

## HAVA GRANTS GUIDANCE: USING HAVA FUNDS FOR EXPANDED PHYSICAL SECURITY

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In April 2022, the U.S. Government Accountability Office (GAO) responded to the U.S. Election Assistance Commission's (EAC) request for an opinion on the lawful use of funds made available to states under HAVA and subsequently appropriated by Congress. That decision, and subsequent EAC Guidance, determined that it was *allowable* for states to use Election Security Grants to provide physical security services and social media threat monitoring to state or local election officials under HAVA Section 101(b)(1)(B) - "improving the administration of elections for federal office".

Recently, the EAC Office of Grants Management (OGM) has received an increase in inquires on the allowability of the use of funds for expanded physical security purposes, beyond the scope of the 2022 decision. In conjunction with the EAC Office of General Counsel, OGM has determined that the same <u>guidance</u> applies to expanded physical security purposes. OGM has determined that it is *allowable* for states to use Election Security grant funds for the physical security of election offices and polling places. Allowable physical security services under HAVA Section 101(b)(1)(B) include:

- Physical security of election offices, to include: seals, locks, badge readers, and other safety measures for state and local election offices;
- Security stickers for physical documents;
- Camera and monitoring devices for election offices and drop boxes;
- Fencing;
- Overtime pay for police presence at polling places on election day consistent with state law;
- Backup power sources; and,
- Training for response to physical security threats, including tabletop exercises.

State and local offices must follow <u>prior guidance</u> on allocation, reasonableness and necessity, and supplanting. The above list is not comprehensive, and state and local offices are encouraged to seek guidance from OGM on the use of funds not listed.