

Sincerely,
Thomas A. Scully.

(Sect. 1116 of the Social Security Act (42 U.S.C. section 1316); (42 CFR 430.18))
(Catalog of Federal Domestic Assistance Program No. 13.714, Medicaid Assistance Program)

Dated: May 12, 2003.

Thomas A. Scully,

Administrator, Centers for Medicare & Medicaid Services.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

State Grants for Election Assistance for Individuals With Disabilities (EAID)

AGENCY: Administration on Developmental Disabilities (ADD), Administration for Children and Families, Department of Health and Human Services.

ACTION: Notification of the Availability of Fiscal Year 2003 Funds under the Help America Vote Act, Public Law (Pub. L.) 107-252, title II subtitle D, part 2, section 261, Payments to States and Units of Local Governments to Assure Access for Individuals with Disabilities (42 U.S.C. 15421).

SUMMARY: The purposes of this notice are: (1) To set forth the requirements that must be met by a State seeking a payment under 42 U.S.C. 15421 of the Help America Vote Act of 2002 (HAVA); and (2) to secure assurances from such a State related to conditions prior to receiving a payment.

EFFECTIVE DATE: May 21, 2003.

FOR FURTHER INFORMATION CONTACT: Contact Diann Winford at (202) 690-5963, dwinford@acf.hhs.gov or Carla Brown at (202) 690-8332, crbrown@acf.hhs.gov.

SUPPLEMENTARY INFORMATION:

Part I: Introduction

The Help America Vote Act (HAVA), signed into law by President George W. Bush on October 29, 2002, contains several provisions that will enable an applicant to establish, expand, and improve access to and participation by individuals with the full range of disabilities (*e.g.*, blindness or visual impairment, deafness or hearing impairment, mobility-related, dexterity-related, emotional or intellectual) in the election process. The Catalog of Federal Domestic Assistance Number for this announcement is: 93.617.

Background

On February 20, 2003, in Division (N)—“Emergency Relief and Offsets,” Title I Election Reform, Disabled Voters Services, the Miscellaneous Appropriations Act, 2003, Pub. L. 108-7, Congress appropriated \$13 million for States to operate the Election Assistance for Individuals with Disabilities (EAID) grant program. HAVA assigned responsibility for the EAID to the Secretary of Health and Human Services (the Secretary), who has assigned responsibility for carrying out this program to the Administration for Children and Families (ACF). Within ACF, the Administration on Developmental Disabilities (ADD) is responsible for the administration of the EAID grant program.

Eligible Applicants

As defined by section 901 of HAVA, States (including the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the Virgin Islands) are eligible to apply for grants under the EAID program. Grants are not available to local units of government directly from the Federal Government in FY 2003 because Division (N)—“Emergency Relief and Offsets,” Title I Election Reform, Disabled Voters Services, the Miscellaneous Appropriations Act, 2003, Pub. L. 108-7, only appropriated funds for grants to States for FY 2003. Thus, while units of local government as well as States are eligible for funding under Section 261 of the Help America Vote Act, the annual appropriations statute did not make funds available for grants to local governments.

Availability and Distribution of Funds

Congress appropriated \$13,000,000 for payments to States for Federal fiscal year 2003. Payment amounts to States and Territories will be based on the relative size of the voting age population (*i.e.*, number of individuals 18 years of age or older as reported in the 2000 U.S. Census) of those States and Territories requesting payment, with the exception that no State or Territory applying for funds shall receive a payment of less than \$100,000. See Table I for the amount reserved for each State and Territory, assuming all 55 States and Territories submit applications. If fewer than 55 States and Territories submit applications, those States and Territories applying for payment will receive a proportionately higher amount than that listed on Table I.

Any payment distributed shall remain available until expended.

In order to receive a payment a State must meet all of the requirements in

Part II of this Notice. State governments receiving funds under this announcement will need to collaborate with local chief election officials and local units of government to determine where and how to expend funds.

The Federal Government reserves the right to audit expenditure of funds received under this announcement pursuant to section 902 of the Help America Vote Act, 42 U.S.C. 15542 and 45 CFR 92.26, where applicable.

Use of Allotments

Section 261 of HAVA provides that funds be made available to:

a. Make polling places, including the path of travel, entrances, exits, and voting areas of each polling facility, accessible to individuals with the full range of disabilities (*e.g.*, blindness or visual impairment, deafness or hearing impairment, mobility-related, dexterity-related, emotional, or intellectual).

b. Provide the same opportunity for access and participation (including privacy and independence) to individuals with the full range of disabilities.

c. Train election officials, poll workers, and election volunteers on how best to promote the access and participation of individuals with the full range of disabilities in elections for Federal office.

d. Provide individuals with the full range of disabilities with information about the accessibility of polling places.

Part II: Application Requirements

All of the following conditions must be met by an applicant seeking a payment under 42 U.S.C. 15421 of the Help America Vote Act of 2002. An applicant must agree to these conditions in writing prior to receiving a payment by submitting an application. The conditions are to ensure that a payment will be used in compliance with HAVA. Payments must be used to pay for the activities described under Part I, Use of Allotments.

Conditions

1. Some portion of the grant must be used for each of the following activities.

a. Make polling places, including the path of travel, entrances, exits, and voting areas of each polling facility, accessible to individuals with the full range of disabilities.

b. Provide the same opportunity for access and participation (including privacy and independence) to individuals with the full range of disabilities as for other voters.

c. Train election officials, poll workers, and election volunteers on how best to promote the access and