

**U.S. Election Assistance Commission (EAC)
Funding Advisory Opinion
FAO-2015-001**

Date Issued: March 31, 2015

Requestor: See below list.

Question: May Help America Vote Act (HAVA) Section 251 or 101 funds be used to make American with Disability Act (ADA) improvements to voting places, building improvements to an election center and equipment purchases to improve the administration of federal elections as described in the questions found in Table 1 below?

Answer: EAC finds that it has approved similar expenditures in previous Funding Advisory Opinions and approves these expenditures subject to final due diligence and concurrence from EAC grants office.

Discussion: The EAC Grants Office has responsibility to apply the Office of Management and Budget (OMB) Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments to all requested expenditures, which includes ensuring that the expenditures are (1) allowable; (2) allocable; and (3) reasonable. In general, HAVA allows states to use Section 251 funds in three instances. First, states may use Section 251 funds to comply with the requirements in Title III of HAVA. After a state certifies compliance with the Title III requirements, a state may also use Section 251 funds “to carry out other activities to improve the administration of elections for Federal office...” Finally, a state may use its minimum payment amount applicable to a state under Section 252(c) 42 U.S.C. § 15401(b)(2) for the improvement of the administration of federal elections. HAVA section 101 funds may be used to improve the administration of Federal elections.

Table 1

Pending	AOR-09-003 (PA)	ADA	May Clearfield County use \$5,000 of Section 251 funds to pave the handicapped access and handicap parking to one of its polling places?
Pending	AOR-09-004 (PA)	ADA	May Philadelphia County use \$581,007 of Section 251 funds to make ADA-compliant modifications to entrances to 14 buildings owned by the City of Philadelphia?
Pending	AOR-09-008 (PA)	ADA	May Mercer County use HAVA funds for 10 projects from \$906 to \$3,619 to make polling places compliant with the ADA accessibility requirements?
Pending	AOR-09-014 (PA)	ADA	May Clearfield County use \$1,500 of Section 251 to alter building doorways and floors to improve access for the handicapped?
Pending	AOR-10-004 (MT)	ADA	May Dawson County use \$3,250 of HAVA Section 101 funds to construct a concrete accessibility ramp, install handrails, and improve the surface of the existing accessible parking pad?
Pending	AOR-10-006 (WA)	Building Improvements	May Walla Walla County--\$87,772 in 251 funds to pay for improvements to its Election Center?
Pending	AOR-09-002 (PR)	Equipment	May Puerto Rico use (HAVA) funds to purchase 3 vehicles and computer equipment for mobile voter registration, telephone system, and a copying machine to reproduce election manuals and voter information?
Pending	AOR-09-010 (CA)	Equipment	May Section 251 funds (not pursuant to Section 251(b)(2)) be used to purchase vote-by-mail (absentee) envelope processing equipment?