



August 31, 2021

HELP AMERICA VOTE ACT STATE EXPENDITURES

Overview

The federal Help America Vote Act (HAVA) was enacted in 2002 (Public Law 107-252) to make changes to the nation’s voting process. HAVA addresses improvements to voting systems and voter access identified as needed following the 2000 election.

HAVA requires the Election Assistance Commission (EAC) to test and certify voting equipment, maintain the National Mail Voter Registration form, and administer a national information clearinghouse on elections that includes shared practices, information for voters, and other resources to improve elections. Kansas has received different types of HAVA grant funds for different purposes.

Kansas HAVA Grant Funding and Expenditures

As described below, HAVA moneys to the State have come *via* four main provisions of federal law:

Kansas Help America Vote Act (HAVA) Grant Funds and Expenditures through Federal Fiscal Year 2020*					
	<u>Award</u>	<u>Interest Earned</u>	<u>Expenditures</u>	<u>State Match</u>	<u>Balance (Award and Interest Earned)</u>
Section 101	\$ 5,000,000	\$ 1,400,213	\$ 3,959,832	\$ --	\$ 2,440,292
Section 251	24,033,425	2,274,074	25,838,952	1,264,917	468,547
Election Security	9,308,516	748	19,200	1,204,911	9,289,316
HAVA CARES Act	4,622,500	3,948	4,477,003	924,500	149,445
Totals	\$ 42,964,441	\$ 3,678,983	\$ 34,294,987	\$ 3,394,328.0	\$ 12,347,600

Note: Totals may not add due to rounding.

*Data included in table is sourced from EAC federal fiscal year (FFY) 2020 annual reports and does not reflect state fiscal year (FY) 2021 or subsequent federal or state fiscal year funding or expenditure levels. This data is cumulative through FFY 2020 (October 1, 2019 - September 30, 2020); the state of Kansas fiscal year 2020 encompasses July 1, 2019, through June 30, 2020.

Pursuant to HAVA, interest must be earned on all matching funds and federal funds associated with HAVA. In 2008, the Kansas Office of the Secretary of State (agency) was notified by the EAC that it was in violation because State General Fund (SGF) matching funds were not receiving interest. The agency corrected this in collaboration with the Kansas Legislative Research Department, Division of the Budget, and Division of Accounts and Reports by creating the Democracy Fund. The existing SGF appropriation was transferred to the Democracy Fund and new matching funds are also deposited into this account.

HAVA Section 101, Payments to States for Activities to Improve Administration of Elections

In 2003, EAC distributed \$349.2 million to states under Section 101 of HAVA to improve the administration of federal elections. Section 101 funds are the most flexible funds available to states through HAVA. There are eight specific authorized use categories for Section 101 grant funds:

1. Complying with requirements of Title III of HAVA, Uniform and Nondiscriminatory Election Technology and Administration Requirements;
2. Improving the administration of elections for federal office;
3. Educating voters concerning voting procedures, voting rights, and voting technology;
4. Training election officials, poll workers, and election volunteers;
5. Developing a statewide plan for improving the administration of federal elections in Kansas;
6. Improving, acquiring, leasing, modifying, or replacing voting systems and technology;
7. Improving the accessibility and quantity of polling places; and
8. Establishing toll-free hotlines for use by voters to obtain voting information.

The Kansas Office of the Secretary of State received \$5.0 million in Section 101 HAVA grant funds in federal fiscal year (FFY) 2003. These funds did not have a required state match and were allowed to be used broadly for improvements in election administration. As of the end of FFY 2020, the State of Kansas, through the Office of the Secretary of State, had expended \$4.0 million of Section 101 grant funds in four areas:

1. Implementation of a new statewide central voter registration system;
2. Administrative expenses for development of the state plan and the central voter registration system request for proposal;
3. Education programs; and

4. Meeting certain requirements of Title III, including providing a way for a voter of a provisional ballot to determine whether the ballot was counted, without charge to the voter; polling place postings; and voter registration forms.

The Secretary of State intends to continue to utilize funds for these areas as well as maintain all options provided within the law for expenditures. HAVA Section 101 funds have earned \$1.4 million in interest.

HAVA Section 251, Requirements Payments

Section 251 funds, known as Requirements Payments, were distributed to states using a formula required under HAVA based on a proportion: the voting age population of each state compared to the total voting age population of all states. States are required to deposit Section 251 funds in an interest-bearing state election account and the funds are available until expended. Funds may be used to:

- Procure voting systems that comply with the requirements of HAVA Title III, Section 301, Voting System Standards;
- Implement provisional voting (*i.e.*, allowing a voter whose registration status cannot be confirmed at the polling place to cast a provisional ballot);
- Provide information to voters at the polling place such as general information on voting rights;
- Develop and implement a computerized statewide voter registration list; and
- Implement identification requirements for first-time voters who register to vote by mail.

Section 251 HAVA grant funds were last appropriated in 2011 and those funds were primarily utilized to pay for the statewide central voter registration system and voting equipment that complied with HAVA requirements. The State of Kansas, through the Office of the Secretary of State, has expended \$25.8 million in Section 251 funds. Remaining funds are for ongoing efforts to maintain the statewide central voter system and voting equipment. HAVA 251 funds have earned \$2.3 million in interest.

HAVA Election Security Funds

Congress provided an additional \$380.0 million through the Consolidated Appropriations Act of 2018 (Public Law 115-141) in March 2018 to improve the administration of elections for federal office, especially to enhance technology and make election security improvements. All 50 states received these funds. To access these funds, states were required to provide a budget and a program narrative describing how they would use the funds. The EAC requested funding be used in five main categories:

1. Voting equipment;
2. Post-election auditing;

3. Voter registration systems;
4. Cybersecurity; and
5. Communication.

The State of Kansas began participating in the Election Security grant program in FFY 2018. The State of Kansas, through the Office of the Secretary of State, has been awarded \$9.3 million in Election Security funds. No expenditures were made during FFY 2020. However, the agency made expenditures of \$4.5 million after the FFY end date of September 30, 2020, for cybersecurity projects and security training, including training specific to phishing attempts. HAVA Election security funds have earned \$748 in interest.

HAVA Coronavirus Aid, Relief, and Economic Security Act (CARES Act) Funds

In March 2020, the president signed the CARES Act into law. The CARES Act included \$400.0 million in HAVA emergency funds, made available to states to prevent, prepare for, and respond to the COVID-19 pandemic for the 2020 federal election cycle. This supplemental appropriation, distributed by the EAC, provided states with additional resources to protect the 2020 federal elections from the effects of the COVID-19 pandemic. HAVA CARES Act funds had a requirement that states must make a 20.0 percent match available within two years of receiving the funds.

The State of Kansas through the Office of the Secretary of State was awarded \$4.6 million in HAVA CARES Act grant funds. Of the total \$4.6 million award, \$4.5 million was expended in FFY 2020. The majority of expenditures were utilized to purchase personal protective equipment (PPE) kits at the state level for distribution to counties and to communicate with voters regarding changes in the voting process due to the COVID-19 pandemic. PPE kits included sneeze guards, gloves, masks, cleaner, disposable styluses, and hand sanitizer. A portion of these funds was also allocated to reimburse each of the 105 county election offices for eligible pandemic expenses such as additional staff and board workers, costs related to printing and mailing additional ballots, ballot tracking software, and high speed scanners and letter-opening equipment. This program had a required state match of 20.0 percent, or \$924,500; however, the Kansas Secretary of State's office received approval from the EAC to utilize in kind-match contributions to meet this requirement. HAVA CARES Act funds have eared \$3,948 in interest.

HAVA Section 261, Payments to Assure Voting Access for Individuals with Disabilities

The State of Kansas, through the Office of the Secretary of State, also expended \$674,790 in HAVA Voting Access for Individuals with Disabilities grant funds in FFY 2010. Unlike the other HAVA programs described in this memorandum, this program was administered by the U.S. Department of Health and Human Services rather than the EAC. Therefore, these funds do not appear in the table on page 1. HAVA required these funds to be used to make polling places accessible to individuals with disabilities, with uses including providing training for election officials, poll workers, and election volunteers on how best to promote access and participation of individuals with disabilities in federal elections. These grant funds have been fully expended and this program has since closed.