



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW – Suite 1100
Washington, DC 20005

Funding Advisory Opinion
FAO-08-008

Date Issued:

September 26, 2008

Requestor:

Sacramento County, California (AOR-08-008)

Question:

May Help America Vote Act (HAVA) Section 251 funds be used for required voting system maintenance, including preventive maintenance to maintain compliant status, as part of meeting the Title III requirements and not just as an improvement to the administration of Federal elections?

Answer:

Section 251 funds may be used to maintain HAVA-compliant voting systems as part of meeting the Title III requirements of HAVA.

Discussion:

HAVA is silent, in its discussions on the uses of HAVA payments and on standards for voting systems, on whether the cost of maintaining voting systems qualifies for Section 251 funding. EAC believes, however, that it is in the best interest of voters to have voting systems that are safe, reliable, secure and functional and that inherent to those capabilities is a regular plan of maintenance of the voting systems. Thus, using Section 251 funds to maintain voting equipment in satisfactory operating condition in order to reduce failures and downtime is an allowable use of Section 251 funds relative to Title III of HAVA.