



U.S. ELECTION ASSISTANCE COMMISSION
633 3rd St. NW, Suite 200
Washington, DC 20001

HAVA GRANTS GUIDANCE: USING HAVA FUNDS TO COMBAT AI-GENERATED MIS- AND DISINFORMATION

On February 14, 2024, the Commissioners of the U.S. Election Assistance Commission (EAC) [voted](#) to approve the use of Election Security grant funding authorized by the Help America Vote Act (HAVA) to counter disinformation generated through the use of artificial intelligence (AI). The decision of the Commission notes a growing concern on how AI-generated mis- and disinformation may be used by foreign and other bad faith actors in attempts to influence elections and manipulate information on the voting process.

The Commissioner determination allows the use of HAVA Election Security grant funding under HAVA Section 101(b)(1)(B) and Section 101(b)(1)(C) for countering mis- and disinformation generated using AI tools. The Office of Grants Management (OGM) has developed the following guidance for proper application of the Commissioner tally vote to the use of HAVA grant funds.

The EAC has previously determined that the guidance provided to grantees on the use of federal funds to improve election cybersecurity defenses also applies to social media threat monitoring ([2 CFR 200.457](#))¹. As the mechanisms for combatting AI-generated mis- and disinformation correlate closely with existing cybersecurity and social media threat monitoring technologies, the EAC Office of Grants Management (OGM) will apply similar principles in reviewing grant expenditures related to AI-generated disinformation.

EXPENDITURES UNDER HAVA SECTION 101(b)(1)(B): IMPROVING THE ADMINISTRATION OF ELECTIONS FOR FEDERAL OFFICE.

Allowability

The EAC Commissioner tally vote determined that grantees “may use HAVA Election Security Grant Funds to counter foreign influence in elections, election disinformation, and potential manipulation of information on voting systems and/or voting procedures disseminated and amplified by AI technologies” under HAVA Section 101(b)(1)(B), which provides for activities related to “improving the administration of elections for federal office.” Allowable activities under this section must improve federal election administration. For example, efforts to implement information security and cybersecurity best practices to combat increased and more advanced cyberattacks are an allowable use of HAVA funds, as long as the activities benefit an election office’s ability to administer federal elections.

¹ In April 2022, the Government Accountability Office (GAO) responded to a request from the EAC for guidance with a [determination](#) that the Commission has the discretion to permit grantees to use HAVA Section 101 funds for social media threat monitoring.



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Allocability

Grantees considering the use of HAVA grant funds to combat election-related mis- and disinformation generated using AI must address the allocability of the expense. HAVA Section 101(b)(1)(B) requires the allocation of a proposed cost based on its proportionate benefit to federal elections activities compared to non-federal election activities and non-election activities.

As the OGM cannot provide specific formulas for allocating costs, grantees should use federal cost principles on allocation ([2 CFR 200.405](#)) to determine the most appropriate division of an expense between federal and non-federal funds.

EXPENDITURES UNDER HAVA SECTION 101(b)(1)(C): EDUCATING VOTERS CONCERNING VOTING PROCEDURES, VOTING RIGHTS, AND VOTING TECHNOLOGY.

Allowability

The EAC Commissioner tally vote also determined that grantees “may fund voter education and trusted information communications on correct voting procedures, voting rights, and voting technology to counter AI-generated disinformation” under HAVA Section 101(b)(1)(C), which provides for activities related to “educating voters concerning voting procedures, voting rights, and voting technology”. Activities related to educating voters on accurate and trusted voting-related information to counteract AI-generated mis- and disinformation are allowable. For example, HAVA funds can be used to cover expenditures related to developing and disseminating voter education materials that provide accurate information on voting or identify trusted and official sources for that information.

Allocability

Grantees considering the use of HAVA grant funds to educate voters on election-related mis- and disinformation generated using AI must address the allocability of the expense. HAVA Section 101(b)(1)(C) requires the allocation of a proposed cost based on its proportionate benefit to elections activities compared to non-election activities. Unlike Section 101(b)(1)(B), HAVA Section 101(b)(1)(C) does not require grantees to consider the benefit to federal and non-federal elections when allocating costs. For activities that benefit federal elections, grantees are only required to allocate voter education costs based on a breakdown of the elections vs. non-elections benefit of the proposed activities.

As the OGM cannot provide specific formulas for allocating costs, grantees should use federal cost principles on allocation ([2 CFR 200.405](#)) to determine the most appropriate division of an expense between federal and non-federal funds.



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REASONABLE AND NECESSARY

Grantees considering undertaking activities to combat AI-generated mis- and disinformation using HAVA grant funds must also assess whether the proposed expenditure is both reasonable ([2 CFR 200.404](#)) and necessary. While the need to combat disinformation may be evident, a specific course of action may not be reasonable or necessary. An expense would likely not be considered reasonable if a less expensive but equally effective alternative was available. A necessary expense is one that is crucial to the administration of the activities funded under the grant. Grantees should maintain documentation of a cost-benefit analysis of various options to support the selected course of action as necessary and reasonable for addressing AI-generated mis-/ disinformation.

EXCLUSION OF VOTER REGISTRATION AND GET OUT THE VOTE ACTIVITIES

The EAC has previously determined that HAVA grant funding may not be used for voter registration activities or activities constituting “get out the vote” efforts². Prohibited activities include voter registration drives and events or campaigns encouraging citizens to vote on Election Day. Grantees considering the use of HAVA funds for combatting AI-generated mis- and disinformation must assess whether the proposed activities comprise concrete actions toward improving federal elections and/or educating voters. For example, content on trusting information from official election sources would likely be unallowed if the primary purpose of the messaging was intended to increase voter registration or voter turnout during an election.

HAVA funding may be used to educate voters on specific voting procedures, voting rights, and voting technologies. If the purpose of the proposed activity is more closely aligned to general encouragement to vote or to register to vote, then the use of HAVA grant funding for the related expenses may be unallowable.

For guidance about whether a specific activity would be considered unallowable, contact the Office of Grants Management at Grants@eac.gov.

² https://www.eac.gov/sites/default/files/document_library/files/FAO-08-005_PA_1.pdf