

MOE Comments

#####

"Fell, Garth" <Garth.Fell@co.snohomish.wa.us>

05/20/2008 02:11 PM

To

HAVAInfo

cc

Subject

Maintenance of Effort (MOE) Requirement for Local Governments

Dear Commissioners,

Snohomish County in Washington State urges the EAC to adopt Commissioner Hunter's proposal to remove county and local governments from the Maintenance of Effort (MOE) requirement. Our county did not request or receive any HAVA funds that would supplant existing election costs including Title III type activities.

A plain reading of HAVA 254(a)(7) reveals that Congress only intended the MOE requirement to apply to the states. If Congress intended county and local governments to meet the MOE requirement of HAVA, it would have included such language. Any other interpretation requires the EAC to overreach its statutory authority.

Additionally, Section 901 of HAVA does not include units of local government in the definition of "State". Section 901 reads as follows:

"In this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands"

Not until September 2007, did the EAC issue guidance requiring local units of government to establish and maintain MOE. At this late juncture, it is unfair and inappropriate for the EAC to require local units of government to provide MOE, especially since local units of government are not included in the definition of State.

Sincerely,

Garth Fell
Elections Manager

Snohomish County Auditor's Office - Elections/Voting Division
3000 Rockefeller Avenue M/S 505
Everett, WA 98201-4046

garth.fell@co.snohomish.wa.us
425.388.3625 -desk

#####

"Thomas, Christopher M" <ChristopherT@michigan.gov>
05/20/2008 03:06 PM
To
HAVAInfo

Subject
Maintenance of Effort Comment - NASED

Greetings,

Attached please find MOE comments from the NASED EAC Liaison Committee. We appreciate the opportunity to comment on the proposal to modify EAC Advisory 070003-A.

The newly form EAC Liaison Committee has the following members:

Chris Thomas, Chair, MI
Marci Andino, SC
Gary Bartlett, NC
Julie Flynn, ME
Nick Handy, WA
Tim Hurst, ID
Sarah Ball-Johnson, KY
Kevin Kennedy, WI
Ann McGeehan, TX
Peggy Nighswonger, WY
Gary Poser, MN

John W. Lindback, President, NASED

We look forward to discussions with you on this issue.

#####

"John Condrey" <John.Condrey@rutherfordcountync.gov>
05/20/2008 04:38 PM
To

"HAVAInfo" <HAVAInfo>

cc

"Debbie Bedford" <Debbie.Bedford@rutherfordcountync.gov>, "Chivous Bradley (cbradley@bellsouth.net)" <cbradley@bellsouth.net>, "Charles Hill (chill@aalliednc.com)" <chill@aalliednc.com>, "Paul McIntosh (pfmcintosh@bellsouth.net)" <pfmcintosh@bellsouth.net>, "Brent Washburn (brentw@washburnrealestate.com)" <brentw@washburnrealestate.com>, "Margaret Helton (theheltons@bellsouth.net)" <theheltons@bellsouth.net>, "Hazel Haynes" <Hazel.Haynes@rutherfordcountync.gov>

Subject

To: EAC
From: Rutherford County Manager John Condrey

Our county supports the position of the National Association of State Elections Directors (NASSED) outlined in their letter dated May 20, 2008. We ask that counties not be covered by Maintenance of Effort requirements under HAVA, that were clearly meant to apply only to state elections offices.

Pursuant to North Carolina General Statutes, Chapter 132,et.seq., this electronic mail message and any attachment hereto, as well as any electronic mail message(s) that may be sent in response to it may be considered public record and as such are subject to requests for review.

#####

"Artie Wilson" <Artie.Wilson@transylvaniacounty.org>

05/20/2008 04:49 PM

To
HAVAInfo

cc

"Judy Matthews" <transylvania.boe@ncmail.net>, "Daryle Hogsed" <dhogsed@citcom.net>, "Jason Chappell" <jtchappell@citcom.net>, "Kelvin Phillips" <kspecial@citcom.net>, "Lynn Bullock" <bullockrl@citcom.net>, "Trisha Mcleod" <trisha.mcleod@transylvaniacounty.org>, "W. David Guice" <guice@citcom.net>

Subject

Maintenance of Effort

Transylvania County, North Carolina supports the position of the National Association of State Elections Directors (NASSED) outlined in their letter dated May 20, 2008. We ask that counties not be covered by Maintenance of Effort requirements under HAVA, that were clearly meant to apply only to state elections offices.

Respectfully,
Artie Wilson, County Manager

Please note my email address has changed to: artie.wilson@transylvaniacounty.org

#####

"Nicole Trella" <ntrella@elections.state.md.us>
05/20/2008 05:00 PM
To
HAVAInfo
cc
"Linda Lamone" <llamone@elections.state.md.us>
Subject
Comments on MOE issue

Please see attached letter.
Nikki Trella
Maryland State Board of Elections
<<Ltr to EAC re MOE 051908.pdf>>

#####

"Susan Jarrell" <elections@surry.net>
05/20/2008 05:39 PM
To
HAVAInfo
cc

Subject
Proposal to remove county and local governments from the MOE requirement

The Surry County Board of Elections strongly supports the position the National Association of State Elections Directors (NASSED) outlined in their letter dated May 20, 2008. We ask that counties not be covered by Maintenance of Effort requirements under HAVA, which were clearly meant to apply only to state elections offices.

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.

We sincerely hope that you will consider our plea for a correction of this interpretation.

Thank you,
Susan Jarrell
Director of Elections

Susan Jarrell
Surry County Board of Elections
118 Hamby Road
Post Office Box 372
Dobson, NC 27017
336.401.8227
336.401.8228 fax

NOTICE: E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

#####

"Vern Spatz" <VSpatz@co.grays-harbor.wa.us>

05/20/2008 05:41 PM

To
HAVAInfo
cc

Subject
Remove Counties from MOE

Grays Harbor County, Washington State joins many others in requesting the EAC to remove county and local governments from the Maintenance of Effort (MOE) requirement. Our county has NOT used any HAVA grant funds to supplant existing

election costs. The HAVA monies have been a blessing in allowing us to improve the accuracy and security over the elections processes in ways we could never have been able to afford without this assistance.

Requiring local and county governments to comply with the MOE requirement is overstepping the authority and intention of the requirement spelled out in HAVA 254(a) (7).

At this time, many months into the grant process, it is wrong to change the rules mid-stream to require us to provide MOE information. Although the states were specifically required to be subject to the MOE, we (counties) are NOT part of the state and should not be included.

I respectfully urge you to adopt Commissioner Hunter's proposal to remove county and local governments from the MOE requirement.

Thank you,

Vern Spatz,
Grays Harbor County Auditor
100 W Broadway, Suite 2
Montesano, WA 98563
(360) 249-4232

Vern Spatz,
Grays Harbor County Auditor
100 W Broadway, Suite 2
Montesano, WA 98563
(360) 249-4232

#####

"Evans, Nancy" <Nancy.Evans@rowancountync.gov>
05/20/2008 05:42 PM
To
HAVAInfo
cc
"Page, Gary L" <Gary.Page@rowancountync.gov>, "Heidrick, Leslie"
<Leslie.Heidrick@rowancountync.gov>
Subject
MOE

Our county supports the position of the National Association of State Elections Directors (NASED) outlined in their letter dated May 20, 2008. We ask that counties not be covered by Maintenance of Effort requirements under HAVA, that were clearly meant to apply only to state elections offices.

Nancy S. Evans, Director
Rowan County Board of Elections
Rowan County Administrative Building
130 West Innes Street
Salisbury, NC 28144
(704) 216-8140

#####

"Andy Lucas" <alucas@co.anson.nc.us>
05/20/2008 05:49 PM
To
HAVAInfo
cc

Subject
Elections Mandate Issue

To Whom It May Concern:

Please be aware that Anson County, NC supports the position of the National Association of State Elections Directors (NASED) outlined in their letter dated May 20, 2008. We ask that counties not be covered by Maintenance of Effort requirements under HAVA which were clearly meant to apply only to state elections offices. Your kind consideration and review of this request is appreciated. Thank you.

Andy Lucas
Anson County Manager
Phone: (704)-694-2796
Cell: (704)-695-7774
Email: alucas@co.anson.nc.us

#####

"Pat McCarthy" <LAUGINO@co.pierce.wa.us>
05/20/2008 06:40 PM
To
HAVAInfo
cc

Iguerrero@secstate.wa.gov, "Mary Schmidtke" <MSCHMID@co.pierce.wa.us>, "Pat McCarthy" <PMCCART@co.pierce.wa.us>, sam@secstate.wa.gov

Subject

Maintenance of Effort Response

Please see the attached letter from Auditor Pat McCarthy, Pierce County, Washington.

#####

"Beverly Cunningham" <henderson.boe@gmail.com>

05/20/2008 07:03 PM

To

HAVAInfo

cc

"Don Wright" <don.wright@ncmail.net>

Subject

MOE

Gentlemen:

I am the Election Director for Henderson County, North Carolina. I want to tell you that I support EAC's Commissioner Hunter's proposal to remove county and local governments from the MOE requirement for the reasons set forth in the National Association of State Election Directors (NASSED) EAC Liaison Committee recent letter of May 20, 2008 to the EAC. The reasons I support the proposal are as follows:

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.

Thank you very much for you consideration.

Beverly W. Cunningham
Elections Director
Henderson County, North Carolina
828 697 4970

#####

"Karen Herr" <KarenH@co.mason.wa.us>
05/20/2008 07:29 PM
To
HAVAInfo
cc

Subject
Maintenance of Effort (MOE)

Election Assistance Commissioners:

Mason County in Washington State urges the EAC to adopt Commissioner Hunter's proposal to remove county and local governments from the Maintenance of Effort (MOE) requirement. Mason County did not request or receive any HAVA funds that would supplant existing election costs including Title III type activities.

Congress only intended the MOE requirement to apply to the states. If Congress intended county and local governments to meet the MOE requirement of HAVA, it would have included such language in HAVA 254 (a) (7). Any other interpretation requires the EAC to overreach its statutory authority. Also, Section 901 of HAVA does not include units of local government in the definition of "State".

In September 2007, the EAC issued guidance requiring units of government to establish and maintain MOE. At this late juncture, it is unfair and inappropriate for the ESC to require local units of government to provide MOE, especially since local units of government are not included in the definition of State.

Please remove county and local government from the Maintenance of Effort MOE requirements.

Thank you,

Karen Herr
Mason County Auditor

karenh@co.mason.wa.us

#####

"Bill Varney" <bvarney@co.grant.wa.us>
05/20/2008 08:45 PM
To
HAVAInfo
cc

Subject
MOE for count and local governments

Dear Election Assistance Commission,

Grant County in Washington State urges the EAC to adopt Commissioner Hunter's proposal to remove county and local governments from the Maintenance of Effort (MOE) requirement. Our county did not request or receive any HAVA funds that would supplant existing election costs including Title III type activities.

A plain reading of HAVA 254(a) (7) reveals that Congress only intended the MOE requirement to apply to the states. If Congress intended county and local governments to meet the MOE requirement of HAVA, it would have included such language. Any other interpretation requires the EAC to overreach its statutory authority.

Additionally, Section 901 of HAVA does not include units of local government in the definition of "State". Section 901 reads as follows:
"In this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands"

Not until September 2007, did the EAC issue guidance requiring local units of government to establish and maintain MOE. At this late juncture, it is unfair and inappropriate for the EAC to require local units of government to provide MOE, especially since local units of government are not included in the definition of State.

Bill Varney
Grant County Auditor
Supervisor of Elections
PO Box 37
Ephrata, WA 98823
509-754-2011 ext. 333

#####

"Sutherland, Diana" <Diana.Sutherland@kingcounty.gov>

05/20/2008 09:32 PM

To

HAVAInfo.

cc

"Huennekens, Bill" <Bill.Huennekens@kingcounty.gov>

Subject

HAVA Policy Changes

Please find attached a letter from Sherril Huff, Director of King County Elections, regarding our comments on the proposed policy changes under consideration by the EAC. If you have any questions, please feel free to contact us.

Thank you!

Diana Sutherland
Confidential Secretary to the Director
Elections Division
Department of Executive Services
ELE-ES-0100
919 SW Grady Way
Renton, WA 98057-2906
Phone: 206-296-1540
Fax: 206-296-0108

#####

"Rosand, Patty" <prosand@co.clallam.wa.us>

05/20/2008 10:30 PM

To

HAVAInfo

cc

"Guerrero, Lori" <lguerrero@secstate.wa.gov>

Subject

HAVA funding

Dear Sirs:

I am sending this email in support of Commissioner Hunter's proposal to remove county and local governments from the Maintenance of Effort (MOE) requirement. It is important that voting equipment be maintained, but local governments, which could have never purchased the equipment without HAVA funds, also can not afford to replace and maintain the equipment without federal funding. The maintenance agreements on the new systems in over triple what we paid for previous voting and registration systems. We have had our equipment for three years and computers are at the end of their useful

life. Upgrades will be needed soon, but we can not expect that other local programs will be sacrificed to pay for voting systems.

I urge you to consider the continued funding through the States. You will find that there is no "free rides" to local governments. We are not getting excessive equipment or luxury items. Washington State has an excellent plan for assisting us with maintenance.

Sincerely,

Patty Rosand

Clallam County Auditor

223 E. 4th St., Suite No. 1

Port Angeles, WA 98362

prosand@co.clallam.wa.us

ph. 360-417-2222

fax 360-417-2517

#####

"Lisa Bennett" <pamlico.boe@gmail.com>

05/21/2008 07:52 AM

Please respond to

"Lisa Bennett" <pamlico.boe@ncmail.net>

To

HAVAInfo

cc

Subject

MOE Requirements

Our county supports the position of the National Association of State Elections Directors (NASSED) outlined in their letter dated May 20, 2008. We ask that counties not be covered by Maintenance of Effort requirements under HAVA, that were clearly meant to apply only to state elections offices.

Lisa E. Bennett, Director

Pamlico County Board of Elections

202 Main Street

PO Box 464

Bayboro, NC 28515

252-745-4821

#####

"Chivous Bradley" <Chivous.Bradley@rutherfordcountync.gov>

05/21/2008 08:06 AM

To

"HAVAInfo" <HAVAInfo>

cc

Subject

MOE- State Board of Elections

Rutherford County supports the NASED position regarding Maintenance of Effort requirements under HAVA. These requirements were clearly meant to apply only to State Boards of Elections, and not to Counties.

Thank You,

Chivous Bradley

Pursuant to North Carolina General Statutes, Chapter 132,et.seq., this electronic mail message and any attachment hereto, as well as any electronic mail message(s) that may be sent in response to it may be considered public record and as such are subject to requests for review.

#####

"Tony Brown" <brownt@halifaxnc.com>

05/21/2008 08:11 AM

Please respond to

"Tony Brown" <brownt@halifaxnc.com>

To

HAVAInfo

cc

Subject

EAC Interpretation

It is my understanding that the Elections Assistance Commission has interpreted that we, the Counties of North Carolina, should be a part of the MOE requirements under HAVA.

Please be clear that Halifax County supports the position of the National Association of State Elections Directors outlined in their letter dated May 20, 2008. Counties should not be covered by the MOE requirements under HAVA; these requirements were clearly meant to apply only to State Election offices.

Thank you for your consideration and support of our stance.

Cordially,

Tony

Tony N. Brown, County Manager
Halifax County Government
Post Office Box 38, Halifax, NC 27839-0038
<http://www.halifaxnc.com>
Voice: 252-583-1131 Fax: 252-583-9921

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#####

"Chuck Abernathy" <charlesa@mcdowellgov.com>
05/21/2008 08:13 AM
To
HAVAInfo
cc

Subject
maintenance of effort requirements

McDowell County supports the position of the National Association of State Election Directors outlined in their letter dated May 20, 2000. We ask that counties not be covered by the maintenance of effort requirements under HAVA. If you have questions do not hesitate to e-mail this office.

#####

"polk boe" <polk.boe@gmail.com>
05/21/2008 08:17 AM
To
HAVAInfo
cc

Subject
HAVA

Our county supports the position of the National Association of State Elections Directors (NASED) outlined in their letter dated May 20, 2008. We ask that counties not be covered by Maintenance of Effort requirements under HAVA, that were clearly meant to apply only to state elections offices.

Sincerely,

Dale Y Edwards Director
Polk County Board of Elections

#####

"Whitney Davis" <Whitney.Davis@nashcountync.gov>
05/21/2008 08:19 AM
To
HAVAInfo
cc
don.wright@ncmail.net, ncacc@ncacc.org
Subject
Letter dated May 20, 2008

Nash county supports the position of the National Association of State Elections Directors (NASED) outlined in their letter dated May 20, 2008. We ask that counties not be covered by Maintenance of Effort requirements under HAVA, that were clearly meant to apply only to state elections offices.

Whitney Davis

Elections Director
Nash County Board of Elections
1006 Eastern Avenue
P. O. Box 305
Nashville, NC 27856
Office: 252.459.1350
Cell: 252.904.2512
Fax: 252.459.1371

#####

"Dawn Stumpf" <dawn.stumpf@ncmail.net>
05/21/2008 08:23 AM
To
HAVAInfo
cc

Subject
EAC - Support of Maintenance of Effort (MOE)

Dear Sirs,

Chatham County, North Carolina supports EAC's Commissioner Hunter's proposal to remove county and local governments from the MOE requirement for the following reasons set out in the National Association of State Election Directors (NASSED) EAC Liaison Committee recent letter of May 20, 2008 to the EAC.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ There are more effective ways to determine whether local government funds are being replaced by HAVA funds than inventing a local government MOE. Chatham County asks that counties not be covered by Maintenance of Effort requirements under HAVA.

Respectfully,

Dawn Stumpf – Director
Chatham County Board of Elections
Chatham County, NC

#####

"Davis, David" <dpdavis@pittcountync.gov>

05/21/2008 08:25 AM

To

HAVAInfo

cc

"Don Wright" <don.wright@ncmail.net>, "Elliott, Scott" <dselliott@pittcountync.gov>,

"Bryan, Melonie" <mtbryan@pittcountync.gov>, conradtd@mail.ecu.edu,

Ltutt@aol.com, patricknelson38@hotmail.com

Subject

MOE in North Carolina

Dear EAC:

The Pitt County Board of Elections is in support of Commissioner Caroline Hunter's proposal to remove county governments from the MOE requirement. To go back to the year 2000 to compile the MOE for Pitt County is not only out of the scope of the original State Plan submitted four years ago, but would also be a great burden. All funds received from HAVA grants have been used to add to, not replace local funds. Without the assistance of HAVA money Pitt County would not have been in a financial position to adhere to State and Federal election standards. The State Board of Elections has been very strict in regards to the reporting of all funds used for elections equipment; both county and HAVA based. Therefore, we oppose the implementation of a county-level MOE.

Sincerely,
David P. Davis
Interim Director of Elections
Pitt County, NC

#####

"Terri Robertson" <trobertson@co.cumberland.nc.us>
05/21/2008 08:27 AM
To
HAVAInfo
cc
"Don Wright" <don.wright@ncmail.net>
Subject

Cumberland County Board of Elections supports the position of the National Association of State Elections Directors (NASED) outlined in their letter dated May 20, 2008. We ask that counties not be covered by Maintenance of Effort requirements under HAVA, that were clearly meant to apply only to state elections offices.

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.

Terri Robertson, Director
Cumberland County
Board of Elections

#####

"richmond boe" <richmond.boe@gmail.com>

05/21/2008 08:35 AM

To

HAVAInfo

cc

"Hilda Pemberton" <ncbound402@yahoo.com>, "Phillip Huber" <pghuber@juno.com>

Subject

Maintenance of Effort Requirements

Our county supports the position of the National Association of State Elections Directors (NASSED) outlined in their letter dated May 20, 2008. We ask that counties not be covered by Maintenance of Effort requirements under HAVA, that were clearly meant to apply only to state elections offices.

Thank you.

Connie Kelly, Director of Elections

Hilda Pemberton, Chairperson

Carlton Hawkins, Secretary

Phil Huber, Member

Richmond County Board of Elections

North Carolina

#####

"Debbie Formyduval" <dformyduval@co.warren.nc.us>

05/21/2008 08:20 AM

Please respond to

"Debbie Formyduval" <dformyduval@co.warren.nc.us>

To
HAVAInfo
cc

Subject
local requirements

Our office supports the efforts of EAC Commissioner Caroline Hunter to remove county and local governments from the MOE Requirements as this would impose a huge burden on what is a TIER I county in North Carolina.

Debbie Formyduval
Warren County Board of Elections
PH 252-257-2114
FX 252-257-5232

#####

"Kevin Patterson" <kpatterson@scotlandcounty.org>
05/21/2008 08:42 AM

To
HAVAInfo
cc

Subject
Our county supports the position of the National Association of State Elections Directors (NASED)

Our county supports the position of the National Association of State Elections Directors (NASED) outlined in their letter dated May 20, 2008. We ask that counties not be covered by Maintenance of Effort requirements under HAVA, that were clearly meant to apply only to state elections offices.

Please see the attached MOE NASED Comment.

From: NCACC [mailto:ncacc@ncacc.org]
Sent: Tuesday, May 20, 2008 3:48 PM
To: NCACC
Subject: Urgent Action Needed on Elections Mandate
Importance: High

County Managers and Directors of County Boards of Elections:

I apologize for late notice on this request for action, but we received notification TODAY from Gary Bartlett (State Elections Director) of a proposed shift in policy at the Elections

Assistance Commission (EAC) that could create an unnecessary burden on counties and county elections directors. The EAC is a federal commission that oversees elections administration.

In a nutshell, the EAC has misinterpreted the applicability of Maintenance of Effort requirements under the Help America Vote Act to include counties and other local governments, rather than just the state elections office. If this proposal goes forward, Maintenance of Effort requirements would be imposed retroactively to FY 1999-2000, triggering local audits and other possible negative consequences. The state has always understood they were covered under this and has acted accordingly, but the addition of counties after the fact is highly problematic.

Mr. Bartlett is asking county officials and county elections officials to email the EAC immediately to advocate for a correction of this interpretation. The email needs only to say, "Our county supports the position of the National Association of State Elections Directors (NASSED) outlined in their letter dated May 20, 2008. We ask that counties not be covered by Maintenance of Effort requirements under HAVA, that were clearly meant to apply only to state elections offices." Please send your email to HAVAInfo before this Thursday (May 22).

Included in this email are attachments sent from Mr. Bartlett if you need more information. Paul Meyer is our staff resource on election issues. If you have questions please contact Paul at (919) 715-2893.

Thank you for your help and again, we are sorry for the late notice.

David F. Thompson
Executive Director
NC Association of County Commissioners
919-715-2893; fax 919-733-1065
david.thompson@ncacc.org

#####

"Robert Inman" <RInman@haywoodnc.net>
05/21/2008 08:41 AM
To
"HAVAInfo" <HAVAInfo>
cc

Subject
Haywood County, North Carolina

Be advised that Haywood County North Carolina supports the position of the National Association of State Elections Directors in the matter concerning MOC in a letter dated

May 20, 2008 and ask for an immediate correction of the misinterpretation of language that was clearly meant for State Board of Elections ONLY!

Robert Inman, Director
Haywood County Board Of Elections
1233 North Main Street,
Waynesville, N.C. 28786
rinman@haywoodnc.net
Phone: (828) 452-6633
Fax: (828) 452-6750

Pursuant to North Carolina General Statutes Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) sent in response to it, may be considered public record and as such are subject to request and review by anyone at any time.

#####

"Paul McIntosh" <Paul.McIntosh@rutherfordcountync.gov>
05/21/2008 08:44 AM
To
"HAVAInfo" <HAVAInfo>
cc
"John Condrey" <John.Condrey@rutherfordcountync.gov>
Subject
Elections Mandate

"Our county supports the position of the National Association of State Elections Directors (NASD) outlined in their letter dated May 20, 2008. We ask that counties not be covered by Maintenance of Effort requirements under HAVA, that were clearly meant to apply only to state elections offices."

Paul McIntosh
Vice Chairman
Rutherford County Board of Commissioners

Pursuant to North Carolina General Statutes, Chapter 132,et.seq., this electronic mail message and any attachment hereto, as well as any electronic mail message(s) that may be sent in response to it may be considered public record and as such are subject to requests for review.

#####

"Becky Galliher" <bgalliher@co.iredell.nc.us>
05/21/2008 08:47 AM
To

HAVAInfo
cc

Subject
EAC Maintenance of Effort (MOE)-Call to Action-Iredell County

Iredell County, North Carolina

Our county supports the position of the National Association of State Elections Directors (NASSED) outlined in their letter dated May 20, 2008. We ask that counties not be covered by Maintenance of Effort requirements under HAVA, that were clearly meant to apply only to state elections offices."

Thank you for your consideration in this matter.

Becky Galliher
Director of Elections
704-878-3141

#####

"Mundy, Linda" <lmundy@alexandercountync.gov>

05/21/2008 08:46 AM

To
HAVAInfo
cc

Subject
EAC Maintenance of Effort (MOE) - Call to Action - Alexander County

"Our county supports the position of the National Association of State Elections Directors (NASSED) outlined in their letter dated May 20, 2008. We ask that counties not be covered by Maintenance of Effort requirements under HAVA, that were clearly meant to apply only to state elections offices."

Thank you for your consideration.

Linda Mundy, Director
Alexander County Board of Elections

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#####

"Amy Southerland" <asoutherland@franklincountync.us>

05/21/2008 08:56 AM

To

HAVAInfo

cc

don.wright@ncmail.net

Subject

Maintenance of Effort

Franklin County, North Carolina Board of Elections supports the position of EAC Commissioner Caroline Hunter to remove county and local governments from the MOE requirement as outlined in a letter sent to you by the National Association of State Elections Directors (NASSED) EAC Liaison Committee on May 20, 2008. Counties should not be covered by MOE requirements under HAVA that were clearly meant to apply only to state elections offices.

Amy Southerland, Director
Franklin County Board of Elections

#####

"Brenda Whitlow" <bwhitlow@personcounty.net>

05/21/2008 09:10 AM

To

HAVAInfo

cc

Subject

EAC Maintenance of Effort (MOE)

Person County, North Carolina supports the position of the National Association of State Elections Directors (NASSED) outlined in their letter dated May 20, 2008. We ask that counties not be covered by Maintenance of Effort requirements under HAVA, that were clearly meant to apply only to state elections offices."

Brenda Whitlow, Director
331 South Morgan St.
Roxboro, NC 27573

PH: 336-597-1727
Fax: 336-598-0300

#####

mashe@co.durham.nc.us
05/21/2008 09:20 AM
To
HAVAInfo
cc

Subject
Please remove county and local gov. from the MOE requirement

Greetings,

I support the NASED position. It would be a terrible mistake to retroactively put this burden on my county.

Mike Ashe
Director of Elections
Durham County North Carolina
919-560-0697

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.

It boils down to this..... the EAC has no right or business to make an abrupt change of policy in 2008 that would try to extend their jurisdiction over county elections offices as to county election expenditures made starting in 2000. The MOE requirement is a mandate that the State Board of Elections has and should continue to share alone.

#####

CAPTMERWIN@aol.com

05/21/2008 09:25 AM

To

HAVAInfo

cc

CAPTMERWIN@aol.com, don.wright@ncmail.net, dformyduval@co.warren.nc.us, warrenboe@co.warren.nc.us

Subject

MOE

Warren County Board of Election, State of North Carolina clearly supports EAC's Commissioner 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 (NASED) 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.

It boils down to this..... the EAC has no right or business to make an abrupt change of policy in 2008 that would try to extend their jurisdiction over county elections offices as to county election expenditures made starting in 2000. The MOE requirement is a mandate that the State Board of Elections has and should continue to share alone.

Merwin R. Dieckmann, MD
Secy., WCBOE

Wondering what's for Dinner Tonight? Get new twists on family favorites at AOL Food.

#####

cpoucher@co.wake.nc.us

05/21/2008 09:30 AM

To

HAVAInfo

cc

Subject

Maintenance of Effort

The Wake County (NC) Board of Elections supports the position of the National Association of State Elections Directors (NASSED) outlined in their letter dated May 20, 2008. We ask that counties not be covered by Maintenance of Effort requirements under HAVA, that were clearly meant to apply only to state elections offices.

Thank you.

Cherie Poucher, Director
Wake County Board of Elections
919-856-6245
cpoucher@co.wake.nc.us

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#####

"Palmer, Donald L." <DLPalmer@dos.state.fl.us>

05/21/2008 10:08 AM

To

HAVAInfo

cc

Subject

Maintenance of Effort

The State of Florida urges the EAC to adopt the proposal offered by Commissioner Hunter. The current interpretation of Section 254(a)(7) of HAVA in EAC Advisory 07-003-A - Maintenance of Effort (MOE) - is erroneous and should be modified. The opinion exceeds the plain reading of Section 254(a)(7) and the intent of Congress. The EAC should not unilaterally expand the scope of the word "State" to include counties, cities, or townships.

While the EAC may believe this interpretation is necessary for the goals of uniformity and fairness, such an interpretation simply exceeds its authority and runs contrary to Congressional intent. Congress granted the States the choice of whether to include local and county government expenditures in its MOE.

I would note that although our State does mention counties in the MOE section of the HAVA plan, the actual calculation of MOE did not include county expenditures.

The principle of lack of notice is fundamental to resolution of this issue. It is simply too late in the game to change the rules. Such ex post facto interpretations slowly erode the level of cooperation between the counties, the States, and the EAC which ultimately work against the original intent and purpose of HAVA.

Thank you for the opportunity to comment.

Donald Palmer
Director, Division of Elections
Florida Department of State

Please take a few minutes to provide feedback on the quality of service you received from our staff. The Florida Department of State values your feedback as a customer. Kurt Browning, Florida's Secretary of State, is committed to continuously assessing and improving the level and quality of services provided to you. Simply click on the link to the "DOS Customer Satisfaction Survey." Thank you in advance for your participation.

<http://survey.dos.state.fl.us/DLPalmer@dos.state.fl.us>

#####

"Williams, Bonnie" <BWilliams@nhcgov.com>

05/21/2008 10:47 AM

To

HAVAInfo

cc

"Shell, Bruce" <BShell@nhcgov.com>, "Malette, Andre" <AMalette@nhcgov.com>, "Don Wright" <don.wright@ncmail.net>, "Gary Bartlett" <Gary.Bartlett@ncmail.net>, "Alice Cumberworth" <atlast134@bellsouth.net>, Margaret@MargaretHaynes.com, tguinn1@bellsouth.net, "Herring, Gina" <GHerring@nhcgov.com>, "Mrozkowski, Michelle" <MMrozkowski@nhcgov.com>, "Smith, Roberta" <rosmith@nhcgov.com>, "Caster, Bill" <BCaster@nhcgov.com>, "Davis, Ted" <TDavis@nhcgov.com>, "Greer, Bobby" <rgreer@nhcgov.com>, "Kopp, Bill" <BKopp@nhcgov.com>, "Pritchett, Nancy" <NPritchett@nhcgov.com>

Subject

New Hanover County shows supports for Commissioner Hunter's proposal

New Hanover County in North Carolina supports EAC's Commissioner 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.

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.

Bonnie T. Williams, Director
New Hanover County Board of Elections
910-798-7287
bwilliams@nhcgov.com

#####

"clay boe" <clay.boe@gmail.com>
05/21/2008 10:51 AM
To
HAVAInfo
cc
"Don Wright" <don.wright@ncmail.net>
Subject
Moe requirements

Clay 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.

Julie Hall, Director of Elections Clay County

#####

"Robert Inman" <RInman@haywoodnc.net>

05/21/2008 11:40 AM

To

"HAVAInfo" <HAVAInfo>

cc

"Karen Brinson" <karen.brinson@ncmail.net>, "don wright" <don.wright@ncmail.net>

Subject

FW: Haywood County Position on Subject of MOE

Robert Inman, Director
Haywood County Board Of Elections
1233 North Main Street,
Waynesville, N.C. 28786
rinman@haywoodnc.net
Phone: (828) 452-6633
Fax: (828) 452-6750

From: Marty Stamey
Sent: Wednesday, May 21, 2008 11:38 AM
To: HAVAInfo.
Subject: Haywood County Position on Subject of MOE

As Assistant County Manager of Haywood County in North Carolina, I support EAC's Commissioner 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. Please consider the following prior to finalizing your position on this important issue.

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.

Thank you,
Marty

Marty Stamey
Assistant County Manager
Haywood County
215 N. Main St.
Waynesville, NC 28786

828.452.6779 office
828.452.6715 fax

Pursuant to North Carolina General Statutes Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) sent in response to it, may be considered public record and as such are subject to request and review by anyone at any time.

#####

"Jennie Franklin" <j franklin1@embarqmail.com>
05/21/2008 11:59 AM
To
HAVAInfo
cc
"Don Wright" <don.wright@ncmail.net>, "Sandra Shearin" <sandi@3rddoor.com>,
"Merwin Dieckmann" <CAPTMERWIN@aol.com>, "Debbie Formyduval"
<dformyduval@co.warren.nc.us>
Subject
EAC Maintenance of Effort

Good Morning,

I am supportive of Commissioner Caroline Hunter's proposal to remove county and local governments from the MOE requirement as set forth in the May 20, 2008 letter you received from the National Association of State Election Directors Liaison Committee. This letter outlines the specifics of the concerns shared by this organization and many of us who are active participants at the county level. Further, this approach would be an abrupt change in present policy that would place an undue and cumbersome burden on county elections offices. I hope that HAVA would reconsider its present stance.

Jennie A. Johnson Franklin, Member
Warren County North Carolina Board of Elections

#####

"Board of Elections" <elections@moorecountync.gov>
05/21/2008 11:59 AM
To
HAVAInfo
cc

Subject
HAVA - Maintenance of Effort

As the Director of the Moore County Board of Elections in North Carolina, I would like to go on record as supporting EAC Commissioner Caroline Hunter's proposal to remove county and local governments from the MOE requirement.

I understand the National Association of State Election Directors (NASED) EAC Liaison Committee recently documented their specific reasons in a letter of May 20, 2008 to the EAC. They included the following:

- a. There should be no new definition of the word "State". The meaning of "expenditures of the State" is clearly understood as expenditures of State government. Any expansion of definition of "State" would be contrary to law.
- b. 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. 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.
- c. 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.

d. State Plans were filed four (4) years ago, programs implemented and most of the HAVA funds expended. There is NO compelling reason to impose a huge burden on State and local governments by changing the "rules of the game" well after the fact.

e. There are more effective ways to determine whether local government funds are being replaced by HAVA funds than inventing a local government MOE.

I agree with the specified reasons shown above and can personally testify to the fact that I, as a local county elections director, understand that any/all HAVA funds may not take the place of the local funds required to carryout elections. HAVA has changed the way elections are conducted and has increased the overall costs. I know if Moore County had not been given HAVA dollars, we did not have the resources to replace the funds. New programs and improvements WOULD NOT have been implemented. Any expansion of funds for Elections would be out of the question.

The State of North Carolina has held each county accountable for funds granted. The MOE requirement is a mandate that the North Carolina State Board of Elections has and should continue to share alone.

Once again, as an elections director for 23 years, I support EAC Commissioner Caroline Hunter's proposal to remove county and local governments from the MOE requirement.

Thank you for your consideration of my comments.

Glenda M. Clendenin, Director
Moore County Board of Elections
Carthage, NC 28327

#####

"Pam Pimley" <PamP@co.klickitat.wa.us>

05/21/2008 12:04 PM

To

HAVAInfo

cc

Subject

Klickitat County in Washington State urges the EAC to adopt Commissioner Hunter's proposal to remove county and local governments from the Maintenance of Effort (MOE) requirement. Our county did not request or receive any HAVA funds that would supplant existing election costs including Title III type activities.

A plain reading of HAVA 254(a)(7) reveals that Congress only intended the MOE requirement to apply to the states. If Congress intended county and local governments to meet the MOE requirement of HAVA, it would have included such language. Any other interpretation requires the EAC to overreach its statutory authority.

Additionally, Section 901 of HAVA does not include units of local government in the definition of "State". Section 901 reads as follows:
"In this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands"

Not until September 2007, did the EAC issue guidance requiring local units of government to establish and maintain MOE. At this late juncture, it is unfair and inappropriate for the EAC to require local units of government to provide MOE, especially since local units of government are not included in the definition of State.

Pamela M. Pimley
Chief Deputy Auditor

pamp@co.klickitat.wa.us
Klickitat County Auditor's Office
205 S. Columbus Stop 2
Room 203
Goldendale, WA 98620
509.773.2312 Fax 509.773.4244

#####

"Kirk Kirkpatrick" <kirk@jwklaw.net>
05/21/2008 12:09 PM
To
HAVAInfo
cc

Subject
Fw: EAC

----- Original Message -----
From: June Rhinehart
To: Kirk Kirkpatrick
Sent: Wednesday, May 21, 2008 12:07 PM
Subject: EAC

TO: Elections Assistance Commission
FROM: Kirk Kirkpatrick, Vice-Chairman
RE: Maintenance of Effort

Our county supports the position of the National Association of State Elections Directors (NASED) outlined in their letter dated May 20, 2008. We ask that counties not be covered by Maintenance of Effort requirements under HAVA, that were clearly meant to apply only to state elections offices.

Thank you.

#####

"Jackie Taylor" <taylorj@halifaxnc.com>

05/21/2008 12:12 PM

To

HAVAInfo

cc

Subject

Maintenance of Effort

Halifax County supports the position of the National Association of State Elections Directors (NASED) outlined in their letter dated May 20, 2008. We ask that counties not be covered by Maintenance of Effort requirements under HAVA, that were clearly meant to apply only to state elections offices.

Jackie Taylor, Director

Halifax County Board of Elections

#####

"Jason Perry" <jperry@co.stokes.nc.us>

05/21/2008 12:12 PM

To

"HAVAInfo" <HAVAInfo>

cc

"Don Wright" <don.wright@ncmail.net>, "Bryan Steen" <bsteen@co.stokes.nc.us>

Subject

Policy Regarding HAVA Maintenance of Effort

Dear EAC Commissioners,

My name is Jason Perry, and I'm the elections director in Stokes County, NC. I am writing to you in regard to your efforts to extend the reach of HAVA Maintenance of Effort requirements to include county elections offices.

I support EAC Commissioner Caroline Hunter's proposal to remove county and local governments from the MOE requirement. The reasons for this position are effectively outlined by the EAC Liaison Committee of the National Association of State Elections Directors (NASED) in a letter dated May 20, 2008.

Thank you for your time and consideration.

Jason Perry, Director
Stokes County Board of Elections
P O Box 34
Danbury, NC 27016
Phone: (336) 593-2409
Fax: (336) 593-4022
jperry@co.stokes.nc.us

#####

"Page, Linda" <PageL@co.pasquotank.nc.us>
05/21/2008 12:18 PM
To
HAVAInfo
cc
"Don Wright" <don.wright@ncmail.net>
Subject
Maintenance of Effort

To Whom It May Concern:

The Pasquotank County Board of Elections in North Carolina strongly supports EAC Commissioner Caroline Hunter in her proposal to remove county and local governments from the MOE requirement for the reasons set out in the National Association of State Election Directors (NASED) EAC Liaison Committee letter of May 20, 2008 to the EAC which are included below.

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.

Thank you.

Linda G. Page, Director
Michele E. Aydlett, Chairman
Pasquotank County Board of Elections
426 McArthur Dr.
P.O. Box 1797
Elizabeth City, NC 27906-1797
Phone: (252) 335-1739
FAX: (252) 331-2560

#####

"Bryan Steen" <bsteen@co.stokes.nc.us>

05/21/2008 12:20 PM

To

"HAVAInfo" <HAVAInfo>

cc

Subject

HAVA Maintenance of Efforts Requirement for County and Local Government

Dear EAC Commissioners,

I'm the Stokes County Manager and I'm writing to you in regard to your efforts to extend the reach of HAVA Maintenance of Effort requirements to include county elections offices.

I support EAC Commissioner Caroline Hunter's proposal to remove county and local governments from the MOE requirement. The reasons for this position are effectively outlined by the EAC Liaison Committee of the National Association of State Elections Directors (NASSED) in a letter dated May 20, 2008.

Thank you for your time and consideration.

#####

"White, Dan" <DWhite@elections.il.gov>

05/21/2008 12:25 PM

To

HAVAInfo

cc

Subject
Maintenance of Effort(MOE) Proposal

This is to indicate support of Commissioner Hunter's proposal to remove county and local governments from the MOE requirement.

Daniel W. White
Executive Director
Illinois State Board of Elections

#####

"DePelteau, Mary L." <DePeltML@co.cal.md.us>
05/21/2008 01:08 PM
To
HAVAInfo
cc

Subject
Comments on MOE Issue

Please see attached letter regarding Advisory 07-003-A.

Mary DePelteau
Office Specialist, Calvert County Election Board
Secretary, MAEO
410-535-2214 or 301-855-1376
depeltml@co.cal.md.us

"Laughter is a tranquilizer with no side effects."

#####

"Frances Pinion" <Frances.Pinion@co.gaston.nc.us>
05/21/2008 01:09 PM
To
HAVAInfo
cc

Subject
Support of EAC Commissioner Caroline Hunter's Proposal

Gaston County, NC Board of Elections supports the above referenced proposal to remove county and local governments from the MOE requirement.

Financial records are only maintained for five fiscal years after their audit by our Finance Department. Records dating back the 2000 election could not be proved.

This is an extremely busy year for elections offices in order to maintain honest and open elections. Citizens deserve and demand this. That is the main focus of our office and if our time had to be spent on recreating financial records back to the 2000 election, I would be concerned that something somewhere would go lacking.

Since the State of North Carolina controls the HAVA funds now, I feel they should continue to do so. There is no evidence that any State election official is permitting local governments to replace local funds with HAVA funds.

Thank you,
Frances Pinion
Director
Gaston County Board of Elections

Pursuant to North Carolina General Statute, Chapter 132, email correspondence to and from this address may be considered public record under the North Carolina Public Records Law and may be disclosed to third parties.

#####

"Sandra Shearin" <sandrashearin@hughes.net>

05/21/2008 01:10 PM

To

HAVAInfo

cc

Subject

MOE

To Whom It May Concern:

As Chairperson of the Warren County North Carolina Board of Elections, I, Sandra W. Shearin clearly support the EAC Commissioner Carolina Hunter's proposal to remove county and local governments from the MOE requirement for reasons set out in the National Association of State Election Directors EAC Liason Committee recent letter of May 20, 2008 to the EAC. It is my belief that the EAC has no right or business to make an abrupt change of policy in 2008 that would try to extend their jurisdiction over county elections office as to county election expenditures made starting in 2000. The MOE requirement is a mandate that the SBOE has and should continue to share alone.

Sincerely,

Sandra W. Shearin, Chair-person
Warren County Board of Elections

North Carolina

Sandra W. Shearin
South Shore Realty
1876 Eaton's Ferry Road
Littleton, NC 27850
Ph: (252) 586-3048
Mobile: (252)308-2015
Fx: (252) 586-6019
Email: sandrashearin@hughes.net

#####

"Sheila.Ollis@ncmail.net" <Sheila.Ollis@ncmail.net>
05/21/2008 01:24 PM
Please respond to
"Sheila.Ollis@ncmail.net" <Sheila.Ollis@ncmail.net>

To
HAVAInfo
cc

Subject
NASSED

I am the Director of the Avery County Board of Elections. Our county and office support the position of the National Association of State Elections Directors (NASSED) outlined in their letter dated May 20, 2008. We ask that counties not be covered by Maintenance of Effort requirements under HAVA, that were clearly meant to apply only to state elections offices. I am supporting Commissioner Hunter's proposal to remove county and local governments from the MOE requirement.

Sheila E. Ollis

Avery County Board of Elections
PO Box 145
200 Montezuma St.
Newland, NC 28657

828-733-8282
828-733-8283 - FAX

#####

"Eunice Coker" <EuniceC@co.whitman.wa.us>
05/21/2008 07:32 PM

To
HAVAInfo@eac.gov
cc

Subject

Please reverse the U.S. Election Assistance Commission (EAC) Advisory 07-003-A issued on September 7, 2007

Whitman County in Washington State urges the EAC to adopt Commissioner Hunter's proposal to remove county and local governments from the Maintenance of Effort (MOE) requirement. Our county did not request or receive any HAVA funds that would supplant existing election costs including Title III type activities.

A plain reading of HAVA 254(a)(7) reveals that Congress only intended the MOE requirement to apply to the states. If Congress intended county and local governments to meet the MOE requirement of HAVA, it would have included such language. Any other interpretation requires the EAC to overreach its statutory authority.

Additionally, Section 901 of HAVA does not include units of local government in the definition of "State". Section 901 reads as follows:

"In this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands"

Not until September 2007, did the EAC issue guidance requiring local units of government to establish and maintain MOE. At this late juncture, it is unfair and inappropriate for the EAC to require local units of government to provide MOE, especially since local units of government are not included in the definition of State.

Eunice Coker
Whitman County Auditor
PO Box 350
Colfax, WA 99111
509-397-6273

#####

"Gerald Johnson" <geraldajohnson@netzero.com>
05/21/2008 09:26 PM

To

HAVAinfo@eac.gov
cc

Subject
We support position of NASED

To Whom it May Concern:

Our county supports the position of the National Association of State Elections Directors (NASED) outlined in their letter dated May 20, 2008. We ask that counties not be covered by Maintenance of Effort requirements under HAVA, that were clearly meant to apply only to state elections offices.

Gerald Johnson
Board Member
Avery County Board of Elections
Newland, North Carolina

#####

"Mary Hollinrake" <Mary.Hollinrake@kentcountymi.gov>
05/22/2008 10:16 AM

To
HAVAInfo@eac.gov
cc
"Bill Zaagman" <zaagman.w@gcsionline.com>, "Ann Ulrich"
<clerkulrich@hartlandtwp.com>
Subject
Letter for EAC Commissioners

Please see the attached letter addressed to the Commissioners from the Michigan Council of Election Officials. Thank you.

mary.hollinrake@kentcountymi.gov (New email)
Mary Hollinrake
Kent County Clerk/Register
300 Monroe NW
Grand Rapids MI 49503
(616) 632-7660
(616) 632-7645 Fax

#####

"Leigh Anne Price" <leighanne.price@johnstonnc.com>
05/22/2008 09:40 AM

To
HAVAInfo@eac.gov
cc

Subject
MOE

Johnston County, North Carolina Board of Elections supports the position of EAC Commissioner Caroline Hunter to remove county and local governments from the MOE requirement as outlined in a letter sent to you by the National Association of State Elections Directors (NASED) EAC Liaison Committee on May 20, 2008. Counties should not be covered by MOE requirements under HAVA that were clearly meant to apply only to state elections offices.

Leigh Anne Price, Director
Johnston County Board of Elections
Phone (919) 989-5096
Fax (919) 989-5142

#####

"yancey boe" <yancey.boe@gmail.com>
05/22/2008 09:23 AM

To
HAVAInfo@eac.gov
cc
Subject support EAC Commissioner Caroline Hunter

YANCEY COUNTY BOARD OF ELECTIONS
Burnsville, NC 28714

We, Yancey County Board of Elections would like to go on record that we support EAC's Commissioner Hunter's proposal to remove county and local governments from the MOE requirement for the reasons set out in the Natinal Association of State Elections Directors (NASED) EAC Liaison Committee recent letter of May 20, 2008 to the EAC.

Thank You,
Loretta Robinson, Director

#####

"Manlove Elaine M (Elect_COE)" <Elaine.Manlove@state.de.us>
05/22/2008 09:02 AM

To
HAVAInfo@eac.gov
cc

Subject MOE

Delaware supports NASED Committee's letter to remove county and local governments from the MOE requirement. All Elections offices in Delaware, however, are state so this does not directly impact Delaware.

Elaine Manlove
State Election Commissioner
111 S. West Street, Suite 10
Dover, DE 19904
Phone: (302) 739-4277
Fax: (302) 739-6794

#####

"Janet Harris" <janet.harris@sos.arkansas.gov>
05/22/2008 12:31 PM

To
HAVAInfo@eac.gov
cc
"Charlie L. Daniels" <charlie.daniels@sos.arkansas.gov>
Subject Opinion 2007-003-A

"On behalf of the Arkansas Secretary of State, we strongly urge the EAC to adopt the resolution of Vice Chair Caroline Hunter dated April 9, 2008, to strike any reference in EAC Opinion 2007-003-A which requires county and local governments to comply with maintenance of effort requirements as stated in Section 254(a)(7) of HAVA. We support the arguments in favor of striking this language as offered by NASED's EAC Liaison Committee."

Sincerely,

Janet Harris
Deputy Secretary of State
256 State Capitol
Little Rock, AR 72201
501.682.1010
janet.harris@sos.arkansas.gov