



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

**U.S. Election Assistance Commission**  
**Funding Advisory Opinion**  
**FAO-09-003**

**Date Issued:** December 3, 2008

**Requestor:** Indiana Secretary of State - (AOR-08-025)

**Question:**

"May HAVA funds be used for the purchase of voting systems to replace voting systems originally purchased with HAVA funds when the Indiana General Assembly considers the circumstances of *certain* counties as different from other counties that have requested to use HAVA money to purchase 'replacement' voting system. The distinction that the Indiana General Assembly desires that the EAC [Election Assistance Commission] make is that some states have sought authorization to use HAVA funds to replace *functioning HAVA compliant voting systems*, whereas, voting systems that certain Indiana counties seek to replace have become *functionally obsolete* due to lack of technical and other operating support."

**Answer:**

HAVA funds may be used to fund the purchase of equipment needed to replace equipment that was also financed with HAVA funds but that is no longer functional.

This decision is consistent with EAC policy established on March 20, 2008, wherein the Commissioners determined "that it is 'reasonable' pursuant to the OMB [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."