



United States
Election Assistance
Commission

State Governments' Use of Help America Vote Act Funds

2007

Coverage Period:

Title I: Section 101 and 102 Funds

April 2003 to December 2007

Title II: Section 251 Funds

June 2004 to September 2007

A report to the 110th Congress of the United States
July 2008

Foreward

The Help America Vote Act of 2002 (HAVA) allocated funds for all 50 states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam and American Samoa (hereinafter referred to as “States”) to improve the Federal voting process with new technologies and increased information and access for voters, election officials and poll workers.

To help finance these improvements, HAVA authorized election reform assistance to State governments. Nearly \$3 billion in Federal funds, with additional State matching contributions of approximately \$122 million, have been distributed. Before the establishment of the Election Assistance Commission (EAC), the General Services Administration (GSA) distributed \$649.5 million to States between April and August 2003 under HAVA Title I, Section 101 and Section 102. The EAC distributed more than \$2.3 billion of HAVA Title II, Section 251 funds between June 2004 and December 2005. GSA and the EAC allocated funds to States based upon criteria contained in HAVA, such as the proportion of total voting age population of a State to the total voting age population of all States or the number of precincts in a State.

In Fiscal Year (FY) 2008, Congress appropriated \$115 million in additional HAVA Title II, Section 251 requirements payments. Congress did not authorize these payments until after the close of the reporting period covered by this report; therefore, the FY 2008 requirements payments are not included.

As of December 31, 2007, for Title I, Sections 101 and 102, and as of September 30, 2007 for Title II, Section 251, States reported HAVA funds expenditures of \$1,992,940,668 and a balance of unspent funds of \$1,206,482,980. The balance includes \$230,563,031 in interest earned on HAVA funds deposited in the State Election Fund accounts. This amount does not include State matching funds.

This report provides details on HAVA election reform funds received and spent by each State and related information regarding the administration and monitoring of HAVA election reform funds.

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Introduction

Purpose and Scope

This report provides information to the U.S. Congress, State governments, and the public about States' use of HAVA funds from April 2003 through December 2007. The funds covered by this report were authorized under Sections 101, 102 and 251 of HAVA. States also received funds under Section 261 of HAVA to address the accessibility of polling places for individuals with disabilities. Section 261 funds are administered by the U.S. Department of Health and Human Services and are not included in this report.

Background

Congress passed HAVA, in part, to provide funds to States to make election administration improvements and to establish the EAC to assist in the administration of Federal elections. In total, HAVA authorized \$3.86 billion for distribution to States. Congress appropriated approximately \$3 billion in election reform payments under Sections 101, 102 and 251 of HAVA in the period covered by this report.

Methodology

The data in this report are based on annual reports covering 2003 through 2007 that were submitted by the States. To identify expenditures of HAVA funds, EAC primarily used the total Federal share of net outlays reported in State financial reports (Standard Form 269). This amount includes both cash disbursements and unliquidated obligations, less any refunds or rebates.¹ The EAC extracted information from State narrative reports to categorize expenditures by type of authorized HAVA activity.

Two States, New Hampshire and Guam, did not submit the required annual reports. EAC was notified that the reporting deficiency for Guam was due to the departure of the Executive Director in January 2008. EAC is continuing to work with the Guam Election Office and anticipates having reports filed later this year. New Hampshire, in response to EAC's notification of missing reports, informed the EAC that they did not believe they were legally obligated to file annual reports. Additionally, several States submitted late reports; failed to uniformly complete Standard Form 269 (SF-269); did not provide supporting information that presented expenditures by category of HAVA authorized activities; or did not relate their expenditures to their State plan.

EAC identified several instances of non-compliance with HAVA and reporting errors through the review of State financial reports. EAC is working with States to resolve these matters. In addition, EAC will schedule site visits as necessary to

¹ Unliquidated obligations represent the amount of grants or contracts awarded or order placed for which payments have not been made.

provide technical assistance or to review State processes and procedures based on potential non-compliance with HAVA or applicable Federal administrative requirements. EAC also provides a list of potential issues and anomalies to the Office of Inspector General (OIG) for use in planning upcoming audit priorities. Finally, the EAC may request that the OIG conduct a special audit of non-compliant States.

EAC sent 115 letters to 51 States requesting missing or amended 2007 reports. Additionally, EAC staff exchanged emails and phone calls with several States and visited three States to clarify and obtain information. However, several States were unable to rectify the issues identified in the EAC's review prior to submission of this report. A few States were either in the process of an audit or audit appeal and the EAC determined that amended reports should be filed at the close of the audit process. Consequently, some States did not submit all of the required information for this report.

The narrative reports submitted by States often did not clearly segregate expenditures, did not correspond to the financial forms, and did not relate expenditures to the State plan. The EAC is developing a standard format for performance reports to aid States in next year's submission.

Overall, this report reflects an improvement in the timely submission and accuracy of the financial reports submitted by the States. Most States were very receptive to requests for additional information and worked with EAC staff to provide the revised reports in a timely fashion. Based on the frequently identified reporting issues, EAC will develop reporting guides to assist States in future submissions. EAC will continue to work with States to resolve the issues identified and to ensure the appropriate use of HAVA funds.

Summary

Status of HAVA Funds

Overall, States spent 67 percent (\$1,992,940,668) of HAVA funds received (\$2,968,860,617). States earned \$230,563,031 of interest on deposits of HAVA funds into the States' Election Fund. Interest earned on deposits of HAVA funds is retained in the States' Election Fund and is to be expended by the States for purposes consistent with HAVA. In total, \$1,206,482,980 in HAVA funds and interest has not been expended as of December 31, 2007 for HAVA Title I, Section 101 and Section 102 and September 30, 2007 for HAVA Title II, Section 251.

Eighty percent of States have expended more than 50 percent of the total HAVA funds received. Three States have expended the full amount of HAVA funds received and have only interest income remaining. In contrast, five States have spent less than 25 percent of the HAVA funds, and these States account for approximately 28 percent (\$340,966,645) of the total unexpended balance of funds. A financial summary of HAVA payments to States, State expenditures, percent of funds expended, interest earned and the balance of unspent funds is presented in Table 2.1.

Table 2.1 – Total HAVA Funds Received and Expended By States

1 of 2

State	Total HAVA Funds Received(\$) ^a	Total HAVA Funds Expended(\$) ^b	Percent (%) of Funds Expended ^c	Interest Earned (\$)	Balance(\$) ^d
Alabama	40,907,194	23,999,806	58.67	2,307,571	19,214,959
Alaska	16,596,803	8,782,911	52.92	1,660,962	9,474,854
American Samoa	3,319,361	2,365,629	71.27	170,823	1,124,555
Arizona	47,600,072	25,112,990	52.76	4,312,796	26,799,878
Arkansas	27,761,473	24,416,169	87.95	2,088,167	5,433,472
California	348,900,661	196,291,574	56.26	27,839,221	180,448,308
Colorado	41,582,761	34,098,450	82.00	4,558,918	12,043,229
Connecticut	32,719,501	19,055,375	58.24	3,584,202	17,248,328
Delaware	16,596,803	9,577,730	57.71	891,297	7,910,370
District of Columbia	16,596,803	5,581,628	33.63	1,171,410	12,186,585
Florida	158,531,048	105,534,534	66.57	13,694,590	66,691,104
Georgia	77,304,946	76,867,710	99.43	1,351,515	1,788,750
Guam ^e	3,319,361	2,479,333	74.69	0	840,028
Hawaii	16,596,803	7,132,132	42.97	1,530,929	10,995,600
Idaho	16,596,803	11,629,134	70.07	1,884,673	6,852,342
Illinois	143,529,899	126,145,653	87.89	8,610,052	25,994,298
Indiana	64,297,862	59,640,532	92.76	2,962,270	7,619,600
Iowa	28,739,383	27,320,442	95.06	1,909,170	3,328,111
Kansas	26,409,789	20,096,710	76.10	2,697,849	9,010,928
Kentucky	38,067,744	19,423,367	51.02	3,037,968	21,682,345
Louisiana	47,330,777	45,319,161	95.75	3,861,141	5,872,757
Maine	16,596,803	9,206,814	55.47	1,719,134	9,109,124

Table 2.1 – Total HAVA Funds Received and Expended By States

State	Total HAVA Funds Received(\$) ^a	Total HAVA Funds Expended(\$) ^b	Percent (%) of Funds Expended ^c	Interest Earned (\$)	Balance(\$) ^d
Maryland	49,752,770	36,104,799	72.57	2,960,940	16,608,911
Massachusetts	60,332,104	12,360,258	20.49	3,412,247	51,384,093
Michigan	94,699,081	68,029,390	71.84	6,964,351	33,634,043
Minnesota	44,492,574	39,480,586	88.74	4,373,209	9,385,197
Mississippi	27,869,654	23,709,270	85.07	1,398,786	5,559,170
Missouri	62,262,661	54,400,098	87.37	4,516,279	12,378,842
Montana	16,596,803	14,234,858	85.77	718,520	3,080,466
Nebraska	18,749,549	15,718,747	83.84	1,316,506	4,347,309
Nevada	21,166,810	14,424,071	68.14	1,130,345	7,873,084
New Hampshire ^f	16,596,803	1,616,232	9.74	19,313	14,999,884
New Jersey	84,904,403	66,726,053	78.59	5,853,282	24,031,632
New Mexico	19,279,790	20,321,871	105.41	1,100,797	58,716
New York	219,512,672	16,312,955	7.43	27,313,610	230,513,327
North Carolina	74,259,370	59,137,496	79.64	6,083,576	21,205,450
North Dakota	16,596,803	9,951,859	59.96	937,062	7,582,006
Ohio	132,045,112	132,457,123	100.31	7,468,021	7,056,010
Oklahoma ^g	32,659,638	3,537,643	10.83	0	29,121,995
Oregon	33,863,941	17,935,622	52.96	2,420,908	18,349,227
Pennsylvania	134,818,949	123,351,252	91.49	19,700,663	31,168,360
Puerto Rico	5,470,505	1,629,076	29.78	391,873	4,233,302
Rhode Island	16,596,803	15,891,184	95.75	598,812	1,304,432
South Carolina	39,241,210	37,535,148	95.65	1,221,290	2,927,352
South Dakota	16,596,803	6,308,427	38.01	1,262,549	11,550,925
Tennessee	54,714,608	24,724,511	45.19	5,544,858	35,534,956
Texas	184,168,065	136,428,518	74.08	11,493,496	59,233,043
Utah	25,284,968	25,338,790	100.21	1,605,331	1,551,509
Vermont	16,596,803	3,578,457	21.56	1,929,001	14,947,346
Virginia	69,121,820	39,653,733	57.37	4,777,118	34,245,205
Virgin Islands	3,319,361	1,353,135	40.76	98,635	2,064,861
Washington	60,093,850	38,554,347	64.16	4,583,853	26,123,356
West Virginia	20,630,100	19,375,498	93.92	1,244,987	2,499,589
Wisconsin	50,066,781	40,432,369	80.76	4,482,454	14,116,866
Wyoming	16,596,803	12,249,507	73.81	1,795,699	6,142,995
Total^h	2,968,860,617	1,992,940,668	67.13	230,563,031	1,206,482,980

^aTotal HAVA Funds Received reflects total funds received under HAVA as of December 31, 2007 for Title I, Section 101 and 102 and as of September 30, 2007 for Title II, Section 251. The amount does not include interest earned on deposits of HAVA funds into the States' Election Fund.

^bTotal HAVA Funds Expended includes cash disbursements and unliquidated obligations. This amount does not include expenditures for State Match or Maintenance of Effort requirements.

^cStates were able to expend the interest earned on the deposit of HAVA funds into the States' Election Fund, which is why some states expended a greater percentage of funds than received.

^dBalance includes interest earned on deposits of HAVA funds into the States' Election Fund. The balance does not include State Match amounts nor interest earned on State Match amounts.

^eGuam did not file a report for either Section 101 for CY 2007 or Section 251 for FY 2007. The data provided is taken from the last report filed, which reported Section 101 and Section 251 in a joint report covering FY 2006. Interest has never been reported.

^fNew Hampshire did not file a report for either Section 101 for CY 2007 or Section 251 for FY 2007. The last report filed for Section 101 covered the period of 7/1/2003 through December 31, 2004, and the last report filed for Section 251 covered FY 2004. Interest data was taken from the FY 2004 Section 251 report. The data provided is taken from the cumulative amounts provided in the FY 2007 State of New Hampshire Single Audit Report.

^gOklahoma did not deposit HAVA funds in an interest-bearing account. EAC is working with state election officials to resolve this issue.

^hTotal HAVA Funds Received changed by 2 dollars from the EAC 2007 report due to a rounding error.

Use of HAVA Funds

In general, HAVA funds may be used for the following activities:

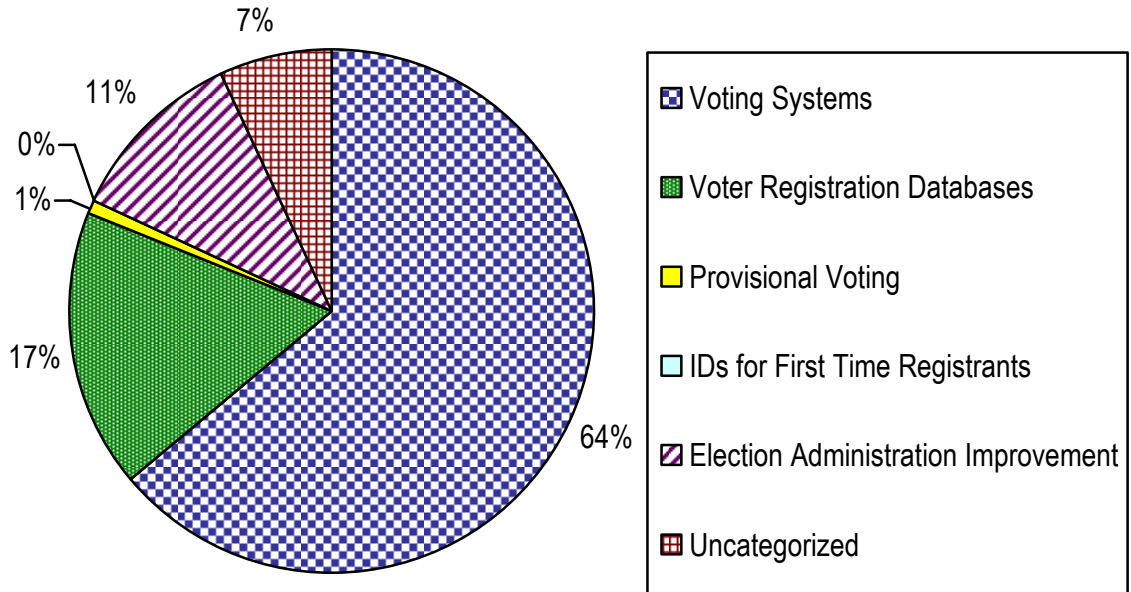
- Improving, acquiring, leasing, modifying, or replacing voting systems and technology and methods for casting and counting votes.
- Developing and implementing a computerized statewide voter registration list.
- Implementing provisional voting.
- Providing voter information at the polling place.
- Establishing identification requirements for first-time voters who register to vote by mail.
- Improving the administration of elections for Federal office.

2007 Use of HAVA Funds

In 2007, States reported a total of \$386,939,110 in expenditures under Sections 101, 102, and 251 of HAVA. Of the total funds expended in 2007, States expended 9 percent of Section 101 funds, 2 percent of Section 102 funds, and 89 percent out of Section 251 funds.

Of the total HAVA funds, States expended 64 percent for improving, acquiring, leasing, modifying, or replacing voting systems and technology and methods for casting and counting votes. These expenditures accounted for the largest percentage of allowable expenditures. Seventeen percent of funds expended were for the development and implementation of a computerized statewide voter registration list. States used 7 percent of funds to improve the administration of elections for Federal office. Less than 1 percent of funds were expended on either implementing provisional voting or providing voter information at the polling place. No expenditures were reported in 2007 for establishing identification requirements for first-time voters who register to vote by mail. Finally, EAC classified 11 percent of reported expenditures as “uncategorized” because many of the expenditures were not reported clearly or reports were missing information. Chart 2.1 details the breakdown of HAVA expenditures across allowable categories.

Chart 2.1 – 2007 Use of HAVA Funds: Title I, Sections 101 & 102 and HAVA Title II, Section 251



Section 101

Background

To qualify for Section 101 funds, States certified to GSA that the funds would be used consistent with the provisions of HAVA Title III and the laws listed in Section 906² of HAVA, as such laws related to the provisions of HAVA. GSA distributed Section 101 funds to States between April 2003 and August 2003.

The total amount of Section 101 funds appropriated for all States was \$349,182,262. GSA and EAC computed payments to each State through a two-step process:

- First, one-half of 1 percent of the aggregate amount (\$349,182,262) was allocated to each state and the District of Columbia, and one-tenth of 1 percent of the aggregate was allocated to each territory (Guam, Puerto Rico, American Samoa, and the United States Virgin Islands).
- Second, all remaining funds were allocated to all jurisdictions on the basis of their proportionate share of the voting age population as reported in the 2000 census.

Section 101 funds were to be deposited in the States' Election Fund and earn interest consistent with the provisions of HAVA Section 254(b). Section 101 funds and interest earned on deposits of Section 101 funds have no fiscal year limitations.

Status of HAVA Title I, Section 101 Funds

Overall, States spent 66 percent (\$230,404,605) of Section 101 funds received (\$349,182,262). States earned \$32,866,379 of interest on deposits of HAVA funds into the State Election Fund. In total, \$151,644,036 in Section 101 funds and interest have not been expended as of December 31, 2007.

To date, 58 percent of States have expended more than 50 percent of the Section 101 funds received. Of these States, nine States have expended all Section 101 funds as well as the interest earned on those funds; one State expended all Section 101 funds received and only interest remains; and six States expended more than 90 percent of Section 101 funding. Eight States have spent less than 25 percent of Section 101 funds. A financial summary of Section 101 funds received

² HAVA Section 906 lists the following laws: The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.), The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.), The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.), The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

by States, State expenditures, percent of funds expended, interest earned and the balance of unspent funds is presented in Table 3.1.

Table 3.1 – Receipt and Expenditure of HAVA Title I, Section 101 Funds

1 of 2

State	Total Section 101 Funds Received(\$) ^a	Total Section 101 Funds Expended (\$) ^b	Percent (%) of Funds Expended ^c	Interest Earned (\$)	Balance(\$) ^d
Alabama	4,989,605	1,162,700	23.30	316,015	4,142,920
Alaska	5,000,000	3,666,621	73.33	519,488	1,852,867
American Samoa	1,000,000	888,433	88.84	58,450	170,017
Arizona	5,451,369	2,095,600	38.44	496,350	3,852,119
Arkansas	3,593,165	3,819,452	106.30	226,287	0
California	27,340,830	23,311,922	85.26	2,122,393	6,151,301
Colorado	4,860,301	2,225,523	45.79	621,569	3,256,347
Connecticut	5,000,000	3,677,669	73.55	482,567	1,804,898
Delaware	5,000,000	4,590,029	91.80	406,885	816,856
District of Columbia	5,000,000	1,858,976	37.18	351,414	3,492,438
Florida	14,447,580	13,009,193	90.04	1,254,020	2,692,407
Georgia	7,816,328	7,235,712	92.57	690,117	1,270,733
Guam ^e	1,000,000	827,234	82.72	0	172,766
Hawaii	5,000,000	1,071,250	21.43	973,738	4,902,488
Idaho	5,000,000	911,207	18.22	1,009,756	5,098,549
Illinois	11,129,030	9,520,597	85.55	953,609	2,562,042
Indiana	6,230,481	1,905,030	30.58	792,418	5,117,869
Iowa	5,000,000	5,233,216	104.66	233,216	0
Kansas	5,000,000	1,467,327	29.35	1,015,390	4,548,063
Kentucky	4,699,196	357,653	7.61	740,080	5,081,623
Louisiana	4,911,421	1,740,521	35.44	630,429	3,801,330
Maine	5,000,000	3,094,492	61.89	484,467	2,389,975
Maryland	5,636,731	1,826,290	32.40	673,695	4,484,135
Massachusetts	6,590,381	2,885,913	43.79	454,076	4,158,544
Michigan	9,207,323	2,194,720	23.84	1,098,191	8,110,794
Minnesota	5,313,786	5,376,731	101.18	62,945	0
Mississippi	3,673,384	2,787,804	75.89	376,185	1,261,765
Missouri	5,875,170	2,595,755	44.18	619,510	3,898,925
Montana	5,000,000	3,143,621	62.87	348,720	2,205,099
Nebraska	5,000,000	2,696,691	53.93	765,142	3,068,452
Nevada	5,000,000	3,449,573	68.99	297,376	1,847,803
New Hampshire ^f	5,000,000	1,616,232	32.32	0	3,383,768
New Jersey	8,141,208	8,141,208	100.00	659,559	659,559
New Mexico	5,000,000	5,198,324	103.97	198,324	0
New York	16,494,325	16,240,998	98.46	2,404,177	2,657,504
North Carolina	7,887,740	6,825,359	86.53	555,586	1,617,967
North Dakota	5,000,000	5,063,997	101.28	63,997	0
Ohio	10,384,931	10,811,768	104.11	426,837	0
Oklahoma ^g	5,000,000	1,014,941	20.30	0	3,985,059
Oregon	4,203,776	4,262,975	101.41	59,199	0
Pennsylvania	11,323,168	11,222,620	99.11	1,235,240	1,335,788
Puerto Rico	3,151,144	1,199,149	38.05	243,980	2,195,976
Rhode Island	5,000,000	5,189,105	103.78	189,105	0
South Carolina	4,652,412	3,162,100	67.97	554,537	2,044,849

Table 3.1 – Receipt and Expenditure of HAVA Title I, Section 101 Funds

State	Total Section 101 Funds Received(\$) ^a	Total Section 101 Funds Expended(\$) ^b	Percent (%) of Funds Expended ^c	Total Interest Earned(\$)	Balance(\$) ^d
South Dakota	5,000,000	894,429	17.89	624,178	4,729,749
Tennessee	6,004,507	1,218,632	20.30	677,215	5,463,090
Texas	17,206,595	7,025,246	40.83	2,260,323	12,441,672
Utah	3,090,943	1,985,102	64.22	445,668	1,551,509
Vermont	5,000,000	3,578,457	71.57	499,793	1,921,336
Virginia	7,105,890	2,202,446	30.99	812,986	5,716,430
Virgin Islands	1,000,000	999,018	99.90	21,266	22,248
Washington	6,098,449	6,357,496	104.25	259,047	0
West Virginia	2,977,057	2,582,213	86.74	83,067	477,911
Wisconsin	5,694,036	1,579,003	27.73	587,519	4,702,553
Wyoming	5,000,000	1,406,333	28.13	930,278	4,523,945
Total	349,182,262	230,404,605	65.98	32,866,379	151,644,036

^aTotal Section 101 Funds Received reflects total funds received under HAVA Title I, Section 101 as of December 31, 2007. This amount does not include interest earned on deposits of HAVA Title I, Section 101 funds into the States' Election Fund.

^bTotal Section 101 Funds Expended includes cash disbursements and unliquidated obligations under HAVA Title I, Section 101 as of December 31, 2007.

^cStates were able to expend the interest earned on the deposit of HAVA Title I, Section 101 funds into the States' Election Fund, which is why some states expended a greater percentage of funds than received.

^dBalance includes interest earned as of December 31, 2007 on deposits of HAVA Title I, Section 101 funds into the States' Election Fund.

^eGuam did not file a report for Section 101 for CY 2007. The data provided is taken from the last report filed, which reported Section 101 and Section 251 in a joint report covering FY 2006. Interest has never been reported.

^fNew Hampshire did not file a report for Section 101 for CY 2007. The last report filed for Section 101 covered the period of 7/1/2003 through December 31, 2004. Interest has never been reported. The data provided is taken from the cumulative amounts provided in the FY 2007 State of New Hampshire Single Audit Report.

^gOklahoma did not deposit HAVA Title I, Section 101 funds in an interest-bearing account. EAC is working with state election officials to resolve this issue.

Use of HAVA Title I, Section 101 Funds

States may generally use Title I, Section 101, funds to carry out the following activities:

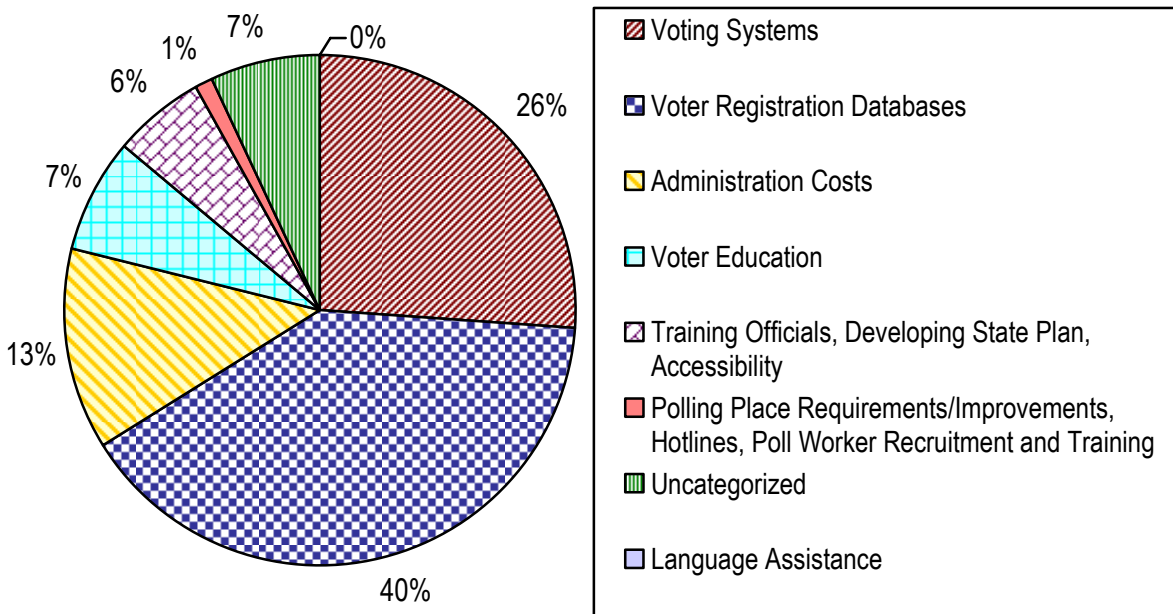
- Complying with the requirements of Title III for uniform and nondiscriminatory election technology and administration requirements.
- Improving the administration of elections for Federal office.
- Educating voters about voting procedures, voting rights and voting technology.
- Training election officials, poll workers and election volunteers.
- Developing the state plan for managing requirements payments authorized under HAVA Section 251.
- Improving, acquiring, leasing, modifying, or replacing voting systems and technology and methods for casting and counting votes.
- Improving the accessibility and quantity of polling places, including providing access for individuals with visual impairments.

- Providing assistance to Native Americans, Alaska Native citizens, and to individuals with limited proficiency in the English language.
- 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 process detailed automated information on their own voter registration status, specific polling place locations, and other relevant information.

Calendar Year 2007 Use of HAVA Title I, Section 101 Funds

During Calendar Year (CY) 2007, States expended \$35,239,710 of Section 101 funds. Of the reported expenditures, 40 percent went toward voter registration database activities and 26 percent went toward voting systems. Approximately 13 percent of Section 101 funds were used for administrative activities and 7 percent of funds were used for voter education. States expended 6 percent of funds for training officials, developing the State plan and accessibility improvements combined. Less than 1 percent of Section 101 funds were used toward combined total expenditures in the areas of polling place requirements/improvements, voter toll-free hotlines and poll worker recruitment and training. From the information supplied in the reports, there was no mention of expenditures in the area of language assistance. Finally, 7 percent of the reported expenditures were classified as “uncategorized” because either the narrative did not provide sufficient information or the expenditures did not fall under a specific category.

Chart 3.1 – Calendar Year 2007 Use of HAVA Title I, Section 101 Funds



Section 102

Background

To qualify for a Section 102 payment, States submitted a notice to the Administrator of GSA, which included a certification that the State would meet the following requirements:

- Use the payment either directly or as a reimbursement for the costs of replacing punch card or lever voting systems by the required deadline.
- Obtain replacement voting systems that would meet the requirements of HAVA Section 301.³
- Comply with applicable Federal laws.

GSA distributed \$300,317,737 in Section 102 funds to 30 States between April and June 2003. In accordance with HAVA Section 102, these funds were distributed based on the number of precincts within an eligible State that used punch card or lever voting systems during the November 2000 Federal general election. Section 102 funds were to be deposited in the States' Election Fund and earn interest consistent with the provisions of HAVA Section 254(b). While Section 102 funding is subject to the deadlines established by HAVA, interest earned on deposits of Section 102 funds has no fiscal year limitations.

HAVA Title I, Section 102 Deadlines

Recipients of Section 102 funds were to replace punch card and lever voting systems by November 2, 2004, unless a State filed for a waiver with GSA under HAVA Section 102(a)(3)(B). States that received a waiver from GSA had until the first Federal election in the State in 2006 to replace the voting systems. On May 25, 2007, Congress extended the deadline for the use of Section 102 funds to the date of the first Federal election held in the State after March 1, 2008.⁴ The extension applies only to those States that received a waiver of the 2004 date. Table 4.1 provides information on the States that received Section 102 funds, the date of the waiver filed, and the deadline for compliance and expenditure of HAVA Title I, Section 102 funds.

³ HAVA Section 301 requires voting systems to permit the voter to verify the votes selected before the ballot is cast and to change the ballot before the ballot is cast and counted; notify the voter if more than a single candidate is selected and the impact of selecting more than one candidate, and allow the voter to correct the ballot; provide a voter education system for jurisdictions that use paper ballot, punch card, or central count voting systems; produce an auditable record; be accessible for individuals with disabilities; provide alternate language accessibility; and meet minimum error rates for counting ballots.

⁴ The extension is contained in the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007, Public Law 110-28.

Table 4.1 – Deadlines for HAVA Title I, Section 102 Funds

1 of 1

State	Date of Waiver	102 Deadline
Alabama	None Filed	November 2, 2004
Arizona	None Filed	November 2, 2004
Arkansas	January 23, 2003	May 20, 2008
California	January 23, 2003	April 8, 2008
Colorado	January 23, 2003	August 12, 2008
Florida	None Filed	November 2, 2004
Georgia	None Filed	November 2, 2004
Illinois	July 8, 2003	November 4, 2008
Indiana	December 29, 2003	May 6, 2008
Kentucky	December 5, 2003	May 20, 2008
Louisiana	December 5, 2003	March 8, 2008
Maryland	None Filed	November 2, 2004
Massachusetts	January 23, 2003	September 16, 2008
Michigan	December 30, 2003	August 5, 2008
Mississippi	December 16, 2003	March 11, 2008
Missouri	December 11, 2003	August 5, 2008
New Jersey	January 23, 2003	June 3, 2008
New York	January 23, 2003	September 9, 2008
North Carolina	December 11, 2003	May 6, 2008
Ohio	December 24, 2003	March 4, 2008
Oregon	None Filed	November 2, 2004
Pennsylvania	January 23, 2003	April 22, 2008
South Carolina	None Filed	November 2, 2004
Tennessee	January 23, 2003	August 7, 2008
Texas	January 23, 2003	March 4, 2008
Utah	December 17, 2003	June 24, 2008
Virginia	December 4, 2003	June 10, 2008
Washington	December 12, 2003	August 19, 2008
West Virginia	December 17, 2003	May 13, 2008
Wisconsin	January 23, 2003	September 9, 2008

States that have not replaced punch card or lever voting systems or that possess unobligated funds after the applicable Section 102 deadline must return the funds to the EAC. The amount of the funds to be returned is the greater of either:

- The amount of unobligated funds, or
- The amount equal to the noncompliant precinct percentage, which is the number of qualifying precincts which did not meet the deadline in relation to the total number of qualifying precincts, multiplied by the total amount of Section 102 payments provided to the State.

The EAC will determine whether a State complied with the requirement to replace punch card or lever voting systems and whether there are any unobligated funds after the deadline has expired through (1) a review of the

annual financial reports filed by the States and (2) a certification by the chief State election official on the status of the purchase and installation of HAVA-compliant voting equipment and Section 102 funds by the due date. EAC will redistribute Section 102 funds that are recouped to all States as Section 251 requirements payments.

Status of HAVA Title I, Section 102 Funds

States spent 84 percent (\$253,140,639) of Section 102 funds received (\$300,717,737). States have earned \$20,273,731 of interest on deposits of Section 102 funds into the States' Election Fund. In total, \$67,450,828 in HAVA Title I, Section 102 funds and interest has not been expended as of December 31, 2007. Of this amount, \$51,060,989 is subject to the deadlines established for Section 102 funding. Interest earned on Section 102 funds is not subject to the deadlines or funding restrictions established for Section 102.

As of December 31, 2007, all but three States have expended more than 90 percent of the Section 102 funds received by the State. Of the 30 States that received Section 102 funding, 18 have expended the full amount of Section 102 funding. The state of New York has not expended any of its Section 102 funds. New York's share, \$49,603,917, makes up 97 percent of the funds subject to the Section 102 deadlines. A financial summary of Section 102 funds received by States, State expenditures, percent of funds expended, interest earned and the balance of unspent funds is presented in Table 4.2.

Table 4.2 – Receipt and Expenditure of HAVA Title I, Section 102 Funds

1 of 2

State	Total Section 102 Funds Received(\$) ^a	Total Section 102 Funds Expended(\$) ^b	Percent (%) of Funds Expended ^c	Balance of Section 102 Funds(\$)	Interest Earned (\$)	Balance(\$) ^d
Alabama	51,076	919	1.80	50,157	3,112	53,269
Alaska	0	0	N/A	0	0	0
American Samoa	0	0	N/A	0	0	0
Arizona	1,564,188	1,564,188	100.00	0	0	0
Arkansas	2,569,738	2,754,653	107.20	0	184,915	0
California	57,322,707	57,322,707	100.00	0	1,092,500	1,092,500
Colorado	2,177,095	2,323,852	106.74	0	146,757	0
Connecticut	0	0	N/A	0	0	0
Delaware	0	0	N/A	0	0	0
District of Columbia	0	0	N/A	0	0	0
Florida	11,581,377	11,581,377	100.00	0	37,948	37,948
Georgia	4,740,448	4,740,448	100.00	0	0	0
Guam	0	0	N/A	0	0	0
Hawaii	0	0	N/A	0	0	0
Idaho	0	0	N/A	0	0	0
Illinois	33,805,617	33,669,568	99.60	136,049	1,225,109	1,361,158
Indiana	9,522,394	9,664,434	101.49	0	142,040	0

Table 4.2 – Receipt and Expenditure of HAVA Title I, Section 102 Funds

State	Total Section 102 Funds Received(\$)^a	Total Section 102 Funds Expended(\$)^b	Percent (%) of Funds Expended^c	Balance of Section 102 Funds(\$)	Interest Earned (\$)	Balance(\$)^d
Iowa	0	0	N/A	0	0	0
Kansas	0	0	N/A	0	0	0
Kentucky	469,256	469,229	99.99	27	18,497	18,523
Louisiana	7,351,684	7,545,474	102.64	0	193,790	0
Maine	0	0	N/A	0	0	0
Maryland	1,637,609	1,637,609	100.00	0	41,935	41,935
Massachusetts	1,519,497	1,446,076	95.17	73,421	8,950	82,371
Michigan	6,531,284	6,432,323	98.48	98,961	386,636	485,596
Minnesota	0	0	N/A	0	0	0
Mississippi	1,778,067	1,883,992	105.96	0	105,925	0
Missouri	11,472,841	12,119,621	105.64	0	646,780	0
Montana	0	0	N/A	0	0	0
Nebraska	0	0	N/A	0	0	0
Nevada	0	0	N/A	0	0	0
New Hampshire	0	0	N/A	0	0	0
New Jersey	8,695,609	8,979,371	103.26	0	283,762	0
New Mexico	0	0	N/A	0	0	0
New York	49,603,917	0	0.00	49,603,917	7,917,105	57,521,022
North Carolina	893,822	893,822	100.00	0	0	0
North Dakota	0	0	N/A	0	0	0
Ohio	30,667,664	31,854,565	103.87	0	1,186,901	0
Oklahoma	0	0	N/A	0	0	0
Oregon	1,822,758	1,711,406	93.89	111,352	38,488	149,840
Pennsylvania	22,916,952	22,897,803	99.92	19,149	4,656,393	4,675,542
Puerto Rico	0	0	N/A	0	0	0
Rhode Island	0	0	N/A	0	0	0
South Carolina	2,167,518	1,998,330	92.19	169,188	95,922	265,111
South Dakota	0	0	N/A	0	0	0
Tennessee	2,473,971	2,608,630	105.44	0	134,659	0
Texas	6,269,521	6,266,685	99.95	2,836	280,554	283,391
Utah	5,726,844	6,263,308	109.37	0	536,464	0
Vermont	0	0	N/A	0	0	0
Virginia	4,526,569	4,737,337	104.66	0	210,768	0
Virgin Islands	0	0	N/A	0	0	0
Washington	6,799,430	6,321,236	92.97	478,194	453,187	931,381
West Virginia	2,349,474	2,460,605	104.73	0	111,131	0
Wisconsin	1,308,810	991,072	75.72	317,738	133,505	451,243
Wyoming	0	0	N/A	0	0	0
Total^e	300,317,737	253,140,639	84.29	51,060,989	20,273,731	67,450,828

^aTotal Section 102 Funds Received reflects total funds received under HAVA Title I, Section 102 as of December 31, 2007. This amount does not include interest earned on deposits of Section 102 funds into the States' Election Fund.

^bTotal Section 102 Funds Expended includes cash disbursements and unliquidated obligations under Section 102 as of December 31, 2007.

^cStates were able to expend the interest earned on the deposit of HAVA Title I, Section 102 funds into the States' Election Fund, which is why some states expended a greater percentage of funds than received. Additionally, several states, in anticipation of the close of the Section 102 period of availability, transferred the remaining interest to Section 251.

^dBalance includes interest earned as of December 31, 2007 on deposits of Section 102 funds into the States' Election Fund.

^eTotal HAVA Funds Received changed by 1 dollar from the 2007 report due to a rounding error.

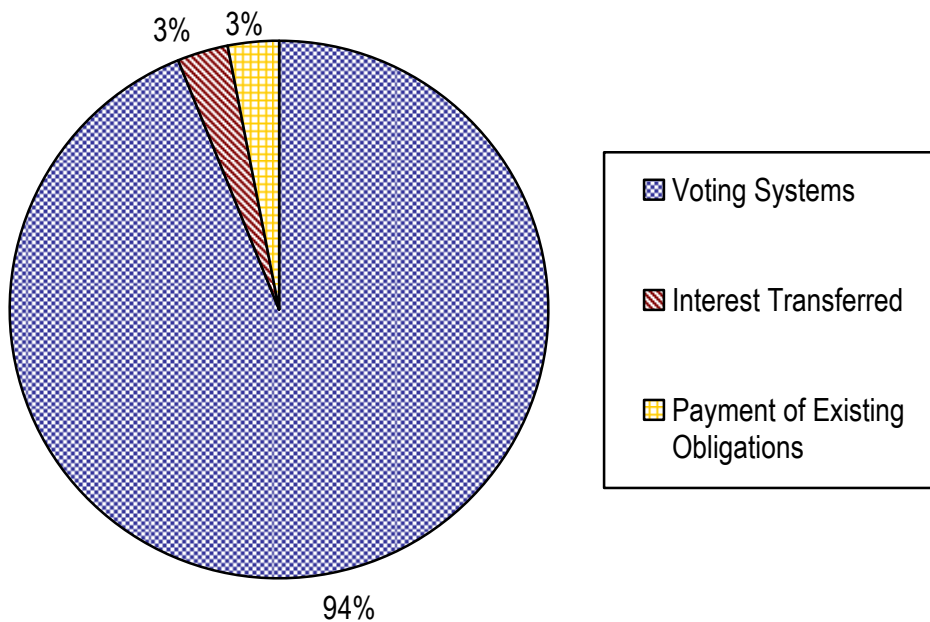
Use of HAVA Title I, Section 102 Funds

States may use HAVA Title I, Section 102 payments only to acquire, via lease or purchase, voting systems to replace punch card or lever voting systems used to administer the November 2000 Federal general election. Funds could be used to directly purchase replacement voting systems or to reimburse voting system costs incurred on or after January 1, 2001 to replace punch card or lever systems. Replacement systems cannot use punch card or levers, must be consistent with the requirements of the laws described in HAVA Section 906 and must meet the requirements of HAVA Section 301.

Calendar Year 2007 Use of HAVA Title I, Section 102 Funds

During CY 2007, States spent \$6,057,511 of Section 102 funds. Of these expenditures, 94 percent was used as cash disbursements to acquire, via lease or purchase, voting systems to replace punch card or lever voting systems. Of the remaining expenditures, 3 percent was used to liquidate existing obligations and 3 percent represented transfers of interest to Section 251 accounts, made in anticipation of the closeout of the Section 102 funds.

Chart 4.1 – Calendar Year 2007 Use of HAVA Title I, Section 102 Funds



Section 251

Background

To qualify for a HAVA Title II, Section 251 requirements payment, States filed a certification with the EAC affirming that the State:

- Had filed and implemented a plan for uniform, nondiscriminatory administrative complaint procedures required by HAVA Section 402.
- Had appropriated matching funds 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)...”
- Had, to the extent that any portion of the requirements payment is used for activities other than meeting the requirements of Title II, provided that the proposed uses are not inconsistent with the requirements of HAVA Title III and are consistent with the usage restrictions set forth in HAVA Section 251(b).
- Is in compliance with laws, as related to the provisions of HAVA, listed in Section 906 of HAVA.
- Had filed a State Plan that complies with the requirements listed in Sections 254, 255 and 256 of HAVA.

The EAC distributed \$829,999,999 in FY 2003 and \$1,489,360,619 in FY 2004 in requirements payments to the States. An additional \$115,000,000 was appropriated in FY 2008. Congress appropriated the FY 2008 requirements payments after the period covered by this report; therefore, the FY 2008 amount is not included in this report. Section 251 funds were to be deposited in the States’ Election Fund and earn interest consistent with the provisions of HAVA Section 254(b). Section 251 funds and interest earned on deposits of Section 251 funds have no fiscal year limitations.

Status of HAVA Title II, Section 251 Funds

States spent 65 percent (\$1,509,395,423) of Section 251 funds received (\$2,319,360,618). States earned \$177,706,683 of interest on deposits of HAVA funds into the State Election Fund. In total, \$987,671,878 in Section 251 funds and interest has not been expended as of September 30, 2007.

The majority, 72 percent of States, expended more than 50 percent of Section 251 funds. Fourteen states expended more than 90 percent of the funds. Of these 14 States, four exhausted the full amount of funding received. In contrast, seven States expended less than 25 percent of the Section 251 funds, with three States expending less than 1 percent of the funds received. The funds held by these seven States account for 27 percent (\$271,336,980) of the total Section 251 funds and interest remaining (\$987,671,878). A financial summary of Section 251 funds received by States, State expenditures, percent of funds expended, interest earned and balance of unspent funds is presented in Table 5.1.

Table 5.1 – Receipt and Expenditure of HAVA Title II, Section 251 Funds

1 of 2

State	Total Section 251 Funds Received^a	Total Section 251 Funds Expended^b	Percent (%) of Funds Expended^c	Interest Earned	Balance^d
Alabama	\$35,866,513	\$22,836,187	63.67%	\$1,988,444	\$15,018,771
Alaska	\$11,596,803	\$5,116,290	44.12%	\$1,141,474	\$7,621,987
American Samoa	\$2,319,361	\$1,477,196	63.69%	\$112,373	\$954,538
Arizona	\$40,584,515	\$21,453,202	52.86%	\$3,816,446	\$22,947,759
Arkansas	\$21,598,570	\$17,842,064	82.61%	\$1,676,966	\$5,433,472
California	\$264,237,124	\$115,656,945	43.77%	\$24,624,328	\$173,204,508
Colorado	\$34,545,365	\$29,549,075	85.54%	\$3,790,592	\$8,786,882
Connecticut	\$27,719,501	\$15,377,706	55.48%	\$3,101,635	\$15,443,430
Delaware	\$11,596,803	\$4,987,701	43.01%	\$484,412	\$7,093,513
District of Columbia	\$11,596,803	\$3,722,652	32.10%	\$819,996	\$8,694,147
Florida	\$132,502,091	\$80,943,965	61.09%	\$12,402,622	\$63,960,749
Georgia	\$64,748,170	\$64,891,550	100.22%	\$661,398	\$518,018
Guam ^e	\$2,319,361	\$1,652,099	71.23%	\$0	\$667,262
Hawaii	\$11,596,803	\$6,060,882	52.26%	\$557,191	\$6,093,112
Idaho	\$11,596,803	\$10,717,927	92.42%	\$874,917	\$1,753,793
Illinois	\$98,595,252	\$82,955,488	84.14%	\$6,431,334	\$22,071,098
Indiana	\$48,544,987	\$48,071,068	99.02%	\$2,027,813	\$2,501,731
Iowa	\$23,739,383	\$22,087,226	93.04%	\$1,675,954	\$3,328,111
Kansas	\$21,409,789	\$18,629,384	87.01%	\$1,682,460	\$4,462,865
Kentucky	\$32,899,292	\$18,596,485	56.53%	\$2,279,391	\$16,582,199
Louisiana	\$35,067,672	\$36,033,167	102.75%	\$3,036,922	\$2,071,427
Maine	\$11,596,803	\$6,112,322	52.71%	\$1,234,667	\$6,719,148
Maryland	\$42,478,430	\$32,640,900	76.84%	\$2,245,310	\$12,082,840
Massachusetts	\$52,222,226	\$8,028,269	15.37%	\$2,949,221	\$47,143,178
Michigan	\$78,960,474	\$59,402,346	75.23%	\$5,479,525	\$25,037,652
Minnesota	\$39,178,788	\$34,103,855	87.05%	\$4,310,264	\$9,385,197
Mississippi	\$22,418,203	\$19,037,474	84.92%	\$916,676	\$4,297,405
Missouri	\$44,914,650	\$39,684,722	88.36%	\$3,249,989	\$8,479,917
Montana	\$11,596,803	\$11,091,236	95.64%	\$369,800	\$875,367
Nebraska	\$13,749,549	\$13,022,056	94.71%	\$551,364	\$1,278,857
Nevada	\$16,166,810	\$10,974,498	67.88%	\$832,969	\$6,025,281
New Hampshire ^f	\$11,596,803	\$0	0.00%	\$19,313	\$11,616,116
New Jersey	\$68,067,586	\$49,605,475	72.88%	\$5,193,723	\$23,655,835
New Mexico	\$14,279,790	\$15,123,547	105.91%	\$902,473	\$58,716
New York	\$153,414,430	\$71,957	0.05%	\$16,992,328	\$170,334,801

Table 5.1 – Receipt and Expenditure of HAVA Title II, Section 251 Funds

State	Total Section 251 Funds Received^a	Total Section 251 Funds Expended^b	Percent (%) of Funds Expended^c	Interest Earned	Balance^d
North Carolina	\$65,477,808	\$51,418,315	78.53%	\$5,527,991	\$19,587,484
North Dakota	\$11,596,803	\$4,887,862	42.15%	\$873,066	\$7,582,006
Ohio	\$90,992,517	\$89,790,790	98.68%	\$5,854,282	\$7,056,010
Oklahoma ^e	\$27,659,638	\$2,522,702	9.12%	\$0	\$25,136,936
Oregon	\$27,837,407	\$11,961,241	42.97%	\$2,323,221	\$18,199,387
Pennsylvania	\$100,578,829	\$89,230,830	88.72%	\$13,809,030	\$25,157,030
Puerto Rico	\$2,319,361	\$429,927	18.54%	\$147,892	\$2,037,326
Rhode Island	\$11,596,803	\$10,702,079	92.28%	\$409,707	\$1,304,432
South Carolina	\$32,421,280	\$32,374,718	99.86%	\$570,830	\$617,392
South Dakota	\$11,596,803	\$5,413,998	46.69%	\$638,372	\$6,821,176
Tennessee	\$46,236,130	\$20,897,248	45.20%	\$4,732,984	\$30,071,865
Texas	\$160,691,949	\$123,136,587	76.63%	\$8,952,618	\$46,507,980
Utah	\$16,467,181	\$17,090,380	103.78%	\$623,199	\$0
Vermont	\$11,596,803	\$0	0.00%	\$1,429,208	\$13,026,011
Virginia	\$57,489,361	\$32,713,950	56.90%	\$3,753,364	\$28,528,775
Virgin Islands	\$2,319,361	\$354,117	15.27%	\$77,369	\$2,042,613
Washington	\$47,195,971	\$25,875,615	54.83%	\$3,871,619	\$25,191,975
West Virginia	\$15,303,569	\$14,332,680	93.66%	\$1,050,790	\$2,021,679
Wisconsin	\$43,063,935	\$37,862,294	87.92%	\$3,761,430	\$8,963,070
Wyoming	\$11,596,803	\$10,843,174	93.50%	\$865,421	\$1,619,050
Total^h	\$2,319,360,618	\$1,509,395,423	65.08%	\$177,706,683	\$987,671,878

^aTotal Section 251 Funds Received reflects total funds received under HAVA Title II, Section 251 as of September 30, 2007.
^bTotal Section 251 Funds Expended includes cash disbursements and unliquidated obligations under HAVA Title II, Section 251 as of September 30, 2007. This amount does not include expenditures for State Match or Maintenance of Effort.
^cStates were able to expend the interest earned on the deposit of HAVA Title II, Section 251 funds into the States' Election Fund, which is why some states expended a greater percentage of funds than received.
^dBalance includes interest earned as of September 30, 2007 on deposits of HAVA Title II, Section 251 funds into the States' Election Fund. The balance does not include State Match amounts nor interest earned on State Match amounts.
^eGuam did not file a report for Section 251 for FY 2007. The data provided is taken from the last report filed, which reported Section 101 and Section 251 in a joint report covering FY 2006. Interest has never been reported.
^fNew Hampshire did not file a report for Section 251 for FY 2007. The last report filed for Section 251 covered FY 2004. Interest data was taken from the FY 2004 Section 251 report. The data provided is taken from the cumulative amount provided in the FY 2007 State of New Hampshire Single Audit Report.
^gOklahoma did not deposit Section 251 funds in an interest-bearing account. EAC is working with state election officials to resolve this issue.
^hTotal Section 251 Funds Received changed by \$1 dollar from the 2007 report due to a rounding error.

Use of HAVA Title II, Section 251 Funds

States may use Title II, Section 251 funds to carry out the following activities:

- Procuring voting systems that comply with the requirements of HAVA Title III, Section 301. A State may use the requirements payments:
 - As a reimbursement for costs incurred in obtaining voting equipment which met the requirements of HAVA Title II, Section 301, if the State obtained the equipment after the November 2000 general election and before the receipt of HAVA funds.

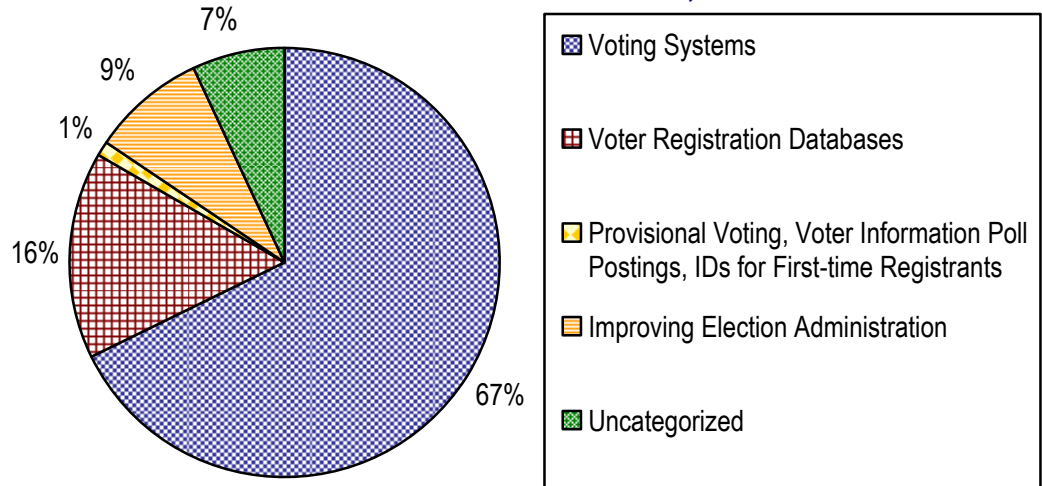
- As a reimbursement for costs of voting equipment that meets the requirements of HAVA Title III, Section 301, that were incurred pursuant to a multi-year contract on or after January 1, 2001.
- Implementing provisional voting.
- Providing required information to voters in the polling place.
- Developing and implementing a computerized statewide voter registration list.
- Implementing identification requirements for first-time voters who register to vote by mail.
- Improving the administration of elections for federal office.
 - HAVA Section 251(b)(2) allows States to use Section 251 funds to improve the administration of elections for Federal office if they certify to the EAC that they have either: 1) met the requirements of Title III, or 2) will not spend more than the amount of the minimum payment applicable to the State.

Fiscal Year 2007 Use of HAVA Title II, Section 251 Funds

During Fiscal Year 2007, States expended \$345,641,888 of Section 251 funds. Approximately 68 percent of expenditures were used to procure voting systems that comply with the requirements of Title III.

Of the remaining expenditures, approximately 16 percent of Section 251 funds went toward developing and implementing a computerized statewide voter registration list while 9 percent went toward improving the administration of federal elections. Less than 1 percent of funds were used in the following categories: implementing provisional voting, providing voter information at polling places and implementing identification requirements for first-time voters who register to vote by mail. Finally, 7 percent of reported expenditures were classified as “uncategorized” because either the narrative did not provide sufficient information or the expenditures did not fall under a specific category.

Chart 5.1 – Fiscal Year 2007 Use of HAVA Title II, Section 251 Funds



Matching Funds

Background

As a condition for receiving requirements payments, States certified that they had appropriated matching funds. Section 253(b)(5) of HAVA stipulates that the State match must equal 5 percent of the State's total program, "taking into account the requirements payment and the amount spent by the state." A State's matching requirement is determined through the following formula:

$$[\text{Federal Dollars}/0.95] = \text{Federal Dollars} + \text{State Match}$$

For example, Alabama's matching requirement is equal to:

$$(\$35,866,513/0.95) - \$35,866,513 = \$1,877,712$$

The total matching requirement for all States is \$121,705,395.

Although HAVA requires States receiving requirements payments to provide matching funds, 48 U.S.C. §1469(a)(d) provides a waiver to the U.S. Virgin Islands, Guam, the Northern Mariana Islands and American Samoa for all federal matching funds under \$200,000. The matching requirement for these territories, as of September 30, 2007, is \$122,072. The required matching amount will increase based on future appropriations of requirements payments by Congress.

State match funds, per HAVA Section 254(b), must be deposited in the States' Election Fund and, consistent with the requirements for the fund, earn interest. As HAVA does not specifically require a cash match, States were allowed to use in-kind contributions. However, use of in-kind contributions does not waive the requirement to earn interest on State match funds. Maintenance of effort expenditures could not be used to satisfy the matching requirement.

Status and Use of State Match Funds

State match funds must be used in accordance with the requirements for HAVA Title II, Section 251 funds. Also, EAC required States to report the required State match on their annual financial reports. The EAC's review of FY 2007 financial status reports revealed inconsistencies with the reporting of State match appropriations and deposits, expenditures, and interest earned on matching funds. Several States were unable to rectify, prior to the drafting of this report, the issues identified by the EAC review. The EAC is continuing to work with

these States to accurately account for State match funds including State match expenditures and interest earned on State match funds.

In total, States reported expenditure of \$201,467,275, which is more than the total required matching contribution, \$121,705,395. Of the 52 States required to provide matching funds, 20 States fully expended the State match, with 18 of the States expending matching funds in excess of the requirement. Seven States have not expended any State match funds.

States have reported \$4,133,641 in interest earned on State match deposits into the States' Election Fund. As States continue to amend the reporting on State match, it is expected that the reported interest earned on matching funds will increase. As of September 30, 2007, \$37,110,619 in State match and interest earned on State match funds has not been expended. Table 6.1 presents a financial summary of State match funds required by States, State match expenditures, percent of funds expended, interest earned, and balance of unspent funds.

Table 6.1 – Status of State Match Funds

1 of 2

State	Total Section 251 Funds Received(\$) ^a	Total State Match Required(\$) ^b	Total State Match Funds Expended(\$) ^c	Percent (%) Funds Expended	Interest Earned(\$) ^d	Balance(\$) ^e
Alabama	35,866,513	1,887,712	1,201,905	63.67	103,626	789,433
Alaska	11,596,803	610,358	767,760	125.79	19,935	0
American Samoa ^f	2,319,361	0	0	N/A	0	0
Arizona	40,584,515	2,136,027	1,996,738	93.48	59,364	198,654
Arkansas	21,598,570	1,136,767	936,851	82.41	188,163	388,080
California ^g	264,237,124	13,907,217	111,067,135	798.63	0	0
Colorado	34,545,365	1,818,177	2,276,895	125.23	228,881	0
Connecticut	27,719,501	1,458,921	1,458,921	100.00	0	0
Delaware ^g	11,596,803	610,358	195,512	32.03	0	414,846
District of Columbia ^g	11,596,803	610,358	572,000	93.72	0	38,358
Florida	132,502,091	6,973,794	2,377,757	34.10	638,418	5,234,455
Georgia	64,748,170	3,407,798	10,748,391	315.41	0	0
Guam ^f	2,319,361	0	0	N/A	0	0
Hawaii	11,596,803	610,358	631,633	103.49	0	0
Idaho	11,596,803	610,358	561,000	91.91	51,899	101,257
Illinois ^h	98,595,252	5,189,224	5,000,000	96.35	0	189,224
Indiana	48,544,987	2,554,999	1,586,308	62.09	112,656	1,081,347
Iowa ^h	23,739,383	1,249,441	1,249,000	99.96	0	441
Kansas ^g	21,409,789	1,126,831	979,904	86.96	41,575	188,503
Kentucky	32,899,292	1,731,542	978,762	56.53	123,481	876,261
Louisiana	35,067,672	1,845,667	2,731,374	147.99	0	0
Maine	11,596,803	610,358	612,673	100.38	60,133	57,818
Maryland ^g	42,478,430	2,235,707	2,235,707	100.00	0	0
Massachusetts	52,222,226	2,748,538	3,959,966	144.08	262,080	0
Michigan ^h	78,960,474	4,155,814	3,126,440	75.23	0	1,029,374
Minnesota	39,178,788	2,062,041	0	0.00	0	2,062,041

Table 6.1 – Status of State Match Funds

State	Total Section 251 Funds Received(\$) ^a	Total State Match Required(\$) ^b	Total State Match Funds Expended(\$) ^c	Percent (%) Funds Expended	Interest Earned(\$) ^d	Balance(\$) ^e
Mississippi	22,418,203	1,179,905	1,001,972	84.92	309,306	487,238
Missouri	44,914,650	2,363,929	2,512,077	106.27	148,148	0
Montana ^g	11,596,803	610,358	932,500	152.78	0	0
Nebraska	13,749,549	723,660	0	0.00	30,612	754,272
Nevada ⁱ	16,166,810	850,885	577,605	67.88	40,297	313,577
New Hampshire ^j	11,596,803	610,358	204,931	33.58	0	405,427
New Jersey	68,067,586	3,582,504	0	0.00	0	3,582,504
New Mexico ^h	14,279,790	751,568	0	0.00	0	751,568
New York ^g	153,414,430	8,074,444	401,800	4.98	0	7,672,644
North Carolina ⁱ	65,477,808	3,446,200	0	0.00	417,899	3,864,099
North Dakota ^g	11,596,803	610,358	439,459	72.00	0	170,899
Ohio	90,992,517	4,789,080	5,536,200	115.60	212,290	0
Oklahoma ^g	27,659,638	1,455,770	511,565	35.14	0	944,205
Oregon ^g	27,837,407	1,465,127	1,497,318	102.20	43,801	11,610
Pennsylvania	100,578,829	5,293,623	9,689,074	183.03	0	0
Puerto Rico ^g	2,319,361	122,072	42,130	34.51	0	79,942
Rhode Island ^g	11,596,803	610,358	610,358	100.00	0	0
South Carolina	32,421,280	1,706,383	1,694,381	99.30	55,042	67,043
South Dakota ^g	11,596,803	610,358	576,567	94.46	0	33,791
Tennessee	46,236,130	2,433,481	1,099,855	45.20	269,046	1,602,672
Texas	160,691,949	8,457,471	6,840,922	80.89	506,280	2,122,829
Utah	16,467,181	866,694	899,494	103.78	0	0
Vermont	11,596,803	610,358	702,438	115.09	11,698	0
Virginia ^g	57,489,361	3,025,756	3,388,552	111.99	0	0
Virgin Islands ^f	2,319,361	0	0	N/A	0	0
Washington	47,195,971	2,483,998	2,450,799	98.66	59,404	92,603
West Virginia ^g	15,303,569	805,451	0	0.00	0	805,451
Wisconsin ^g	43,063,935	2,266,523	2,604,646	114.92	51,813	0
Wyoming	11,596,803	610,358	0	0.00	87,794	698,152
Total^k	2,319,360,618	121,705,395	201,467,275	165.54	4,133,641	37,110,619

^aTotal Section 251 Funds Received reflects total funds received under HAVA Section 251 as of September 30, 2007.

^bTotal State Match Required equals 5 percent of the total amount of the program (taking into account the requirements payments and the amount spent by the State). This amount is calculated as follows: Federal Dollars/0.95 = Federal Dollars + State Match.

^cTotal State Match Funds Expended includes cash disbursements and unliquidated obligations as of September 30, 2007. This amount includes expenditures of interest earned on the State match. This amount does not include Maintenance of Effort expenditures.

^dState Match funds are required to be deposited into the States' Election Fund as a condition for receipt of funds. Deposits into the States' Election Fund earn interest per HAVA §254(b). Interest is retained in the States' Election Fund. Some States expended State match funds in full prior to the receipt of the Section 251 payments thus no interest was earned.

^eBalance includes interest earned on State match funds as of September 30, 2007. Where a State has expended more than the required State match plus the interest earned on the State match, the balance has been converted to zero to avoid distorting the overall balance of funds remaining.

^fRequired State Match up to 200,000 from American Samoa, Guam, and the US Virgin Islands is waived under 48 U.S.C. §1469(a)(d).

^gSeveral States did not deposit State match funds into the States' Election Fund and are currently in the process of calculating interest owed.

^hIllinois, Iowa, Michigan, and New Mexico are in the process of undergoing an audit which includes a review of State match activities.

ⁱNevada, North Carolina, and Wisconsin miscalculated the State match. The correct amount, with interest, is currently under review by EAC and state officials

^jNew Hampshire did not file a report for Section 251 for FY 2007. The last report filed for Section 251 covered FY 2004. Interest earned on the State match has never been reported. The data provided is taken from the cumulative numbers provided in the FY 2007 State of New Hampshire Single Audit Report.

^kTotals reflect several amendments from the EAC's July 2007 Report to Congress.

State Administration of HAVA Funds

State Plans

Background

To obtain HAVA Title II, Section 251 requirements payments, HAVA requires that a State submit a plan describing how the funds will be used. State plans must describe the following:

- How the State will use the requirements payments to meet the requirements of Title III, and, if applicable, carry out other activities to improve the administration of elections.
- How the State will distribute and monitor the distribution of requirements payments to local units of government or other entities in the State for carrying out the program, including a description of the following:
 - The criteria to be used to determine the eligibility of units receiving the payment.
 - The methods that the State will use to monitor the performance of the entities which receive the payments.
- How the State will provide programs for voter education, election official education and training, and poll worker training which will assist in meeting the requirements of Title III.
- How the State will adopt voting system guidelines and processes which are consistent with the requirements of Section 301.
- How the State will establish an election fund as described in HAVA Section 254(b) for the purpose of administering the State's activities under this part, including information on fund management.⁵
- The State's proposed budget for administration and use of the requirements payments, including the following specific information:
 - The cost of activities required to be carried out to meet the requirements of Title III.
 - The portion of the requirements payment that will be used to carry out the activities to meet the requirements of Title III.
 - The portion of the requirements payments that will be used to carry out other activities.

⁵ HAVA Section 254(b) describes the State Election Fund as "a fund which is established in the treasury of the State government...which consists of the following amounts: A) Amounts appropriated or otherwise made available by the State for carrying out activities for which the requirements payment in made to the State under this part. B) The requirements payment made to the State under this part. C) Such other amounts as may be appropriated under law. D) Interest earned on deposits of the fund.

- How the State will meet its maintenance of effort level. States must maintain their expenditures for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000.
- How the state will adopt performance goals and measures that will be used to determine the success in carrying out the State plan.
- A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under Section 402 of HAVA.
- How the State will conduct ongoing management of the plan. States may not make any material change in the administration of the plan unless the change:
 - is developed and published in the Federal Register in the same manner as the State plan
 - is subject to public notice and comment in the same manner as the State plan
 - takes effect only after the expiration of the 30-day period, which begins on the date the change is published in the Federal Register.
- How, if the State had a plan in effect during the previous fiscal year, the plan reflects changes from the State plan for the previous fiscal year and a description of how the State succeeded in carrying out the State plan for such previous fiscal year.
- A description of the committee that participated in the development of the State plan.⁶

Status of State Plans

Since the initial publication of the State plans in the Federal Register in March 2004, 33 states revised their State plan, leaving 22 States that have not filed an amended report since the initial publication. Prior to the distribution of the FY 2008 requirements payment, the EAC anticipates that a number of States will file amended State Plans. Table 7.1 shows the original and revised dates that State plans were published in the Federal Register. State plans may be accessed at www.eac.gov.

⁶ Per HAVA Section 255, the State plan is required to be developed “through a committee of appropriate individuals, including the chief election officials of the two most populous jurisdictions within the States, other local election officials, stakeholder (including representative of groups of individuals with disabilities), and other citizens appointed for such purpose by the chief State election official.”

Table 7.1 – State Plan Status

1 of 2

State	Federal Register Publication Dates			Number of Revisions
	Original Date*	Additional Dates*	Most Recent Date*	
Alabama	March 24, 2004			0
Alaska	March 24, 2004	April 7, 2005	April 25, 2008	2
American Samoa	March 24, 2004		June 29, 2006	1
Arizona	March 24, 2004			0
Arkansas	March 24, 2004		December 22, 2004	1
California	March 24, 2004		September 30, 2004	1
Colorado	March 24, 2004			0
Connecticut	March 24, 2004			0
Delaware	March 24, 2004		October 27, 2005	1
District of Columbia	March 24, 2004			0
Florida	March 24, 2004	September 9, 2004	April 25, 2008	2
Georgia	March 24, 2004			0
Guam	March 24, 2004			0
Hawaii	March 24, 2004			0
Idaho	March 24, 2004			0
Illinois	March 24, 2004	December 22, 2004	September 28, 2006	2
Indiana	March 24, 2004		September 28, 2006	1
Iowa	March 24, 2004		June 29, 2005	1
Kansas	March 24, 2004		September 30, 2004	1
Kentucky	March 24, 2004		February 27, 2007	1
Louisiana	March 24, 2004		September 28, 2006	1
Maine	March 24, 2004			0
Maryland	March 24, 2004		February 27, 2006	1
Massachusetts	March 24, 2004			0
Michigan	March 24, 2004		November 16, 2005	1
Minnesota	March 24, 2004		April 25, 2008	1
Mississippi	March 24, 2004		June 29, 2005	1
Missouri	March 24, 2004			0
Montana	March 24, 2004		August 25, 2004	1
Nebraska	March 24, 2004		December 22, 2004	1
Nevada	March 24, 2004	September 9, 2004; August 25, 2005	April 25, 2008	3
New Hampshire	March 24, 2004			0
New Jersey	March 24, 2004		April 25, 2008	1
New Mexico	March 24, 2004			0
New York	March 24, 2004			0
North Carolina	March 24, 2004		June 29, 2005	1
North Dakota	March 24, 2004		December 22, 2004	1
Ohio	March 24, 2004		April 7, 2005	1
Oklahoma	March 24, 2004		March 11, 2005	1
Oregon	March 24, 2004		April 25, 2008	1
Pennsylvania	March 24, 2004	September 30, 2004	September 30, 2005	2
Puerto Rico	March 24, 2004	January 24, 2005	February 27, 2006	2
Rhode Island	March 24, 2004			0
South Carolina	March 24, 2004	September 30, 2004; August 25, 2005	September 28, 2006	3
South Dakota	March 24, 2004	March 11, 2005	April 25, 2008	2

Table 7.1 – State Plan Status

State	Federal Register Publication Dates			Number of Revisions
	Original Date*	Additional Dates*	Most Recent Date*	
Tennessee	March 24, 2004		September 30, 2004	1
Texas	March 24, 2004		March 11, 2005	1
Utah	March 24, 2004			0
Vermont	March 24, 2004			0
Virgin Islands	March 24, 2004			0
Virginia	March 24, 2004	September 12, 2005	September 28, 2006	2
Washington	March 24, 2004			0
West Virginia	March 24, 2004		February 1, 2006	1
Wisconsin	March 24, 2004			0
Wyoming	March 24, 2004			0

*State plans are effective 30 days after publication in the *Federal Register*.

Certifications

HAVA Section 251(b)(2) allows States to use Section 251 funds to improve the administration of elections for Federal office if they certify to EAC that they have either: 1) met the requirements of Title III (HAVA Section 251(b)(2)(A)), or 2) will not spend more than the amount of the minimum payment applicable to the State (HAVA Section 251(b)(2)(B)).

For certifications filed under HAVA Section 251(b)(2)(B), the minimum payment amount for each state and the District of Columbia is currently \$11,596,803. The minimum amount for each of the four territories covered by HAVA is currently \$2,319,361. Once the FY 2008 requirements payments are distributed, the minimum amount will increase for all recipients. Certifications filed under HAVA Section 251(b)(2)(A) are forwarded to the Voting Section of the Civil Rights Division of the U.S. Department of Justice, because the Division is charged with enforcing the uniform and nondiscriminatory election technology and administration requirements of Title III of HAVA. These certifications are also forward to the EAC Office of Inspector General (OIG) for potential review of compliance with the requirements of Title III during OIG audits. Table 7.2 shows the 20 States that have filed certifications with the EAC as of June 30, 2008.

Table 7.2 State Certifications Filed under Section HAVA Section 251(b)(2) 1 of 2

Certified State Met Title III Requirements (§251(b)(2)(A))		Certified State Will Use up to Minimum Amount (§251(b)(2)(B))	
State	Date of Filing	State	Date of Filing
American Samoa	September 26, 2005	Alaska	July 13, 2007
Florida	August 28, 2006	Arkansas	May 7, 2008
Kentucky	January 16, 2007	California	April 3, 2006
Maryland	May 15, 2007	Colorado	November 28, 2007

Table 7.2 State Certifications Filed under Section HAVA Section 251(b)(2) 2 of 2

Certified State Met Title III Requirements (§251(b)(2)(A))		Certified State Will Use up to Minimum Amount (§251(b)(2)(B))	
State	Date of Filing	State	Date of Filing
New Jersey	June 25, 2007	Delaware	November 30, 2007
North Carolina	March 28, 2007	Florida	March 13, 2006
Oregon	July 6, 2006	Illinois	March 20, 2007
Pennsylvania	August 28, 2007	Iowa	June 27, 2008
		New Mexico	April 21, 2008
		North Dakota	April 28, 2005
		Ohio	April 24, 2007
		South Dakota	March 15, 2007
		Virginia	April 13, 2006
		Washington	May 3, 2006

EAC Monitoring of HAVA Funds

Background

A primary responsibility of the EAC is to provide information and training on appropriate management and use of HAVA funds. The EAC has issued guidance, advisories and best practices to help States comply with HAVA and make other election administration improvements and enhancements. Prior to receipt of HAVA funds, the EAC and GSA informed States of the Federal administrative requirements that apply to HAVA funds. States were advised that funds were to be managed in accordance with Office of Management and Budget (OMB) Circular A-102 (the Common Rule), incur costs in accordance with OMB Circular A-87; and obtain audits in accordance with OMB Circular A-133. The Common Rule prescribes the minimum standards for areas such as accounting, purchasing and property management when administering federal funds. OMB Circular A-87 describes allowable costs and how these costs should be supported. OMB Circular A-133 requires states and counties to obtain an audit of all federal assistance received each year in which more than \$500,000 in federal funds are spent.

The EAC is responsible for the following monitoring duties:

- Issuing guidance on the administration and use of HAVA funds and otherwise responding to questions from or providing information to recipients about the use of HAVA funds.
- Tracking the submission of financial and performance reports required from recipients about the use of HAVA funds.
- Reviewing financial status and performance reports.
- Conducting site visits to follow up on potential problem areas.
- Reviewing audit reports and resolving findings applicable to EAC programs.
- Reviewing and approving indirect cost rates.

Reporting

To ensure the review of financial status and performance reports is fair and equitable, it is EAC policy to:

- Treat all recipients impartially and consistently in the review process.
- Provide recipients an opportunity to correct reporting deficiencies or anomalies.
- Provide correct and complete information on the use of HAVA funds to the EAC's Inspector General, Congress, the public and other interested persons.
- Identify common reporting problems so the agency may address such problems through education and feedback.

The EAC publishes a guide for managing, recordkeeping, reporting and auditing funds; provides sample reporting forms; and lists frequently asked questions at www.eac.gov. Each year, the EAC sends annual reminders to States about their reporting responsibilities. Additionally, the EAC provides periodic trainings on using and accounting for HAVA funds.

Section 101 and 102

GSA first established the annual financial reporting requirements for Section 101 and 102 funds. States were required to submit an OMB Standard Form 269 (SF-269), Financial Status Report for each funding source received by the State. The SF-269 presents fiscal information such as total outlays, recipient share of outlays, and Federal share of outlays. States were required to file the first report with GSA no later than January 21, 2004, covering activity from the State's initial receipt of Title I funds through December 31, 2003. GSA also required each recipient to submit a description or list of actual purchases and expenditures.

The EAC revised the reporting requirements after it assumed oversight of Section 101 and 102 funds in 2004. The EAC continued the requirement for an annual SF-269 report and also required States to provide the following information:

- Detailed lists of expenditures by program, function or task for each authorized category of activities under HAVA Sections 101(b) and 102(a)(2).
- Numbers, types and costs of voting equipment obtained with HAVA funds.

- An analysis and description of the activities funded to meet HAVA requirements and how such activities conform to the submitted state plan.

These annual reports are due by February 28 of each year and must cover the period from January 1 through December 31 of the previous calendar year for as long as HAVA Section 101 and 102 funds remain in the States' Election Fund.

Section 251

Section 258 of HAVA set the annual financial reporting requirement for Section 251 funds. The reports must include a narrative that presents the following information:

- A list of expenditures for each category of authorized activities.
- The number and types of voting equipment obtained.
- An analysis and description of activities funded to meet HAVA requirements and how such activities conform to the State plan.

These narrative reports and Standard Forms 269 are due March 30 of each year and must cover the previous Federal fiscal year (October 1 through September 30) for as long as Section 251 funds remain in the State Election Fund.

Office of Inspector General

In accordance with HAVA Section 812, the EAC established an Office of Inspector General (OIG) on August 9, 2005. According to the Inspector General Act, the OIG performs the following activities:

- Audits and investigates agency programs and operations including programs carried out with HAVA funds by States and independent contractors.
- Promotes economy, efficiency and effectiveness in agency programs and operations.
- Prevents and detects fraud, waste, abuse, and mismanagement of government resources.
- Informs the agency head, management, and Congress about problems and deficiencies in agency operations, and the progress of corrective action.

OIG external audits focus on State administration of HAVA Section 101, 102, and 251 funds. The OIG has issued final reports on States that reported some of the

largest expenditures of HAVA funds. Table 8.1 lists the status of OIG State audits as of June 30, 2008, amounts audited, reported expenditures, and HAVA funds received.

Table – 8.1 Office of Inspector General Audits of States^a

1 of 1

State	Funds Audited Through	Audit Issue Date	Total HAVA Funds Received(\$) ^b	Total HAVA Expenditures Audited(\$)
California ^c	December 31, 2004	December 19, 2005	27,340,830	14,922,867
Georgia	December 31, 2005	July 12, 2006	77,304,946	63,562,054
Illinois	December 31, 2005	October 18, 2006	143,529,899	29,025,846
Maryland	December 31, 2005	May 6, 2007	49,752,770	27,683,205
New Jersey	December 31, 2005	September 18, 2006	84,904,403	16,771,106
Pennsylvania	December 31, 2005	January 10, 2007	134,818,949	17,459,399
South Carolina	December 31, 2005	January 11, 2007	39,241,210	35,165,678
Texas	December 31, 2005	October 18, 2006	184,168,065	29,912,682
Ohio	June 30, 2006	May 3, 2007	137,845,112	114,741,683
Indiana	August 31, 2006	May 11, 2007	67,055,283	61,430,159
Kentucky	August 31, 2006	August 25, 2007	38,067,744	20,349,296
Virginia	August 31, 2006	May 17, 2007	71,980,728	33,270,545
New Mexico	December 31, 2006	May 27, 2008	19,279,790	14,123,471
Missouri	February 28, 2007	October 26, 2007	62,262,661	52,632,344
Wyoming	February 28, 2007	January 23, 2008	16,596,803	7,967,787
Florida	<i>pending</i>	<i>pending</i>	<i>pending</i>	<i>pending</i>
Iowa	<i>pending</i>	<i>pending</i>	<i>pending</i>	<i>pending</i>
Michigan	<i>pending</i>	<i>pending</i>	<i>pending</i>	<i>pending</i>
Minnesota	<i>pending</i>	<i>pending</i>	<i>pending</i>	<i>pending</i>
Rhode Island	<i>pending</i>	<i>pending</i>	<i>pending</i>	<i>pending</i>

^a Audits initiated as of June 30, 2008.
^b Total HAVA Funds Received equals the total HAVA funds received by the State by the close of the audit period.
^cSection 101 funds were the only funds audited for California therefore Total Funds Received equals funds received under Section 101 only.

Please contact us for additional information about
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