

<h1>ACF</h1> <p>Administration for Children and Families</p>	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Administration for Children and Families	
	<b>1. Log No:</b> <b>HHS-2008-ACF-ADD-VOTE-0135</b>	<b>2. Issuance Date:</b> <b>1/15/2008</b>
	<b>3. Originating Office:</b> Administration on Developmental Disabilities	
	<b>4. Key Words:</b> Help America Vote Act (HAVA) - Voting Access for Individuals with Disabilities (VOTE)	

## PROGRAM INSTRUCTION

**TO:** Secretaries of State  
 Directors, State Election Boards  
 State Chief Election Officials  
 Executive Director, National Association of Secretaries of State  
 United States Election Assistance Commission

**SUBJECT:** Availability of Fiscal Year (FY) 2008 Funds under the Help America Vote Act (HAVA), P.L. 107-252, Title II, Subtitle D, Part 2, Sections 261 to 265, Payments to States and Units of Local Government to Assure Access for Individuals with Disabilities (42 U.S.C. 15421-25)

**PURPOSE:** This Program Instruction sets forth the requirements and conditions states must meet to receive funds under Sections 261 to 265 of the Help America Vote Act (HAVA), 42 U.S.C. 15421.

**LEGAL AND RELATED REFERENCES:** Title II, Subtitle D, Part 2, Sections 261 to 265 of HAVA (42 U.S.C. 15421-25).

**CATALOG OF FEDERAL DOMESTIC ASSISTANCE (CFDA) NUMBER:** 93.617

**APPLICATION DUE DATE:** February 15, 2008

### PART I: INTRODUCTION

The Help America Vote Act (HAVA), signed into law by President George W. Bush on October 29, 2002, contains several provisions that will enable State governments responsible for elections and individuals associated with operating the election process to establish, expand, and improve access to and participation in the election process by individuals with the full range of disabilities (e.g., visual impairments, including blindness, hearing impairments, including deafness; the full range of mobility impairments; including gross and fine motor impairments; emotional impairments; and intellectual impairments).

#### A. BACKGROUND

HAVA assigned responsibility for the Voting Access for Individuals with Disabilities (VOTE) program to the Secretary of Health and Human Services (the Secretary), who has assigned responsibility for carrying out this program to the Administration for Children and Families (ACF). Within ACF, the Administration on Developmental Disabilities (ADD) is responsible for the administration of the HAVA VOTE grant program.

## **B. ELIGIBLE GRANTEES**

As defined by Section 901 of HAVA, States (including the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the U.S. Virgin Islands) are eligible to apply for grants under the HAVA VOTE program. Grants are not available to local units of government directly from the Federal Government in Fiscal Year (FY) 2008 because funds have been appropriated only for grants to States.

## **C. USE OF FUNDS**

Section 261 of HAVA provides that funds be made available to States to:

- a. Make polling places, including the path of travel, entrances, exits, and voting areas of each polling facility, accessible to individuals with the full range of disabilities (e.g., visual impairments, including blindness; hearing impairments, including deafness; the full range of mobility impairments, including gross and fine motor impairments, emotional impairments, and intellectual impairments);
- b. Provide the same opportunity for access and participation (including privacy and independence) to individuals with the full range of disabilities;
- c. Provide training for election officials, poll workers, and election volunteers on how best to promote the access and participation of individuals with the full range of disabilities in elections for Federal office;
- d. Provide individuals with the full range of disabilities with information about the accessibility of polling places.

## **D. AVAILABILITY AND DISTRIBUTION OF FUNDS**

On December 26, 2007, Congress appropriated \$12,154,000 for the Voting Access for Individuals with Disabilities (VOTE) grant program for States and \$5,256,000 for payments for Protection & Advocacy Systems (P&As). Payment amounts to States and Territories will be based on the relative size of the voting age population (i.e., number of individuals 18 years of age or older as reported by the U.S. Census Bureau) of eligible States and Territories, with the exception that no State or Territory applying for funds shall receive a payment of less than \$100,000. See **Attachment A, found in Part IV of this Instruction**, for the amount reserved for each State and Territory. Any payment distributed shall remain available until expended. In order to receive a payment, a State must meet all of the requirements in Part I, Section C (Use of Funds) of this notice. If fewer than 55 States and Territories submit applications, those States and Territories applying for payment will receive a proportionately higher amount than that listed on **Attachment A**. State governments receiving funds will need to collaborate with local

chief election officials and local units of government (including Indian Tribes that are involved in conducting elections for Federal offices) in determining where and how to spend funds. State governments are encouraged to partner, as appropriate, with for-profit and non-profit organizations, including faith- and community-based organizations, to carry out activities under their plans to increase access to the electoral process by individuals with disabilities. The Federal Government reserves the right to audit expenditure of funds received under this Instruction pursuant to Section 902 of the HAVA, 42 U.S.C. 15542 and 45 Code of Federal Regulations (CFR) 92.26, where applicable.

## **PART II: PAYMENT APPLICATION INSTRUCTIONS**

The information presented in this section is intended to summarize the submission and review of the States' applications for funding and to describe the content and documentation that must be provided in writing with the application.

### **Conditions**

1. Except as noted, the grant must be used for each of the following activities:
  - a. Unless a State submits an assurance that all polling places are accessible, making polling places, including the path of travel, entrances, exits, and voting areas of each polling facility, accessible to individuals with the full range of disabilities.
  - b. Providing the same opportunity for access and participation, including privacy and independence, to individuals with the full range of disabilities as for other voters.
  - c. Training election officials, poll workers, and election volunteers on how best to promote the access and participation of individuals with the full range of disabilities in elections for Federal office.
  - d. Providing individuals with the full range of disabilities with information about the accessibility of polling places.
  
2. In an application, an applicant must provide:
  - a. The name of the State submitting the application.
  - b. The name of the Chief Election Official of the State submitting the application.
  - c. Contact person: Name, title, address, phone, fax, and e-mail address.
  - d. A description of what the applicant intends to do in each of the four categories of activities outlined under Part II.1. (Note the exception in Part II,1.a. related to assuring that all polling places are accessible.)
  - e. How much of the payment the applicant intends to spend on each of the four categories of activities outlined in Part II,1. (Note the exception in Part II,1.a. related to assuring that all polling places are accessible.)

- f. An assurance that no later than December 31, 2008, the Chief Election Official or his/her designee will submit a report to ADD for the Secretary describing how any funds authorized under HAVA were used with regard to the four categories of activities during the period October 1, 2007 – September 30, 2008. (Note the exception in Part II,1.a. related to assuring that all polling places are accessible.)
3. The application must include the following certifications:
    - a. The Certification Regarding Lobbying, (45 CFR Part 93) may be found as **Attachment C** of this Instruction and at [http://www.acf.hhs.gov/grants/grants\\_resources.html](http://www.acf.hhs.gov/grants/grants_resources.html).
    - b. The Disclosure of Lobbying Activities form (SF-LLL) may be found under the “Disclosures” heading at [http://www.acf.hhs.gov/grants/grants\\_resources.html](http://www.acf.hhs.gov/grants/grants_resources.html).
    - c. Other Certifications: Certification Regarding Environmental Tobacco Smoke. The signature on the application by the Authorizing Official attests to the intent to comply with this Certification, which may be found at [http://www.acf.hhs.gov/grants/grants\\_resources.html](http://www.acf.hhs.gov/grants/grants_resources.html).
  4. The application must be signed by the Chief Election Official.
  5. An application must be received no later than the application due date listed at the beginning of this Instruction at:

Melvenia Wright  
U.S. Department of Health and Human Services  
Administration for Children and Families  
Administration on Developmental Disabilities  
370 L’Enfant Promenade, SW  
Mail Stop HHH 405-D  
Washington, DC, 20447

Hand-delivered applications should be delivered to Melvenia Wright at this same address.

Any applications received after 4:30 p.m., eastern time, on the application due date will not be considered for payment.

ADD’s goal is to award the FY 2008 HAVA funds as quickly as possible. Therefore, States are encouraged to submit their applications as soon as possible in order for ACF to award the FY 2008 HAVA VOTE funds.

## **PART III: ADDITIONAL INFORMATION**

### **A. CLOSING DATE FOR RECEIPT OF APPLICATIONS**

Please submit the required application materials by the application due date found at the beginning of this Instruction to:

Melvenia Wright  
U.S. Department of Health and Human Services  
Administration for Children and Families  
Administration on Developmental Disabilities  
370 L'Enfant Promenade, SW  
Mail Stop HHH 405-D  
Washington, DC, 20447

Award applications will be processed upon receipt of completed application packets.

## **B. GRANT ADMINISTRATION REGULATIONS**

The regulations that govern the administration of these grants appear in 2 CFR Part 376 – Nonprocurement Debarment and Suspensions; 45 CFR Part 16—Procedures of the Departmental Grant Appeals Board; 45 CFR Part 30—Claims Collection; 45 CFR Part 74—Uniform Administrative Requirements for Awards and Subawards to Institutions of Higher Education, Hospitals, Other Nonprofit Organizations, and Commercial Organizations ;45 CFR Part 80—Nondiscrimination Under Programs Receiving Federal Assistance Through the Department of Health and Human Services Effectuation of Title VI of the Civil Rights Act of 1964; 45 CFR Part 81—Practice and Procedure for Hearings Under Part 80 of This Title; 45 CFR Part 82 – Governmentwide Requirements for Drug-Free Workplace (Financial Assistance) 45 CFR Part 84—Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance; 45 CFR Part 87 – Equal Treatment for Faith-Based Organizations; 45 CFR Part 91—Nondiscrimination on the Basis of Age in HHS Programs or Activities Receiving Federal Financial Assistance; 45 CFR Part 92—Uniform Administrative Requirements for Grants and Cooperative Agreements to State, Local and Tribal Governments; and 45 CFR Part 93—New Restrictions on Lobbying.

Direct Federal grants, sub-award funds, or contracts under this ACF program shall not be used to support inherently religious activities such as religious instruction, worship, or proselytization. Therefore, organizations must take steps to separate, in time or location, their inherently religious activities from the services funded under this program. Regulations pertaining to the Equal Treatment for Faith-Based Organizations, which includes the prohibition against Federal funding of inherently religious activities, can be found at the HHS web site at: <http://www.hhs.gov/fbci/waisgate21.pdf>.

A faith-based organization receiving HHS funds retains its independence from Federal, State, and local governments, and may continue to carry out its mission, including the definition, practice, and expression of its religious beliefs. For example, a faith-based organization may use space in its facilities to provide secular programs or services funded with Federal funds without removing religious art, icons, scriptures, or other religious symbols. In addition, a faith-based organization that receives Federal funds retains its authority over its internal governance, and it may retain religious terms in its organization's name, select its board members on a religious basis, and include religious references in its organization's mission statements and other governing documents in accordance with all program requirements, statutes, and other applicable requirements governing the conduct of HHS funded activities.

Funds are available until expended.

### **C. REPORTING REQUIREMENTS**

States receiving funds through this Program Instruction will prepare and submit annually a narrative report that describes how any funds authorized under the HAVA have been used with regard to the four categories of activities authorized under Section 261 of HAVA, 42 U.S.C. 15421. (Note the exception in Part II, 1.a. for the first category related to assuring that all polling places are accessible.) These reports are due no later than December 31 of each year. The annual report OMB Clearance number is 0970-0327.

Reports are to be mailed to:

Melvenia Wright  
U.S. Department of Health and Human Services  
Administration for Children and Families  
Administration on Developmental Disabilities  
370 L'Enfant Promenade, SW  
Mail Stop HHH 405-D  
Washington, DC 20447

Expenditures under the HAVA VOTE program are to be reported using a Financial Status Report Short Form (SF-269A). Grantees are required to submit annual financial reports 90 days after the end of each 12-month period (October 1-September 30) until all funds have been expended. Funds under HAVA VOTE are available until expended.

SF-269A may be found at [http://www.whitehouse.gov/omb/grants/grants\\_forms.html](http://www.whitehouse.gov/omb/grants/grants_forms.html).

Submit the original SF-269A to ACF at the address below:

Manolo Salgueiro  
U.S. Department of Health and Human Services  
Administration for Children and Families  
Office of Grants Management  
Division of Mandatory Grants  
370 L'Enfant Promenade, SW  
Washington, DC 20447

### **Notification Under Executive Order 12372**

This program is covered under Exec Order 12372, "Intergovernmental Review of Federal Programs" and 45 CFR Part 100, "Intergovernmental Review of Department of Health and Human Services Programs and Activities." However, since units of local governments were not funded in FY 2007, the review and comment provisions of the Executive Order and Part 100 do not apply for FY 2008.

For further information or inquiries, please contact:

Melvenia Wright  
U.S. Department of Health and Human Services  
Administration for Children and Families  
Administration on Developmental Disabilities  
370 L'Enfant Promenade, SW  
Mail Stop HHH 405-D  
Washington, DC, 20447  
Phone: (202) 690-5557  
Fax: (202) 205-8037  
E-mail: [melvenia.wright@acf.hhs.gov](mailto:melvenia.wright@acf.hhs.gov)

Date: 1/15/2008

Patricia A. Morrissey, Ph.D.  
Commissioner  
Administration on Developmental Disabilities

#### **PART IV: ATTACHMENTS**

**Attachment A** – Table of FY 2008 Final Allocations

**Attachment B** – FY 2008 Assurances for the Help America Vote Act

**Attachment C** – Certification Regarding Lobbying

This Certification also may be found at [http://www.acf.hhs.gov/grants/grants\\_resources.html](http://www.acf.hhs.gov/grants/grants_resources.html).

**Attachment A**

**FY 2008 FINAL ALLOCATION**  
**Voting Access for Individuals with Disabilities –**  
**States**

<b>STATE/TERRITORY</b>	<b>FY 2008 Final</b>
Alabama	\$165,638
Alaska	100,000
Arizona	215,708
Arkansas	100,754
California	1,279,808
Colorado	170,360
Connecticut	127,697
Delaware	100,000
District of Columbia	100,000
Florida	668,702
Georgia	328,398
Hawaii	100,000
Idaho	100,000
Illinois	457,107
Indiana	225,109
Iowa	107,989
Kansas	100,000
Kentucky	152,415
Louisiana	151,998
Maine	100,000
Maryland	202,260
Massachusetts	237,107
Michigan	362,069
Minnesota	185,844
Mississippi	102,249
Missouri	210,384
Montana	100,000
Nebraska	100,000
Nevada	100,000
New Hampshire	100,000
New Jersey	315,389
New Mexico	100,000
New York	703,093
North Carolina	318,521
North Dakota	100,000
Ohio	413,911
Oklahoma	127,633
Oregon	135,206
Pennsylvania	458,011
Rhode Island	100,000
South Carolina	155,982

South Dakota	100,000
Tennessee	218,469
Texas	808,709
Utah	100,000
Vermont	100,000
Virginia	277,401
Washington	231,461
West Virginia	100,000
Wisconsin	201,727
Wyoming	100,000
<b>Subtotal</b>	<b>\$11,717,109</b>
American Samoa	100,000
Guam	100,000
Puerto Rico	136,891
U.S. Virgin Islands	100,000
<b>Subtotal</b>	<b>\$436,891</b>
<b>TOTAL RESOURCES</b>	<b>\$12,154,000</b>

**Attachment B**

FY 2008 Assurances for the Help America Vote Act

This is to certify that the State of \_\_\_\_\_ agrees to expend the funds received under this Program Instruction (HHS-2008-ACF-ADD-VOTE-0135) in accordance with Title II, Part 5, Subtitle D, 42 USC 15421 of the Help America Vote Act of 2002, P.L. 107-252.

---

Secretary of State/  
Director, State Board of Elections

---

Date

Please mail to:

Melvenia Wright  
U.S. Department of Health and Human Services  
Administration for Children and Families  
Administration on Developmental Disabilities  
370 L'Enfant Promenade, SW  
Mail Stop HHH 405-D  
Washington, DC 20447

## Attachment C

### CERTIFICATION REGARDING LOBBYING

#### Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. C. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

#### Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. C. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

---

Signature

---

Title

---

Organization

