb, the chief elections official for the State of Florida, we hereby submit this certification to the U.S. Elections Assistance Commission that the State of Florida has fully implemented the requirements of Title III of the Help America Vote Act of 2002. Pursuant to section 251(b)(2) of the Title II of the Help America Vote Act of 2002(HAVA), such certification permits the State to use HAVA requirements funds for other activities to improve the administration of elections for Federal office.

If you have any comments or questions regarding this certification, please do not hesitate to contact us at 850-245-6500.

Sincerely,


Dawn K. Roberts, Director, Division of Elections

Cc: Sue M. Cobb, Secretary of State
Heidi Hughes, Chief of Staff and General Counsel
Barbara Leonard, HAVA Funds Coordinator
Maria Matthews, designated staff attorney for HAVA



STATE OF FLORIDA
DEPARTMENT OF STATE

JEB BUSH
Governor

SUE M. COBB
Secretary of State

13 March 2006

Thomas R. Wilkey
Executive Director
U.S. Election Assistance Commission
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005

Dear Mr. Wilkey:

On behalf of Secretary of State, Sue M. Cobb, the chief elections official for the State of Florida, we hereby submit this certification to the U.S. Elections Assistance Commission regarding our state's intended use of the requirements payments to carry out other activities to improve election administration for Federal office.

Pursuant to section 251(b)(2) of the Title II of the Help America Vote Act of 2002(HAVA), the State of Florida certifies that it intends to use \$4,000,000.00 of the requirements payment for improving election administration. More specifically, these funds will be used to complete major poll worker recruitment and training efforts statewide that primarily begin in June 2006 and end by August 2006, before the primary election scheduled for September 5, 2006. Three million dollars will be distributed to the counties for their recruitment and training activities. The county must provide a 15% match. The remaining one million dollars will be used by the Department of State to develop a statewide poll worker curriculum to be used by all counties to assure uniform poll worker training.

We also certify that the \$4,000,000.00 is an amount that does not exceed the amount equal to the total minimum requirements payment amount applicable to Florida under section 252(c) if Title II of HAVA which has been determined to be \$11,596,803.00.

If you have any comments or questions regarding this certification, please do not hesitate to contact us at 850-245-6500.

Sincerely,

Dawn K. Roberts, Director, Division of Elections

Cc: Sue M. Cobb, Secretary of State
Heidi Hughes, Chief of Staff and General Counsel
Barbara Leonard, HAVA Funds Coordinator
Maria Matthews, designated staff attorney for HAVA

Office of the Secretary

R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
Telephone: (850) 245-6500 • Facsimile: (850) 245-6125 • <http://www.dos.state.fl.us>

021074



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW – Suite 1100
Washington, DC 20005

January 11, 2007

MEMORANDUM

TO: State HAVA Coordinators

FROM: Edgardo Cortés, Election Research Specialist *EC*

SUBJECT: Request for Amended Reports on Help America Vote Act Expenditures from Chief State Election Officials, due January 26, 2007

This is to inform you that the U.S. Election Assistance Commission (EAC) has requested that your Chief State Election Official provide amended (corrected) reports on the use of funds provided to your State under the Help America Vote Act of 2002 (HAVA) Title I and Title II, Section 251. Copies of all letters sent regarding this request are enclosed with this Memorandum. Each letter details the corrections and clarifications required for the Standard Form (SF) 269s and accompanying narratives now on file with the EAC. As your State's designated HAVA coordinator, we ask your help to ensure that the amended reports are filed by the deadline.

Enclosed in this packet is a color-coded illustration of the SF 269 form to assist you in filling out the form correctly. Two sample narratives are also enclosed that show different, acceptable styles of documenting HAVA activities and expenditures during the reporting period. Please review these models carefully as they are designed to help you meet your State's reporting obligations. A PDF copy of SF 269 may be found at <http://www.whitehouse.gov/omb/grants/sf269.pdf>.

All amended reports and narratives are due by January 26, 2007. If your state will not be able to meet this deadline, you need to request an extension in writing and provide a reason for the delay and the expected completion date. The necessary reports or requests for extensions should be mailed to my attention at the address above. Please let me know if you have any questions about this process. You can reach me at ecortes@eac.gov, (202) 566-3126, or (866) 747-1471.

021075



U. S. ELECTION ASSISTANCE COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR
1225 New York Avenue, NW, Suite 1100
Washington, DC. 20005
(202) 566-3100

January 10, 2007

Secretary Kurt Browning
Secretary of State
R. A. Gray Building
500 S. Bronough Street, Room 316
Tallahassee, Florida 32399-0250

Reference: Amended HAVA Reports Title I, Section 102 for Calendar Years 2004 and 2005

Response Due Date:
January 26, 2007

Dear Secretary Browning:

The purpose of this letter is to obtain corrected (amended) reports for your state's use of funds under Title I, Section 102 of the *Help America Vote Act of 2002 (HAVA)* for the Calendar Years (CY) 2004 and 2005. The amended SF 269 reports are essential as the U.S. Election Assistance Commission (EAC) prepares its *Annual Report to Congress* which will summarize HAVA funds expenditures, as reported by Florida.

Below is an itemization of the information required in your Amended SF 269 report(s) for Title I, Section 102:

- The State's report dated 1/20/04 for the period beginning 6/16/03 to 12/31/03 indicates that it is a FINAL report. However, a seceding report dated 2/28/06 for the period 6/16/03 to 12/31/05 is Amended to show interest on those funds for three years. Please submit Amended reports indicating whether or not the fund has been fully expended or the correct interest on the remainder.

Please review the guidance provided in the color-coded Model SF 269 *Long Form* and the Model Narratives enclosed for more information about how to prepare the Amended Title I, Section 102 report(s). A blank copy of the auto-fill form can be found at www.whitehouse.gov/omb/grants/sf269.pdf.

There is also a list of Frequently Asked Questions and other information under the Funding for States section on the EAC website at <http://www.eac.gov/>. Contact Edgardo Cortes by e-mail at ecortes@eac.gov, by phone at 1-866-747-1471 (toll free) or 202-566-3116 (direct) should you have additional questions.

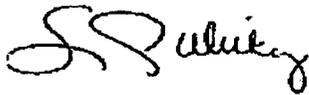
021076

The requested Amended report(s) for Title I, Section 102 must be completed and received by the Commission no later than January 26, 2007. If you fail to respond by that time, EAC will have no choice but to forward this matter to the EAC's Office of the Inspector General for review and investigation.

Amended reports should be mailed to the Election Assistance Commission, Amended 102 Reports, 1225 New York Ave., NW, Suite 1100, Washington, D.C. 20005.

Thank you for your attention to this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "T. Wilkey". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Thomas R. Wilkey
Executive Director

Enclosures:

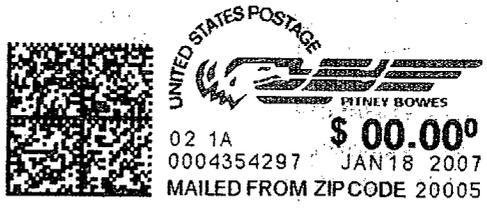
Model SF 269 *Long Form*
Model Narratives

U.S. Postal Service™ Delivery Confirmation™ Receipt

DELIVERY CONFIRMATION NUMBER:
1 5574 9902

Ms. Barbara Leonard
HAVA Coordinator
Office of the Secretary of State
R. A. Gray Building
500 S. Bronough Street, Room 316
Tallahassee, Florida 32399-0250

re mailing.



PS Form 152, May 2002

(See Reverse)

U.S. Postal Service™ Delivery Confirmation™ Receipt

DELIVERY CONFIRMATION NUMBER:
1 5574 9902

Ms. Deborah Garrison
Accounting Services Supervisor
Department of State
Tallahassee, Florida

mailing.

POSTAL CUSTOMER:



PS Form 152, May 2002



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW – Suite 1100
Washington, DC 20005

January 11, 2007

MEMORANDUM

TO: State HAVA Coordinators

FROM: Edgardo Cortés, Election Research Specialist *EC*

SUBJECT: Request for Amended Reports on Help America Vote Act Expenditures from Chief State Election Officials, due January 26, 2007

This is to inform you that the U.S. Election Assistance Commission (EAC) has requested that your Chief State Election Official provide amended (corrected) reports on the use of funds provided to your State under the Help America Vote Act of 2002 (HAVA) Title I and Title II, Section 251. Copies of all letters sent regarding this request are enclosed with this Memorandum. Each letter details the corrections and clarifications required for the Standard Form (SF) 269s and accompanying narratives now on file with the EAC. As your State's designated HAVA coordinator, we ask your help to ensure that the amended reports are filed by the deadline.

Enclosed in this packet is a color-coded illustration of the SF 269 form to assist you in filling out the form correctly. Two sample narratives are also enclosed that show different, acceptable styles of documenting HAVA activities and expenditures during the reporting period. Please review these models carefully as they are designed to help you meet your State's reporting obligations. A PDF copy of SF 269 may be found at <http://www.whitehouse.gov/omb/grants/sf269.pdf>.

All amended reports and narratives are due by January 26, 2007. If your state will not be able to meet this deadline, you need to request an extension in writing and provide a reason for the delay and the expected completion date. The necessary reports or requests for extensions should be mailed to my attention at the address above. Please let me know if you have any questions about this process. You can reach me at ecortes@eac.gov, (202) 566-3126, or (866) 747-1471.

021079



U. S. ELECTION ASSISTANCE COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR
1225 New York Avenue, NW, Suite 1100
Washington, DC. 20005
(202) 566-3100

January 10, 2007

Secretary Kurt Browning
Secretary of State
R. A. Gray Building
500 S. Bronough Street, Room 316
Tallahassee, Florida 32399-0250

Reference: Amended HAVA Reports Title I, Section 102 for Calendar Years 2004 and 2005

Response Due Date:
January 26, 2007

Dear Secretary Browning:

The purpose of this letter is to obtain corrected (amended) reports for your state's use of funds under Title I, Section 102 of the *Help America Vote Act of 2002 (HAVA)* for the Calendar Years (CY) 2004 and 2005. The amended SF 269 reports are essential as the U.S. Election Assistance Commission (EAC) prepares its *Annual Report to Congress* which will summarize HAVA funds expenditures, as reported by Florida.

Below is an itemization of the information required in your Amended SF 269 report(s) for Title I, Section 102:

- The State's report dated 1/20/04 for the period beginning 6/16/03 to 12/31/03 indicates that it is a FINAL report. However, a seceding report dated 2/28/06 for the period 6/16/03 to 12/31/05 is Amended to show interest on those funds for three years. Please submit Amended reports indicating whether or not the fund has been fully expended or the correct interest on the remainder.

Please review the guidance provided in the color-coded Model SF 269 *Long Form* and the Model Narratives enclosed for more information about how to prepare the Amended Title I, Section 102 report(s). A blank copy of the auto-fill form can be found at www.whitehouse.gov/omb/grants/sf269.pdf.

There is also a list of Frequently Asked Questions and other information under the Funding for States section on the EAC website at <http://www.eac.gov/>. Contact Edgardo Cortes by e-mail at ecortes@eac.gov, by phone at 1-866-747-1471 (toll free) or 202-566-3116 (direct) should you have additional questions.

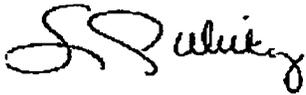
021080

The requested Amended report(s) for Title I, Section 102 must be completed and received by the Commission no later than January 26, 2007. If you fail to respond by that time, EAC will have no choice but to forward this matter to the EAC's Office of the Inspector General for review and investigation.

Amended reports should be mailed to the Election Assistance Commission, Amended 102 Reports, 1225 New York Ave., NW, Suite 1100, Washington, D.C. 20005.

Thank you for your attention to this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "T. Wilkey". The signature is stylized with a large initial "T" and a cursive "Wilkey".

Thomas R. Wilkey
Executive Director

Enclosures:

Model SF 269 *Long Form*
Model Narratives



FLORIDA DEPARTMENT OF STATE

CHARLIE CRIST
Governor

KURT S. BROWNING
Secretary of State

March 29, 2007

Mr. Thomas R. Wilkey
Executive Director
U. S. Election Assistance Commission
1225 New York Avenue, NW – Suite 1100
Washington, DC 20005

Dear Mr. Wilkey:

Enclosed is Florida's narrative report regarding HAVA, Title II, Section 251 funds for the period from October 1, 2005 through September 30, 2006. Form SF 269 regarding Title II, Section 251 funds is also included.

If you have any questions or would like additional information, please let us know.

Sincerely,

A handwritten signature in black ink, appearing to read "Amy K. Tuck".

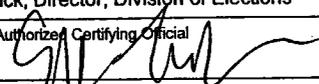
Amy K. Tuck
Director, Division of Elections

Enclosures

AKT/BL/aj

FINANCIAL STATUS REPORT
(Long Form)

(Follow instructions on the back)

1. Federal Agency and Organizational Element to Which Report is Submitted U. S. Election Assistance Commission		2. Federal Grant or Other Identifying Number Assigned By Federal Agency Title II, 251		OMB Approval No. 0348-0039	Page of 1 of 1 pages
3. Recipient Organization (Name and complete address, including ZIP code) Florida Department of State 500 South Bronough Street Tallahassee, FL 32399-0250					
4. Employer Identification Number F593466865		5. Recipient Account Number or Identifying Number CFDA 90.401		6. Final Report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. Basis <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual					
8. Funding/Grant Period (See Instructions) From: (Month, Day, Year) 6/23/2004		To: (Month, Day, Year) Until disbursed		9. Period Covered by this Report From: (Month, Day, Year) 10/1/2005	
				To: (Month, Day, Year) 9/30/2006	
10. Transactions:					
		I Previously Reported	I This Period	III Cumulative	
a. Total outlays		23,156,764.78	29,021,508.00	52,178,272.78	
b. Refunds, rebates, etc.			615,316.09	615,316.09	
c. Program income used in accordance with the deduction alternative				0.00	
d. Net outlays (Line a, less the sum of lines b and c)		23,156,764.78	28,406,191.91	51,562,956.69	
Recipient's share of net outlays, consisting of:					
e. Third party (in-kind) contributions				0.00	
f. Other Federal awards authorized to be used to match this award				0.00	
g. Program income used in accordance with the matching or cost sharing alternative				0.00	
h. All other recipient outlays not shown on lines e, f or g State Matching Funds		385,000.00	1,484,094.35	1,869,094.35	
i. Total recipient share of net outlays (Sum of lines e, f, g and h)		385,000.00	1,484,094.35	1,869,094.35	
j. Federal share of net outlays (line d less line i)		22,771,764.78	26,922,097.56	49,693,862.34	
k. Total unliquidated obligations				212,999.89	
l. Recipient's share of unliquidated obligations				56,300.00	
m. Federal share of unliquidated obligations				156,699.89	
n. Total Federal share (sum of lines j and m)				49,850,562.23	
o. Total Federal funds authorized for this funding period				140,414,512.85	
p. Unobligated balance of Federal funds (Line o minus line n)				90,563,950.62	
Program Income, consisting of:					
q. Disbursed program income shown on lines c and/or g above				0.00	
r. Disbursed program income using the addition alternative				0.00	
s. Undisbursed program income				0.00	
t. Total program income realized (Sum of lines q, r and s)				0.00	
11. Indirect Expense					
a. Type of Rate (Place "X" in appropriate box) <input checked="" type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed					
b. Rate N/A		c. Base		d. Total Amount	
				e. Federal Share	
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. Line O - Sec. 251 cumulative interest thru 9-30-2006 - \$7,912,421.85. Sec. 251 interest accrued current reporting period - \$3,758,921.01. Total appropriation for State Match - \$6,628,018. State Match cumulative interest - \$439,618.54. FY 2005-06 MOE expend. - \$3,570,408. See Attachment.					
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.					
Typed or Printed Name and Title Amy K. Tuck, Director, Division of Elections				Telephone (Area code, number and extension) 850-245-6200	
Signature of Authorized Certifying Official 				Date Report Submitted March 28, 2007	

FLORIDA DEPARTMENT OF STATE
DIVISION OF ELECTIONS

ATTACHMENT TO FINANCIAL STATUS REPORT, SF 269
REPORTING PERIOD FROM OCTOBER 1, 2005 THROUGH SEPTEMBER 30, 2006

Line 12, Remarks:

The instructions for completing SF 269 Form, Section 12 include a request for states to report the total Maintenance of Effort appropriated for the next state fiscal year.

Florida does not appropriate funds based on Maintenance of Effort. Although the required Maintenance of Effort is considered during the appropriation process, funds are appropriated at a higher aggregate level. Florida fully anticipates meeting its required Maintenance of Effort level although actual expenditures will not be available until the end of the state's fiscal year.

021084

**FLORIDA DEPARTMENT OF STATE
REPORT ON EXPENDITURE OF TITLE II, SECTION 251 FUNDS
OCTOBER 2005 THROUGH SEPTEMBER 2006**

As requested by the U.S. Election Assistance Commission, listed below is a detailed list of expenditures and a description of the related activities conducted by the Florida Department of State utilizing Help America Vote Act (HAVA) Title II, Section 251 funds during the period from October 1, 2005 through September 30, 2006.

VOTING SYSTEMS ASSISTANCE – \$12,576,798

During the current reporting period, Florida provided funds to sixteen county supervisors of elections to reimburse them for disability-accessible voting systems that had been purchased prior to July 1, 2004. Distribution of funds was based on the same formula used to distribute funds in FY 2004-05 to fifty-one counties that were required to purchase accessible voting systems in order to have one accessible voting system for each polling place by January 1, 2006. In addition to the sixteen counties, an additional eight counties received reimbursement for existing DRE's for which funding was not previously provided.

In addition to the Section 251 funds used for this purpose, Florida used state matching funds for a portion of the expenditures made to supervisors of elections to assist with accessible voting systems. Please see the section "State Matching Funds" at the end of this report.

The HAVA State Plan includes references to acquiring accessible voting equipment for individuals with disabilities on pages 13 through 15 and on page 61.

STATEWIDE VOTER REGISTRATION LIST - \$11,960,615

During the current reporting period, Florida completed development of the statewide voter registration system and moved into the operational phase of the project. The Florida Voter Registration System (FVRS) is a real-time system that contains the name and voter registration information of all voters in the state. The system allows counties to continue to use their existing systems with modifications to interface with the FVRS.

Expenditures for this activity included payments to the vendor that served as Prime Contractor in developing the system as well as the vendor that provided quality assurance and oversight during the developmental phase of the project. Other costs incurred included servers, software and related license fees, network fees to establish the statewide frame relay network for the FVRS, a risk assessment study for the FVRS, training for Department of State employees related to software systems being utilized to operate the FVRS, and costs associated with establishing and operating a bureau to handle voter registration services at the state level for Florida's 67 counties. The bureau is responsible for processing voter registration applications as well as reviewing and verifying potential matches in the FVRS for felons, persons declared mentally incompetent and deceased persons.

Other expenditures included salaries and related expenses for thirty-three positions associated with operating and maintaining voter registration services provided through the FVRS. These include thirty-one positions in the Department of State and two positions at the Florida Department of Highway Safety and Motor Vehicles. These positions provide support for the various hardware and software systems being utilized to operate the system, legal expertise, and voter registration services for Florida's counties.

Reference to the statewide voter registration system can be found in the HAVA State Plan on pages 26-31, 56-57 and 61.

POLL WORKER RECRUITMENT AND TRAINING - \$3,000,000

In March 2006 Florida submitted a certification to the Election Assistance Commission regarding Florida's intention to use a portion of the requirements payment to assist with poll worker recruitment and training efforts. Funds were distributed to Florida's 67 supervisors of elections in order to provide funds statewide to assist with recruiting and training poll workers. Prior to receiving the funds, supervisors of elections were required to submit a plan to the Department of State describing the intended use of the funds. In addition, each county was required to provide 15% matching funds to be used exclusively for activities associated with recruiting and training poll workers.

Reference to poll worker recruitment and training is included in the HAVA State Plan on pages 49-51 and page 61.

INTEREST ACCRUED - \$3,758,921.01

During the current reporting period the Department of State invested Title II, Section 251 funds and accrued Interest in the amount of \$3,758,921.01.

STATE MATCHING FUNDS - \$1,484,094

During the current reporting period, Florida spent \$1,484,094.35 in State Matching funds.



ORIGINAL

FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

KURT S. BROWNING
Secretary of State

February 23, 2007

Mr. Thomas R. Wilkey
Executive Director
U. S. Election Assistance Commission
1225 New York Avenue, NW – Suite 1100
Washington, DC 20005

RECEIVED
U.S. ELECTION ASSISTANCE
COMMISSION
2007 FEB 26 PM 4:02

Dear Mr. Wilkey:

Enclosed are Florida's narrative reports regarding HAVA, Title I, Section 101 and 102 funds for the period from January 1, 2006 through December 31, 2006. A separate SF 269 form is included for Section 101 and 102 funds.

If you have any questions or would like additional information, please let us know.

Sincerely,

Amy R. Tuck
Director, Division of Elections

Enclosures

AKT/BL/aj

Division of Elections
R. A. Gray Building, Room 316 • 500 South Bronough Street • Tallahassee, Florida 32399-0250

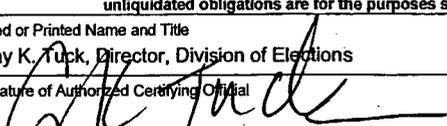
Telephone: (850) 245-6200 • Facsimile: (850) 245-6217
election.dos.state.fl.us

021087

FINANCIAL STATUS REPORT
(Long Form)

ORIGINAL

(Follow instructions on the back)

1. Federal Agency and Organizational Element to Which Report is Submitted U. S. Election Assistance Commission		2. Federal Grant or Other Identifying Number Assigned By Federal Agency Title I, 101		OMB Approval No. 0348-0039	Page of 1 of 1 pages
3. Recipient Organization (Name and complete address, including ZIP code) Florida Department of State 500 South Bronough Street Tallahassee, FL 32399-0250					
4. Employer Identification Number F593466865		5. Recipient Account Number or Identifying Number CFDA 39.011		6. Final Report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. Basis <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual					
8. Funding/Grant Period (See instructions) From: (Month, Day, Year) 4/23/2003		9. Period Covered by this Report From: (Month, Day, Year) 1/1/2006		To: (Month, Day, Year) 12/31/2006	
10. Transactions:		I	I	III	
		Previously Reported	This Period	Cumulative	
a. Total outlays		10,846,401.97	1,425,146.79	12,271,548.76	
b. Refunds, rebates, etc.				0.00	
c. Program income used in accordance with the deduction alternative				0.00	
d. Net outlays (Line a, less the sum of lines b and c)		10,846,401.97	1,425,146.79	12,271,548.76	
Recipient's share of net outlays, consisting of:					
e. Third party (in-kind) contributions				0.00	
f. Other Federal awards authorized to be used to match this award				0.00	
g. Program income used in accordance with the matching or cost sharing alternative				0.00	
h. All other recipient outlays not shown on lines e, f or g State Matching Funds		508,662.50	0.00	508,662.50	
i. Total recipient share of net outlays (Sum of lines e, f, g and h)		508,662.50	0.00	508,662.50	
j. Federal share of net outlays (line d less line i)		10,337,739.47	1,425,146.79	11,762,886.26	
k. Total unliquidated obligations				109,456.00	
l. Recipient's share of unliquidated obligations				0.00	
m. Federal share of unliquidated obligations				109,456.00	
n. Total Federal share (sum of lines j and m)				11,872,342.26	
o. Total Federal funds authorized for this funding period				15,517,295.67	
p. Unobligated balance of Federal funds (Line o minus line n)				3,644,953.41	
Program Income, consisting of:					
q. Disbursed program income shown on lines c and/or g above				0.00	
r. Disbursed program income using the addition alternative				0.00	
s. Undisbursed program income				0.00	
t. Total program income realized (Sum of lines q, r and s)				0.00	
11. Indirect Expense	a. Type of Rate (Place "X" in appropriate box) <input checked="" type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed				
	b. Rate N/A	c. Base	d. Total Amount	e. Federal Share	
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. Line O includes total interest accrued through 2006 in the amount of \$1,069,715.67. 2003 = \$286,380.60; 2004 = \$347,160.86; 2005 = \$250,596.63; 2006 = \$185,577.58					
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.					
Typed or Printed Name and Title Amy K. Tuck, Director, Division of Elections			Telephone (Area code, number and extension) 850-245-6200		
Signature of Authorized Certifying Official 			Date Report Submitted February 20, 2007		

RECEIVED
U.S. ELECTION ASSISTANCE
COMMISSION
2007 FEB 26 PM 4:03

**FLORIDA DEPARTMENT OF STATE
REPORT ON EXPENDITURE OF TITLE I, SECTION 101 FUNDS DURING 2006**

As requested by the U.S. Election Assistance Commission, listed below is a detailed list of expenditures and a description of the related activities conducted by the Florida Department of State during calendar year 2006 utilizing Help America Vote Act (HAVA) Title I, Section 101 funds.

VOTER EDUCATION - \$1,073,923

During calendar year 2006, Florida distributed \$1,073,923 to the 67 county supervisors of elections to be utilized for voter education purposes. In order to receive the funds each supervisor of elections was required to submit a detailed plan outlining the anticipated uses of the funds. In addition to the plan, each local Board of County Commissioners was required to provide fifteen percent in matching funds to be used exclusively for voter education purposes.

County supervisors of elections are required to submit a report to the Department of State on an annual basis regarding voter education programs conducted in the counties until the funds distributed by the state are depleted. Based on the latest reports from supervisors of elections, counties continue to employ numerous voter education activities in an effort to involve citizens in the elections process.

These activities include printing and mailing sample ballots to registered voters, conducting voter registration drives at various locations and events throughout the county, disseminating information regarding election dates and related deadlines through a variety of media sources, and conducting demonstrations on the use of voting systems equipment.

Florida's voter education program is discussed in the HAVA State Plan on pages 37 through 47 and on page 58.

ELECTION ADMINISTRATION - \$193,434

Florida established three positions in the Department of State to provide administrative oversight and coordination for HAVA-related activities. Employees in these positions are responsible for monitoring HAVA expenditures to ensure compliance with federal requirements. The positions administer several contract programs that provide funds to county supervisors of elections for HAVA-related activities including voter education, voting systems assistance as well as poll worker recruitment and training programs. In addition, the positions are responsible for administering grant funds awarded by the U. S. Department of Health and Human Services under the Voting Access for Individuals with Disability (VOTE) grant program.

Recommendations regarding establishment of positions associated with HAVA Oversight and Reporting can be found on page 59 in the HAVA State Plan.

STATE PLAN - \$2,991

The HAVA State Planning Committee held two meetings in order to update the HAVA State Plan. The meetings were held in Pensacola and Miami in an effort to provide an opportunity for participation by citizens in various locations throughout the state. Expenditures included travel expenses for HAVA State Planning Committee members as well as Department of State staff who participated in the meetings.

Reference to managing the State Plan is included on pages 82-83 in the HAVA State Plan.

RECEIVED
U.S. ELECTION ASSISTANCE
COMMISSION

2007 FEB 26 PM 4:04

TRAINING ELECTION OFFICIALS, POLL WORKERS AND ELECTION VOLUNTEERS – \$154,800

The Florida Division of Elections contracted with a video production company to produce two videos that could be used in conducting training for poll workers. The videos were distributed to Florida's 67 county supervisors of elections to use in poll worker training sessions. One of the videos covered sensitivity issues when dealing with individuals with disabilities and the other video provided conflict management training skills for poll workers.

The Florida Department of State contracted with one of Florida's universities to develop a statewide poll worker curriculum to be used by Florida's 67 county supervisors of elections. The curriculum is intended to provide uniformity in poll worker training efforts throughout the state.

Florida's efforts to assist supervisors of elections in conducting training for poll workers can be found in the HAVA State Plan on pages 49 through 51, pages 58 through 61.

INTEREST ACCRUED - \$185,577.58

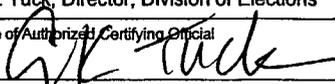
During 2006, the Department of State invested Title I, Section 101 funds and accrued interest in the amount of \$185,577.58.

RECEIVED
U.S. ELECTION ASSISTANCE
COMMISSION
2007 FEB 26 PM 4:04

**FINANCIAL STATUS REPORT
(Long Form)**

CRITICAL

(Follow instructions on the back)

1. Federal Agency and Organizational Element to Which Report is Submitted U. S. Election Assistance Commission		2. Federal Grant or Other Identifying Number Assigned By Federal Agency Title I, Section 102		OMB Approval No. 0348-0039	Page of pages
3. Recipient Organization (Name and complete address, including ZIP code) Florida Department of State 500 South Bronough Street Tallahassee, FL 32399-0250					
4. Employer Identification Number F593466865		5. Recipient Account Number or Identifying Number CFDA #39.011		6. Final Report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. Basis <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual					
8. Funding/Grant Period (See instructions) From: (Month, Day, Year) 6/16/2003		9. Period Covered by this Report From: (Month, Day, Year) 1/1/2006		To: (Month, Day, Year) 12/31/2006	
10. Transactions:		I Previously Reported	I This Period	III Cumulative	
a. Total outlays		11,581,377.00	0.00	11,581,377.00	
b. Refunds, rebates, etc.				0.00	
c. Program income used in accordance with the deduction alternative				0.00	
d. Net outlays (Line a, less the sum of lines b and c)		11,581,377.00	0.00	11,581,377.00	
Recipient's share of net outlays, consisting of:					
e. Third party (in-kind) contributions		0.00		0.00	
f. Other Federal awards authorized to be used to match this award		0.00		0.00	
g. Program income used in accordance with the matching or cost sharing alternative		0.00		0.00	
h. All other recipient outlays not shown on lines e, f or g		0.00		0.00	
i. Total recipient share of net outlays (Sum of lines e, f, g and h)		0.00	0.00	0.00	
j. Federal share of net outlays (line d less line i)		11,581,377.00	0.00	11,581,377.00	
k. Total unliquidated obligations				0.00	
l. Recipient's share of unliquidated obligations				0.00	
m. Federal share of unliquidated obligations				0.00	
n. Total Federal share (sum of lines j and m)				11,581,377.00	
o. Total Federal funds authorized for this funding period				11,617,405.56	
p. Unobligated balance of Federal funds (Line o minus line n)				36,028.56	
Program income, consisting of:					
q. Disbursed program income shown on lines c and/or g above				0.00	
r. Disbursed program income using the addition alternative				0.00	
s. Undisbursed program income				0.00	
t. Total program income realized (Sum of lines q, r and s)				0.00	
11. Indirect Expense	a. Type of Rate (Place "X" in appropriate box)				
	<input checked="" type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed				
	b. Rate N/A	c. Base	d. Total Amount	e. Federal Share	
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. Total Interest earned through 12-31-2006 is \$36,028.56. Interest accrued in 2006 - \$1,583.19					
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.					
Typed or Printed Name and Title Amy K. Tuck, Director, Division of Elections			Telephone (Area code, number and extension) 850-245-6200		
Signature of Authorized Certifying Official 			Date Report Submitted February 20, 2007		

RECEIVED
 U.S. ELECTION ASSISTANCE
 COMMISSION
 2007 FEB 20 PM 4:04

021091

**FLORIDA DEPARTMENT OF STATE
REPORT ON TITLE I, SECTION 102 FUNDS**

Florida received \$11,581,377 from Title I, Section 102 funds. The funds were invested pending transfer to Florida's Working Capital Fund to reimburse the state for funding provided to Florida's 67 counties in FY 2001-02 and FY 2002-03 to purchase voting systems equipment.

Interest on the initial investment has continued to accrue with earnings in the amount of \$1,583.19 reported for calendar year 2006.

RECEIVED
U.S. ELECTION ASSISTANCE
COMMISSION
2007 FEB 26 PM 4:04

021092



U. S. ELECTION ASSISTANCE COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR
1225 New York Avenue, NW, Suite 1100
Washington, DC. 20005
(202) 566-3100

January 10, 2007

Secretary Kurt Browning
Secretary of State
R. A. Gray Building
500 S. Bronough Street, Room 316
Tallahassee, Florida 32399-0250

Reference: Amended HAVA Reports Title I, Section 102 for Calendar Years 2004 and 2005

Response Due Date:
January 26, 2007

Dear Secretary Browning:

The purpose of this letter is to obtain corrected (amended) reports for your state's use of funds under Title I, Section 102 of the *Help America Vote Act of 2002 (HAVA)* for the Calendar Years (CY) 2004 and 2005. The amended SF 269 reports are essential as the U.S. Election Assistance Commission (EAC) prepares its *Annual Report to Congress* which will summarize HAVA funds expenditures, as reported by Florida.

Below is an itemization of the information required in your Amended SF 269 report(s) for Title I, Section 102:

- The State's report dated 1/20/04 for the period beginning 6/16/03 to 12/31/03 indicates that it is a FINAL report. However, a seceding report dated 2/28/06 for the period 6/16/03 to 12/31/05 is Amended to show interest on those funds for three years. Please submit Amended reports indicating whether or not the fund has been fully expended or the correct interest on the remainder.

Please review the guidance provided in the color-coded Model SF 269 *Long Form* and the Model Narratives enclosed for more information about how to prepare the Amended Title I, Section 102 report(s). A blank copy of the auto-fill form can be found at www.whitehouse.gov/omb/grants/sf269.pdf.

There is also a list of Frequently Asked Questions and other information under the Funding for States section on the EAC website at <http://www.eac.gov/>. Contact Edgardo Cortes by e-mail at ecortes@eac.gov, by phone at 1-866-747-1471 (toll free) or 202-566-3116 (direct) should you have additional questions.

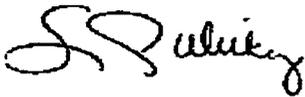
021093

The requested Amended report(s) for Title I, Section 102 must be completed and received by the Commission no later than January 26, 2007. If you fail to respond by that time, EAC will have no choice but to forward this matter to the EAC's Office of the Inspector General for review and investigation.

Amended reports should be mailed to the Election Assistance Commission, Amended 102 Reports, 1225 New York Ave., NW, Suite 1100, Washington, D.C. 20005.

Thank you for your attention to this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "T. Wilkey". The signature is stylized with a large initial "T" and a cursive "Wilkey".

Thomas R. Wilkey
Executive Director

Enclosures:

Model SF 269 *Long Form*
Model Narratives

7005 3110 0002 9823 5222

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information, visit our website at www.usps.com



02 1A
0004354297
MAILED FROM ZIP CODE 20005

\$ 00.00
JAN 10 2007

Sent To
Street, Apt
or PO Box
City, State
PS Form

Secretary Sue Cobb
Secretary of State
R. A. Gray Building
500 S. Bronough Street, Room 316
Tallahassee, Florida 32399-0250

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ning
R. A. Gray Building
500 S. Bronough Street, Room 316
Tallahassee, Florida 32399-0250

2. Article Number
(Transfer from ser

7005 3110 0002 9823 5222

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address correct or updated?

- Yes
- No

JAN 16 2007

CLEARED

3. Service Type

- Certified Mail
- Express Mail
- Registered
- Return Receipt for Merchandise
- Insured Mail
- C.O.D.

4. Restricted Delivery? (Extra Fee)

- Yes

021095



REVISED

FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

KURT S. BROWNING
Secretary of State

January 25, 2007

Mr. Thomas R. Wilkey
Executive Director
Election Assistance Commission
1225 New York Ave., N.W., Suite 1100
Washington, D.C. 20005

RECEIVED
U.S. ELECTION ASSISTANCE
COMMISSION
2007 JAN 26 PM 5:02

Dear Mr. Wilkey:

As requested in your letter of January 10, 2007 enclosed are amended financial reports (SF 269) regarding Florida's use of HAVA Title I, Section 102 funds. If you have any questions or would like additional information, please let us know.

Sincerely,



Amy K. Tuck
Director, Division of Elections

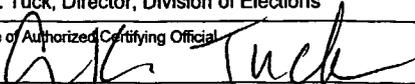
Enclosures

021096

FINANCIAL STATUS REPORT
(Long Form)

REVISED

(Follow instructions on the back)

1. Federal Agency and Organizational Element to Which Report is Submitted U. S. Election Assistance Commission		2. Federal Grant or Other Identifying Number Assigned By Federal Agency Title I, Section 102		OMB Approval No. 0348-0039	Page of pages
3. Recipient Organization (Name and complete address, including ZIP code) Florida Department of State 500 South Bronough Street Tallahassee, FL 32399-0250					
4. Employer Identification Number F593466865		5. Recipient Account Number or Identifying Number CFDA #39.011		6. Final Report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. Basis <input type="checkbox"/> Cash <input checked="" type="checkbox"/> Accrual					
8. Funding/Grant Period (See instructions) From: (Month, Day, Year) 6/16/2003		9. Period Covered by this Report From: (Month, Day, Year) 6/16/2003 <small>*State deadline for Section 102*</small>		To: (Month, Day, Year) 12/31/2003	
10. Transactions:					
				I	II
				Previously Reported	This Period
				III	Cumulative
a. Total outlays				11,581,377.00	11,581,377.00
b. Refunds, rebates, etc.					0.00
c. Program income used in accordance with the deduction alternative					0.00
d. Net outlays (Line a, less the sum of lines b and c)		0.00		11,581,377.00	11,581,377.00
Recipient's share of net outlays, consisting of:					
e. Third party (in-kind) contributions					0.00
f. Other Federal awards authorized to be used to match this award					0.00
g. Program income used in accordance with the matching or cost sharing alternative					0.00
h. All other recipient outlays not shown on lines e, f or g					0.00
i. Total recipient share of net outlays (Sum of lines e, f, g and h)		0.00		0.00	0.00
j. Federal share of net outlays (line d less line i)		0.00		11,581,377.00	11,581,377.00
k. Total unliquidated obligations					0.00
l. Recipient's share of unliquidated obligations					0.00
m. Federal share of unliquidated obligations					0.00
n. Total Federal share (sum of lines j and m)					11,581,377.00
o. Total Federal funds authorized for this funding period					11,613,597.26
p. Unobligated balance of Federal funds (Line o minus line n)					32,220.26
Program Income, consisting of:					
q. Disbursed program income shown on lines c and/or g above					
r. Disbursed program income using the addition alternative					
s. Undisbursed program income					
t. Total program income realized (Sum of lines q, r and s)					0.00
11. Indirect Expense		a. Type of Rate (Place "X" in appropriate box) <input checked="" type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed			
		b. Rate N/A	c. Base	d. Total Amount	e. Federal Share
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. Note: This is an amended report to include Interest earned during 2003. Line o includes Interest in the amount of \$32,220.26.					
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.					
Typed or Printed Name and Title Amy K. Tuck, Director, Division of Elections				Telephone (Area code, number and extension) 850-245-6200	
Signature of Authorized Certifying Official 				Date Report Submitted January 25, 2007	

RECEIVED
U.S. ELECTION ASSISTANCE
COMMISSION

REVISED

FINANCIAL STATUS REPORT (Long Form)

(Follow instructions on the back)

1. Federal Agency and Organizational Element to Which Report is Submitted: U. S. Election Assistance Commission
2. Federal Grant or Other Identifying Number Assigned By Federal Agency: Title I, Section 102
3. Recipient Organization (Name and complete address, including ZIP code): Florida Department of State, 500 South Bronough Street, Tallahassee, FL 32399-0250
4. Employer Identification Number: F593466865
5. Recipient Account Number or Identifying Number: CFDA #39.011
6. Final Report: [X] Yes [] No
7. Basis: [X] Cash [] Accrual
8. Funding/Grant Period (See instructions): From: (Month, Day, Year) 6/16/2003 To: (Month, Day, Year) 12/31/2004
9. Period Covered by this Report: From: (Month, Day, Year) 1/1/2004 To: (Month, Day, Year) 12/31/2004
10. Transactions: Table with columns: Previously Reported, This Period, Cumulative. Rows include Total outlays, Refunds, rebates, etc., Program income used in accordance with the deduction alternative, Net outlays, Recipient's share of net outlays, Federal share of net outlays, Total unliquidated obligations, Program Income, etc.
11. Indirect Expense: a. Type of Rate (Place "X" in appropriate box) [X] Provisional [] Predetermined [] Final [] Fixed; b. Rate N/A; c. Base; d. Total Amount; e. Federal Share
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. Note: This is an amended report to include Interest earned during 2004 in the amount of \$1,049.99. Total Interest earned through 12-31-2004 is \$33,270.25
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.
Typed or Printed Name and Title: Amy K. Tuck, Director, Division of Elections; Telephone (Area code, number and extension): 850-245-6200
Signature of Authorized Certifying Official: [Signature]; Date Report Submitted: January 25, 2007

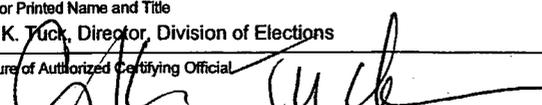
RECEIVED U.S. ELECTION ASSISTANCE COMMISSION

021097

**FINANCIAL STATUS REPORT
(Long Form)**

REVISED

(Follow instructions on the back)

1. Federal Agency and Organizational Element to Which Report is Submitted U. S. Election Assistance Commission		2. Federal Grant or Other Identifying Number Assigned By Federal Agency Title I, Section 102		OMB Approval No. 0348-0039	Page of pages
3. Recipient Organization (Name and complete address, including ZIP code) Florida Department of State 500 South Bronough Street Tallahassee, FL 32399-0250					
4. Employer Identification Number F593466865		5. Recipient Account Number or Identifying Number CFDA #39.011		6. Final Report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. Basis <input type="checkbox"/> Cash <input checked="" type="checkbox"/> Accrual					
8. Funding/Grant Period (See instructions) From: (Month, Day, Year) 6/16/2003		9. Period Covered by this Report From: (Month, Day, Year) 1/1/2005		To: (Month, Day, Year) 12/31/2005	
10. Transactions:		I Previously Reported	I This Period	III Cumulative	
a. Total outlays		11,581,377.00	0.00	11,581,377.00	
b. Refunds, rebates, etc.				0.00	
c. Program income used in accordance with the deduction alternative				0.00	
d. Net outlays (Line a, less the sum of lines b and c)		11,581,377.00	0.00	11,581,377.00	
Recipient's share of net outlays, consisting of:					
e. Third party (in-kind) contributions		0.00		0.00	
f. Other Federal awards authorized to be used to match this award		0.00		0.00	
g. Program income used in accordance with the matching or cost sharing alternative		0.00		0.00	
h. All other recipient outlays not shown on lines e, f or g		0.00		0.00	
i. Total recipient share of net outlays (Sum of lines e, f, g and h)		0.00	0.00	0.00	
j. Federal share of net outlays (line d less line i)		11,581,377.00	0.00	11,581,377.00	
k. Total unliquidated obligations				0.00	
l. Recipient's share of unliquidated obligations				0.00	
m. Federal share of unliquidated obligations				0.00	
n. Total Federal share (sum of lines j and m)				11,581,377.00	
o. Total Federal funds authorized for this funding period				11,615,822.37	
p. Unobligated balance of Federal funds (Line o minus line n)				34,445.37	
Program Income, consisting of:					
q. Disbursed program income shown on lines c and/or g above				0.00	
r. Disbursed program income using the addition alternative				0.00	
s. Undisbursed program income				0.00	
t. Total program income realized (Sum of lines q, r and s)				0.00	
11. Indirect Expense		a. Type of Rate (Place "X" in appropriate box) <input checked="" type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed			
		b. Rate N/A	c. Base	d. Total Amount	e. Federal Share
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. Note: This is an amended report to include Interest earned during 2005 in the amount of \$1,175.12. Total Interest earned through 12-31-2005 is \$34,445.37.					
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.					
Typed or Printed Name and Title Amy K. Tuck, Director, Division of Elections				Telephone (Area code, number and extension) 850-245-6200	
Signature of Authorized Certifying Official 				Date Report Submitted January 25, 2007	

RECEIVED
U.S. ELECTION ASSISTANCE
COMMISSION



"Leonard, Barbara M."
<BMLeonard@dos.state.fl.us>

To ecortes@eac.gov
cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>
bcc

03/30/2007 04:15 PM

Subject Question Regarding Section 101 Funds

History:

 This message has been replied to.

Hi Edgardo,

Would you please give me a call. We have a question regarding the use of HAVA Section 101 funds.

Thanks,
Barbara Leonard
Florida Division of Elections
850-245-6201

This response is provided for reference only and does not constitute legal advice or representation. As applied to a particular set of facts or circumstances, interested parties should refer to the Florida Statutes and applicable case law, and/or consult a private attorney before drawing any legal conclusions or relying upon the information provided.

Please note: Florida has a very broad public records law. Written communications to or from state officials regarding state business constitute public records and are available to the public and media upon request unless the information is subject to a specific statutory exemption. Therefore, your e-mail message may be subject to public disclosure.

021099



"Leonard, Barbara M."
<BMLeonard@dos.state.fl.us>

To ecortes@eac.gov

cc

bcc

03/21/2007 08:14 AM

Subject RE: HAVA Funding for Voter Verifiable Paper Audit Records

History

This message has been replied to

Edgardo,

The legislative budget issue requesting additional funds for state match was inadvertently scanned twice. It is only one page.

Thanks,
Barbara

-----Original Message-----

From: ecortes@eac.gov [mailto:ecortes@eac.gov]

Sent: Tuesday, March 20, 2007 4:03 PM

To: Leonard, Barbara M.

Subject: RE: HAVA Funding for Voter Verifiable Paper Audit Records

No problem, let me know in the morn. Thanks!

Edgardo Cortés
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave. NW, Ste. 1100
Washington, DC 20005
866-747-1471 toll free
202-566-3126 direct
202-566-3127 fax
ecortes@eac.gov

021100



"Leonard, Barbara M."
<BMLeonard@dos.state.fl.us>

03/20/2007 04:01 PM

To ecortes@eac.gov

cc

bcc

Subject RE: HAVA Funding for Voter Verifiable Paper Audit Records

History:

 This message has been replied to.

Edgardo,

The person who forwarded the file to me is not in the office this afternoon. I'll let you know in the morning. Sorry for the confusion.

Barbara

-----Original Message-----

From: ecortes@eac.gov [mailto:ecortes@eac.gov]

Sent: Tuesday, March 20, 2007 3:24 PM

To: Leonard, Barbara M.

Subject: RE: HAVA Funding for Voter Verifiable Paper Audit Records

Barbara,

Both pages in the PDF that shows the legislative budget request appear to be the same. Are the pages different or was the same page copied twice?

Edgardo Cortés
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave. NW, Ste. 1100
Washington, DC 20005
866-747-1471 toll free
202-566-3126 direct
202-566-3127 fax
ecortes@eac.gov

"Leonard, Barbara M."
<BMLeonard@dos.state.fl.us>

03/20/2007 01:40 PM

To ecortes@eac.gov

cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>, "Bradshaw, Sarah"

<SBradshaw@dos.state.fl.us>

Subject RE: HAVA Funding for Voter Verifiable Paper Audit Records

021101

Edgardo,

Attached are the following documents providing updated information regarding the findings included in the Florida Auditor General's Operational Audit Report # 2006-194:

Department of State Inspector General's Follow-up Review to Auditor General Report Number 2006-194

Letter dated December 13, 2006 from Inspector General to Secretary of State Cobb
Budget issue included in the FY 2007-08 Legislative Budget Request regarding additional funds for State Match

Florida Voting Systems Certification Checklist & Test Record

If you have any questions, please let us know.

Thanks,
Barbara

-----Original Message-----

From: ecortes@eac.gov [mailto:ecortes@eac.gov]

Sent: Friday, March 16, 2007 11:36 AM

To: Tuck, Amy K.

Cc: Leonard, Barbara M.

Subject: Re: HAVA Funding for Voter Verifiable Paper Audit Records

Amy and Barbara,

Do you have any additional documentation for the issues identified during your state single audit. I have a copy of your response letter to the state auditor dated June 15, 2006 but many of the items are planned actions. Do you have supporting documentation to show you've completed those things? I am trying to write our audit resolution report and would prefer it show as much completed as possible rather than using the report to ask for this info. Let me know. Thanks.

Edgardo Cortés
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave. NW, Ste. 1100
Washington, DC 20005
866-747-1471 toll free
202-566-3126 direct
202-566-3127 fax
ecortes@eac.gov

021102



"Leonard, Barbara M."
<BMLeonard@dos.state.fl.us>

03/20/2007 01:40 PM

To ecortes@eac.gov
cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>, "Bradshaw, Sarah" <SBradshaw@dos.state.fl.us>
bcc

Subject RE: HAVA Funding for Voter Verifiable Paper Audit Records

History This message has been replied to

Edgardo,

Attached are the following documents providing updated information regarding the findings included in the Florida Auditor General's Operational Audit Report # 2006-194:

- Department of State Inspector General's Follow-up Review to Auditor General Report Number 2006-194
- Letter dated December 13, 2006 from Inspector General to Secretary of State Cobb
- Budget issue included in the FY 2007-08 Legislative Budget Request regarding additional funds for State Match
- Florida Voting Systems Certification Checklist & Test Record

If you have any questions, please let us know.

Thanks,
Barbara

-----Original Message-----

From: ecortes@eac.gov [mailto:ecortes@eac.gov]
Sent: Friday, March 16, 2007 11:36 AM
To: Tuck, Amy K.
Cc: Leonard, Barbara M.
Subject: Re: HAVA Funding for Voter Verifiable Paper Audit Records

Amy and Barbara,
Do you have any additional documentation for the issues identified during your state single audit. I have a copy of your response letter to the state auditor dated June 15, 2006 but many of the items are planned actions. Do you have supporting documentation to show you've completed those things? I am trying to write our audit resolution report and would prefer it show as much completed as possible rather than using the report to ask for this info. Let me know. Thanks.

Edgardo Cortés
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave. NW, Ste. 1100
Washington, DC 20005
866-747-1471 toll free
202-566-3126 direct
202-566-3127 fax



ecortes@eac.gov 2007-005 AG follow up HAVA FVRS dr final.doc 2007-005 Cover Letter HAVA FVRS.doc

021103



BVSC-010 Florida Voting Systems Certification Checklist and Test Record.doc FY 2007-08 LBR HAVA State Match.pdf

021104



"Leonard, Barbara M."
<BMLeonard@dos.state.fl.us>

03/16/2007 03:35 PM

To ecortes@eac.gov

cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>

bcc

Subject RE: HAVA Funding for Voter Verifiable Paper Audit Records

History

This message has been replied to

Edgardo,

How about Monday about 1:30 pm? I'll give you a call if that time is agreeable.

Barbara

-----Original Message-----

From: ecortes@eac.gov [mailto:ecortes@eac.gov]

Sent: Friday, March 16, 2007 2:18 PM

To: Leonard, Barbara M.

Subject: RE: HAVA Funding for Voter Verifiable Paper Audit Records

Great! Can we set up a time to chat on Monday? I'm available anytime after 10am.

Edgardo Cortés
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave. NW, Ste. 1100
Washington, DC 20005
866-747-1471 toll free
202-566-3126 direct
202-566-3127 fax
ecortes@eac.gov

"Leonard, Barbara M."
<BMLeonard@dos.state.fl.us>

03/16/2007 02:00 PM

To ecortes@eac.gov

cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>

Subject RE: HAVA Funding for Voter Verifiable Paper Audit Records

021105

Edgardo,

We should be able to forward something to you next week to document the steps that have been taken. We'll check with you first to be sure we're getting the information you need for your report.

Thanks,
Barbara

-----Original Message-----

From: ecortes@eac.gov [mailto:ecortes@eac.gov]

Sent: Friday, March 16, 2007 11:36 AM

To: Tuck, Amy K.

Cc: Leonard, Barbara M.

Subject: Re: HAVA Funding for Voter Verifiable Paper Audit Records

Amy and Barbara,

Do you have any additional documentation for the issues identified during your state single audit. I have a copy of your response letter to the state auditor dated June 15, 2006 but many of the items are planned actions. Do you have supporting documentation to show you've completed those things? I am trying to write our audit resolution report and would prefer it show as much completed as possible rather than using the report to ask for this info. Let me know. Thanks.

Edgardo Cortés
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave. NW, Ste. 1100
Washington, DC 20005
866-747-1471 toll free
202-566-3126 direct
202-566-3127 fax
ecortes@eac.gov

021106



"Leonard, Barbara M."
<BMLeonard@dos.state.fl.us>

To ecortes@eac.gov
cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>
bcc

03/16/2007 02:00 PM

Subject RE: HAVA Funding for Voter Verifiable Paper Audit Records

History:

✉ This message has been replied to.

Edgardo,

We should be able to forward something to you next week to document the steps that have been taken. We'll check with you first to be sure we're getting the information you need for your report.

Thanks,
Barbara

-----Original Message-----

From: ecortes@eac.gov [mailto:ecortes@eac.gov]
Sent: Friday, March 16, 2007 11:36 AM
To: Tuck, Amy K.
Cc: Leonard, Barbara M.
Subject: Re: HAVA Funding for Voter Verifiable Paper Audit Records

Amy and Barbara,

Do you have any additional documentation for the issues identified during your state single audit. I have a copy of your response letter to the state auditor dated June 15, 2006 but many of the items are planned actions. Do you have supporting documentation to show you've completed those things? I am trying to write our audit resolution report and would prefer it show as much completed as possible rather than using the report to ask for this info. Let me know. Thanks.

Edgardo Cortés
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave. NW, Ste. 1100
Washington, DC 20005
866-747-1471 toll free
202-566-3126 direct
202-566-3127 fax
ecortes@eac.gov

021107



"Leonard, Barbara M."
<BMLeonard@dos.state.fl.us>

02/16/2007 05:08 PM

To ecortes@eac.gov

cc

bcc

Subject RE: FW: Guidance Regarding Use of HAVA Funds

Edgardo,

Thank you so much for the response. I know you've been very busy and also knew of the bad weather. Hopefully the weather has cleared up a little by now. Have a great week-end.

Thanks,
Barbara

-----Original Message-----

From: ecortes@eac.gov [mailto:ecortes@eac.gov]

Sent: Friday, February 16, 2007 4:45 PM

To: Leonard, Barbara M.

Subject: Re: FW: Guidance Regarding Use of HAVA Funds

Barbara,

Sorry for the delay but I was at the NASS and NASED conference over the weekend and then we had some bad weather that kept me from coming in. In regards to question #2, this is a purchase that is solely related to the statewide voter registration and therefore does not require pre-approval from the EAC. Just make sure to keep the proper records for audit purposes. Hope this helps. Thanks.

Edgardo Cortés
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave. NW, Ste. 1100
Washington, DC 20005
866-747-1471 toll free
202-566-3126 direct
202-566-3127 fax
ecortes@eac.gov

"Leonard, Barbara M." <BMLeonard@dos.state.fl.us>

02/13/2007 02:02 PM

To ecortes@eac.gov

cc

SubjectFW: Guidance Regarding Use of HAVA Funds

021108

Edgardo,

Have you had a chance to review question #2 in our request below regarding the purchase of additional memory for our statewide voter registration system?

Thanks,
Barbara

-----Original Message-----

From: Leonard, Barbara M.
Sent: Friday, January 26, 2007 11:48 AM
To: 'ecortes@eac.gov'
Cc: Tuck, Amy K.; Bradshaw, Sarah
Subject: RE: Guidance Regarding Use of HAVA Funds

Edgardo,

I believe that question #3 is related to the state single audit findings. It was included in the Operational Audit conducted by the Florida Auditor General's Office. I will forward you the original request for guidance that we sent to Peggy Sims last summer in case you don't have access to it.

Thanks,
Barbara

-----Original Message-----

From: ecortes@eac.gov [mailto:ecortes@eac.gov]
Sent: Friday, January 26, 2007 10:03 AM
To: Leonard, Barbara M.
Subject: Re: Guidance Regarding Use of HAVA Funds

Barbara,

Just a quick question about #3. Is this question related to the state single audit findings? I am working on some audit resolutions and wanted to make sure its the same issue.

Edgardo Cortés
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave. NW, Ste. 1100
Washington, DC 20005
866-747-1471 toll free
202-566-3126 direct

021109

202-566-3127 fax
ecortes@eac.gov

"Leonard, Barbara M."
<BMLeonard@dos.state.fl.us>

01/10/2007 04:08 PM

To ecortes@eac.gov
cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>, "Bradshaw, Sarah"
<SBradshaw@dos.state.fl.us>
Subject Guidance Regarding Use of HAVA Funds

Edgardo,

The Florida Department of State is requesting guidance regarding the use of HAVA funds for several items:

1. The computer equipment used to operate Florida's statewide voter registration system is currently housed in a state-owned facility that is in the process of being sold. As a result, the Department is moving its computer operations to a private facility.

Following our conversation this morning, the Department has determined that State funds will be used to pay for the expenses associated with moving all of the equipment (including the statewide voter registration system equipment) to the new location.

However, after the Department has completed its relocation of the computer room to another facility, it will be necessary to make rental payments to the owner of the building. Is it possible for the Department to use HAVA funds to pay a portion of the rent for the space occupied by computer equipment used to support the statewide voter registration system?

2. The Department needs to purchase additional memory in order to provide an identical back-up computer for the statewide voter registration system in case of a disaster. We have received quotes from three contractors on the State Purchasing Contract with the lowest quote being from

021110

Hewlett Packard at \$81,760. We are requesting EAC approval to use HAVA Section 251 funds for this purchase.

3. During the summer of 2006 the Department requested guidance from the EAC regarding the use of HAVA funds for annual and/or sick leave payments to employees filling HAVA-funded positions who terminated employment with the State. Could you check on the status of a response regarding this issue. If you need additional information, please let us know and we'll forward the original questions.

If you need any additional information regarding these items, please let us know. Thank you very much for your assistance.

Thanks,
Barbara Leonard
Florida Division of Elections
HAVA Unit
850-245-6201

021111



"Leonard, Barbara M."
<BMLEonard@dos.state.fl.us>

To ecortes@eac.gov
cc
bcc

02/13/2007 02:02 PM

Subject FW: Guidance Regarding Use of HAVA Funds

History

This message has been replied to.

Edgardo,

Have you had a chance to review question #2 in our request below regarding the purchase of additional memory for our statewide voter registration system?

Thanks,
Barbara

-----Original Message-----

From: Leonard, Barbara M.
Sent: Friday, January 26, 2007 11:48 AM
To: 'ecortes@eac.gov'
Cc: Tuck, Amy K.; Bradshaw, Sarah
Subject: RE: Guidance Regarding Use of HAVA Funds

Edgardo,

I believe that question #3 is related to the state single audit findings. It was included in the Operational Audit conducted by the Florida Auditor General's Office. I will forward you the original request for guidance that we sent to Peggy Sims last summer in case you don't have access to it.

Thanks,
Barbara

-----Original Message-----

From: ecortes@eac.gov [mailto:ecortes@eac.gov]
Sent: Friday, January 26, 2007 10:03 AM
To: Leonard, Barbara M.
Subject: Re: Guidance Regarding Use of HAVA Funds

Barbara,

Just a quick question about #3. Is this question related to the state single audit findings? I am working on some audit resolutions and wanted to make sure its the same issue.

Edgardo Cortés
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave. NW, Ste. 1100
Washington, DC 20005
866-747-1471 toll free
202-566-3126 direct
202-566-3127 fax

021112

ecortes@eac.gov

"Leonard, Barbara M."
<BMLeonard@dos.state.fl.us>

01/10/2007 04:08 PM

To ecortes@eac.gov
cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>, "Bradshaw, Sarah"
<SBradshaw@dos.state.fl.us>
Subject Guidance Regarding Use of HAVA Funds

Edgardo,

The Florida Department of State is requesting guidance regarding the use of HAVA funds for several items:

1. The computer equipment used to operate Florida's statewide voter registration system is currently housed in a state-owned facility that is in the process of being sold. As a result, the Department is moving its computer operations to a private facility.

Following our conversation this morning, the Department has determined that State funds will be used to pay for the expenses associated with moving all of the equipment (including the statewide voter registration system equipment) to the new location.

However, after the Department has completed its relocation of the computer room to another facility, it will be necessary to make rental payments to the owner of the building. Is it possible for the Department to use HAVA funds to pay a portion of the rent for the space occupied by computer equipment used to support the statewide voter registration system?

2. The Department needs to purchase additional memory in order to provide an identical back-up computer for the statewide voter registration system in case of a disaster. We have received quotes from three contractors on the State Purchasing Contract with the lowest quote being from Hewlett Packard at \$81,760. We are requesting EAC approval to use HAVA Section 251 funds for this purchase.

3. During the summer of 2006 the Department requested guidance from the EAC regarding the use of HAVA funds for annual and/or sick leave payments to employees filling HAVA-funded positions who terminated employment with the State. Could you check on the status of a response regarding this issue. If you need additional information, please let us know and we'll forward the original questions.

021113

If you need any additional information regarding these items, please let us know. Thank you very much for your assistance.

Thanks,
Barbara Leonard
Florida Division of Elections
HAVA Unit
850-245-6201

021114



"Leonard, Barbara M."
<BMLeonard@dos.state.fl.us>

01/26/2007 03:04 PM

To ecortes@eac.gov

cc

bcc

Subject RE: Guidance Regarding Use of HAVA Funds

Edgardo,

Thanks for your help with this.

Barbara

-----Original Message-----

From: ecortes@eac.gov [mailto:ecortes@eac.gov]
Sent: Friday, January 26, 2007 2:31 PM
To: Leonard, Barbara M.
Cc: Tuck, Amy K.; Bradshaw, Sarah
Subject: RE: Guidance Regarding Use of HAVA Funds

Barbara,

This was great information. This is the same issue I am working on in relation to the single audit. Just so you know, this means you will get the answer from me, but then it will also be addressed in an audit resolution report. That resolution report will cover this issue and the other issues identified during the single audit. Since EAC oversees HAVA funds, we are responsible for resolving issues identified during audits conducted by our Inspector General and also single audits conducted by each state. I'll keep you posted as we move forward in that process. Let me know if you have any questions. Thanks.

Edgardo Cortés
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave. NW, Ste. 1100
Washington, DC 20005
866-747-1471 toll free
202-566-3126 direct
202-566-3127 fax
ecortes@eac.gov

"Leonard, Barbara M."
<BMLeonard@dos.state.fl.us>

01/26/2007 11:48 AM

To ecortes@eac.gov

cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>, "Bradshaw, Sarah"

<SBradshaw@dos.state.fl.us>

Subject RE: Guidance Regarding Use of HAVA Funds

021115

Edgardo,

I believe that question #3 is related to the state single audit findings. It was included in the Operational Audit conducted by the Florida Auditor General's Office. I will forward you the original request for guidance that we sent to Peggy Sims last summer in case you don't have access to it.

Thanks,
Barbara

-----Original Message-----

From: ecortes@eac.gov [mailto:ecortes@eac.gov]
Sent: Friday, January 26, 2007 10:03 AM
To: Leonard, Barbara M.
Subject: Re: Guidance Regarding Use of HAVA Funds

Barbara,
Just a quick question about #3. Is this question related to the state single audit findings? I am working on some audit resolutions and wanted to make sure its the same issue.

Edgardo Cortés
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave. NW, Ste. 1100
Washington, DC 20005
866-747-1471 toll free
202-566-3126 direct
202-566-3127 fax
ecortes@eac.gov

"Leonard, Barbara M."
<BMLeonard@dos.state.fl.us>

01/10/2007 04:08 PM

To ecortes@eac.gov
cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>, "Bradshaw, Sarah"
<SBradshaw@dos.state.fl.us>
Subject Guidance Regarding Use of HAVA Funds

021116

Edgardo,

The Florida Department of State is requesting guidance regarding the use of HAVA funds for several items:

1. The computer equipment used to operate Florida's statewide voter registration system is currently housed in a state-owned facility that is in the process of being sold. As a result, the Department is moving its computer operations to a private facility.

Following our conversation this morning, the Department has determined that State funds will be used to pay for the expenses associated with moving all of the equipment (including the statewide voter registration system equipment) to the new location.

However, after the Department has completed its relocation of the computer room to another facility, it will be necessary to make rental payments to the owner of the building. Is it possible for the Department to use HAVA funds to pay a portion of the rent for the space occupied by computer equipment used to support the statewide voter registration system?

2. The Department needs to purchase additional memory in order to provide an identical back-up computer for the statewide voter registration system in case of a disaster. We have received quotes from three contractors on the State Purchasing Contract with the lowest quote being from Hewlett Packard at \$81,760. We are requesting EAC approval to use HAVA Section 251 funds for this purchase.

3. During the summer of 2006 the Department requested guidance from the EAC regarding the use of HAVA funds for annual and/or sick leave payments to employees filling HAVA-funded positions who terminated employment with the State. Could you check on the status of a response regarding this issue. If you need additional information, please let us know and we'll forward the original questions.

If you need any additional information regarding these items, please let us know. Thank you very much for your assistance.

Thanks,
Barbara Leonard

021117

Florida Division of Elections
HAVA Unit
850-245-6201

021118



"Leonard, Barbara M."
<BMLeonard@dos.state.fl.us>

01/26/2007 11:51 AM

To ecortes@eac.gov

cc

bcc

Subject FW: Leave Payments to Terminating Employees

Edgardo,

This is the initial request regarding leave payments to terminating employees.

Thanks,
Barbara

-----Original Message-----

From: Leonard, Barbara

Sent: Friday, June 23, 2006 9:57 AM

To: 'psims@eac.gov'

Cc: Roberts, Dawn K.; Bradshaw, Sarah; Gomez, Mike; Durbin, Joyce A.

Subject: Leave Payments to Terminating Employees

Peggy,

The Florida Department of State is requesting guidance from the EAC regarding leave payments to employees who have resigned from the Department of State and terminated employment in state government. Upon termination from the Department, these individuals have/will be paid for annual leave hours that were accrued during their tenure as state employees. During their employment with the Department of State, each employee was assigned to a position that worked exclusively on HAVA-related activities and was funded with HAVA dollars.

One individual was employed by the Department of State for eight months. However, he had been in state government for several years and transferred to the Department of State from another state agency. During that time he accrued 386 hours of annual leave. He accrued an additional 83 hours while employed at the Department of State. Upon termination from the Department, he was paid for 470 annual leave hours.

The other employee has been employed by the Department of State since mid-September 2003 and has worked exclusively in a HAVA-funded position during this period. He will be eligible for annual leave payments upon termination from state government at the end of June 2006. All of the annual leave hours were earned while he was working on HAVA activities.

In reviewing the language in federal OMB Circular A-87, it appears that it will be necessary for the Department of State to use state funds rather than HAVA funds for the leave payments to each of these individuals. However, since one individual was employed exclusively in a HAVA-funded position and earned the leave during this time, is it possible to use HAVA funds to pay for the accrued annual leave that will be paid to the individual upon termination from state government?

The situations referenced above relate to accrued annual leave. However, the same questions will apply when an employee filling a HAVA-funded position terminates from state government and is eligible to receive payment for sick leave.

We appreciate your assistance in determining the appropriate funding source when processing leave payments to individuals who worked in a HAVA-funded position at the time of termination from state

021119

government.

Thanks,
Barbara Leonard
Florida Division of Elections
850-245-6201

021120



"Leonard, Barbara M."
<BMLeonard@dos.state.fl.us>

01/26/2007 11:48 AM

To ecortes@eac.gov

cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>, "Bradshaw, Sarah" <SBradshaw@dos.state.fl.us>

bcc

Subject RE: Guidance Regarding Use of HAVA Funds

History

✉ This message has been replied to.

Edgardo,

I believe that question #3 is related to the state single audit findings. It was included in the Operational Audit conducted by the Florida Auditor General's Office. I will forward you the original request for guidance that we sent to Peggy Sims last summer in case you don't have access to it.

Thanks,
Barbara

-----Original Message-----

From: ecortes@eac.gov [mailto:ecortes@eac.gov]

Sent: Friday, January 26, 2007 10:03 AM

To: Leonard, Barbara M.

Subject: Re: Guidance Regarding Use of HAVA Funds

Barbara,

Just a quick question about #3. Is this question related to the state single audit findings? I am working on some audit resolutions and wanted to make sure its the same issue.

Edgardo Cortés
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave. NW, Ste. 1100
Washington, DC 20005
866-747-1471 toll free
202-566-3126 direct
202-566-3127 fax
ecortes@eac.gov

"Leonard, Barbara M."
<BMLeonard@dos.state.fl.us>

01/10/2007 04:08 PM

To ecortes@eac.gov

cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>, "Bradshaw, Sarah" <SBradshaw@dos.state.fl.us>

Subject Guidance Regarding Use of HAVA Funds

021121

Edgardo,

The Florida Department of State is requesting guidance regarding the use of HAVA funds for several items:

1. The computer equipment used to operate Florida's statewide voter registration system is currently housed in a state-owned facility that is in the process of being sold. As a result, the Department is moving its computer operations to a private facility.

Following our conversation this morning, the Department has determined that State funds will be used to pay for the expenses associated with moving all of the equipment (including the statewide voter registration system equipment) to the new location.

However, after the Department has completed its relocation of the computer room to another facility, it will be necessary to make rental payments to the owner of the building. Is it possible for the Department to use HAVA funds to pay a portion of the rent for the space occupied by computer equipment used to support the statewide voter registration system?

2. The Department needs to purchase additional memory in order to provide an identical back-up computer for the statewide voter registration system in case of a disaster. We have received quotes from three contractors on the State Purchasing Contract with the lowest quote being from Hewlett Packard at \$81,760. We are requesting EAC approval to use HAVA Section 251 funds for this purchase.

3. During the summer of 2006 the Department requested guidance from the EAC regarding the use of HAVA funds for annual and/or sick leave payments to employees filling HAVA-funded positions who terminated employment with the State. Could you check on the status of a response regarding this issue. If you need additional information, please let us know and we'll forward the original questions.

If you need any additional information regarding these items, please let us know. Thank you very much for your assistance.

Thanks,
Barbara Leonard
Florida Division of Elections
HAVA Unit
850-245-6201

021122



"Leonard, Barbara M."
<BMLEonard@dos.state.fl.us>

01/10/2007 04:08 PM

To ecortes@eac.gov

cc "Tuck, Amy K." <AKTuck@dos.state.fl.us>, "Bradshaw,
Sarah" <SBradshaw@dos.state.fl.us>

bcc

Subject Guidance Regarding Use of HAVA Funds

History

This message has been replied to and forwarded

Edgardo,

The Florida Department of State is requesting guidance regarding the use of HAVA funds for several items:

1. The computer equipment used to operate Florida's statewide voter registration system is currently housed in a state-owned facility that is in the process of being sold. As a result, the Department is moving its computer operations to a private facility.

Following our conversation this morning, the Department has determined that State funds will be used to pay for the expenses associated with moving all of the equipment (including the statewide voter registration system equipment) to the new location.

However, after the Department has completed its relocation of the computer room to another facility, it will be necessary to make rental payments to the owner of the building. Is it possible for the Department to use HAVA funds to pay a portion of the rent for the space occupied by computer equipment used to support the statewide voter registration system?

2. The Department needs to purchase additional memory in order to provide an identical back-up computer for the statewide voter registration system in case of a disaster. We have received quotes from three contractors on the State Purchasing Contract with the lowest quote being from Hewlett Packard at \$81,760. We are requesting EAC approval to use HAVA Section 251 funds for this purchase.

3. During the summer of 2006 the Department requested guidance from the EAC regarding the use of HAVA funds for annual and/or sick leave payments to employees filling HAVA-funded positions who terminated employment with the State. Could you check on the status of a response regarding this issue. If you need additional information, please let us know and we'll forward the original questions.

If you need any additional information regarding these items, please let us know. Thank you very much for your assistance.

Thanks,
Barbara Leonard
Florida Division of Elections
HAVA Unit
850-245-6201

021123



"Tuck, Amy K."
<AKTuck@dos.state.fl.us>
04/05/2007 06:11 PM

To ecortes@eac.gov, "Leonard, Barbara M."
<BMLeonard@dos.state.fl.us>
cc "Browning, Kurt S." <KSBrowning@dos.state.fl.us>,
"Kennedy, Jennifer L." <JLKennedy@dos.state.fl.us>,
twilkey@eac.gov

bcc

Subject RE: Question Regarding Section 101 Funds

History

This message has been replied to

Edgardo,

It is the same question that I posed before regarding moving to optical scan systems and voter verifiable paper audit records. This also includes using ballot on demand and Automark. Jennifer Kennedy (Deputy Secretary of State) spoke with Tom Wilkey on Tuesday and I spoke with him on Tuesday as well. From what I understand, the decision that you previously gave me stands. However, we need something more formal in writing. As you know, we are in legislative session and this is a request not only from us, but from both of our legislative houses. I would really appreciate getting it as soon as possible.

Thank you again for all your help on this. I know you guys are busy. Please let me know if there is anything I can do to help.

Amy Tuck

From: ecortes@eac.gov [mailto:ecortes@eac.gov]
Sent: Thursday, April 05, 2007 4:16 PM
To: Leonard, Barbara M.
Cc: Tuck, Amy K.
Subject: Re: Question Regarding Section 101 Funds

Barbara,

Sorry for the delay in getting back to you - we have been swamped this week. I won't be in the office tomorrow but if you can email me the question, I can work on it over the weekend to get you a response for Monday. Thanks.

Edgardo Cortés
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave. NW, Ste. 1100
Washington, DC 20005
866-747-1471 toll free
202-566-3126 direct
202-566-3127 fax
ecortes@eac.gov

"Leonard, Barbara M." <BMLeonard@dos.state.fl.us>

03/30/2007 04:15 PM

To ecortes@eac.gov

021124

cc:"Tuck, Amy K." <AKTuck@dos.state.fl.us>
Subject: Question Regarding Section 101 Funds

Hi Edgardo,

Would you please give me a call. We have a question regarding the use of HAVA Section 101 funds.

Thanks,
Barbara Leonard
Florida Division of Elections
850-245-6201

This response is provided for reference only and does not constitute legal advice or representation. As applied to a particular set of facts or circumstances, interested parties should refer to the Florida Statutes and applicable case law, and/or consult a private attorney before drawing any legal conclusions or relying upon the information provided.

Please note: Florida has a very broad public records law. Written communications to or from state officials regarding state business constitute public records and are available to the public and media upon request unless the information is subject to a specific statutory exemption. Therefore, your e-mail message may be subject to public disclosure.

021125



"Tuck, Amy K."
<AKTuck@dos.state.fl.us>
03/21/2007 11:12 AM

To ecortes@eac.gov
cc
bcc
Subject RE: HAVA Funding

Edgardo,

Again, thanks for your quick response on all of this. One more question... If counties used a ballot on demand system, which is basically just a ballot "printing" service at the early voting sites, could HAVA funding be used? Let me know if you need me to call or explain further.

Thank you,
Amy

From: ecortes@eac.gov [mailto:ecortes@eac.gov]
Sent: Wednesday, March 14, 2007 4:54 PM
To: Tuck, Amy K.
Cc: jhodgkins@eac.gov
Subject: RE: HAVA Funding

Amy,

Sorry for the longer response on this email. Its been a pretty busy day.

With question 1, I forgot that Florida did file a certification under HAVA section 251(b)(2)(A). This means you are correct, Florida can use any remaining requirements payments for the improvement of administration of elections for federal office. No additional certification is needed. VVPAR would fall under this category. Section 101 funds can be used for this purpose without any certification.

With #2, you are correct. Replacement of newly purchased equipment that is HAVA compliant and in good working order does not appear to meet the test of reasonableness for using federal funds. Our initial take on the automark system is that it would fall into this category because you would be replacing the current DREs with a new system.

Again, this is our general take on this without having reviewed any detailed information about Florida's particular situation. Let me know if you need any more info. Thanks.

Edgardo Cortés
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave. NW, Ste. 1100
Washington, DC 20005
866-747-1471 toll free
202-566-3126 direct
202-566-3127 fax
ecortes@eac.gov

"Tuck, Amy K." <AKTuck@dos.state.fl.us>

03/14/2007 11:30 AM

To ecortes@eac.gov

021126

cc

SubjectRE: HAVA Funding

Sorry – one more issue. There is some consideration of using an “AutoMARK” system instead of the VVPAR. I would assume this would follow along the same lines as the considerations for the VVPAR. Let me know if you need more information on that before responding.

Thanks again.

From: Tuck, Amy K.
Sent: Wednesday, March 14, 2007 11:25 AM
To: ecortes@eac.gov
Subject: HAVA Funding
Importance: High

Edgardo,

I wanted to summarize our earlier conversation to make sure I am clear on how to proceed on this issue.

1. VVPAR (Voter verifiable paper audit record)

These can be paid for from HAVA funding under certain circumstances although this is not a requirement in HAVA and does not meet Title 3 requirements.

Section 251 funding can be used for Title 3 activities or for improving the administration of elections for federal office. Under this guideline, Florida can do the following:

- a. Certify that we have met the requirements of Title 3 and use the remaining 251 funds for improving federal elections.
- b. Or if we have not met the requirements for Title 3, we can certify that we will not use more than the minimum payment (est. 11.6m) for “non-Title 3” activities.

As a state, we did certify in August, 2006 that we have met the requirements for Title 3, so we would be in position a. (above). I would assume that we could then use the Section 251 funds to provide voter verifiable paper audit record devices for touchscreens under the argument that it is to improve federal elections.

021127

Section 101 funding can be used to improve administration of elections for federal office. If Florida decided to use this funding, we would not have to certify to the EAC.

2. Optical Scan

If the touchscreens that are being replaced were purchased with HAVA funding, then further HAVA funding may not be used for this purpose. If the touchscreens were purchased from state funding, then HAVA funding could be used for this purpose. I would assume we would follow the same guidelines in #1 concerning both the 251 and 101 funding.

And, of course, we are free to use state funding (or funding from the purchase of the systems) to upgrade as long as we remain in compliance with federal and state guidelines.

Thank you (and Julie) for taking the time to speak with me today. I appreciate the time and quick response. I look forward to hearing back from you.

Sincerely,

Amy K. Tuck, Esq.

Director, Division of Elections
Florida Department of State
The R.A. Gray Building
500 South Bronough Street, Room 316
Tallahassee, Florida 32399
850.245.6200 phone
850.245.6217 fax

021128



"Tuck, Amy K."
<AKTuck@dos.state.fl.us>
03/14/2007 10:04 PM

To ecortes@eac.gov
cc
bcc
Subject RE: HAVA Funding

Thank you for the response. We might have some additional questions. But, again, thank you for taking the time. I appreciate it. Amy

From: ecortes@eac.gov [mailto:ecortes@eac.gov]
Sent: Wednesday, March 14, 2007 4:54 PM
To: Tuck, Amy K.
Cc: jhodgkins@eac.gov
Subject: RE: HAVA Funding

Amy,

Sorry for the longer response on this email. Its been a pretty busy day. With question 1, I forgot that Florida did file a certification under HAVA section 251(b)(2)(A). This means you are correct, Florida can use any remaining requirements payments for the improvement of administration of elections for federal office. No additional certification is needed. VVPAR would fall under this category. Section 101 funds can be used for this purpose without any certification. With #2, you are correct. Replacement of newly purchased equipment that is HAVA compliant and in good working order does not appear to meet the test of reasonableness for using federal funds. Our initial take on the automark system is that it would fall into this category because you would be replacing the current DREs with a new system. Again, this is our general take on this without having reviewed any detailed information about Florida's particular situation. Let me know if you need any more info. Thanks.

Edgardo Cortés
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave. NW, Ste. 1100
Washington, DC 20005
866-747-1471 toll free
202-566-3126 direct
202-566-3127 fax
ecortes@eac.gov

"Tuck, Amy K." <AKTuck@dos.state.fl.us>

03/14/2007 11:30 AM

To ecortes@eac.gov
cc
Subject RE: HAVA Funding

021129

Sorry – one more issue. There is some consideration of using an “AutoMARK” system instead of the VVPAR. I would assume this would follow along the same lines as the considerations for the VVPAR. Let me know if you need more information on that before responding.

Thanks again.

From: Tuck, Amy K.
Sent: Wednesday, March 14, 2007 11:25 AM
To: ecortes@eac.gov
Subject: HAVA Funding
Importance: High

Edgardo,

I wanted to summarize our earlier conversation to make sure I am clear on how to proceed on this issue.

1. VVPAR (Voter verifiable paper audit record)

These can be paid for from HAVA funding under certain circumstances although this is not a requirement in HAVA and does not meet Title 3 requirements.

Section 251 funding can be used for Title 3 activities or for improving the administration of elections for federal office. Under this guideline, Florida can do the following:

- a. Certify that we have met the requirements of Title 3 and use the remaining 251 funds for improving federal elections.
- b. Or if we have not met the requirements for Title 3, we can certify that we will not use more than the minimum payment (est. 11.6m) for “non-Title 3” activities.

As a state, we did certify in August, 2006 that we have met the requirements for Title 3, so we would be in position a. (above). I would assume that we could then use the Section 251 funds to provide voter verifiable paper audit record devices for touchscreens under the argument that it is to improve federal elections.

Section 101 funding can be used to improve administration of elections for federal office. If Florida decided to use this funding, we would not have to certify to the EAC.

2. Optical Scan

021130

If the touchscreens that are being replaced were purchased with HAVA funding, then further HAVA funding may not be used for this purpose. If the touchscreens were purchased from state funding, then HAVA funding could be used for this purpose. I would assume we would follow the same guidelines in #1 concerning both the 251 and 101 funding.

And, of course, we are free to use state funding (or funding from the purchase of the systems) to upgrade as long as we remain in compliance with federal and state guidelines.

Thank you (and Julie) for taking the time to speak with me today. I appreciate the time and quick response. I look forward to hearing back from you.

Sincerely,

Amy K. Tuck, Esq.

Director, Division of Elections

Florida Department of State

The R.A. Gray Building

500 South Bronough Street, Room 316

Tallahassee, Florida 32399

850.245.6200 phone

850.245.6217 fax

021131



"Tuck, Amy K."
<AKTuck@dos.state.fl.us>
03/14/2007 11:30 AM

To ecortes@eac.gov
cc
bcc

Subject RE: HAVA Funding

History

✉ This message has been replied to and forwarded

Sorry – one more issue. There is some consideration of using an “AutoMARK” system instead of the VVPAR. I would assume this would follow along the same lines as the considerations for the VVPAR. Let me know if you need more information on that before responding.

Thanks again.

From: Tuck, Amy K.
Sent: Wednesday, March 14, 2007 11:25 AM
To: ecortes@eac.gov
Subject: HAVA Funding
Importance: High

Edgardo,

I wanted to summarize our earlier conversation to make sure I am clear on how to proceed on this issue.

1. VVPAR (Voter verifiable paper audit record)

These can be paid for from HAVA funding under certain circumstances although this is not a requirement in HAVA and does not meet Title 3 requirements.

Section 251 funding can be used for Title 3 activities or for improving the administration of elections for federal office. Under this guideline, Florida can do the following:

- a. Certify that we have met the requirements of Title 3 and use the remaining 251 funds for improving federal elections.
- b. Or if we have not met the requirements for Title 3, we can certify that we will not use more than the minimum payment (est. 11.6m) for “non-Title 3” activities.

As a state, we did certify in August, 2006 that we have met the requirements for Title 3, so we would be in position a. (above). I would assume that we could then use the Section 251 funds to provide voter verifiable paper audit record devices for touchscreens under the argument that it is to improve federal elections.

Section 101 funding can be used to improve administration of elections for federal office. If Florida decided to use this funding, we would not have to certify to the EAC.

2. Optical Scan

If the touchscreens that are being replaced were purchased with HAVA funding, then further HAVA funding may not be used for this purpose. If the touchscreens were purchased from state funding, then HAVA funding could be used for this purpose. I would assume we would follow the same guidelines in #1 concerning both the 251 and 101 funding.

And, of course, we are free to use state funding (or funding from the purchase of the systems) to upgrade as long as we remain in compliance with federal and state guidelines.

021132

Thank you (and Julie) for taking the time to speak with me today. I appreciate the time and quick response. I look forward to hearing back from you.

Sincerely,

Amy K. Tuck, Esq.

Director, Division of Elections

Florida Department of State

The R.A. Gray Building

500 South Bronough Street, Room 316

Tallahassee, Florida 32399

850.245.6200 phone

850.245.6217 fax

021133



"Tuck, Amy K."
<AKTuck@dos.state.fl.us>
03/14/2007 11:25 AM

To ecortes@eac.gov
cc
bcc
Subject HAVA Funding

Edgardo,

I wanted to summarize our earlier conversation to make sure I am clear on how to proceed on this issue.

1. VVPAR (Voter verifiable paper audit record).

These can be paid for from HAVA funding under certain circumstances although this is not a requirement in HAVA and does not meet Title 3 requirements.

Section 251 funding can be used for Title 3 activities or for improving the administration of elections for federal office. Under this guideline, Florida can do the following:

- a. Certify that we have met the requirements of Title 3 and use the remaining 251 funds for improving federal elections.
- b. Or if we have not met the requirements for Title 3, we can certify that we will not use more than the minimum payment (est. 11.6m) for "non-Title 3" activities.

As a state, we did certify in August, 2006 that we have met the requirements for Title 3, so we would be in position a. (above). I would assume that we could then use the Section 251 funds to provide voter verifiable paper audit record devices for touchscreens under the argument that it is to improve federal elections.

Section 101 funding can be used to improve administration of elections for federal office. If Florida decided to use this funding, we would not have to certify to the EAC.

2. Optical Scan

If the touchscreens that are being replaced were purchased with HAVA funding, then further HAVA funding may not be used for this purpose. If the touchscreens were purchased from state funding, then HAVA funding could be used for this purpose. I would assume we would follow the same guidelines in #1 concerning both the 251 and 101 funding.

And, of course, we are free to use state funding (or funding from the purchase of the systems) to upgrade as long as we remain in compliance with federal and state guidelines.

Thank you (and Julie) for taking the time to speak with me today. I appreciate the time and quick response. I look forward to hearing back from you.

Sincerely,

Amy K. Tuck, Esq.
Director, Division of Elections
Florida Department of State
The R.A. Gray Building
500 South Bronough Street, Room 316
Tallahassee, Florida 32399
850.245.6200 phone
850.245.6217 fax

021134



"Tuck, Amy K."
<AKTuck@dos.state.fl.us>
03/14/2007 10:42 AM

To ecortes@eac.gov
cc
bcc
Subject RE: Response: Using HAVA funds to replace voting equipment

History

This message has been replied to

I'm in the office now – meeting got moved to 12. If you have time, I can give you a call right now.

From: ecortes@eac.gov [mailto:ecortes@eac.gov]
Sent: Wednesday, March 14, 2007 10:13 AM
To: Tuck, Amy K.
Subject: RE: Response: Using HAVA funds to replace voting equipment

I have a meeting at noon but we can do it after your 11am, depending on when that is over. If not, we can schedule for sometime this afternoon. Our general counsel will be joining us on the call.

Edgardo Cortés
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave. NW, Ste. 1100
Washington, DC 20005
866-747-1471 toll free
202-566-3126 direct
202-566-3127 fax
ecortes@eac.gov

"Tuck, Amy K." <AKTuck@dos.state.fl.us>

03/14/2007 08:43 AM

To ecortes@eac.gov
cc
Subject RE: Response: Using HAVA funds to replace voting equipment

That would be great. I have a meeting at 11 but am otherwise here this

021135

morning. Let me know your schedule and we'll call you.

-----Original Message-----

From: ecortes@eac.gov [mailto:ecortes@eac.gov]
Sent: Wednesday, March 14, 2007 8:36 AM
To: Tuck, Amy K.
Subject: Re: Response: Using HAVA funds to replace voting equipment

I can be available for a call later this morning if you want. Let me know.

----- Original Message -----

From: "Tuck, Amy K." [AKTuck@dos.state.fl.us]
Sent: 03/14/2007 08:30 AM AST
To: Edgardo Cortes
Subject: RE: Response: Using HAVA funds to replace voting equipment

Thank you. I guess we are all a little confused. We had originally thought we could use some funding for the optical scan part of the legislation but not for the vvpats. Based on this response it would seem that we could not use any of the funding for this legislation.

-----Original Message-----

From: ecortes@eac.gov [mailto:ecortes@eac.gov]
Sent: Wednesday, March 14, 2007 8:14 AM
To: Tuck, Amy K.
Cc: Leonard, Barbara M.
Subject: Fw: Response: Using HAVA funds to replace voting equipment
Importance: High

Amy,

I am on my way to work but am delayed due to traffic. However, I am forwarding you this response I sent to Bob West from the FL legislature who asked this question on Monday. Please read this over and let me know if it helps. Thanks.

----- Original Message -----

From: Edgardo Cortes
Sent: 03/12/2007 02:41 PM EDT
To: bob.west@myfloridahouse.gov
Subject: Response: Using HAVA funds to replace voting equipment

Mr. West,

You requested information this morning via telephone on whether Florida could use its remaining HAVA \$251 funds to replace DREs previously purchased with HAVA funds with optical scan voting systems. Since you have requested an answer by this afternoon to assist in your legislative session and a specific answer to your question would require us to collect additional information and would take additional time, I am including a response sent to Washington State regarding a similar question. Please review this and see if it is sufficient for what you need. I have also included an explanation of acceptable uses of HAVA funds as well as other federal rules and regulations that are applicable to the use of HAVA funds. I have highlighted the sections most closely related to your request. Please let me know if you have any additional questions or if you need further clarification. Thank you.

021136

Sources and Uses of HAVA Funds

There are three sources of funding provided by HAVA for use to improve the administration of federal elections and to meet the requirements of Title III of HAVA (specifically to implement provisional voting, to improve voting technology, to develop and implement a statewide voter registration database, to provide information to voters, and to verify and identify voters according to the procedures set forth in HAVA). Those sources are Section 101, Section 102 and Section 251 funds.

The funds received by a state under Section 101 can be used for the following purposes:

- A. Complying with the requirements under title III.
- B. Improving the administration of elections for Federal office.
- C. Educating voters concerning voting procedures, voting rights, and voting technology.
- D. Training election officials, poll workers, and election volunteers.
- E. Developing the State plan for requirements payments to be submitted under part 1 of subtitle D of title II.
- F. Improving, acquiring, leasing, modifying, or replacing voting systems and technology and methods for casting and counting votes.
- G. Improving the accessibility and quantity of polling places, including providing physical access for individuals with disabilities, providing non-visual access for individuals with visual impairments, and providing assistance to Native Americans, Alaska Native citizens, and to individuals with limited proficiency in the English language.
- H. Establishing toll-free telephone hotlines that voters may use to report possible voting fraud and voting rights violations, to obtain general election information, and to access detailed automated information on their own voter registration status, specific polling place locations, and other relevant information.

Section 102 funds can be used ONLY for the purposes of replacing punch card and lever voting systems with voting systems that comply with Section 301(a) of HAVA.

Section 251 funds can be used to implement any of the Title III requirements, including purchasing compliant voting systems, implementing provisional voting, providing information to voters in the polling place, developing and implementing a statewide voter registration list, and identifying voters. In addition, states and local governments can use HAVA funds to improve the administration of elections for Federal office when one of two conditions is met: (1) the state has met the requirements of Title III; or (2) the state notifies EAC of its intention to use an amount not to exceed the amount of the minimum payment that the state either did or could have received under the Section 252 formula for that purpose.

The uses of Section 251 funds (and Section 101 funds, when used to meet the requirements of Title III) must be accounted for in the state's plan as originally submitted or later amended. Any material change in the use of 251 funds (and Section 101 funds as specified above) from the approved state plan will require the state to revise its plan and submit the revisions to the EAC for publication and approval.

Costs must be Allowable, Allocable and Reasonable

In addition to the restrictions on the uses of funds imposed by HAVA, when these funds were distributed by either the General Services

021137

Administration (GSA) or the EAC, those funds were made subject to several circulars developed by the Office of Management and Budget, specifically OMB Circulars A-87 (governs the use of federal funds to purchase goods for state and local governments), A-102 (governs the management of federal funds for state and local governments), A-122 (governs the use of federal funds to purchase goods for non-profits) and A-133 (dealing with audits). These circulars further restrict the appropriate uses of Federal funds requiring generally that costs paid for by HAVA funds are allowable, allocable (directly or through an indirect cost rate), and reasonable.

Allowable Costs

A cost is allowable if it is necessary for the proper and efficient performance and administration of the federally sponsored program. Costs that fall within the specifically identified uses of HAVA funds in either Sections 101, 102 or Title III are allowable.

Allocable Costs

A state can allocate an expense by charging only a portion equal to the percentage of use for HAVA related purposes to the HAVA grant. This can be accomplished by either using only that percentage of HAVA fund per unit cost or by seeking reimbursement from the other departments within the state for their portion of the usage. The question of allocability arises generally in one of two circumstances. First, is the cost allocable to the program to which it is billed? Just because a cost is allowable under one or more funding programs of HAVA do not mean that it is allocable to each and every program. For example, if an expense is not directly related to meeting any of the Title III requirements, it is allocable only to Section 101 funds and Section 251 funds pursuant to the provisions of Section 251(b) that allow for the use of Title II funds for the improvement of the administration of elections for federal office only up to the minimum payment amount. Second, is the cost allocable to benefit a Federal election? Most of the uses identified in HAVA require the funds to be used to benefit a Federal election. Thus, costs that strictly benefit a state or local election are not allocable to the HAVA funding programs.

Indirect Costs

In some circumstances, the expense may be an indirect one that can be covered by an indirect cost rate. In that instance, the state may submit an indirect cost rate proposal in which it identifies and supplies information regarding direct and indirect costs of operation. Circular A-87 and ASMB C-10, Cost Principles and Procedures for Developing Cost Allocation Plans and Indirect Cost Allocation Plans and Indirect Cost Rates for Agreements with the Federal Government, provide guidance on negotiating indirect costs rates.

An indirect cost rate provides a state with the basis for allocating administrative costs that are inextricably linked to other services provided by the Secretary of State such that they cannot easily be segregated into those costs that directly benefit the HAVA funding program and those that do not. For example, the cost of printers and copy machines that are used for both Federal and State election activities and that are below the State's threshold for capitalized equipment may be expensed and included in the indirect cost pool. On the other hand, if you include an asset in the fixed capital assets section of your balance sheet and depreciate the asset, you should consider the asset as a capital expenditure and include only depreciation expense in the pool. Click here to see a power point presentation on indirect costs presented by KPMG on behalf of the EAC.

021138

Reasonable Costs

A state must do some assessment as to whether the costs are reasonable. This is done by determining that the cost is justified based upon factors such as the frequency of use, leasing versus purchasing, and actual cost for the good or service.

Excerpt from response to Washington State, sent August 10, 2006:

"The question of the Snohomish County audio units brings up several issues. The issue as I understand it is that Snohomish County bought some accessible voting systems with HAVA funds that do not meet the 2002 requirements. Although it is possible, it is also unlikely that a voting system could be compliant with HAVA Section 301(a) and not meet the 2002 FEC Voting System Standards (particularly in regards to the tested error rate). Please see EAC Advisory 2005-004 for more information on helping to determine whether a particular system meets the standards of Section 301(a).

If the county purchased equipment which was not compliant with HAVA section 301(a), then HAVA funds could not be used to purchase these systems. Any use of HAVA funds for the purpose of purchasing voting equipment that is not compliant with 301(a) is a misuse of HAVA funds and should be reimbursed to the state Election Fund. While Snohomish County did take initiative to purchase equipment early, it turns out that this equipment is not usable. If this is the case, then HAVA funds can be used for the purchase of replacement voting systems.

If the county has already purchased a voting system which is compliant with Section 301(a) and are simply replacing the system because they are not happy with it or feel they could get something better, then this cannot be paid for using HAVA funds. Replacement of newly purchased equipment that is HAVA compliant and in good working order does not appear to meet the test of reasonableness for using federal funds.

Purchasing voting systems is an acceptable use of HAVA funds. You must determine which of the above scenarios Snohomish County falls into in order to decide which system HAVA funds will be used for. The other system should be paid for with non-HAVA funds. In either scenario, HAVA funds cannot be used to purchase both voting systems."

Edgardo Cortés
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave. NW, Ste. 1100
Washington, DC 20005
866-747-1471 toll free
202-566-3126 direct
202-566-3127 fax
ecortes@eac.gov

021139



"Tuck, Amy K."
<AKTuck@dos.state.fl.us>
03/14/2007 08:43 AM

To ecortes@eac.gov
cc
bcc

Subject RE: Response: Using HAVA funds to replace voting
equipment

History

 This message has been replied to.

That would be great. I have a meeting at 11 but am otherwise here this morning. Let me know your schedule and we'll call you.

-----Original Message-----

From: ecortes@eac.gov [mailto:ecortes@eac.gov]
Sent: Wednesday, March 14, 2007 8:36 AM
To: Tuck, Amy K.
Subject: Re: Response: Using HAVA funds to replace voting equipment

I can be available for a call later this morning if you want. Let me know.

----- Original Message -----

From: "Tuck, Amy K." [AKTuck@dos.state.fl.us]
Sent: 03/14/2007 08:30 AM AST
To: Edgardo Cortes
Subject: RE: Response: Using HAVA funds to replace voting equipment

Thank you. I guess we are all a little confused. We had originally thought we could use some funding for the optical scan part of the legislation but not for the vvpats. Based on this response it would seem that we could not use any of the funding for this legislation.

-----Original Message-----

From: ecortes@eac.gov [mailto:ecortes@eac.gov]
Sent: Wednesday, March 14, 2007 8:14 AM
To: Tuck, Amy K.
Cc: Leonard, Barbara M.
Subject: Fw: Response: Using HAVA funds to replace voting equipment
Importance: High

Amy,

I am on my way to work but am delayed due to traffic. However, I am forwarding you this response I sent to Bob West from the FL legislature who asked this question on Monday. Please read this over and let me know if it helps. Thanks.

----- Original Message -----

From: Edgardo Cortes
Sent: 03/12/2007 02:41 PM EDT
To: bob.west@myfloridahouse.gov
Subject: Response: Using HAVA funds to replace voting equipment

Mr. West,

You requested information this morning via telephone on whether Florida could use its remaining HAVA \$251 funds to replace DRES previously

021140

purchased with HAVA funds with optical scan voting systems. Since you have requested an answer by this afternoon to assist in your legislative session and a specific answer to your question would require us to collect additional information and would take additional time, I am including a response sent to Washington State regarding a similar question. Please review this and see if it is sufficient for what you need. I have also included an explanation of acceptable uses of HAVA funds as well as other federal rules and regulations that are applicable to the use of HAVA funds. I have highlighted the sections most closely related to your request. Please let me know if you have any additional questions or if you need further clarification. Thank you.

Sources and Uses of HAVA Funds

There are three sources of funding provided by HAVA for use to improve the administration of federal elections and to meet the requirements of Title III of HAVA (specifically to implement provisional voting, to improve voting technology, to develop and implement a statewide voter registration database, to provide information to voters, and to verify and identify voters according to the procedures set forth in HAVA). Those sources are Section 101, Section 102 and Section 251 funds.

The funds received by a state under Section 101 can be used for the following purposes:

- A. Complying with the requirements under title III.
- B. Improving the administration of elections for Federal office.
- C. Educating voters concerning voting procedures, voting rights, and voting technology.
- D. Training election officials, poll workers, and election volunteers.
- E. Developing the State plan for requirements payments to be submitted under part 1 of subtitle D of title II.
- F. Improving, acquiring, leasing, modifying, or replacing voting systems and technology and methods for casting and counting votes.
- G. Improving the accessibility and quantity of polling places, including providing physical access for individuals with disabilities, providing non-visual access for individuals with visual impairments, and providing assistance to Native Americans, Alaska Native citizens, and to individuals with limited proficiency in the English language.
- H. Establishing toll-free telephone hotlines that voters may use to report possible voting fraud and voting rights violations, to obtain general election information, and to access detailed automated information on their own voter registration status, specific polling place locations, and other relevant information.

Section 102 funds can be used ONLY for the purposes of replacing punch card and lever voting systems with voting systems that comply with Section 301(a) of HAVA.

Section 251 funds can be used to implement any of the Title III requirements, including purchasing compliant voting systems, implementing provisional voting, providing information to voters in the polling place, developing and implementing a statewide voter registration list, and identifying voters. In addition, states and local governments can use HAVA funds to improve the administration of elections for Federal office when one of two conditions is met: (1) the state has met the requirements of Title III; or (2) the state notifies EAC of its intention to use an amount not to exceed the amount of the minimum payment that the state either did or could have received under the Section 252 formula for that purpose.

021141

The uses of Section 251 funds (and Section 101 funds, when used to meet the requirements of Title III) must be accounted for in the state's plan as originally submitted or later amended. Any material change in the use of 251 funds (and Section 101 funds as specified above) from the approved state plan will require the state to revise its plan and submit the revisions to the EAC for publication and approval.

Costs must be Allowable, Allocable and Reasonable

In addition to the restrictions on the uses of funds imposed by HAVA, when these funds were distributed by either the General Services Administration (GSA) or the EAC, those funds were made subject to several circulars developed by the Office of Management and Budget, specifically OMB Circulars A-87 (governs the use of federal funds to purchase goods for state and local governments), A-102 (governs the management of federal funds for state and local governments), A-122 (governs the use of federal funds to purchase goods for non-profits) and A-133 (dealing with audits). These circulars further restrict the appropriate uses of Federal funds requiring generally that costs paid for by HAVA funds are allowable, allocable (directly or through an indirect cost rate), and reasonable.

Allowable Costs

A cost is allowable if it is necessary for the proper and efficient performance and administration of the federally sponsored program. Costs that fall within the specifically identified uses of HAVA funds in either Sections 101, 102 or Title III are allowable.

Allocable Costs

A state can allocate an expense by charging only a portion equal to the percentage of use for HAVA related purposes to the HAVA grant. This can be accomplished by either using only that percentage of HAVA fund per unit cost or by seeking reimbursement from the other departments within the state for their portion of the usage. The question of allocability arises generally in one of two circumstances. First, is the cost allocable to the program to which it is billed? Just because a cost is allowable under one or more funding programs of HAVA do not mean that it is allocable to each and every program. For example, if an expense is not directly related to meeting any of the Title III requirements, it is allocable only to Section 101 funds and Section 251 funds pursuant to the provisions of Section 251(b) that allow for the use of Title II funds for the improvement of the administration of elections for federal office only up to the minimum payment amount. Second, is the cost allocable to benefit a Federal election? Most of the uses identified in HAVA require the funds to be used to benefit a Federal election. Thus, costs that strictly benefit a state or local election are not allocable to the HAVA funding programs.

Indirect Costs

In some circumstances, the expense may be an indirect one that can be covered by an indirect cost rate. In that instance, the state may submit an indirect cost rate proposal in which it identifies and supplies information regarding direct and indirect costs of operation. Circular A-87 and ASMB C-10, Cost Principles and Procedures for Developing Cost Allocation Plans and Indirect Cost Allocation Plans and Indirect Cost Rates for Agreements with the Federal Government, provide guidance on negotiating indirect costs rates.

An indirect cost rate provides a state with the basis for allocating

021142

administrative costs that are inextricably linked to other services provided by the Secretary of State such that they cannot easily be segregated into those costs that directly benefit the HAVA funding program and those that do not. For example, the cost of printers and copy machines that are used for both Federal and State election activities and that are below the State's threshold for capitalized equipment may be expensed and included in the indirect cost pool. On the other hand, if you include an asset in the fixed capital assets section of your balance sheet and depreciate the asset, you should consider the asset as a capital expenditure and include only depreciation expense in the pool. Click here to see a power point presentation on indirect costs presented by KPMG on behalf of the EAC.

Reasonable Costs

A state must do some assessment as to whether the costs are reasonable. This is done by determining that the cost is justified based upon factors such as the frequency of use, leasing versus purchasing, and actual cost for the good or service.

Excerpt from response to Washington State, sent August 10, 2006:

"The question of the Snohomish County audio units brings up several issues. The issue as I understand it is that Snohomish County bought some accessible voting systems with HAVA funds that do not meet the 2002 requirements. Although it is possible, it is also unlikely that a voting system could be compliant with HAVA Section 301(a) and not meet the 2002 FEC Voting System Standards (particularly in regards to the tested error rate). Please see EAC Advisory 2005-004 for more information on helping to determine whether a particular system meets the standards of Section 301(a).

If the county purchased equipment which was not compliant with HAVA section 301(a), then HAVA funds could not be used to purchase these systems. Any use of HAVA funds for the purpose of purchasing voting equipment that is not compliant with 301(a) is a misuse of HAVA funds and should be reimbursed to the state Election Fund. While Snohomish County did take initiative to purchase equipment early, it turns out that this equipment is not usable. If this is the case, then HAVA funds can be used for the purchase of replacement voting systems.

If the county has already purchased a voting system which is compliant with Section 301(a) and are simply replacing the system because they are not happy with it or feel they could get something better, then this cannot be paid for using HAVA funds. Replacement of newly purchased equipment that is HAVA compliant and in good working order does not appear to meet the test of reasonableness for using federal funds.

Purchasing voting systems is an acceptable use of HAVA funds. You must determine which of the above scenarios Snohomish County falls into in order to decide which system HAVA funds will be used for. The other system should be paid for with non-HAVA funds. In either scenario, HAVA funds cannot be used to purchase both voting systems."

Edgardo Cortés
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave. NW, Ste. 1100
Washington, DC 20005
866-747-1471 toll free
202-566-3126 direct

021143

202-566-3127 fax
ecortes@eac.gov

021144



"Tuck, Amy K."
 <AKTuck@dos.state.fl.us>
 03/14/2007 08:30 AM

To ecortes@eac.gov
 cc
 bcc

Subject RE: Response: Using HAVA funds to replace voting equipment

History: This message has been replied to and forwarded

Thank you. I guess we are all a little confused. We had originally thought we could use some funding for the optical scan part of the legislation but not for the vvpats. Based on this response it would seem that we could not use any of the funding for this legislation.

-----Original Message-----

From: ecortes@eac.gov [mailto:ecortes@eac.gov]
 Sent: Wednesday, March 14, 2007 8:14 AM
 To: Tuck, Amy K.
 Cc: Leonard, Barbara M.
 Subject: Fw: Response: Using HAVA funds to replace voting equipment
 Importance: High

Amy,

I am on my way to work but am delayed due to traffic. However, I am forwarding you this response I sent to Bob West from the FL legislature who asked this question on Monday. Please read this over and let me know if it helps. Thanks.

----- Original Message -----

From: Edgardo Cortes
 Sent: 03/12/2007 02:41 PM EDT
 To: bob.west@myfloridahouse.gov
 Subject: Response: Using HAVA funds to replace voting equipment

Mr. West,

You requested information this morning via telephone on whether Florida could use its remaining HAVA \$251 funds to replace DRES previously purchased with HAVA funds with optical scan voting systems. Since you have requested an answer by this afternoon to assist in your legislative session and a specific answer to your question would require us to collect additional information and would take additional time, I am including a response sent to Washington State regarding a similar question. Please review this and see if it is sufficient for what you need. I have also included an explanation of acceptable uses of HAVA funds as well as other federal rules and regulations that are applicable to the use of HAVA funds. I have highlighted the sections most closely related to your request. Please let me know if you have any additional questions or if you need further clarification. Thank you.

Sources and Uses of HAVA Funds

There are three sources of funding provided by HAVA for use to improve the administration of federal elections and to meet the requirements of Title III of HAVA (specifically to implement provisional voting, to improve voting technology, to develop and implement a statewide voter registration database, to provide information to voters, and to verify and identify voters according to the procedures set forth in HAVA).