



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

Funding Advisory Opinion
FAO-08-011

Date Issued:

September 26, 2008

Requestor:

Office of the California Secretary of State (AOR-08-021)

Question:

Are poll worker training and voter education considered part of the Help America Vote Act's (HAVA) Title III requirements and can they be paid for using HAVA Section 251 funds, regardless of a certification filed under HAVA Section 251(b)(2)?

Answer:

Section 251 funds may not be used for poll worker training unless the state has submitted a certification under HAVA Section 251(b)(2).

Voter education may be funded with Section 251 funds, regardless of a certification filed under HAVA Section 251(b)(2), in only three circumstances as described below.

Discussion:

Poll worker training

If a State has filed a certification under Section 251(b)(2), Section 251 funds may be used for training election officials, election volunteers, and poll workers as an activity to improve the administration of elections for Federal office.

Voter Education

Voter education may be funded with Section 251 funds, regardless of a certification filed under HAVA Section 251(b)(2), in only the following three circumstances:

- 1) Pursuant to HAVA Section 301(a)(1)(B), States using a paper ballot voting system or central count voting system (including mail-in absentee ballots and mail-in ballots) may establish a voter education program. This voter education program must be specific to the voting system used in the jurisdiction, notifies voters of the effect of over-voting, and provides instructions to voters on how to correct a ballot before it is cast and counted (including obtaining a replacement ballot).
- 2) States must post voter information at each polling place on Election Day pursuant to HAVA Section 302(b). Voter information, as defined by HAVA Section 302(b)(2), means a sample ballot, the date of the election and the hours which polling places will be open, instructions on how to vote, instructions for mail-in registrants and first-time voters



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under Section 303(b), general information on voting rights under applicable Federal and State laws, and general information on Federal and State laws regarding prohibitions on acts of fraud and misrepresentation.

3) States may conduct an educational program for poll workers and voters when they implement a new voting system that complies with the requirements of Title III of HAVA. However, this is a one-time training expenditure and does not include expenses to train poll workers prior to each election for state, local and/or federal office.

If a State has filed a certification under Section 251(b)(2), Section 251 funds may be used for educating voters on voting procedures, voting rights, and voting technology as an activity to improve the administration of elections for Federal office.