

**BRIEFING REGARDING STATE PLANS**  
**EDGARDO CORTÉS**  
**U.S. ELECTION ASSISTANCE COMMISSION (EAC)**  
**PUBLIC MEETING**  
**APRIL 30, 2008**

- **DEFINITION OF EAC ROLE IN REVIEWING STATE PLANS**

The role of the EAC in regard to receiving State plans, under HAVA Section 255, remains undefined.

  - What is the extent to which the agency should review State plans prior to submission to the Federal Register?
  - Considerations:
    - States that fail to address all portions of the State plan, as required under HAVA Section 254.
    - States that identify expenditures not allowable under HAVA
      - Past Example: Promotional materials included in state plan
  
- **DEFINITION OF “MATERIAL CHANGE”**

HAVA Section 254(a)(11) requires an amended State plan to be filed when there is “a material change in the administration of the plan.” A definition of what constitutes a material change has not been established by the EAC.

  - The EAC has received and expects to continue receiving inquiries from States on when an amendment to the State’s plan is necessary.
  - EAC staff is preparing a proposed definition for “material change in the administration of the plan” for consideration by Commissioners.
  
- **EAC PROCEDURES FOR PROCESSING STATE PLANS**

The agency does not currently have written internal procedures for processing State plans. Once the policy issues above have been resolved, the agency needs to develop and adopt procedures to explain the process for submitting State plans to the EAC. In creating new procedures, the EAC needs to identify:

  - Clear process for State submittal of plans to EAC
    - Additional considerations: Federal Register is changing the submission procedures and technical requirements for all Federal Register publications
  - Timeline for agency review and submission of plans to Federal Register
  - Communication with State on status of State plan
  - Reducing costs for publishing state plans
  
- **INTERIM PROCEDURES**

Until the larger policy issues are addressed and new procedures are established, EAC staff will continue past practice and process State plans in the same manner as before – State submission to EAC, review by Commissioner subcommittee with the assistance of staff, and publication in the Federal Register upon vote by Commissioners. States should be advised that procedures may change in the future.