



**U.S. ELECTION ASSISTANCE COMMISSION**  
1225 New York Ave. NW – Suite 1100  
Washington, DC 20005

**Funding Advisory Opinion**  
**FAO-09-007**

**Date Issued:** July 14, 2009

**Requestor:** Sacramento, California

**Question:** May Section 251 Funds, Without Either of the Section 251(b)(2) Certifications, be used to pay for training governmental staff to perform preventive maintenance on the voting system?

**Determination:**

Section 251 funds without Section 251 (b)(2) certifications may be used to pay for training governmental staff to perform preventive maintenance on voting systems that are compliant with the Help America Vote Act (HAVA), in accordance with existing policy of the Election Assistance Commission (EAC).

In FAO-08-008, EAC advised that “it is in the best interest of voters to have voting systems that are safe, reliable, secure and functional” and that inherent to those capabilities is a regular plan of maintenance of the voting systems. Thus, using Section 251 funds to maintain voting equipment in satisfactory operating condition in order to reduce failures and downtime is an allowable use of Section 251 funds relative to Title III of HAVA.