

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2161/1dn
JTK:kmg:rs

February 27, 2003

Kevin Kennedy:

As you know, most but not all of the moneys that may become available to this state under the federal Help America Vote Act of 2002 (P.L. 107-252) require a 5% matching expenditure. Because no moneys for such expenditures are available under this draft or under current law, the ability of this state to capture most of the moneys that are potentially available to us under P.L. 107-252 is limited.

Also, to receive most of the federal moneys, this state is required to adopt an election administration plan. This plan must be adopted through an involved procedure that requires this state: a) to create an advisory council whose membership must be appointed to represent certain interests; b) to hold public hearings; and c) to publish our proposed plan and any significant changes in the Federal Register. Because this draft does not provide for this planning process, our ability to capture these federal moneys under P.L. 107-252 may be further limited.

In addition, there are mandatory auditing requirements in connection with receipt of federal aids under P.L. 107-252. If there is an audit exception, this state must repay the federal government for any aids that were improperly expended. To ensure that these repayments can be made, it would be desirable to create an appropriation to repay the federal government for audit exceptions. It might also be desirable to require counties and municipalities to repay this state for any expenditures made with federal aid to which the federal government takes exception.

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