

# State of Wisconsin \ Elections Board

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DATE: January 20, 2006

TO: **All Municipal and County Clerks**

FROM: State Elections Board

SUBJECT: Funding for Accessible Voting Equipment

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You have received this memo as part of the State of Wisconsin's plan to implement the requirements of the Help America Vote Act of 2002 (HAVA). In order to comply with the HAVA requirements to ensure privacy and independence in the voting process for individuals with disabilities, Wisconsin has allocated \$18,000,000 in federal HAVA funds for the purchase of one accessible voting component per polling location. The state plan (<http://elections.state.wi.us/docview.asp?docid=2049&locid=47>) is available on the State Elections Board (SEB) website.

The Wisconsin State Elections Board is offering reimbursement funding up to \$6,000 for the purchase of one accessible voting system per polling place. This document provides the outline for accessing this funding. The purpose of these funds is to assist municipalities with the HAVA requirement to provide privacy, confidentiality and independence in the voting process for all voters and to increase accessibility to individuals with a full range of disabilities. This may include, but is not limited to, visual, hearing, mobility or dexterity disabilities.

Before applying for voting equipment funding, a municipality must certify that the polling place (the location) is fully accessible based upon the Wisconsin State Elections Board's Polling Place Accessibility Survey. Submission of this survey qualifies, but does not entitle, a municipality for funding under this grant. Failure to ensure an accessible polling place **does not exempt** a municipality from complying with the accessibility, privacy and independence requirements of HAVA. The ADA disability checklist (<http://www.ada.gov/votingck.htm>) is available on the U.S. Department of Justice website.

The maximum reimbursement grant per polling place is \$6,000. Funding will only be provided for voting systems and accessories that will increase accessibility, privacy and independence for individuals with disabilities. Only voting systems and accessories that have been approved by the State Elections Board for use in Wisconsin and have been qualified against the 2002 federal voluntary voting system standards are eligible for funding. Reimbursement will only be provided for each polling place, regardless of the number of wards or municipalities that use the polling place for voting purposes.

Funding (up to \$6,000 limit) will be provided for any hardware, software, programming, maintenance or other costs related to the purchase and operation of an accessible voting system. While the maximum grant allowable is \$6,000, any limitations on the availability of funds through this grant does not exempt municipalities from complying with all accessibility aspects of HAVA. Grants will only be awarded for polling places that have

been established by September 1, 2005. Funding for polling places established after this date is at the sole discretion of the State Elections Board.

Although municipalities should strive to have accessible voting equipment in place by the April 4, 2006 election, municipalities should not solely base their purchase decisions on this date. Municipalities should instead focus on acquiring the voting system which best meets their needs, and base their purchase decisions on considerations such as accessibility, compatibility with existing voting systems and the ability to coordinate with other municipalities or counties.

All municipalities must have accessible voting equipment in place no later than the September 12, 2006 election. Therefore, no initial applications for reimbursement funding will be accepted after September 1, 2006. All requests for funding (such as for maintenance or ballot programming) must be submitted to and approved by SEB no later than June 30, 2007. No funds will be disbursed after June 30, 2007.

Municipalities must comply with all applicable state and municipal purchasing/procurement requirements when acquiring any system or materials with these funds. Municipalities must also document any procedures used to make purchases with this funding and provide a copy of this documentation to the State Elections Board (see Funding Application Process).

### **Funding Application Process**

The funding application submitted by a municipality includes two parts. First, the municipality must provide an order summary that includes:

1. A plan detailing the use of these funds, including a detailed listing of all components of any voting system ordered and any services to be provided by the vendor, as well as an itemized list of all associated costs.
2. A description of all accessible materials or equipment to be purchased, including any hardware, software, programming services or maintenance contracts.
3. A verified price quote or other order summary from the vendor which lists all applicable costs.
4. A description of the procurement process used to acquire any systems, equipment, services or materials with these funds.
5. The municipality's relevant W-9 information.

Second, verification documentation, including a copy of all original invoices, the original paid receipt and the certificate of performance compliance (please see the Accessible Voting Equipment Application), must be submitted at the time that the equipment is received. If any costs (not exceeding the \$6,000 maximum), such as programming or maintenance are to be incurred at a future time not associated with the receipt of the voting system, please inform the Elections Board and provide an estimated date of service. Funding for these costs will be provided when such services are provided by the vendor and proper documentation (invoice and receipt) are submitted to the Elections Board.

If the municipality spends less than the \$6,000 maximum to purchase the equipment, the remaining funds may be used to purchase (or to fund a portion thereof) additional voting equipment, the software used to program equipment for said system, or for other purposes related to the purchase or use of accessible voting systems. Any programming costs must be specifically related to the accessible voting equipment. The municipality must receive prior approval from the SEB regarding the use of any such "excess" funds.

Some of the costs that municipalities should consider and anticipate when purchasing a voting system, in addition to the cost of the actual system, are programming, ballot printing, supplies, training, maintenance and system storage. Please note that certain expenses, such as ballot printing and programming costs, will continue to be allocated according to Section 5.68, Wisconsin Statutes.

Wisconsin State Elections Board staff will review funding applications for completeness and adherence to the above cited requirements as they are received. While Wisconsin's HAVA Plan has allocated sufficient amounts to fund one piece of accessible voting equipment per polling place, municipalities should anticipate ordering systems in order to ensure compliance no later than September 12, 2006.

Failure to comply with the HAVA accessibility requirements (for both polling places and voting equipment) may jeopardize the availability of funds from the federal government and thus the funds available to assist municipalities with HAVA compliance<sup>1</sup>. Failure to comply with the HAVA accessibility requirements (for both polling places and voting equipment) may also create legal liability under HAVA for the municipality.

Municipalities are encouraged to be creative when purchasing these systems. Applications for an entire municipality or from several municipalities acting jointly will be accepted. Applications from multiple jurisdictions, however, should include all relevant agreements (MOUs, etc.) regarding the purchase of equipment and services and the allocation of the HAVA funds.

Counties may also play a coordinating role in the voting system acquisition process for municipalities and are encouraged to do so. In addition to the above application procedures, however, the county must submit copies of all MOUs, contracts or other written, formal agreements detailing the specific agreement with all affected municipalities. Such documentation must include a detailed accounting of how the funds (including any funds remaining after the purchase of voting systems) will be used and a listing of what purchases, such as programming software, and agreements the county is authorized to enter on behalf of the municipalities.

**Questions regarding application – contact:**

Kristofer Frederick at (608) 266-8005  
Ross Hein at (608) 267-3666

Attachment

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<sup>1</sup> Again, note that the amount or availability of funds does not exempt the state or municipalities from compliance with HAVA requirements and any associated deadlines.