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To

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cc

SubjectMOE Requirements

Cherokee County, NC Board of Elections support EAC's Commissioner Caroline Hunter's proposal to remove county and local governments from the MOE requirement for the reasons set out in the National Association of State Election Directors (NASSED) EAC Liaison Committee recent letter of May 20, 2008 to the EAC. Below are points made in that letter.

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.

Leighsa Jones, Director of Elections Clay County