

THE U.S. ELECTION ASSISTANCE COMMISSION

**FISCAL YEAR 2013
INTERIM ANNUAL GRANT EXPENDITURE REPORT**

February 2, 2015

Overview

The Election Assistance Commission (EAC) was created by Congress in 2002 to improve the administration of elections for Federal offices through funding, guidance and policy development under the Help America Vote Act of 2002 (HAVA). Since its inception, EAC has administered almost \$3.3 billion in Congressionally-appropriated funds to support State and local voting districts in upgrading systems for casting votes, registering voters in statewide voter registration databases, providing provisional voting options, and implementing other improvements to the administration of Federal elections that include training for election officials and poll workers, polling place accessibility improvements, and information on how and where to vote.

The Office of Grants Management (OGM) at EAC is responsible for distribution, monitoring and oversight of funds appropriated under HAVA. Funds are distributed to States and other eligible entities through both formula grants derived from State voting age population data and discretionary, competitive grants. OGM activities include managing the grant review and awards process, processing payment requests, review of financial and program reports, analysis of budgetary changes, review of amendments to State plans, providing technical assistance on the administration and use of the funds, and resolution of audits conducted by EAC's Office of the Inspector General.

This expenditure report provides a summary of grant fund expenditures to date under HAVA (Table 1). It also provides a State-by-State update of spending under Sections 101 *Payments to States to for activities to improve administration of elections* and 251 *Requirements Payments* of HAVA (Tables 3 & 4, respectively) both of which are supporting ongoing activities. OGM is currently overseeing approximately \$560 million in remaining, unexpended HAVA funds.

Grants Expenditure Summary

Through September 30, 2013, EAC¹ has awarded \$3,253,860,616² to the 50 States, American Samoa, the District of Columbia, Guam, the Commonwealth of Puerto Rico and the United States Virgin Islands (hereinafter referred to as States). Since the initial disbursement of funds in 2003, States have reported interest earned of \$337,565,914³ million through September 30, 2013, making the total funds available to States under HAVA \$3.59 billion. States spend funds and report on all distribution of funds using the Standard Form (SF)-425 Federal Financial Report (FFR). States annually report their Federal cash receipts and disbursements, Federal and State share of expenditures, interest earned and balances of funds.

Through September 30, 2013 States have reported aggregate total expenditures of \$3.008 billion, or 84.28 percent of total Federal funds available under Sections 101, 102 *Replacement of punch card or lever voting machines* and 251 of HAVA. Table 1 provides a summary status update for all Federal support to States and other entities administered by the EAC since its inception.

EAC also currently has \$2,381,250 available for new competitive, discretionary awards in the areas of Accessible Voting Technology and Logic and Accuracy Testing. Also available for disbursement to States is \$822,150 that has been deobligated from closed Section 102 grants and made available, as required by HAVA, to States under Section 251 (Requirements Payments).

¹ The U.S. General Services Administration (GSA), prior to EAC's launch of operations, distributed HAVA funds to States in 2003 and 2004.

² This figure contains \$300.3 million in Section 102 funds that were authorized for the replacement of punch card lever voting machines. Thirty States received Section 102 funds. States were required to expend funds under this section by November 2010 or return remaining funds to EAC.

³ Includes interest transferred at the State level from Section 102 to section 251, per HAVA.

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Table 1 Formula Funds

<p>HAVA Section 251 Requirements Payments Purpose: Support states in becoming compliant with Title III of HAVA as related to Voting Systems Standards, Provisional Voting, Voter Information, Statewide Voter Registration Database, Voter Identification for First-time Voters Years: 2003, 2004, 2008, 2009, 2010 Amount: \$2.604 billion Status: 83% Expended Note: Funds available to States until expended</p>
<p>HAVA Section 101 Payments Purpose: Supports activities that improve the administration of Federal elections. Year: 2003 Award amount: \$349 million Status: 81% Expended Note: Funds are available to States until expended</p>
<p>HAVA Section 102 Payments Purpose: Support 30 States in replacing punch card and lever voting machines. Year: 2003 Amount: \$300 million Status: 97% expended; 30 of 30 grants complete Note: \$822,000 was deobligated by EAC and is available to States under HAVA Section 251</p>
<p>Discretionary Competitive Funds</p>
<p>Accessible Voting Technology Initiative Purpose: Research grants to increase the accessibility of new, existing and emerging technological solutions to help ensure all citizens can vote privately and independently. Two three-year grants for \$4.5 million and \$2.5 million. Year: 2011 Award Amount: \$7 Million Status: 100% Complete as of 6/30/2014 Note: There is \$360,751 available in unobligated funds for new grants under this appropriation</p>
<p>Pre-Election Logic and Accuracy Testing & Post Election Audit Initiative Purpose: Support development, documentation and dissemination of new procedures and processes for conducting logic and accuracy testing and post election audit activities. Awarded twelve grants--nine 2-year grants and three 1-year grants. Year: 2011 Award Amount: \$1.46 million Status: 100% Complete as of 4/30/2014 Note: Approximately \$2 million is still available for new grants under this appropriation.</p>
<p>Military Heroes Research Grant Purpose: support a 2-year research effort to improve voting technology and processes for recently injured military personnel. One, 2-year award made. Year: 2010 Amount: \$500,000 Status: Closed</p>
<p>Election Data Collection Grants Purpose: Implement precinct level data collection systems that enhance the capacity of States and their jurisdictions to collect accurate and complete election data. Awarded five, \$2m grants to Pennsylvania, Minnesota, Ohio, Illinois and Wisconsin. Year: 2010 Amount: \$10 Million Status: Closed</p>
<p>Mock Election Program Purpose: Promotes voter participation in national elections through student voter education activities in partnership with local election offices. Awarded a total of 32 grants. Years: 2008, 2009, 2010 Amount: \$800,000 Status: Closed</p>

College Poll Worker Program

Purpose: Encourage college students to assist State and local governments in the administration of elections by serving as nonpartisan poll workers or assistants. Awarded a total of 89 grants

Years: 2004, 2006, 2008, 2009, 2011 Amount: \$3.177 million Status: Closed

HAVA SECTION 101 Funds

Background

A total of \$349,182,267 was disbursed to States in 2003 under Section 101 of HAVA, which provided funds to States for activities to improve the administration of Federal elections.

Section 101 funds are the most flexible funds available to States through HAVA for administering and improving Federal elections because the funds by law can be deployed without first meeting the requirements of Title III of HAVA⁴, *the Uniform and Nondiscriminatory Election Technology and Administration Requirements*, or filing a State Plan.

Section 101 funds have been used for wide-ranging activities including voter education, developing the State Plan and training poll workers, and securing and storing voting equipment. While States have expended the vast majority of funds

⁴ Have Title III Requirements include: 1) Procuring voting systems that comply with the requirements of HAVA; 2) Developing, operating, and/or maintaining a computerized statewide voter registration list; 3) Providing required information to voters at the polling place for Federal elections; 4) Implementing and/or operating a system of provisional voting during Federal elections; and, 5) Implementing identification requirements for first-time voters who register to vote by mail.

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appropriated under Section 101 since awarded in 2003, most States have made judicious use of the funds. States view Section 101 money, which States can access without time limitations until expended, as a long-term investment pool for supporting improvement to Federal elections over time.

Expenditures

As of September 30, 2013, States reported aggregate expenditures of \$320,783,372 million or 81 percent of the \$396,879,259 originally awarded under Section 101 plus interest. States report that the Federal funds, which are required to be held in interest-bearing State accounts, have generated an additional \$47.7 million in interest for use on activities authorized under Section 101 in HAVA.

Thirty States have spent all of their Federal funds and 18 of those 30 have also spent the accrued interest and have submitted their final financial status report to EAC. Another 14 States have spent at least 80 percent of the funds available, while only 10 States report having spent less than 50 percent of their grant funds and interest.

Table 2 provides a full accounting of expenditures by State:

<i>State</i>	<i>Total Section 101 Funds Received</i>	<i>Interest Earned</i>	<i>Expenditures</i>	<i>Balance</i>
Alabama	4,989,605	358,667	4,509,392	838,880
Alaska	5,000,000	684,379	4,935,198	749,181
American Samoa	1,000,000	66,224	1,000,000	66,224
Arizona	5,451,369	941,772	2,095,600	4,297,541
Arkansas	3,593,165	226,288	3,819,453	0
California	26,804,708	2,599,549	25,576,288	3,827,969
Colorado	4,860,306	877,904	4,344,472	1,393,738
Connecticut	5,000,000	682,868	5,000,000	682,868
Delaware	5,000,000	472,080	5,467,766	4,314
District of Columbia	5,000,000	600,388	5,530,675	69,713
Florida	14,447,580	1,696,699	13,583,512	2,560,766
Georgia	7,816,328	690,558	8,584,806	

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				(77,920)
Guam	1,000,000	12,773	1,012,773	0
Hawaii	5,000,000	1,272,550	2,635,477	3,637,073
Idaho	5,000,000	1,825,987	3,851,748	2,974,239
Illinois	11,129,030	1,172,334	11,714,976	586,388
Indiana	6,230,481	938,781	7,182,922	(13,660)
Iowa	5,000,000	684,225	5,292,192	392,033
Kansas	5,000,000	1,300,911	2,275,020	4,025,890
Kentucky	4,699,196	957,749	1,444,505	4,212,439
Louisiana	4,911,421	933,332	4,911,421	933,332
Maine	5,000,000	640,051	4,068,140	1,571,910
Maryland	5,636,731	874,830	4,645,513	1,866,048
Massachusetts	6,590,381	904,363	7,494,744	0
Michigan	9,207,323	1,502,069	2,194,720	8,514,672
Minnesota	5,313,786	64,724	5,378,510	0
Mississippi	3,673,384	443,500	4,116,884	0
Missouri	5,875,170	933,238	5,984,283	824,125
Montana	5,000,000	386,246	4,969,698	416,548
Nebraska	5,000,000	998,292	5,998,292	0
Nevada	5,000,000	452,843	5,451,421	1,422
New Hampshire	5,000,000	1,112,837	1,956,667	4,156,170
New Jersey	8,141,208	650,000	8,167,547	623,661
New Mexico	5,000,000	292,244	5,292,244	0
New York	16,494,325	3,221,797	17,350,153	2,365,969
North Carolina	7,887,740	757,247	9,521,649	(876,662)
North Dakota	5,000,000	63,997	5,063,997	0
Ohio	10,384,931	426,837	10,811,768	0
Oklahoma	5,000,000	340,177	5,000,000	340,177
Oregon	4,203,776	59,199	4,262,975	0
Pennsylvania	11,323,168	1,301,492	12,624,660	0
Puerto Rico	3,151,144	322,874	3,311,164	162,854
Rhode Island	5,000,000	140,275	5,140,275	0
South Carolina	4,652,412	734,673	4,360,083	1,027,002
South Dakota	5,000,000	1,694,332	1,923,599	4,770,733
Tennessee	6,004,507	1,004,434	3,312,083	3,696,858
Texas	17,206,595	3,497,619	11,150,051	9,554,163
Utah	3,090,943	559,868	3,615,744	35,067
Vermont	5,000,000	580,051	5,580,051	0
Virgin Islands	1,000,000	21,806	999,018	22,788
Virginia	7,105,890	1,130,578	7,637,376	599,092
Washington	6,098,449	259,047	6,357,496	0

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West Virginia	2,977,057	104,747	3,081,804	0
Wisconsin	5,694,036	1,746,926	4,169,120	3,271,842
Wyoming	5,000,000	1,477,764	5,023,446	1,454,318
	348,646,145	47,696,992	320,783,372	75,559,765
		536,122	State Deobligation as a result of an Audit	
Total Disbursed	<u>349,182,267</u>			

Activities

Section 101 funds have been used to conduct preliminary planning for Statewide Voter Registration Systems and to upgrade and replace county voter registration election management systems for compatibility with new voter registration systems. States have implemented voter education programs and conducted training for election officials and poll workers. Section 101 funds have also been used for the preparation and administration of State Plans. Another key result has been making polling places accessible and providing voter materials at polling places in multiple languages.

HAVA SECTION 251 Funds

Background

Section 251 funds, also known as Requirements Payments, are distributed to the States by formula based on a percentage equal to the quotient of the voting age population of the State and the total voting age population of all States. EAC is managing a total of \$2.605 billion in Requirements Payments. As of the September 30, 2013 annual reporting period, 21 States reported using 100 percent (including

interest)⁵ and 40 States reported using 80 percent or more of their federally-awarded funds.

The funds are to be used to procure voting systems that comply with the requirements of Title III, Section 301 *Voting System Standards* of HAVA; implement provisional voting (i.e., allowing a voter whose registration status cannot be confirmed at the polling place to cast a provisional ballot); provide information to voters at the polling place such as general information on voting rights; develop and implement a computerized statewide voter registration list; and implement identification requirements for first-time voters who register to vote by mail.

Section 251 funds may also be used for the improvement of the administration of elections for Federal office if a State certifies to 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 on such other activities.

In order to request a disbursement from EAC of a requirements payment, States must file a certification affirming that the State:

- 1) Has filed and implemented a plan for uniform, nondiscriminatory administrative complaint procedures required by HAVA Section 402 *Establishment of State-based administrative complaint procedures to remedy grievances*.
- 2) Has 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)...”

⁵ EAC is currently holding Requirements Payments totaling \$6.45 million that have been obligated, but not disbursed. The funds represent one-quarter of one percent of the total appropriations for Requirements Payments. The funds are available to 25 States upon their request and certification of compliance with HAVA.

3) Has, to the extent that any portion of the requirements payment be used for activities to meet the requirements of Title III, or for uses consistent with the requirements of Title III and the usage restrictions set forth in Section 251(b) *Use of funds.*

4) Is in compliance with six Federal laws:

- The Voting Rights Act of 1965.
- The Voting Accessibility for the Elderly and Handicapped Act.
- The Uniformed and Overseas Citizens Absentee Voting Act.
- The National Voter Registration Act of 1993.
- The Americans with Disabilities Act of 1990.
- The Rehabilitation Act of 1973.

The financial data in this report is based on financial status and narrative reports received and reviewed by EAC from the States. To calculate expenditures, EAC used the net cash disbursements, unliquidated obligations and expenditures from interest earned on federal funds listed in Federal Financial Reports (Standard Form 425) submitted annually by States to EAC.

Congress has appropriated a total of \$2,606,150,000 of HAVA Section 251 Requirements Payments as follows:

Year	Amount (thousands)
2003	\$830,000
2004	\$1,491,150
2008	\$115,000
2009	\$100,000
2010	\$70,000

HAVA requires States to deposit Section 251 funds in the States' election funds and earn interest consistent with the State Plan provisions of HAVA Section 254(b) *Requirements for Funds.* Section 251 funds and interest earned on deposits of Section 251 funds have no Federal expiration date once awarded, and are available

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to States until expended.

Expenditures

States reported cumulative expenditures of \$2,376,139,786 or 81.25 percent of Section 251 funds appropriated by Congress, including interest earned through September 30, 2013 (Table 3). States submit reports for 251 funds by December 31 for the periods beginning October 1 and ending September 30 of each Federal fiscal year.

Table 3 Total Section 251 HAVA Funds Reported by States as of September 30, 2013

<i>State</i>	<i>Total Section 251 Funds Received</i>	<i>Interest Earned</i>	<i>Total Expenditures</i>	<i>Balance of Funds and Interest</i>
ALABAMA	\$30,945,224	2,357,511	24,414,658	8,888,078
ALASKA	\$13,021,803	2,561,372	6,856,298	8,726,877
AMERICAN SAMOA	\$2,319,361	292,018	2,319,361	292,018
ARIZONA	\$45,516,688	5,438,176	45,724,091	5,230,774
ARKANSAS	\$24,233,666	2,230,733	21,911,113	4,553,286
CALIFORNIA	\$296,375,483	41,344,980	230,879,141	106,841,322
COLORADO	\$38,767,048	4,767,253	42,240,856	1,293,445
CONNECTICUT	\$31,095,158	3,607,104	33,092,005	1,610,256
DELAWARE	\$13,021,803	1,079,907	12,824,451	1,277,259
DISTRICT OF COLUMBIA	\$13,021,803	1,623,299	10,117,559	4,527,542
FLORIDA	\$148,555,207	20,781,769	126,002,159	43,334,817
GEORGIA	\$70,674,392	749,977	66,701,603	4,722,766
GUAM	\$2,319,361	\$48,049	\$2,319,361	48049.33
HAWAII	\$13,028,257	972,346	12,999,688	1,000,915
IDAHO	\$13,021,803	968,236	13,946,782	43,257
ILLINOIS	\$110,593,988	9,083,079	110,286,352	9,390,716
INDIANA	\$54,440,282	2,280,602	56,590,567	130,316
IOWA	\$26,645,880	1,463,342	27,421,949	687,273
KANSAS	\$24,022,045	2,219,438	28,772,947	(2,531,464) ⁶

⁶All numbers are self-reported by States. A negative balance indicates the State has reported expenditures which were paid for using non-federal funds.

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KENTUCKY	\$36,901,642	4,258,203	29,990,598	11,169,247
LOUISIANA	\$39,350,512	3,552,708	39,350,512	3,552,708
MAINE	\$13,021,803	1,517,030	13,107,373	1,431,460
MARYLAND	\$47,663,156	3,888,041	51,527,784	23,413
MASSACHUSETTS	\$57,005,182	9,866,773	21,063,029	45,808,926
MICHIGAN	\$88,535,685	7,249,344	68,440,171	27,344,857
MINNESOTA	43,940,883	3,730,403	46,556,472	1,114,814
MISSISSIPPI	25,152,465	1,588,892	26,741,357	0
MISSOURI	50,394,880	51,087	46,166,146	4,279,821
MONTANA	13,028,257	618,633	13,361,363	285,527
NEBRASKA	15,435,005	1,046,168	16,481,173	0
NEVADA	18,155,632	1,253,669	16,466,698	2,942,603
NEW HAMPSHIRE	13,021,803	2,201,287	7,072,116	8,150,974
NEW JERSEY	76,324,886	5,786,540	73,896,809	8,214,617
NEW MEXICO	15,599,671	271,854	15,871,525	0
NEW YORK	172,076,865	32,902,155	179,355,975	25,623,045
NORTH CAROLINA	73,421,775	7,164,291	76,637,404	3,948,662
NORTH DAKOTA	13,028,257	1,348,286	10,265,283	4,111,260
OHIO	102,023,464	6,288,309	104,687,538	3,624,235
OKLAHOMA	30,200,723	3,439,956	25,736,646	7,904,032
OREGON	31,243,106	3,662,299	25,599,445	9,305,959
PENNSYLVANIA	112,821,809	16,558,464	121,241,093	8,139,181
PUERTO RICO	5,868,252	196,158	1,522,208	4,542,201
RHODE ISLAND	13,021,803	485,182	13,506,985	-
SOUTH CAROLINA	36,384,617	1,134,033	37,409,790	108,860
SOUTH DAKOTA	13,021,803	2,225,193	8,979,663	6,267,333
TENNESSEE	46,236,130	6,277,405	24,394,567	28,118,968
TEXAS	180,251,801	11,725,795	185,600,945	6,376,651
UTAH	18,481,440	664,595	17,708,376	1,437,659
VERMONT	11,596,803	3,114,047	2,123,176	12,587,674
VIRGIN ISLANDS	2,319,361	1,443,381	1,088,744	2,673,998
VIRGINIA	64,499,288	7,859,273	50,168,983	22,189,578
WASHINGTON	52,928,051	6,419,697	51,952,116	7,395,632
WEST VIRGINIA	17,184,960	1,142,834	16,305,902	2,021,892
WISCONSIN	48,296,088	3,515,133	46,880,560	4,930,661
WYOMING	13,028,257	938,634	13,460,320	506,571
Total	\$2,583,085,365	269,254,944	2,376,139,786	476,200,523

Activities

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Section 251 funds have been used to meet the requirements of Title III of HAVA. In addition to procuring voting systems, States have used these funds to modernize voting equipment and make it accessible for individuals with disabilities and language minority voters so they can vote privately and independently. States have developed and updated voter registration databases. More voters have materials available at polling places and have the option of casting a provisional ballot on Election Day. States have also reported the implementation of requirements for voters who register by mail.