



JAN BREWER
SECRETARY OF STATE
STATE OF ARIZONA

May 20, 2008

The Honorable Rosemary Rodriguez, Chair
The Honorable Caroline Hunter, Vice Chair
The Honorable Gracia Hillman
The Honorable Donetta Davidson

U.S. Election Assistance Commission
1225 New York Avenue (NW), Suite 1100
Washington, D.C. 20005

Dear Commissioners:

I am writing in support of Commissioner Caroline Hunter's proposal to modify EAC Advisory 07-003-A by eliminating "county or local government" from the Maintenance of Effort (MOE) requirement. I support this proposal for the following reasons:

1. The definition of "State" is unambiguous, meaning that "expenditures of the State" are clearly understood as expenditures of State government. The expansion of definition of "State" is contrary to law.
2. There is no evidence that any State election official is permitting local governments to replace local funds with Help America Vote Act (HAVA) funds. Quite the contrary is true: HAVA has substantially increased the election expenditures of all local governments.
3. State election officials uniformly agree that HAVA funds are intended to implement Title III requirements and make improvements in the conduct of elections through new and improved programs.
4. States that have chosen to grant HAVA funds to local governments have implemented more effective procedures than local MOE to protect against the replacement of local funds with HAVA funds. States that have chosen not to grant HAVA funds to local governments are required by EAC Advisory to provide local MOE even though it is impossible for local governments to replace local funds with HAVA

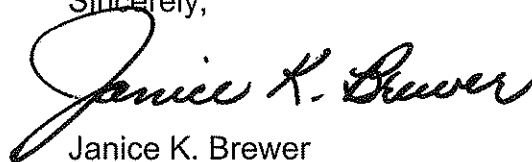
funds. Simply put, if the local governments are not given HAVA dollars, then they do not have the resources to replace funds.

5. There is no compelling reason to impose a huge burden on State and local governments by changing the "rules of the game" four years after State Plans were filed, programs implemented and most of the HAVA funds expended.
6. There are more effective ways to determine whether local government funds are being replaced by HAVA funds than inventing a local government MOE.

I am in full support of the letter sent by the National Association of State Election Directors that provides more detail on these points. I will also note that you are incorrect to refer to the Arizona State Plan as supportive of the EAC's current position. We have consistently interpreted HAVA and our State Plan as excluding county or local government from the MOE requirement.

For these reasons, I urge each Commissioner to vote to approve the proposal to modify Advisory 007-003-A. The resources necessary to comply with a local government MOE would be better used to prepare for and conduct the most challenging general election faced by election officials in recent time.

Sincerely,

A handwritten signature in cursive script that reads "Janice K. Brewer". The signature is written in black ink and is positioned above the printed name and title.

Janice K. Brewer
Arizona Secretary of State

JKB/jk