



HELP AMERICA VOTE ACT (HAVA)

HAVA GRANT PROCESS AT A GLANCE



Below is a synopsis of how the HAVA grant process works:

1. Both the original grant award agreement that was issued in September 2004 and the subsequent amendment 1 that was issued in April 2005 must be signed and returned to the Office of the Secretary of State. Counties that used a punch card or lever voting system during the 2000 federal election received an additional award agreement in April of 2004, which must also be signed and returned to the Office of the Secretary of State.
2. A resolution from the county's governing body (i.e., county commissioners court) must be submitted as well. Required language for the resolution is included in Section 13 of the grant award agreement. In addition to the parties that typically sign a resolution for the county (e.g., the county judge and the commissioners), the county election official(s) and the county financial officer must also sign the resolution. A separate resolution is required for the punch card and lever award agreement (reminder: this applies only to the 17 counties that used a punch card or lever voting system during the 2000 federal election). The required language is outlined in Section 7 of that agreement. The award agreement(s) and resolution(s) documents should be submitted to the following address:

Office of the Secretary of State
Elections Division
c/o Dan Glotzer
PO Box 12060
Austin, Texas 78711-2060

3. Pursuant to § 123.035 of the Texas Election Code, counties must receive a letter from the Office of the Secretary of State affirming that the voting system and voting system equipment being acquired under the contract are certified by the state. Accordingly, the county must submit a copy of the relevant portions of the contract (or purchase order if using the Texas Building and Procurement Commission's Cooperative Purchasing Program) identifying the software and equipment version numbers to the SOS at the address or fax number below. For further information regarding the Co-Op program or the voting system term contract, contact the Co-Op group at (512) 463-3368 or email coop@tbpc.state.tx.us. You may also visit the Co-Op website at <http://www.tbpc.state.tx.us/stpurch/coopmain.html> for more information.

Voting System Contract Verification
Elections Division
Texas Secretary of State
P.O. Box 12060
Austin, Texas 78711-2060
512-475-2811 (fax)

4. The online forms located on the Texas HAVA online grant system must be satisfactorily completed:
 - The county judge submits a budget via the Texas HAVA online grant system (for further instructions on completing and submitting a budget, refer to the "Guide to the Texas HAVA Grant Process and the Online Grant System," which includes illustrations of budget examples, located at: http://www.sos.state.tx.us/elections/hava/word/awardandsystem_info.doc (Word) or http://www.sos.state.tx.us/elections/hava/pdf/awardandsystem_info.pdf (PDF)). The guide also contains other valuable information.

- Note - In order to submit a budget for voting equipment, the county will have to select from a list of Texas-certified voting systems. Consequently, counties are advised to submit a budget to the SOS for voting equipment ONLY if the county has determined the voting system it will be purchasing. However, this should not prevent a county from submitting a budget for other HAVA-eligible costs (e.g., travel and training costs eligible under the County Education Fund). In addition, a county may submit a partial budget and reallocate the balance as future needs arise. For example, a county may submit a budget under the County Education Fund for a certain number of training events, submit it to the SOS for approval, and then add additional line items at a later date as new training opportunities arise.
- Assuming the necessary documents have been submitted (i.e., the original grant award agreement, the required resolution, and the recent amendment), the budget is approved by the Secretary of State's Office. It is important to submit the budget as soon as the county knows what system, including the components, it will be purchasing because the county cannot request reimbursement from SOS until SOS approves the budget (see next step).
- After SOS approves the budget and the county is invoiced for goods or services received and releases payment to the vendor, the county financial officer (the county auditor or treasurer, depending on the county) has access to request reimbursement against the approved budget. Counties are encouraged to time the payment to the vendor with its reimbursement request to SOS as closely as possible to minimize any cash flow issue.
 - The county has the discretion to define release of payment as the agency obligation or encumbrance of the funds such as a purchase order or other document authorizing payment. Consequently, the county can request funding from SOS when they have "officially" obligated the funds and been billed (invoiced) for goods or services received, but that doesn't necessarily mean that county funds must have been disbursed prior to drawing down the funds from SOS.
- 5. If you need assistance, or if you have questions, please call Dan Glotzer or Jennifer Holliman toll-free at 1.800.252.8683 or email dglotzer@sos.state.tx.us or jholliman@sos.state.tx.us—we are here to help you, to answer questions, and to make this process as easy as possible.

Other Regulations Not Mandated by the Grant Program But Are Mandated by Statute:

1. Before a newly acquired voting system may be used, the commissioners court must first adopt it for use in county elections by resolution, order, or other official action. Tex. Elec. Code Ann. § 123.001(a) (Vernon 2003).
2. After the court has adopted the new system, it must be submitted for preclearance with the U.S. Department of Justice (DOJ) under Section 5 of the Voting Rights Act. This process entails submitting a copy of the order adopting the new system along with a cover letter that:
 - a) Includes a name, title, mailing address, and telephone number of the person making the submission for any questions DOJ might have;
 - b) States the reason for the change (to comply with the requirements of Section 301(a)(3)(B) of the Help America Vote Act); and,
 - c) Includes a statement that the change will not affect members of any racial or linguistic minority differently from the way the general public is affected and does not have the intent and will not have the effect of diluting the voting strength of any racial or linguistic minority.
3. If you have previously submitted a voting system for preclearance, you should submit a copy of DOJ's preclearance letter or refer to their file number and date of preclearance in your cover letter.