



Mac Warner
Secretary of State
State of West Virginia

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April 19, 2022

Mark Robbins, Interim Executive Director
U.S. Election Assistance Commission
633 3rd Street, NW, Suite 200
Washington, DC 20001

The purpose of this letter is to certify that the State of West Virginia will use the funds provided under the Notice of Grant Award, Agreement # EAC-ELSEC18WV, for activities consistent with the laws described in Section 906 of HAVA and will not use the funds in a manner that is inconsistent with the requirements of Title III of HAVA.

We further certify that we have reviewed and accept the terms of the award as specified in the Notice of Grant Award. Our UEI number (formerly DUNS) is 809928856 and the signed Standard Certifications are enclosed.

We are requesting \$1,000,000 at this time. We will develop the program narrative by reviewing the existing code, the HAVA State Plan and the subsequent rule in place by the West Virginia Legislature directing new HAVA funding directed by the EAC's guidelines for appropriate use. The state laws, the HAVA State Plan, and the rule will be reviewed to deliver upon the Congressional intent to "improve the administration of elections for Federal office, including to enhance election technology and make election security improvements" to the systems, equipment and processes used in federal elections.

The review and creation of a program narrative summary and budget will be completed by the required timeline in the 2022 ES Award Packet and Instructions.

If you have any questions about this request, please contact Chuck Flannery, Deputy Secretary & Chief of Staff at 304-558-6000 or cflannery@wvsos.gov.

Sincerely,

A handwritten signature in blue ink that reads "Mac Warner".

Mac Warner

West Virginia Secretary of State

Cc. Kinza Ghaznavi, Grants Director, Grants@eac.gov

US Election Assistance Commission Standard Grant Certifications

I. Certification Regarding Lobbying for Contracts, Grants, Loans and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

II. Certification Regarding Trafficking in Persons

The undersigned certifies to his or her understanding that this grant is subject to the requirements of Section 106(g) of the Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. § 7104) as follows:

- I. Provisions applicable to a recipient that is a private entity.
 - A. You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not:
 1. Engage in severe forms of trafficking in persons during the period of time that the award is in effect; or
 2. Procure a commercial sex act during the period of time that the award is in effect; or
 3. Use forced labor in the performance of the award or subawards under the award.
 - B. We as the federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity:

1. Violates a prohibition in paragraph A of this award term; or
 2. Has an employee who violates a prohibition in paragraph A of this award term through conduct that is either:
 - a. Associated with performance under this award; or
 - b. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR Part 180, "OMB guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement)".
- II. Provisions applicable to a recipient other than a private entity. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is not a private entity-
- A. Is determined to have violated an applicable prohibition of paragraph I.A of this award term; or
 - B. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph I.A of this award term through conduct that is -
 1. Associated with performance under this award; or
 2. Imputed to you using the standards and due process for imputing conduct of an individual to an organization that are provided in 2 CFR Part 180, "OMB 12 Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 CFR Part 2200.
- III. Provisions applicable to any recipient.
- A. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph I A of this award term.
 - B. Our right to terminate unilaterally that is described in paragraph (1) and (2) of this section:
 1. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and
 2. Is in addition to all other remedies for noncompliance that are available to us under this award.
 - C. You must include the requirements of paragraph I A of this award term in any subaward you make to a private entity.
- IV. Definitions. For purposes of this award term:
- A. "Employee" means either:
 1. An individual employed by you or a subrecipient who is engaged in the performance of

the project or program under this award; or

2. Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose service are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.

B. "Forced labor" means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

C. "Private entity":

1. Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR §175.25.
2. Includes:
 - a. A nonprofit organization, including any non-profit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR § 175.25(b).
 - b. A for-profit organization. d. "Severe forms of trafficking in persons," "commercial sex act," and "coercion" have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. § 7102)

III. Certification Regarding the FY19 National Defense Authorization Act (NDAA) Section 889 and subsequent regulation 2 CRF §200.216

The undersigned certifies, to the best of his or her knowledge and belief, that:

The prohibited telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities). Additionally, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities) that is used for the purpose of public safety, security of 16 government facilities, physical security surveillance of critical infrastructure, and other national security purposes is covered equipment under Section 889.

IV. Certification Regarding the Whistleblower Protection Act

The undersigned certifies, to the best of his or her knowledge and belief, that:

This award and employees working on this award will be subject to the whistleblower rights and remedies within established 41 U.S.C. 4712 by section 828 of the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112-239) as found here: <https://www.law.cornell.edu/uscode/text/41/4712>

An employee of a contractor, subcontractor, grantee, or subgrantee or personal services contractor may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in paragraph (2) information that the employee reasonably believes is evidence of gross

mismanagement of a Federal contract or grant, a gross waste of Federal funds, an abuse of authority relating to a Federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant.

V. Certification Regarding the Drug-Free Workplace Requirement

The undersigned certifies, to the best of his or her knowledge and belief, that:

Grantee must establish drug-free workplace policies and procedures consistent with the guidance per 2 C.F.R. § 182.200.

VI. Certification Regarding Debarment & Suspension (Nonprocurement)

The undersigned certifies, to the best of his or her knowledge and belief, that:

Grantee must establish and abide by the guidance set forth in subpart C of 2 C.F.R. Part 180, including lower tier covered transactions.

VII. Certification Regarding the Prohibition of Text Messaging and Emailing While Driving During Official Federal Grant Business

The undersigned certifies, to the best of his or her knowledge and belief, that:

Grantees, sub recipients, and their grant personnel are prohibited from text messaging while driving a government owned vehicle, or while driving their own privately-owned vehicle during official grant business, or from using government supplied electronic equipment to text message or email when driving. This compliance is mandatory under the Executive Order 13513, "Federal Leadership on Reducing Text messaging While Driving" October 1, 2009.

Chuck Flannery
Printed Name

Deputy Secretary & Chief of Staff
Title

WVSO
Organization

[Signature]
Signature

4/18/2022
Date