

2020
Help America Vote Act
Election Security Grants

Award Packet



January 16, 2020



U.S. ELECTION ASSISTANCE COMMISSION

1335 EAST-WEST HIGHWAY, SUITE 4300
SILVER SPRING, MD 20910

January 16, 2020

To: Chief State Election Officers
**From: Mona Harrington, Acting Executive
Director, Election Assistance Commission**
CC: State Election Directors
Re: 2020 HAVA Election Security Grants

This award packet contains all the information you need to access your 2020 HAVA Election Security Grant funds. EAC is making the funds available for immediate access and use, subject to the contingencies found in the attached Notice of Grant Award (NGA).

To access the funds you will need to:

1. Make sure your Unique Entity Identifier (formerly DUNS) number and SAM (System of Award Management) account are accurate and up-to-date.
 - A. Your Unique Entity Identifier (UEI/DUNs) is issued by Dun and Bradstreet (D&B), www.dnb.com and consists of nine digits. EAC will need to verify that you are using the correct UEI before payment can be issued.
 - B. Your SAM account must be renewed annually and must be active before a payment can be made. More information can be found at <https://www.sam.gov/portal>.
2. Send a letter via email from your Chief State Election Official to the EAC requesting disbursement of grant funds that includes the following information:
 - A. The amount of funds you are requesting—you may request your entire award at one time or make a series of partial requests during the five-year performance period of the award.
 - B. Certification that, per Section 101(c)(1)&(2) of HAVA, funds will be used in a manner that is consistent with the laws described in Section 906 of HAVA and that funds will not be used in a manner that is inconsistent with the requirements of Title III of HAVA.
 - C. Affirmation that you have reviewed and accept the terms of the award found in the Notice of Grant Award.
 - D. A timeline and brief description of how you will develop the project narrative and budget for how the funds will be used in your state/territory. Note: The actual narrative submission and budget are due to EAC no later than April 27, 2020.
 - E. Your UEI/DUNs and the signed Certifications Regarding Lobbying and Trafficking in Persons found at the end of this packet.

Note that an optional Template for this request letter is provided at <https://www.eac.gov/2020-hava-funds>

A copy of the Standard Certifications is also provided at <https://www.eac.gov/2020-hava-funds>

Special Notes on Funds

1. EAC encourages all states to immediately request all of their funds. States have five years, up to December 20, 2024, to spend the funds, after which time the funds must be returned to the U.S. Treasury.
2. Expenses can be incurred against the grant from December 21, 2019 onward. Contact EAC's grants office regarding reimbursement or matching credit for eligible expenses made prior to this date but after October 1, 2019.
3. Matching funds must be made available by December 21, 2021. Cash match must be deposited into the State Election Account. In-kind match must be tracked in the same manner as cash contributions. Both cash and in-kind contributions should be reported under the Recipient Share on the annual Standard Form 425 Federal Financial Report (SF-425), which is due December 31 for the preceding October 1-September 30 period.
4. According to the Consolidated Appropriations Act, 2020 (Public Law 116-93) the purpose of this award is to "improve the administration of elections for Federal office, including to enhance election technology and make election security improvements". As such, using funds from this grant to pay for general operating expenses, historically paid for with non-federal funds, may not constitute an actual improvement to the administration of federal elections and may be questioned in a federal audit.
5. EAC will process all funding disbursement requests within five (5) business days of receipt of the request.

The following documents are included with this packet or can be found at the links below:

1. Notice of Grant Award
2. Submission Guidelines—Narrative and Budget
3. Required Federal Lobbying Certification
4. Budget Form at <https://www.eac.gov/2020-hava-funds>
5. FAQs at <https://www.eac.gov/2020-hava-funds>

2020 HAVA Election Security Grants Program Narrative and Budget Submission Guidelines

Purpose and Use of Funds. The purpose of the narrative statement and corresponding budget is to provide U.S. citizens, Congress, the EAC and other election stakeholders with information about how your state will use these funds to, as described in the [Consolidated Appropriations Act of 2020](#) (Public Law xxx-xxx), “make payments to states for activities to improve the administration of elections for Federal office, including to enhance election technology and make election security improvements, as authorized under sections 101, 103, and 104 of [HAVA].”

The accompanying Congressional [joint explanatory statement](#) (See page 25) states, “Consistent with the requirements of HAVA, states may use this funding to: replace voting equipment that only records a voter's intent electronically with equipment that utilizes a voter-verified paper record; implement a post-election audit system that provides a high-level of confidence in the accuracy of the final vote tally; upgrade election-related computer systems to address cyber vulnerabilities identified through [Department of Homeland Security] or similar scans or assessments of existing election systems; facilitate cybersecurity training for the state chief election official's office and local election officials; implement established cybersecurity best practices for election systems; and fund other activities that will improve the security of elections for Federal office.”

Consistent with provisions in [HAVA](#) Section 101, states have discretion upon expenditures within general categories. The use categories described in the Congressional joint explanatory statement are consistent with aspects of Section 101(b)(1)(A), (B), (D), and (F), among other potential uses. The EAC can answer specific questions about how the money may be utilized, and will be capturing questions from states and sharing the answers in updated versions of the FAQ document on the EAC website. The activities can be an expansion of activities the state has underway with its 2018 Election Security HAVA grant or different, allowable activities under Section 101 of HAVA. EAC encourages and will support states in developing high-quality submissions that reflect and highlight the important work you are doing to secure the vote in your state.

EAC is giving states until April 27, 2020 to develop this narrative and budget to allow you and your local voting jurisdictions time to assess your needs and develop robust plans to help secure voting systems and processes in upcoming elections. EAC will publish the narratives and accompanying budgets on its website. Information from annual state progress reports on implementing the activities described in the narratives/budgets will be consolidated and reported to Congress and the public by the EAC. EAC will use its clearinghouse, website, and other forms of communication to highlight how states and localities are planning to use the funds.

Program Narrative Instructions. The narrative should be one- to three-pages in length and describe how your state or territory (hereon ‘state’) plans to spend the 2020 HAVA Election Security grant funds and required matching funds. The narrative should include the amount of your award and matching commitment and the timeframe (up to 5 years) in which you plan to use the funds. The narrative should describe both immediate improvements/activities that are underway and/or that will be in place prior to the 2020 election and longer-term activities leading up to the 2024 election and beyond.

Activities Prior to the 2020 Election. In a separate section, be specific about all activities that will take place prior to the 2020 election and include the amounts you anticipate expending on those activities. For example, if you are updating systems to require multi-factor authentication in advance of the 2020 elections, describe the specific plans and identify the costs associated with it. Or, if you are purchasing new voting equipment that will be operating in time for the 2020 elections, identify the portion you plan to charge against the grant.

If you plan to use the funds to expand activities you are funding with the 2018 HAVA grant, be specific about how and in what ways these funds will expand those activities. If you plan to use the funds for other allowable activities under Section 101 of HAVA not already supported under the 2018 grant, be clear about how the activities are different from activities funded under the 2018 grant.

To ensure consistent reporting across states and localities, use the below categories when developing your narrative statement and corresponding budget. Use only the categories that are part of your planned activities and add to this list as needed.

1. Voting Equipment Replacement and Upgrades
2. Election Auditing
3. Voting Registration Systems and Management
4. Cyber Vulnerabilities
5. Training
6. Communication
7. Additional Categories Requested by States

Budget Narrative Instructions. The performance period for this award is five years; however you should submit a single budget that can be anywhere from 1 to 5 years in length depending on how quickly your state plans to spend the funds. For example, if your state will use the funds entirely on new equipment, the budget period would likely be only one year.

The budget you submit should be line item by category. An electronic version of the budget form can be downloaded at: <https://www.eac.gov/2020-hava-funds>. Budget categories include:

1. Personnel/Fringe Benefits
2. Equipment
3. Subgrants-Voting districts/counties
4. Training
5. All Other Costs
6. Total Direct Costs
7. Indirect Costs

The budget narrative should also include a breakdown by program category (e.g. Voting Equipment Replacement and Upgrades, Election Auditing, Cyber Vulnerabilities, etc.) and the approximate amount of funds that will be spent in each category.

EAC Submission Review. Receipt of grant funds is not contingent on the content of each state's narrative/budget submission. However, EAC will review each submission and provide feedback and technical assistance that may require revisions to the narrative and budget submission. EAC will use the following review criteria:

1. Are the proposed expenses reasonable, allocable and allowable under HAVA and appropriate Office of Management and Budget (OMB) circulars?
2. Are the budget and program narratives sufficiently detailed to allow both stakeholders and federal auditors to understand the plan for spending the funds and track progress to know if the funds were used in an effective manner?
3. Are there activities or plans that could benefit from being informed by planned activities or experiences in another state?

EAC staff will offer feedback and technical assistance on each narrative/budget submitted.

To: US Election Assistance Commission

Standard Certifications

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.

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;
 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

Printed Name

Title

Organization

Signature

Date