

Help America Vote Act (HAVA) Grant Board and Parameters

The Secretary of State, with the approval of the State Board of Elections, established a HAVA Grant Board on June 15, 2015, consisting of four County Auditors (two Democrats and two Republicans), the Senior Elections Coordinator in the office of the Secretary of State, one member from the disability community, and one member from the Department of Tribal Relations. All members, except for the Senior Elections Coordinator, will serve a four year term. The Senior Elections/HAVA Coordinator will serve as the Chair of the HAVA Grant Board and the Secretary of State's office will assist the HAVA Grant Board with anything necessary to meet the requirements set forth in this plan. This board is responsible for developing, reviewing, and making recommendations to the Secretary of State in matters pertaining to the local government grant program and will comply with the State's open meeting laws.

HAVA Grant Board Members

- Cindy Longbrake (D) Ziebach County Auditor
- Bob Litz (R) Minnehaha County Auditor
- Bobbi Janke (D) Lake County Auditor
- Sheila Hagemann (R) Turner County Auditor
- Denise DeJong (Yankton) Disability Community Representative
- David Reiss, South Dakota Department of Tribal Relations
- Kristin Gabriel, Secretary of State's office HAVA Coordinator

HAVA Grant parameters:

This administration wants to ensure there is HAVA funding available for South Dakota's 66 counties for future federal election expenses.

- This grant funding is only available for the county auditors to apply for
- This grant funding is not open to local elections (municipal, school, or special districts)
- This funding can only be used towards expenses that are covered under the HAVA requirements and cannot be used for the purchase of the following items (this does not prohibit the use of these funds for programming or other expenses associated with these items): Tabulating equipment, voter assist terminals, or electronic poll books.
- Maximum grant amount per county per year is \$4,500 or \$9,000 per Primary and General election cycle except in extraordinary cases such as satellite absentee voting locations, as defined in the HAVA State Plan
 - County must spend down their county held HAVA fund balance prior to being awarded HAVA grant funds
 - These parameters do not prohibit the Secretary of State from granting additional HAVA funding to the 66 county auditors at any time.
- Applications are due on July 1st of every odd numbered year
- Applications will be approved or denied by November 1st of the odd numbered year
- The HAVA Grant Board will meet twice per year to review applications. These meetings can be done over conference call or in-person meetings.

In-Person Absentee Voting Satellite Location Parameters:

- The following criteria must be met before a county may be allowed to use HAVA funds to set up an additional in-person satellite absentee voting location in a particular jurisdiction. The voters living in the jurisdiction*:
 - Have 50% more individuals below the poverty line than the rest of the county; and
 - Live, on average, 50% farther from the existing county seat or other satellite location than the rest of the county.OR
 - Jurisdiction for the criteria listed below is limited to an incorporated municipality, unincorporated town or a census designated place; and
 - Have no access to affordable, regular, convenient public transportation within the county from the proposed satellite location to the county seat; and
 - The jurisdiction is composed of 75% or more individuals who belong to a suspect class. (Suspect Classes: a presumptively unconstitutional distinction made between individuals on the basis of race, national origin, alienage, or religious affiliation, in a statute ordinance, regulation, or policy.¹)

*According to the most recent United States Census Bureau, American Community Survey results as analyzed by the Government Research Bureau at the University of South Dakota. A jurisdiction is defined as a voting precinct, township, municipality, town, school district, or special district. The following counties are approved to have met the criteria in this plan: Buffalo, Dewey and Jackson Counties.

- A county is not required to spend down their county held HAVA fund balance prior to being awarded HAVA grant funds for an in-person absentee voting satellite location.
- A county must submit estimated expenses to the South Dakota Secretary of State's office three (3) months prior to the election for pre-approval in order to be reimbursed with HAVA funds.
- These parameters do not prohibit the Secretary of State from granting additional HAVA funding to the 66 county auditors at any time due to extraordinary circumstances.
- A county is allowed (1) HAVA funded satellite voting location, however, these parameters do not preclude counties from spending county non-HAVA related funds to pay for an in-person absentee voting satellite location.

¹ As defined by: https://www.law.cornell.edu/wex/suspect_classification
<http://law2.umkc.edu/faculty/projects/ftrials/conlaw/epscrutiny.htm>