


Maintenance of Effort – Supplement not supplant

The state or a municipality receiving a sub-grant **cannot** use federal funds to pay for the costs of sending out and processing absentee ballots as a substitute for state or municipal funds that are budgeted and have historically been used for that purpose. The federal law and regulations require that the state and any municipality maintain the level of effort, in this example sending out absentee ballots and processing the ballots when sent back. Federal funds can only be used on the expenses of sending out additional absentee ballots (a number above the number sent in prior elections). This principle of supplement, not supplant, applies to any use of CARES Act or Election Security funds.



U.S. ELECTION ASSISTANCE COMMISSION

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Answer: No, you cannot supplant state funds with federal funds. You may use state funds you are expending to address pandemic issues in federal elections as match on the grant.

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Fri, 04/24/2020 - 1:13 PM

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Question

Is supplanting allowed with these funds?



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My state is about to adopt rules that will allow mail ballots in more circumstances than are currently allowed in both our upcoming primary and general elections. As a result, we will incur expenses for a second printing of primary ballots and a larger pr

Answer: Increased costs you incur related to all aspects of voting by mail are allowable to the extent that they represent expenditures you are incurring as a result of the pandemic and you are not supplanting funds already allocated under your state budget authority to cover the costs. For example, you may have funds for mail ballots in the general election in your current state budget, but not for a second printing of primary ballots. For the general election ballots, HAVA funds can be used to cover the costs of the increase in absentee ballots you need due to the pandemic that are not already covered by state funds. For the primary ballots, you could use HAVA funds to cover the total cost of the second printing. One caution, these costs may become an ongoing expense. Covering them with a one-time funding source such as HAVA funds solves an immediate problem, but the costs will inevitably be assumed by the state or local government upon the exhaustion of federal funds.

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Question



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Our state's statutes require state and all local governments to pass balanced budgets each year. With revenues dropping due to COVID-19, many governments in our state will have to cut budgets to meet the balanced budget requirement. If a local election bo

Answer: That is a difficult situation, but the regulations are quite clear that federal funds cannot supplant state and local funds. However, there might be situations under which a legal case could be made that federal funds are not being used to supplant state funds. States can work with EAC if such situations occur to explore options.

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Question

Our state's statutes require state and all local governments to pass balanced budgets each year. With revenues dropping due to COVID-19, many governments in our state will have to cut budgets to meet the balanced budget requirement. If a local election board's budget is cut due to COVID19 revenue losses, can CARES Act money be used to restore any of that funding? Or does the prohibition on supplanting local funding prevent that? For example, cuts that reduce the printing or postage budgets that impact absentee vote by mail.