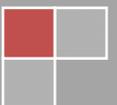


# How States are Using Federal Funds to Carry Out the Help America Vote Act (HAVA)



NASS Report on State HAVA  
Spending for the Improvement of  
Election Administration

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## Executive Summary

2010 marks the fifth federal election cycle since the Help America Vote Act of 2002, or HAVA, was signed into law. It is also the third federal election cycle since states and territories were required to meet its deadlines for federally-mandated voting processes and equipment. Congress authorized \$3.65 billion in payments to states for efforts to implement HAVA, including \$3 billion for meeting the law's requirements. With the nearly \$2.5 billion they have received to date in requirements payments, they have met—and in many cases, exceeded—the law's basic requirements, and they have conducted comprehensive planning and budgeting that has built the foundation for HAVA's long-term success. However, there is diminished federal support for providing the \$396 million that remains unappropriated to date, and states fear that misperceptions about their use of HAVA funds are clouding the picture.

While HAVA was written to provide a quick infusion of federal dollars for states to make election improvements by 2006, the bill empowers and even encourages states to budget and plan for the availability of these funds beyond this timeframe.<sup>1</sup> Nevertheless, the President's Fiscal Year (FY) 2011 Federal Budget terminates HAVA payments, citing "large, unspent [state] balances" as the main justification for withholding funds.<sup>2</sup> This report seeks to address the current administration's budget proposal by: 1) providing a better understanding of the long-term planning that accounts for state HAVA balances; 2) highlighting some of the specific election improvements that states have made with the help of their HAVA dollars; and 3) emphasizing the importance of full federal funding for HAVA's election improvements.

Preliminary spending figures through FY 2009 indicate that states spent approximately \$2.5 billion, or 82 percent, of the \$3 billion in HAVA payments received through FY 2009 (75 percent with interest). Twenty-eight states (14 with interest) had spent at least 80 percent of their HAVA funds, and 22 of these states (10 with interest) had spent more than 90 percent. Based upon the average HAVA expenditure rate over the last three fiscal years, states will have spent the funds and interest remaining through FY 2009 by the end of FY 2013.

Comprehensive data on state allocation of HAVA funds has not yet been compiled for FY 2009. However, U.S. Election Assistance Commission (EAC) figures for FY 2008 show that of the \$2.96 billion in HAVA funds states had received through FY 2008, approximately \$1.6 billion was spent on voting systems; \$355 million on voter registration systems; \$155 million on election administration improvements; \$77 million on voter education and election worker training; \$34 million on uncategorized activities; \$29.8 million on polling place improvements; and \$3.7 million on provisional voting.<sup>3</sup>

Updated HAVA spending plans for the eight states highlighted in this report show that states with fund balances continue to obligate these funds—as they originally planned—towards future HAVA compliance efforts. Washington spends nearly \$3 million per year to maintain compliance with HAVA and has committed 98 percent of its requirements payments balance (\$17 million including interest) towards these efforts, including future voter registration system upgrades and election worker training. Nevada has set aside more than 70 percent of its

remaining requirements payments (\$4.5 million with interest) to maintain, update, and support voting systems and the statewide voter registration database. In FY 2009 alone, Nevada spent nearly \$600,000 on these efforts.

In discussing state HAVA fund balances as a whole, it is important to understand that not all states have large amounts of funding left, and in many cases, the money that exists in the state account is not "unspent" or readily available. More often than not, the state has obligated the funds for future needs. For example, Rhode Island spent more \$700,000 in FY 2009 on voting systems contracts and maintenance of the state voter registration system. By the end of FY 2009, the state had only \$1,000 (including interest) remaining in requirements payments funds. Louisiana had expended all of its requirements payments funds by the end of FY 2009, and the state plans to use its remaining Title I HAVA funds to maintain and enhance the statewide voter registration database (including online voter registration), purchase additional voting systems for early voting locations, and develop an online education program for election officials and poll workers.

When HAVA passed in 2002, Kentucky already had a statewide voter registration system in place. As a result, the state had additional funds to set aside for ongoing HAVA activities, including a \$16 million agreement with local jurisdictions for future voting system purchases. In FY 2009 alone, Kentucky spent nearly \$5 million on replacement of outdated voting systems. Other states, like Colorado, have had to spend more than \$20 million on the development of a statewide voter registration system, and they have fewer requirements payments funds available for future use.

As this report will show, states have used the HAVA funds they have received to successfully implement the provisions of the law and to greatly improve the nation's electoral process. In order to sustain that success, it is important that states receive all of the funding that was authorized under HAVA.

### Background on HAVA Payments to States

HAVA authorized \$3.65 billion in payments to U.S. states and territories for efforts to carry out the provisions of the law. This marked the first time in U.S. history that federal funds were provided for election administration purposes.

HAVA funding is allocated to the states in the form of payments for carrying out authorized activities. These activities are described in Title I, Title II, and Title III of the Act. Title I authorized \$650 million in payments to the states. Half of these funds

were authorized for carrying out Section 101 election improvement activities, including training election workers, upgrading voting systems, improving polling place access, and educating voters. The other half of Title I funds were authorized for the replacement of punch card and lever voting machines under Section 102 (see Figure 1).<sup>4</sup>

**Figure 1: Title I Authorization and Appropriation**

Fiscal Year	Type of Funds	Authorized	Appropriated
2003	Section 101	\$325 million	\$650 million
	Section 102	\$325 million	

Section 251 of Title II authorized \$3 billion in payments to the states for efforts to comply with the law’s Title III requirements. These requirements include developing and maintaining a centralized voter registration database; implementing voting systems that allow voters to review and correct ballot errors; informing and educating voters; training poll workers and election officials; developing procedures for provisional voting; and providing individuals with disabilities the opportunity to vote privately and independently.

HAVA required that all states establish an interest bearing “election fund” in the state treasury for the deposit of all Title I and Title II funds. Interest earned on these deposits may only be used for activities consistent with the law.<sup>5</sup>

The funding for Title I and Title II of HAVA was authorized for appropriation between FY 2003 and FY 2005.<sup>6</sup> The FY 2003 appropriations bill included \$650 million in funding for Title I of HAVA and \$830 million of the Title II requirements payments. After a \$1.49 billion appropriation in FY 2004, no additional funds were provided for requirements payments until FY 2008. From FY 2008 to FY 2010, \$285 million was appropriated for requirements payments (see Figure 2).

**Figure 2: Title II Authorizations and Appropriations**

Fiscal Year	Authorized	Budget Request	Appropriated
2003	\$1.4 billion	Prior to HAVA	\$830 million
2004	\$1 billion	\$500 million	\$1.489 billion
2005	\$60 million	\$40 million	\$0
2006	N/A	\$0	\$0
2007	N/A	\$0	\$0
2008	N/A	\$0	\$115 million
2009	N/A	\$0	\$100 million
2010	N/A	\$50 million	\$70 million
2011	N/A	\$0	TBD
<b>TOTAL</b>	<b>\$3 billion</b>	<b>\$590 million</b>	<b>\$2.604 billion</b>

States continue to urge Congress and the President to appropriate the remaining \$396 million necessary to fully fund the requirements payments. These funds represent the difference between what Congress promised for comprehensive, long-term assistance to states in adopting HAVA mandates, and the very real possibility that such reforms cannot be sustained or fully realized.

## State Receipt and Spending of HAVA Funds

### Title I Funding (Section 101 and Section 102 Payments)

In FY 2003, the General Services Administration (GSA) disbursed approximately \$650 million in Title I (Section 101 and Section 102) payments to states. Of this amount, \$349 million was disbursed for Section 101 activities, and \$300 million was disbursed for Section 102 purposes.<sup>7</sup>

Through FY 2009, states had spent the majority of their Title I funds. Figures show they had spent approximately \$271 million, or 78 percent, of the Section 101 funds (69 percent with interest).<sup>8</sup> They had spent approximately \$274 million, or 91 percent, of the Section 102 funds (85 percent with interest).<sup>9</sup> States had a total balance of

approximately \$169 million in Title I funds (including interest).<sup>10</sup> Thirty-four states (32 with interest) had spent at least 70 percent of their Section 101 funds. Eight of these states (seven with interest) had spent at least 90 percent, and fifteen (eight with interest) had spent 100 percent.<sup>11</sup>

### Title II Funding (Section 251 Payments)

Through FY 2009, states had received approximately \$2.4 billion of the \$3 billion authorized under Section 251 (requirements payments).<sup>12</sup> States had spent approximately \$1.95 billion, or 81 percent, of the Section 251 funds (74 percent with interest).<sup>13</sup> They had a total balance of approximately \$683 million (including interest).<sup>14</sup> Forty-one states (35 with interest) had spent at least 70 percent of their Section 251 funds. Fifteen of these states (12 with interest) had spent at least 90 percent, and eight states (one with interest) had spent 100 percent.<sup>15</sup>

**Figure 3: Title II Distributions Through March 2010**

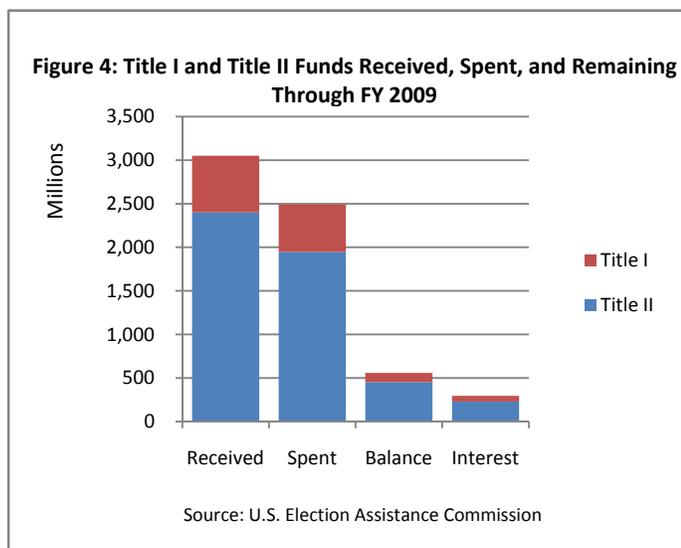
Funds	Appropriated	Disbursed	Available
FY 2003	\$830 million	\$830 million	0
FY 2004	\$1.489 billion	\$1.489 billion	0
FY 2008	\$115 million	\$80 million	\$35 million
FY 2009	\$100 million	\$52 million	\$48 million
FY 2010	\$70 million	\$6.6 million	\$63.4 million
<b>TOTAL</b>	<b>2.604 billion</b>	<b>2.46 billion</b>	<b>146.4 million</b>

Source: U.S. Election Assistance Commission

Through FY 2010, Congress had appropriated \$2.6 billion of the \$3 billion in Section 251 funds authorized under HAVA. Approximately \$2.45 billion had been disbursed to the states through FY 2009, and an additional \$58 million had been disbursed through March 2010. The EAC is currently disbursing approximately \$146 million of the requirements payments appropriated in FY 2008, FY 2009, and FY 2010 (see Figure 3).<sup>16</sup>

### Total Title I and Title II Funding

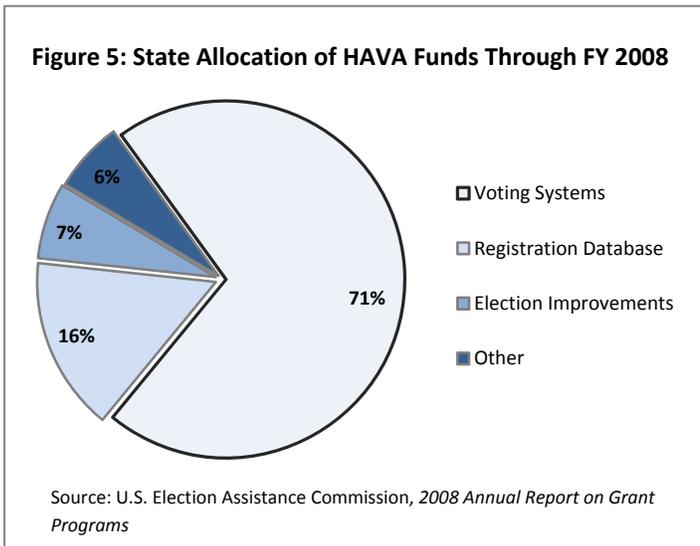
Through FY 2009, states had received a total of \$3 billion in Title I and Title II payments. They had spent \$2.5 billion, or 82 percent, of the Title I and Title II payments (75 percent with interest).<sup>17</sup> They had a total balance of approximately \$852 million (including interest) (see Figure 4).<sup>18</sup> Twenty-eight states (14 with interest) had spent at least 80 percent of their combined HAVA payments. Twenty-two of these states (10 with interest) had spent 90 percent or more.<sup>19</sup>



Since 2007, states have spent an average of \$24 million in Section 101 funds and interest per fiscal year.<sup>20</sup> During the same timeframe, states spent an average

of \$202 million in Section 251 funds and interest per fiscal year.<sup>21</sup> Based on this expenditure rate, states will have spent their FY 2009 balance of Section 101 and 251 funds (\$531 million) and interest on these funds, (\$272 million) by the end of FY 2013.<sup>22</sup>

While the EAC has not yet compiled a breakdown of state HAVA spending for FY 2009, this information is available for FY 2008. The agency's *2008 Annual Report on Grant Programs*, released in February 2010, provides a cumulative overview of how states are allocating HAVA funds (see Figure 5).<sup>23</sup> According to the report, states spent the majority of the \$2.96 billion received through FY 2008 on voting systems (\$1.6 billion), statewide voter registration databases (\$355 million), and election administration improvements (\$155 million). Other spending categories include voter education and election worker training (\$77 million); implementing provisional voting procedures (\$3.7 million); and improving polling place accessibility (\$29 million).



### The President's FY 2011 Federal Budget and the Future of HAVA Funding

While the states have made great progress with the HAVA funding they have received so far, full funding of the law is critical for states to maintain and enhance state and local election administration in the coming years. The President's FY 2011 Federal Budget calls for no HAVA funding in FY 2011. The *Termination, Reductions, and Savings* portion of the President's FY 2011 Federal Budget contains the following language:

*Additional Federal funds are not needed to accomplish the purposes of HAVA at this time, as over \$3 billion in Federal funds have been provided to the States since 2002, of which approximately \$1 billion remains unspent. Moreover, by the end of 2009, States had earned approximately \$763 million in interest over the past five years on these outstanding balances. Besides eliminating unnecessary Federal spending, by providing no new Federal funding in 2011, States will be incentivized to spend current balances on HAVA-mandated programs to meet the goals of that Act sooner.*<sup>24</sup>

After the President's FY 2011 Federal Budget was released, the EAC notified the Office of Management and Budget that the amount of interest on HAVA funds through FY 2008 (the numbers available when the budget was prepared) was actually \$279 million.<sup>25</sup> Adding this amount to the FY 2008 fund balance of \$698 million, states had

an overall FY 2008 balance of approximately \$977 million (including interest).<sup>26</sup> As previously noted, tentative FY 2009 spending figures provided by the EAC show that states had a total balance of approximately \$852 million (including interest) through FY 2009.

Furthermore, the President's FY 2011 Federal Budget fails to consider several important factors regarding state HAVA spending. Chief among them is the fact that Secretaries of State and other election officials responsible for overseeing the implementation of HAVA have gone to great lengths to remain accountable for these critical taxpayer dollars. HAVA marked the first time in U.S. history that federal funding was provided to states for election administration improvements. With the understanding that this money would be a one-time infusion of cash that would have to be used not only for the law's implementation, but also for the maintenance of this effort, state leaders are understandably frustrated that their attempts to set aside funds for long-term use are now being used as a justification for discontinuing funding.

#### **Budgeting for Long-Term Use of HAVA Funds**

When states began planning for the implementation of HAVA, they had to consider both the short-term costs to implement the minimum requirements of the law, and the long-term costs to maintain compliance with those requirements. Planning for long-term spending efforts was difficult, since states had no way of knowing how much of the authorized requirements payments would ultimately be appropriated. However, many states anticipated using Title I and Title II balances to offset the ongoing costs related to the law, and they planned to continue improving the administration of elections.<sup>27</sup>

Additionally, the language of HAVA provides states with the ability to make these long-term commitments for HAVA funds. For example, the law does not place any fiscal year limitation on the use of Title I or Title II funds. It also required states to establish separate, interest bearing accounts, so that the funds in those accounts could not be used for other state government programs. The purpose of this unique funding structure was to incentivize and encourage states to develop their own budgeting strategies for implementing HAVA requirements, meeting ongoing, compliance-related costs, and making future election improvements.

The updated HAVA plans for several states show that they continue to dedicate fund balances towards future HAVA-related activities. For example, Florida's HAVA fund budget through FY 2012 includes more than \$24 million for the ongoing operation and maintenance of the state voter registration database, and an additional \$9 million for various election administration activities, including education and training.<sup>28</sup> In Kentucky, more than \$7 million in requirements payments are obligated as part of an agreement with counties for the reimbursement of additional voting system purchases. Kentucky also plans to use remaining funds for future election improvement activities.<sup>29</sup> In Nevada, the state conducts an annual review of voting systems and uses HAVA funds to replace outdated equipment. Nevada plans to set aside approximately 70 percent of HAVA funding to maintain and update voting systems and the statewide voter registration database. Washington has committed all but \$270,000 of its remaining \$17 million in requirements payments (including interest) to ongoing HAVA activities, including election official training, voter registration database maintenance, and local jurisdiction grant programs.<sup>30</sup> And in

Maryland, new election innovations have been put on hold after the state, citing budget constraints, redirected HAVA funds toward financing costs for voting systems and other equipment. As a result, all remaining requirements payments (\$12.8 million) are expected to be spent by the end of FY 2011.<sup>31</sup>

### **Accounting for Different Funding Needs**

When evaluating state HAVA spending, it is extremely important to recognize that fund balances vary based upon the unique circumstances, laws, and culture in each state. Where states are now in the spending process is directly related to what their elections infrastructure looked like when HAVA passed. Spending has also been influenced by evolving laws and policies regarding the types of technologies that each state uses for election administration purposes.

The development of statewide voter registration databases and major upgrades to voting systems have been two of the most costly, yet innovative outcomes of HAVA. While most states had to develop a statewide voter registration database from the ground up, three states (Delaware, Kentucky and Michigan) already had such systems in place. As a result, these states have set aside additional HAVA funds for future maintenance and upgrades to their databases.

Another distinct difference in state HAVA spending levels has been driven by the replacement of voting equipment. Some states had to completely replace their voting systems to meet the requirements of HAVA, while others only needed to add accessible voting systems. In many states, leaders chose to completely replace their voting equipment with these funds more than once, based on evolving guidance on accessibility and security.<sup>32</sup>

For example, Florida passed legislation in 2007 mandating the use of optical scan machines statewide. As a result, the state allocated approximately \$23 million in HAVA funds to fifteen counties that had to replace their Direct-Recording Electronic (DRE) voting systems. In 2008, Iowa spent \$8.6 million (34 percent of which was HAVA funding) to replace DRE machines in 78 counties.<sup>33</sup> In March 2010, the District of Columbia announced plans to spend approximately \$1 million in HAVA funds to replace existing voting systems (both DRE and optical scan) with new equipment.<sup>34</sup>

As the aforementioned examples show, there are distinct, state-specific variables in how states implement HAVA and spend HAVA funds. Some states have larger balances than others, and many states have spent a majority of their funds. This is a reflection of the unique election administration policies and priorities in each state, which HAVA accommodates and encourages. Remaining HAVA funding should not be withheld from states simply because states have account balances, and states with larger balances should not be used as a justification for denying promised funds that will allow all states and territories to maintain compliance with HAVA and to improve the administration of elections for years to come.

## State HAVA Planning and Spending Profiles

The following examples of state HAVA implementation efforts were compiled using the recently updated state plans and financial reports of eight states representing a diverse cross-section of the country. These examples provide insight into how states have used, and continue to use, HAVA funds to meet the requirements of the law and to improve the administration of elections. In many cases, these states have gone above and beyond the minimum requirements of HAVA to deliver more efficient, more innovative programs and services to voters.<sup>35</sup>

### Colorado

#### Voting Systems

Through FY 2008, Colorado distributed approximately \$15 million in Title II funds to counties for the purchase of HAVA-compliant optical scan and DRE voting systems. This includes the purchase of at least one accessible DRE voting system for each polling place in the state. The state also distributed \$2.3 million in Title I funds to five counties to replace the remaining punch card machines in the state.

#### Voter Registration Database

Colorado has developed a HAVA-compliant, centralized voter registration database that is maintained and administered at the state level. Prior to implementation of the database, voter registration records were maintained at the county level. Through FY 2008, Colorado had spent approximately \$24 million to develop and maintain the system.

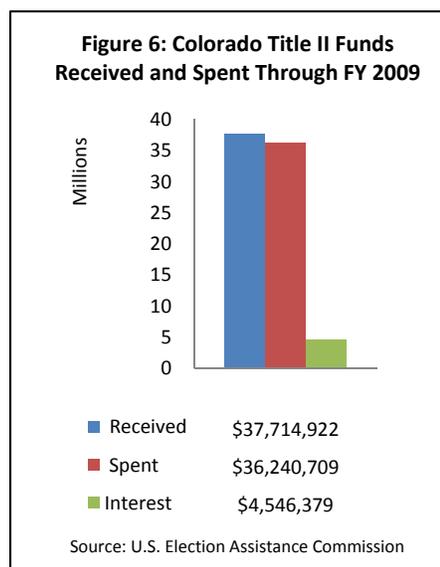
#### Voter Education and Election/Poll Worker Training

Colorado engages in a variety of voter education activities, including public service announcements, voting machine demonstrations, and mass outreach mailings. The state also works with community groups, media, political organizations, and schools to share election reminders and other key information. Colorado also administers a two-year certification program for local election officials that includes seminars and hands-on training.

#### Use of Remaining HAVA Funds

In FY 2009, Colorado spent \$5.5 million in Title II funds on a variety of HAVA activities, including: administrative and personnel costs related to Title III implementation, support and maintenance of the statewide voter registration system, technical assistance to counties on use of the voter registration system, voter outreach and education, and election official training.

In 2008, Colorado issued an updated state plan that included a revised budget for the use of HAVA funds. This revised budget obligates all remaining Title I and Title II HAVA funds through 2013 for expenses such as



maintenance and upgrade of the statewide voter registration system, voter outreach, election official training, administrative costs for HAVA programs, and activities related to voting system standards.

## Florida

### Voting Systems

Florida began implementing many of HAVA’s voting system requirements prior to passage of the law. In 2001, the Florida State Legislature adopted new voting equipment standards. These standards mandated the replacement of punch card machines, lever machines, and central count systems with either precinct-based optical scanners or DRE voting systems. After providing Florida counties with \$24 million to purchase the new equipment, the state was partially reimbursed with \$11.5 million in Title I funds. In 2004 and 2005, Florida distributed \$25 million in Title II funds to counties for the purchase of accessible DRE voting systems for each polling place.

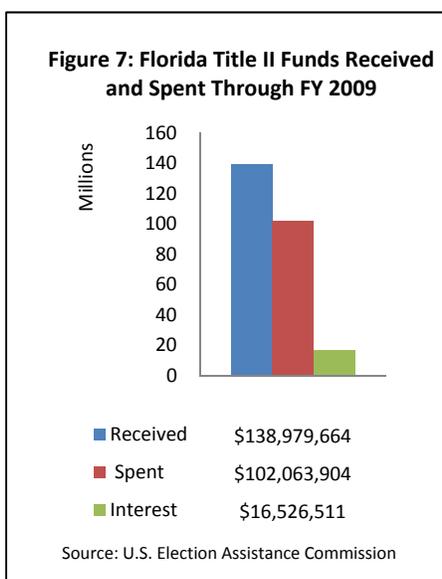
In 2007, the Florida State Legislature initiated a major change in state voting system standards by requiring all counties to use optical scanners as the primary voting system (allowing use of DREs only for accessible voting). As a result, the state appropriated \$23 million in Title II funds to fifteen counties for the purchase of optical scan voting systems.<sup>36</sup> Also in 2007, Florida appropriated nearly \$5 million in Title II funds for several counties to purchase ballot on demand systems. These systems are used to help ensure that counties have an adequate supply of all ballot styles at early and absentee voting locations.

### Voter Registration Database

In 2006, Florida launched the new, HAVA compliant, Florida Voter Registration System (FVRS). The system provides all election officials in the state with real-time access to the name and registration information of all voters in the state. Florida created the Bureau of Voter Registration Services to direct and facilitate the operations of FVRS. The state continues to streamline and automate the list maintenance processes for identifying duplicate records and ineligible voters. Through FY 2009, Florida had spent approximately \$39 million to develop and maintain FVRS and operate the Bureau of Voter Registration Services.

### Voter Education and Election/Poll Worker Training

Since 2003, Florida has appropriated \$8 million for counties and local governments to develop comprehensive voter education programs. These programs include the mailing and publishing of sample ballots, along with print, radio, and television public service advertising. An additional \$4 million has been distributed to counties for poll worker training and recruitment efforts, and \$1.5 million was provided to the Florida Department of State for development of a statewide poll worker training curriculum (completed in 2007). Through FY 2009, the Florida State Legislature has appropriated \$5 million in HAVA funds to counties for other federal election activities,



including voter education, poll worker training, standardized election results reporting, and other efforts approved by the state.

### Use of Remaining HAVA Funds

In FY 2009, Florida spent \$6.4 million on the continued operation and maintenance of its statewide voter registration system. This includes hardware and software-related fees, employee training, system programming services, personnel salaries and expenses, and operation of the Bureau of Voter Registration Services. In FY 2009, the state distributed \$3.7 million to Florida counties for various election improvement activities.

Florida’s proposed budget for HAVA spending through FY 2012 includes more than \$24 million in Title I and Title II funds for the ongoing operation and maintenance of FVRS, and an additional \$9 million for election administration activities. In 2009, the Florida HAVA Planning Committee estimated that funds available for continued maintenance, enhancement, and support of FVRS will be exhausted by 2015, noting that Florida will need to explore other funding sources in order to remain in compliance with HAVA.

## Kentucky

### Voting Systems

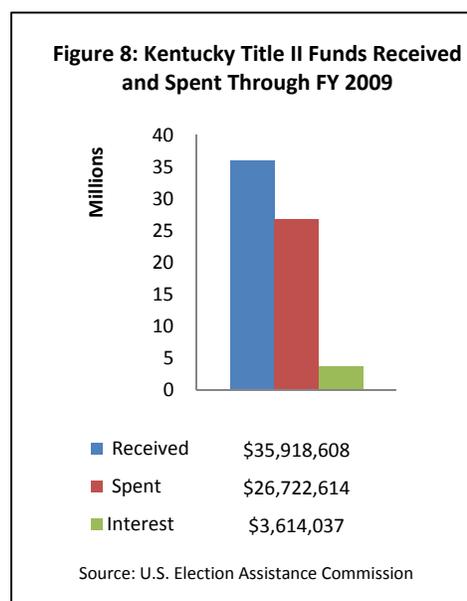
Through 2006, Kentucky had distributed approximately \$19 million in requirements payments to local jurisdictions for voting system expenditures, including purchasing accessible voting machines for each precinct, upgrading voting systems to produce a paper audit trail, and obtaining optical scan voting systems for absentee ballots. Kentucky also used funds under Title I of HAVA to replace all lever voting machines throughout the state.

### Voter Registration System

Kentucky first established a statewide voter registration system in 1973. The system has been upgraded over the years to provide access to local election officials, incorporate election night reporting, and meet the requirements of the National Voter Registration Act (NVRA). By the time HAVA was passed, the system was compliant with that law as well.

### Voter Education and Election/Poll Worker Training

Kentucky uses television, radio, internet, direct mail, and other channels to educate citizens on voter registration and election procedures. The state has used HAVA funding to implement a web-based Voter Information Center, an online provisional ballot status look-up, and a 1-800 line for voter registration verification. Kentucky provides regular training to election officials on election laws and methods of enforcement, and it participates in training



sessions at conferences and meetings throughout the year. The state also provides special training for all poll workers, and it has expanded poll worker training topics to cover the provisions of HAVA.

### Use of Remaining HAVA Funds

Kentucky's 2006 state plan update indicated that remaining HAVA funds would be used for voting equipment, voter education, poll worker training, and enhancement of the state voter registration system. This included the nearly \$16 million in requirements payments remaining at the time, which had been set aside for future voting system purchases (per an agreement with local jurisdictions). Through FY 2009, more than half of those funds had been distributed, with approximately \$4.8 million being spent in FY 2009 as counties replaced outdated equipment.

## Louisiana

### Voting Systems

Louisiana began implementing a new statewide voting system in 2005. By the following year, all lever voting machines in the state were replaced with HAVA-compliant DRE voting systems. All of the state's voting systems are accessible to individuals with disabilities and are capable of printing a paper record of each vote cast in the election. Through FY 2007, Louisiana had spent approximately \$27 million in Title II funds on the new voting equipment. In 2008, additional DRE systems were purchased with \$2.8 million from the state's general funds.

### Voter Registration Database

Louisiana has had a centralized voter registration database (ERIN) since 1987. The state made a number of modifications to the system to conform to HAVA requirements. Through FY 2008, it had spent approximately \$7.8 million in Title II funds on statewide voter registration database activities. The state continues to make a number of enhancements and upgrades to the system. For example, after experiencing two devastating hurricanes, the state launched an initiative to electronically archive paper voter registration documents. Additional enhancement efforts include online voter registration, emailing of absentee ballots to UOCAVA voters, and tracking of provisional ballots.

### Voter Education and Election/Poll Worker Training

Louisiana has developed several resources for election and poll workers, including training DVDs and informational pamphlets. The state is currently developing an online poll worker education program. Voter outreach is conducted using a variety of methods, including online equipment demonstrations, toll-free election information lines, community-based outreach programs, public service announcements, and voting rights seminars. Through FY 2008, Louisiana had spent approximately \$525,000 in Title II funds on education and training efforts.

**Figure 9: Louisiana Title II Funds Received and Spent Through FY 2009**



Source: U.S. Election Assistance Commission

### Use of Remaining HAVA Funds

Louisiana had expended all of its Title II funds received by the end of FY 2009. Officials plan to use remaining Title I HAVA funds, and future Title II appropriations, for a variety of election improvement activities, including maintaining and enhancing the statewide voter registration database, purchasing additional voting systems for early voting locations, developing an online education program for election officials and poll workers, web conferencing between state and local election officials, and online tracking of provisional ballots.

## Maryland

### Voting Systems

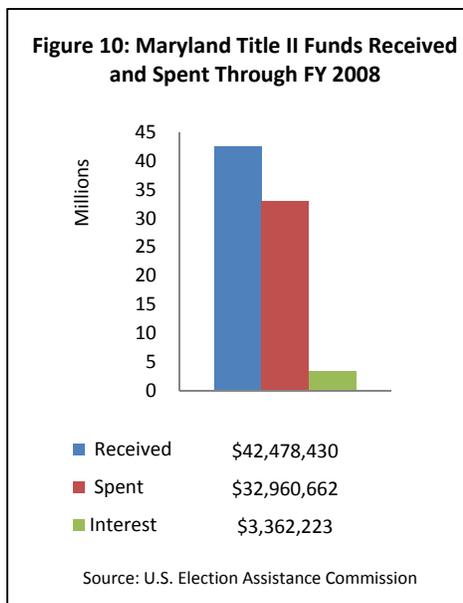
In 2001, prior to the passage of HAVA, Maryland enacted legislation mandating implementation of a uniform, statewide voting system for polling place and absentee voting. In 2001, the state selected DRE voting systems for polling place voting and optical scan systems for absentee voting. Because the state monitored the HAVA drafting process, the DRE voting systems selected in 2001 were compliant with the eventual HAVA requirements. In 2007, the Maryland State Legislature required that the state’s voting systems include a verifiable paper trail, and the state now plans to implement optical scan voting systems in each polling place. Accordingly, the state is planning to implement new polling place voting systems in the future (using state and local funds). Through FY 2009, Maryland had spent approximately \$33.8 million in HAVA funds on voting system implementation.

### Statewide Voter Registration Database

Prior to HAVA, local jurisdictions in Maryland maintained separate voter registration records. By 2006, Maryland had implemented a HAVA compliant, statewide voter registration database that is maintained and administered at the state level. The state continues to enhance and modify the database to improve its usability. Through FY 2009, it had spent approximately \$15 million in HAVA funds on development and maintenance of the statewide voter registration database.

### Voter Education and Election/Poll Worker Training

Maryland utilizes a variety of print, media, and online methods to educate voters. The state worked with its voting system vendor to produce cable commercials and radio spots, and it developed a voting systems website geared towards individuals with disabilities and alternative language needs. Maryland established a central training and outreach unit to work with local election officials on development and standardization of training materials and to monitor training effectiveness. In 2006, election officials developed a statewide poll worker training curriculum and a poll worker manual specifically designed for adult learning. Through FY 2009, Maryland had spent approximately \$1.7 million in HAVA funds on voter education and poll worker training activities.



### Election Reform Programs

Maryland has undertaken a number of election reform projects using HAVA funds. This includes online tools that allow citizens to check the status of their voter registration, absentee ballot, or provisional ballot. The state also provides an online blank ballot delivery system for UOCAVA voters. Other efforts include enhanced election night results reporting; creation of a project management office to assist with training and election-related audits; and establishment of a data entry center to process voter registration applications submitted immediately prior to registration deadlines. Through FY 2009, Maryland spent approximately \$3 million in HAVA funds on election reform programs.

### Use of Remaining HAVA Funds

As of FY 2009, Maryland had budgeted to use all remaining and any future requirements payments to improve the administration of elections. However, since the 2009 update to the state plan, the state’s budget office reallocated remaining HAVA requirements payments towards ongoing financing costs for the state’s voting systems and other equipment. As a result, the state is expected to expend all remaining requirements payments by the end of FY 2011.

## Nevada

### Voting Systems

Nevada has used a significant amount of its Title II HAVA funding to upgrade existing voting systems and purchase new systems that comply with Title III requirements. The state has implemented uniform DRE voting systems throughout the state, and it has fitted each DRE with voter verifiable paper trail printers. Optical scan machines are used for processing absentee ballots. Through FY 2009, Nevada had spent \$13.5 million on voting system upgrades and purchases. Prior to each election, the state reevaluates voting system needs and purchases additional systems as necessary.

### Voter Registration Database

Prior to the 2006 election cycle, Nevada implemented a HAVA-compliant statewide voter registration database (NevVoter). The state continues to modify and enhance NevVoter and is currently exploring ways to streamline the verification of registration information. Through FY 2009, Nevada had spent approximately \$2.7 million on the NevVoter system.

### Election Information Management

In 2008, Nevada launched a centralized information management system, referred to as the Command Center, to coordinate election communications between local election officials, state and federal law enforcement, the Secretary of State’s office, and Nevada citizens. The enhanced network provided by the system facilitates the

**Figure 11: Nevada Title II Funds Received and Spent Through FY 2009**



Source: U.S. Election Assistance Commission

timely notification of election problems and helps state and local officials quickly and efficiently address equipment failures, equipment and poll worker shortages, and other election-related issues. It has also helped to expedite corrections in the statewide voter registration system.

### Voter Education and Election/Poll Worker Training

Nevada utilizes a variety of methods to inform and educate voters. This includes print and electronic media outreach, as well as partnerships with businesses, educational institutions, and community organizations. In both 2006 and 2008, Nevada awarded sub-grants to nonprofit, nonpartisan organizations to conduct voter outreach and education to the citizens of Nevada. The state holds annual training sessions for election officials and supplements these sessions with online guides and manuals. The state also plans to work with counties in producing a CD or internet-based poll worker training program.

### Use of Remaining HAVA Funds

In FY 2009, Nevada spent \$488,000 on voting system costs, including additional equipment purchases; and approximately \$90,000 on voter registration database expenses, including system hardware, maintenance fees, and data verification costs. Nevada plans to use remaining funds to maintain compliance with HAVA. This includes setting aside more than 70 percent of current and future funding to ensure that voting systems and the statewide voter registration database can be maintained, updated, and adequately supported.

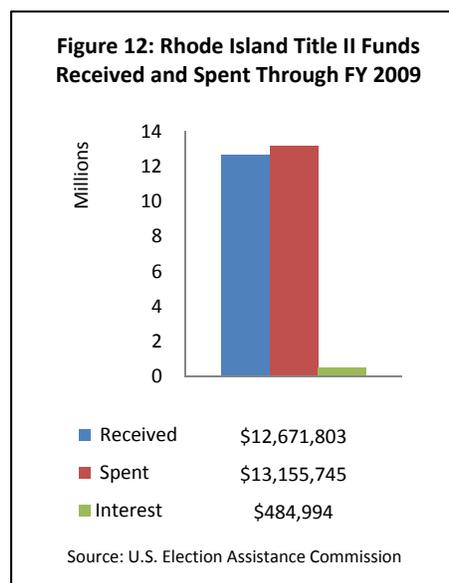
## Rhode Island

### Voting Systems

Rhode Island has required the use of optical scan precinct-count voting systems at all polling places since 1998. The state has used HAVA funding to meet the multi-year payment obligations for these optical scan systems. After HAVA was enacted, Rhode Island also purchased accessible ballot marking devices for each polling place in the state. Through 2007, the state had spent approximately \$9 million in HAVA funds towards the cost of optical scan and accessible voting systems.

### Voter Registration Database

Rhode Island used HAVA funds to create a centralized voter registration system (CVRS) that links all cities and town into a statewide network. Prior to HAVA, all voter registration records were maintained at the local level. The CVRS was deployed and operational by December 2004. Since that time, the state has added several modules to CVRS to enhance its capabilities, including mail ballot processing and poll worker tracking. Through 2007, Rhode Island had spent \$6.5 million on development and maintenance of CVRS.



### Voter Education and Election/Poll Worker Training

Through 2007, Rhode Island had used approximately \$475,000 in HAVA funding to educate voters and to train election and poll workers. The state utilizes a variety of media – including print, online, and broadcast – to promote registration and voting. The state also conducts voter registration outreach and equipment demonstrations at high schools, colleges, and businesses throughout the state. Rhode Island is currently exploring a variety of new poll worker training resources, including regional training centers, standardized manuals, and web-accessible videos.

### Use of Remaining HAVA Funds

In FY 2009, Rhode Island spent approximately \$510,000 in HAVA funds on voting system maintenance contracts, and an additional \$211,000 on voter registration system expenses, including hardware, maintenance, and network costs.

Rhode Island’s original HAVA budget was designed to steward HAVA funds over many years to ensure that funding was available to continue meeting HAVA requirements after initial implementation. However, because Congress has yet to fully fund HAVA, and the state has multi-year payment obligations for voting systems and related service contracts, Rhode Island had expended all of its current HAVA funding by the end of FY 2009.

## Washington

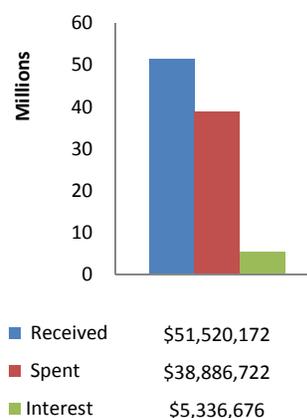
### Voting Systems

Through FY 2009, Washington spent approximately \$14 million in Title I and Title II HAVA funds to replace punch card voting equipment, install optical scan voting systems for absentee voting/vote by mail, and purchase DRE voting systems for accessible, in-person voting.

### Voter Registration Database

Prior to HAVA, Washington had two separate voter registration files – official records maintained by the counties, and a state file for checking petition signatures. Washington used HAVA funds to develop a single, interactive statewide database (VRDB) with election management capabilities for all counties and the Secretary of State’s office. Through FY 2008, Washington had spent approximately \$13 million in HAVA funds on the development, enhancement, and maintenance of VRDB, including the incorporation of an online voter registration system.

**Figure 13: Washington Title II Funds Received and Spent Through FY 2009**



Source: U.S. Election Assistance Commission

### Voter Education and Election/Poll Worker Training

After the passage of HAVA, Washington updated its certification and training program for election administrators to include all of the major components of the Act. The state also adopted administrative rules to require poll worker training on the new equipment and procedures resulting from HAVA. Washington developed a voter

education plan to inform citizens about voting rights and election procedures. The plan includes print and online pamphlets/brochures, a state voter outreach and education website, outreach visits to disability service providers, online voting system demonstrations, and booths at county fairs and other public events.

### **Discretionary Allocations**

After meeting the requirements of HAVA, the Secretary of State authorized the previously established local government grant program to assist counties with continued HAVA compliance and other efforts to improve election administration. The state established the HAVA Grant Advisory Board, which consists of state and county election officials, and members of the disability community. The Board reviews grant applications and makes recommendations to the Secretary of State. Eligible grant activities include, but are not limited to: upgrading voting systems; election official training; improving accessibility for individuals with disabilities; developing voter education programs/materials; and, purchasing ballot drop boxes (for vote by mail). Through FY 2008, the Board committed approximately \$35 million toward eligible activities.

### **Use of Remaining HAVA Funds**

The cost of maintaining HAVA requirements for Washington and its counties is approximately \$2.5 to \$3 million per year, not including equipment upgrades. In FY 2009, Washington spent approximately \$192,000 on new voting equipment and the development of voting system standards. Additional FY 2009 expenditures include: \$2 million for maintaining and enhancing the state voter registration database; \$693,000 for voter education efforts; \$70,000 for election official training; \$139,000 for HAVA administration programs; and \$2.8 million for the county grant program.

Through FY 2009, Washington had spent or committed all but \$297,000 of its remaining Title II funds (including interest). Each year, the Secretary of State reviews the uncommitted balance with the HAVA Grant Advisory Board and commits the funds to projects ranging from training of election officials to maintenance of the VRDB.

### **Conclusion**

States have used HAVA funds to implement the requirements of the law and to improve the administration of elections. While there are a number of analyses of state HAVA spending, including the figures used in the President's FY 2011 Federal Budget, inaccuracies and misperceptions about HAVA account balances have clouded the picture. A number of states have existing HAVA fund balances because they intentionally set aside these funds for long-term use, including the maintenance of equipment and programs. Of the states with HAVA fund balances, 28 (14 with interest) have spent more than 80 percent of their funds. With states facing budget shortfalls and the lasting effects of our current recession, fulfilling the original intention of HAVA and fully funding the law is now more important than ever to ensure that states have the financial resources they need to sustain the improvements they have made since 2002.

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<sup>1</sup> Help America Vote Act of 2002. Pub. L. No. 107-252, § 301(d), 116 Stat. 1706 (2002). California continues to develop its new statewide voter registration database. The state enhanced, and continues to use, the existing system under a Memorandum of Agreement with the United States Department of Justice. Also, in March of 2006, the Department of Justice filed suit against New York for failing to comply with the voting system and voter registration database requirements of HAVA. New York has since created the statewide database, and is currently implementing new voting systems throughout the state.

<sup>2</sup> Office of Management and Budget. (2010). *Budget of the United States Government, Fiscal Year 2011*. Washington, DC: U.S. Government Printing Office.

<sup>3</sup> United States Election Assistance Commission. (2010). *2008 Annual Report on Grant Programs*. Washington, DC: U.S. Government Printing Office.

<sup>4</sup> Help America Vote Act of 2002. Pub. L. No. 107-252, § 104(a), 116 Stat. 1672 (2002).

<sup>5</sup> Help America Vote Act of 2002. Pub. L. No. 107-252, § 254(b), 116 Stat. 1696 (2002).

<sup>7</sup> United States Election Assistance Commission. *2008 Annual Report on Grant Programs*. Washington: GPO, 2010. Although HAVA authorized equal shares of the \$650 million in Title I funding for Section 101 and Section 102, the FY 2003 appropriations bill did not specify how the \$650 million authorized for Title I was to be allocated. Ultimately, approximately \$350 million was distributed under Section 101, and the remaining \$300 million was distributed under Section 102.

<sup>8</sup> Based on Section 101 spending of \$245,602,226 through Fiscal Year 2008, and \$25,083,840 in actual and projected spending in FY 2009. Interest of \$42,181,183 based on reported FY 2009 interest for 43 states, and FY 2008 interest for remaining states. FY 2009 reported and projected amounts are unofficial, tentative figures provided by the EAC. FY 2008 numbers are from the *EAC's 2008 Annual Report on Grant Programs*.

<sup>9</sup> Section 102 spending of \$273,815,393 and interest of \$21,885,115 is based on FY 2009 reported spending for 23 of the 30 states that received Section 102 funds, and reported interest for 22 of these states. FY 2008 spending and interest figures are used for remaining states. FY 2009 reported amounts are unofficial, tentative figures provided by the EAC. FY 2008 numbers are from the *EAC's 2008 Annual Report on Grant Programs*. New York did not begin spending any of the \$49.6 million it received in Section 102 funds until FY 2009 (\$16 million spent in FY 2009). New York has earned more than \$9 million in Section 102 funds.

<sup>10</sup> Based on the difference between \$649,499,999 in total Title I funds received (Section 101 and Section 102), and \$544,501,459 in Title I funds spent, plus accrued Title I interest of \$64,066,928.

<sup>11</sup> Based on FY 2009 reported spending and interest for 43 states, and FY 2008 spending and interest for remaining states. FY 2009 reported amounts are unofficial, tentative figures provided by the EAC. FY 2008 numbers are from the *EAC's 2008 Annual Report on Grant Programs*.

<sup>12</sup> Amount received of \$2,400,568,483 through FY 2009 based on figures provided by the EAC.

<sup>13</sup> Section 251 spending of \$1,947,931,289 is based on actual and projected spending through FY 2009. Interest of \$230,377,917 is based on reported FY 2009 interest for 41 states, and FY 2008 interest for remaining states. FY 2009 reported and projected amounts are unofficial, tentative figures provided by the EAC. FY 2008 numbers are from the *EAC's 2008 Annual Report on Grant Programs*.

<sup>14</sup> Based on the difference between \$2,400,568,483 in total Section 251 funds received, and \$1,947,931,289 in funds spent, plus accrued interest of \$230,377,917.

<sup>15</sup> Based on FY 2009 reported spending and interest for 41 states, and FY 2008 spending and interest for remaining states. FY 2009 reported and projected amounts are unofficial, tentative figures provided by the EAC. FY 2008 numbers are from the *EAC's 2008 Annual Report on Grant Programs*.

<sup>16</sup> United States Election Assistance Commission. (2010). *2008 and 2009 Requirements Payments Disbursed to State*. Retrieved April 15, 2010, from <http://www.eac.gov/election/requirements-payments/requirements-payments-disbursed-by-state>; *EAC HAVA Funding Breakdown by State*. Retrieved on April 9, 2010, from [http://www.eac.gov/election/docs/status-of-distribution-of-hava-payments-to-states\\_master-copy/attachment\\_download/file](http://www.eac.gov/election/docs/status-of-distribution-of-hava-payments-to-states_master-copy/attachment_download/file). Amounts distributed after FY 2009 not reflected in FY 2009 figures.

<sup>17</sup> Amount spent of \$2,492,432,748 based on \$544,501,459 in Title I spending and \$1,947,931,289 in Title II spending. Interest of \$294,444,845 based on \$64,066,928 in Title I interest and \$230,337,917 in Title II interest.

<sup>18</sup> Based on the Title I balance (including interest) of \$169,065,468 and Title II balance (including interest) of \$683,015,111.

<sup>19</sup> Fund balances based on actual and projected FY 2009 spending. Interest amounts based on reported FY 2009 amounts and FY 2008 amount. FY 2009 reported and projected amounts are unofficial, tentative figures provided by the EAC. FY 2008 numbers are from the *EAC's 2008 Annual Report on Grant Programs*.

<sup>20</sup> States spent \$33 million in Section 101 funds and interest during FY 2007; \$15.2 million in FY 2008, and \$25 million (projected) in FY 2009. Based on actual and projected spending figures provided by the EAC.

<sup>21</sup> States spent \$172.8 million in Section 251 funds and interest during FY 2007; \$261 million in FY 2008; and \$177 million (projected) in FY 2009. Based on actual and projected spending figures provided by the EAC.

<sup>22</sup> Combined fund balance of \$531,133,390 based on FY 2009 Section 101 fund balance of \$78,496,196 and Section 251 fund balance of \$452,637,194. Combined interest of \$272,559,730 based on FY 2009 Section 101 interest of \$42,181,813 and Section 251 interest of \$230,377,917. Fund balances based on actual and projected FY 2009 spending. Interest amounts based on reported FY 2009 amounts and FY 2008 amounts. FY 2009 reported and projected amounts are unofficial, tentative figures provided by the EAC. FY 2008 numbers are from the *EAC's 2008 Annual Report on Grant Programs*.

<sup>23</sup> Election improvements costs include administering HAVA programs; preparing state HAVA plans; establishing identification requirements for first-time voters; posting voting information at the polls; providing alternative language assistance; and implementing toll-free telephone lines.

<sup>24</sup> Office of Management and Budget. (2010). *Budget of the United States Government, Fiscal Year 2011*. Washington, DC: U.S. Government Printing Office.

<sup>25</sup> Amount of interest is also reported in the *EAC's 2008 Annual Report on Grant Programs*.

<sup>26</sup> United States Election Assistance Commission. (2010). *2008 Annual Report on Grant Programs*. Washington, DC: U.S. Government Printing Office.

<sup>27</sup> In 2004 and 2005, the National Association of Secretaries of State (NASS) conducted two surveys of member states on the use of HAVA funds. Results of these surveys showed that in addition to using existing HAVA balances to meet the requirements of the Act, state planned for these funds as a long-term funding source for replacing and adding voting systems, maintaining and upgrading statewide voter registration databases, training election workers, and improving polling place accessibility.

<sup>28</sup> Based on Florida's 2009 updated state plan and FY 2009 Title II financial report.

<sup>29</sup> Based on Kentucky's 2006 updated state plan and FY 2009 Title II financial report.

<sup>30</sup> Based on Washington's 2009 updated state plan, FY 2009 Title II financial report, and conversations with the state's HAVA Coordinator.

<sup>31</sup> Based on Maryland's 2009 updated state plan.

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<sup>32</sup> In 2008, the U.S. Election Assistance Commission issued a policy declaring these expenditures a reasonable and allowable use of HAVA funds. This policy was based in part on guidance from the House Subcommittee on Financial Services and General Government, which noted that voting technology has improved in recent years, and states should have the option to buy other equipment.

<sup>33</sup> Based on Iowa's 2008 updated state plan.

<sup>34</sup> District of Columbia Board of Elections. (2010). *Board of Elections Announces Award for Voting Equipment to Election Systems and Software (ES&S)* [Media Advisory]. Retrieved April 12, 2010, from [http://www.dcboee.org/popup.asp?url=/pdf\\_files/nr\\_270.pdf](http://www.dcboee.org/popup.asp?url=/pdf_files/nr_270.pdf).

<sup>35</sup> The information in the state examples is based on updated state HAVA plans, FY 2009 Title II financial reports, and preliminary FY 2009 figures provided by the EAC.

<sup>36</sup> This appropriation was made after the EAC determined that using Title II funds to replace equipment that was originally purchased with these funds was a reasonable and allowable Title II expenditure.