



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

U.S. Election Assistance Commission
Funding Advisory Opinion
FAO-08-003

Requestor:

Illinois (AOR-08-011)

Question:

May election jurisdictions that previously purchased voting equipment with Help America Vote Act (HAVA) funds purchase different voting equipment with HAVA funds to replace the previously purchased voting equipment?

Determination:

Election jurisdictions that previously purchased voting equipment with HAVA funds may use additional Section 101 or 251 funds to replace the previously purchased voting equipment as long as the equipment complies with HAVA.

This opinion is consistent with a policy clarification on the allowable uses of funds authorized under Titles I and II that was approved by the Commissioners on March 20, 2008. The policy clarification states in part that:

By adopting this revised policy, the Commission determines that it is “reasonable” pursuant to the [Office of Management and Budget] circulars for state governing jurisdictions to use HAVA funds to replace voting systems purchased with HAVA funds, as long as such purchases comply with HAVA. States will have the flexibility and opportunity to use HAVA funds to meet the requirements of title III or to improve the administration of elections for Federal office.