



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

## **Funding Advisory Opinion FAO-08-012**

**Date Issued:**

September 26, 2008

**Requestor:**

Wayne County, New York Board of Elections (AOR-08-023)

**Question:**

May a county use Help America Vote Act (HAVA) funds to pay poll workers to attend a newly created all-day training session and to pay for lunch provided during the training session?

**Answer:**

HAVA Section 101 funds and, under certain circumstances, Section 251 funds<sup>1</sup> may be used to pay poll workers (1) to attend an all-day training session and (2) to pay for lunch during the training session, if the payments and the levels of payment for such activities are consistent with previously established policies of the county, does not supplant previous training expenditures, is consistent with the State's HAVA state plan, and is approved for use by the State. The office of the chief State election official is ultimately responsible for determining how the State plans to utilize HAVA funds and whether counties and other subrecipients can expend HAVA funds on certain activities.

**Discussion:**

*Allowable, allocable, and reasonable:*

To meet federal standards, a cost charged to a federal award, such as HAVA, must be allowable, allocable, and reasonable. First, the federal cost principles applicable to a recipient determine general allowability. The cost principles applicable to States and local government is 2 CFR 225 (A-87). 2 CFR 225 Appendix B Sections 27 and 42 support the conclusion that funds may be used to pay poll workers to attend training sessions including expenses incurred for providing lunch. Specifically, Section 27 states that costs incurred for meetings, including meals, transportation, and rental of facilities, where the primary purpose is dissemination of technical information are allowable. Likewise, Section 42 further states that cost of training provided for employee development is generally an allowable cost.

Second, a cost must also be allocable to the specific award. In terms of HAVA funds, Section 101(b)(1)(D) specifically states that Section 101 funds may be used to train election

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<sup>1</sup> Section 251 funds may be used to fund poll worker training only in limited circumstances or when the state has: (1) certified that it complies with all Title III requirements; or (2) certifies that it will use an amount less than or equal to the minimum payment to fund this and other improvement activities. See EAC Advisory Opinion FAO-08-011.



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officials, poll workers, and election volunteers. Additionally, this activity could be labeled an activity to improve the administration of elections for Federal office, for which Section 251 requirements payments could be used upon certification to the Election Assistance Commission (EAC) that the State (1) has implemented the requirements of Title III or (2) will not exceed an amount equal to the minimum payment amount applicable to the State for such expenditures. See Funding Advisory FAO 08-011 for specific information on allowable uses of Section 251 funds for poll worker training.

Finally, the cost must be reasonable, which is to say that the cost does not exceed that which would be incurred by a prudent person; the cost is consistent with previously established policies; and that the cost does not supplant established expenditures by the recipient. In terms of training for election officials and poll workers, HAVA funds could not be used in lieu of previously devoted State or local funds. If the training program is a new effort, induced by the introduction of HAVA provisions, it would be reasonable to charge the cost to HAVA.

*State approval:*

The county has indicated that the State previously denied the county's request to use HAVA funds for this purpose. Counties or local governments are subrecipients of the State. The administration of federal funds lies within the discretion of the primary grant recipient and not the subrecipient. It is within the State's discretion to make this determination and prohibit counties and other subrecipients from utilizing HAVA funding for particular activities, even if the expenses are generally allowable using HAVA funds.