

**HAVA STATUTORY PROVISION
REGARDING VOTING P&A**

42 U.S.C. § 15461

PART 5—PROTECTION AND ADVOCACY SYSTEMS

SEC. 291. PAYMENTS FOR PROTECTION AND ADVOCACY SYSTEMS.

(A) **IN GENERAL.**—IN ADDITION TO ANY OTHER PAYMENTS MADE UNDER THIS SUBTITLE, THE SECRETARY OF HEALTH AND HUMAN SERVICES SHALL PAY THE PROTECTION AND ADVOCACY SYSTEM (AS DEFINED IN SECTION 102 OF THE DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT OF 2000 (42 U.S.C.15002) OF EACH STATE TO ENSURE FULL PARTICIPATION IN THE ELECTORAL PROCESS FOR INDIVIDUALS WITH DISABILITIES, INCLUDING REGISTERING TO VOTE, CASTING A VOTE AND ACCESSING POLLING PLACES. IN PROVIDING SUCH SERVICES, PROTECTION AND ADVOCACY SYSTEMS SHALL HAVE THE SAME GENERAL AUTHORITIES AS THEY ARE AFFORDED UNDER SUBTITLE C OF TITLE I OF THE DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT OF 2000 (42 U.S.C. 15041 ET SEQ.).

(B) **MINIMUM GRANT AMOUNT.**—THE MINIMUM AMOUNT OF EACH GRANT TO A PROTECTION AND ADVOCACY SYSTEM SHALL BE DETERMINED AND ALLOCATED AS SET FORTH IN SUBSECTIONS (C)(3), (C)(4), (C)(5), (E), AND (G) OF SECTION 509 OF THE REHABILITATION ACT OF 1973 (29 U.S.C. 794E), EXCEPT THAT THE AMOUNT OF THE GRANTS TO SYSTEMS REFERRED TO IN SUBSECTIONS (C)(3)(B) AND (C)(4)(B) OF THAT SECTION SHALL BE NOT LESS THAN \$70,000 AND \$35,000, RESPECTIVELY.

(C) **TRAINING AND TECHNICAL ASSISTANCE PROGRAM.**—

(1) **IN GENERAL.**—NOT LATER THAN 90 DAYS AFTER THE DATE ON WHICH THE INITIAL APPROPRIATION OF FUNDS FOR A FISCAL YEAR IS MADE PURSUANT TO THE AUTHORIZATION UNDER SECTION 292, THE SECRETARY SHALL SET ASIDE 7 PERCENT OF THE AMOUNT APPROPRIATED UNDER SUCH SECTION AND USE SUCH PORTION TO MAKE PAYMENTS TO ELIGIBLE ENTITIES TO PROVIDE TRAINING AND TECHNICAL ASSISTANCE WITH RESPECT TO THE ACTIVITIES CARRIED OUT UNDER THIS SECTION.

(2) **USE OF FUNDS.**—A RECIPIENT OF A PAYMENT UNDER THIS SUBSECTION MAY USE THE PAYMENT TO SUPPORT TRAINING IN THE USE OF VOTING SYSTEMS AND TECHNOLOGIES, AND TO DEMONSTRATE AND EVALUATE THE USE OF SUCH SYSTEMS AND TECHNOLOGIES, BY INDIVIDUALS WITH DISABILITIES (INCLUDING BLINDNESS) IN ORDER TO ASSESS THE AVAILABILITY AND USE OF SUCH SYSTEMS AND TECHNOLOGIES FOR SUCH INDIVIDUALS. AT LEAST ONE OF THE RECIPIENTS UNDER THIS SUBSECTION SHALL USE THE PAYMENT TO PROVIDE TRAINING AND TECHNICAL ASSISTANCE FOR NONVISUAL ACCESS.

(3) **ELIGIBILITY.**—AN ENTITY IS ELIGIBLE TO RECEIVE A PAYMENT UNDER THIS SUBSECTION IF THE ENTITY—

(A) IS A PUBLIC OR PRIVATE NONPROFIT ENTITY WITH DEMONSTRATED EXPERIENCE IN VOTING ISSUES FOR INDIVIDUALS WITH DISABILITIES;

(B) IS GOVERNED BY A BOARD WITH RESPECT TO WHICH THE MAJORITY OF ITS MEMBERS ARE INDIVIDUALS WITH DISABILITIES OR FAMILY MEMBERS OF SUCH

INDIVIDUALS OR INDIVIDUALS WHO ARE BLIND; AND
(C) SUBMITS TO THE SECRETARY AN APPLICATION AT SUCH TIME, IN SUCH MANNER, AND CONTAINING SUCH INFORMATION AS THE SECRETARY MAY REQUIRE.

SEC. 292. AUTHORIZATION OF APPROPRIATIONS.

(A) **IN GENERAL.**—IN ADDITION TO ANY OTHER AMOUNTS AUTHORIZED TO BE APPROPRIATED UNDER THIS SUBTITLE, THERE ARE AUTHORIZED TO BE APPROPRIATED \$10,000,000 FOR EACH OF THE FISCAL YEARS 2003, 2004, 2005, AND 2006, AND FOR EACH SUBSEQUENT FISCAL YEAR SUCH SUMS AS MAY BE NECESSARY, FOR THE PURPOSE OF MAKING PAYMENTS UNDER SECTION 291(A); EXCEPT THAT NONE OF THE FUNDS PROVIDED BY THIS SUBSECTION SHALL BE USED TO INITIATE OR OTHERWISE PARTICIPATE IN ANY LITIGATION RELATED TO ELECTION-RELATED DISABILITY ACCESS, NOTWITHSTANDING THE GENERAL AUTHORITIES THAT THE PROTECTION AND ADVOCACY SYSTEMS ARE OTHERWISE AFFORDED UNDER SUBTITLE C OF TITLE I OF THE DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT OF 2000 (42 U.S.C. 15041 ET SEQ.).

(B) **AVAILABILITY.**—ANY AMOUNTS APPROPRIATED PURSUANT TO THE AUTHORITY OF THIS SECTION SHALL REMAIN AVAILABLE UNTIL EXPENDED. 42 USC 15462.

A copy of the entire Help America Vote Act of 2002 is available from the Department of Justice at: <http://www.usdoj.gov/crt/voting/hava/hava.html>