

# The State of Texas



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## **Help America Vote Act (HAVA)** **2006 Texas Association of County Auditors' Conference** **El Paso, Texas** **October 17-20**

- 1) HAVA Funding Available to the Counties
  - a) County Education Fund – Reimbursement of costs incurred as a result of attending professional election training such as conferences and seminars.
  - b) Voting System Accessibility – Reimbursement of costs incurred as a result of obtaining a HAVA-compliant accessible voting system in each polling location.
  - c) General HAVA Compliance – Reimbursement of costs for the following purposes: Voter education; Election worker education; Upgrading voting systems (compliance with new federal standards); and Acquiring an accessible voting system in each polling location.
  - d) Texas Election Administration Management (TEAM) Compatibility – Reimbursement of costs incurred as a result of the Counties acquiring equipment, software, supplies, and contractual services, such as Internet service provider fees, to integrate with the TEAM system.
  - e) Polling Place Accessibility – The County may expend funds for the following purposes:
    - i) Making pathways more accessible by building or repaving sidewalks.
    - ii) Construction or repair of ramps and threshold ramps.
    - iii) Constructing curb cuts and adding handrails.
    - iv) Establishing accessible parking spaces closer to the accessible entrance.
    - v) Providing adequate signage showing where accessible parking and entrances are located and indicating that service animals are welcome.
    - vi) Purchasing hardware that will make it easy for persons with limited mobility or grasping ability to open doors.
    - vii) Other projects that improve polling place accessibility deemed reasonable and necessary by the SOS.
      - (1) Funds used for permanent improvements such as repaving sidewalks and curb cuts may only be applied to county owned property utilized for a polling location used during a federal election.
  - f) Opportunity for Access – The County may expend funds for the following items:

- i) Magnifiers.
  - ii) Signature guides.
  - iii) Accessible voting booths or tables.
  - iv) Seats to accommodate persons who have difficulty standing for long periods of time.
  - v) Telephones in order to allow the use of all Relay Texas services including speech-to-speech relay.
  - vi) Informational material to be written in large print and in Braille.
  - vii) Other projects that improve polling place accessibility deemed reasonable and necessary by the SOS.
- 2) Recent Federal Audit Results – Election Assistance Commission (EAC) Office of the Inspector General
- a) Regarding the counties, the EAC was primarily focused on proper Inventory Controls and proper reporting and use of Program Income.
- 3) Extending the Current Grant Periods
- a) The County Education Fund, Voting System Accessibility, and General HAVA Compliance grants have been extended to December 31, 2008.
  - b) Per the Election Assistance Commission (“EAC”), it is permissible to use funds to procure additional voting equipment that is not accessible to persons with disabilities with funds made available prior to January 1, 2007 if the county has enough accessible voting devices to satisfy HAVA section 301 requirements. The equipment procured with those funds must meet all other HAVA section 301 requirements.
- 4) Monitoring – What to Expect
- a) Most visits only last a day.
  - b) One of the most common findings is a lack of procurement documentation.
    - i) If the county did not utilize the Texas Building and Procurement Commission’s (TBPC) term contract through the Cooperative Purchasing Program (Co-Op), the county must, at a minimum, provide documentation or information that demonstrates the county exercised due diligence in reviewing multiple systems – such as commissioner court meeting minutes, demonstrations, etc. Or, if the procurement was acquired by noncompetitive proposals, please explain which of the following circumstances applies:
      - (1) The item was available only from a single source.
      - (2) The public exigency or emergency for the requirement did not permit a delay resulting from competitive solicitation.
      - (3) After solicitation of a number of sources, competition is determined inadequate.
  - c) Another common finding is billing multiple funding sources for the same expense.

- i) For example, if Chapter 19 paid for an expense, it cannot also be charged to HAVA. The same is true for Primary Finance charges.
- d) Counties cannot pay for services until those services are received, such as training or election day support.

5) Program Income

- a) Program income means gross income received by the county directly generated by a grant supported activity, or earned only as a result of the grant agreement during the grant period. For example, fees from leasing or renting HAVA-purchased equipment and services are considered program income.
  - i) Pursuant to a recent federal audit, we are inquiring with the EAC as to whether we can deduct expenses incurred as a result of the operation, upkeep, maintenance, storage, security, etc. of the HAVA-mandated equipment. If the EAC allows the counties to deduct those expenses, most counties will have greater expenses than what they earn from fees resulting from lease and interagency agreements. In those cases, the reportable income would be \$0.
  - b) “During the grant period” is the time between the effective date of the award and the ending date of the award reflected in the final reimbursement request. Because specific dates are not identified in HAVA or an award agreement between the state and the EAC, the EAC general counsel has determined that the date the state first received funding is the grant begin date and the last day of the grant period is the date the state expends all of the funds. Therefore, the counties must report program income for equipment reimbursed with HAVA funds from the date the equipment was acquired for the following time periods, regardless of the grant periods in the award agreements between the state and the counties or the date the county received the HAVA funds from the state:
    - i) Title I, Section 102, Voting System Replacement (Punch Card and Lever Voting Systems)  
(1) May 1, 2003 thru December 31, 2006
    - ii) Title II, Section 251, Voting System Accessibility and General HAVA Compliance  
(1) June 17, 2004 thru September 30, 2006
    - iii) The SOS will send out instructions to the counties toward the end of calendar year 2006 as to how and where to report program income.