

## PROCEDURES FOR DISPOSAL OF HAVA EQUIPMENT

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Tom Green County purchased voting equipment composed of BOSS (ballot programming computer), Ballot Now (ballot printing and scanning computer), TALLY (computer for reading Mobile Ballot Boxes from elections to gather results), SERVO (2) (computers used to program voting equipment and back up equipment), printers, scanners (for ballot now), Audit printer, printers for BOSS, Ballot Now, and TALLY, Judge's Booth Controllers (JBC's), eScans with tubs, eSlates, DAU's (Disabled Access Units), mobile ballot boxes, card readers, ECM keys, caddies for eSlates and DAU's and covers. Backup computers have been purchased and are stored offsite. Additional HAVA based fund purchases include: Ramps, bells for handicap voter use, lights for booths, magnifiers, clipboards, handicap accessibility signs, signature markers, scanners and printers for voter registration.

No clear guidelines can be found to provide guidance in disposal of equipment that is no longer usable or needed.

Section 19.1.5 of the "HELP AMERICA VOTE ACT GRANT TEXAS ELECTION ADMINISTRATION MANAGEMENT "TEAM" COMPATIBILITY GRANT AWARD AGREEMENT" publication (Attachment A) states that "If the COUNTY is authorized to sell the property, proper sales procedures must be established to ensure the highest possible return."

A publication (Attachment B) found on the Secretary of State's website includes the following:

### Disposition of Equipment

"What do we do with old equipment that we no longer use?"

- When replacing HAVA-funded equipment, the county may use the equipment to be replaced as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property.
- Items of equipment with a current per-unit fair market value of less than \$5,000 may be retained, sold, or otherwise disposed of with no further obligation to the awarding agency.
- Items of equipment with a current per-unit fair market value in excess of \$5,000 may be retained or sold and the awarding agency shall have a right to an amount calculated by multiplying the current market value or proceeds from sale by the awarding agency's share of the equipment.
- The Election Assistance Commission (EAC) considers the aggregate fair market value of the equipment rather than a per-unit value.
  - Example: 3 voting units valued at \$1,700 per-unit would have an aggregate value of \$5,100.
- Any cash received from the equipment shall be placed in the election fund at either the county or state level and used for HAVA approved activities.

Further, per U.S. Election Assistance Commission Funding Advisory Opinion FAO-08-007 (Attachment C), "...states must follow applicable state requirements when disposing of equipment that is damaged or no longer functional." It also references the same as the SOS website instructions.

Therefore, when it is determined that HART voting equipment no longer qualifies to be used for voting purposes or is no longer needed for use in Tom Green County, it will be disposed of in the most effective manner.

HART Incorporated does not buy back equipment unless there is a need for the equipment. Other counties may be approached but it is likely that the equipment will not be needed by the county. The price for buy back by HART will be determined by the vendor. The price for sale to another county will be set by Tom Green County's Commissioner Court. If the items are unable to be sold, they will be placed in storage until it is determined that they can be sold or that they must be destroyed. If

equipment is eligible for sale, these items will be sold and dollars will be placed in the dedicated HAVA account. Destruction will be performed by the best, most cost effective manner possible.

Small HART supplies such as Mobile Ballot Boxes, card readers, ECM keys will be returned to the vendor for destruction when possible. A detailed record of items returned to the vendor will be kept with equipment records.

Scanners and/or printers purchased with HART equipment will be disposed of with the cooperation of Tom Green County's IT Department. The Election Office will follow the procedure prescribed by the IT department. If equipment is eligible for sale, these items will be sold and dollars will be placed in the dedicated HAVA account. If the item is scheduled for destruction, procedures used by the IT department will be followed.

Small items such as booth lights, magnifiers, clipboards, handicap accessibility signs, and signature markers will be documented and thrown out when no longer eligible for use by the Election Office.

Handicap accessible ramps will be disposed of as dictated by the Commissioner's Court. It is preferred that they be sold and funds deposited in the HAVA account or that they be placed for use on county property as needed.

This procedure is adopted by the Commissioner's Court on April 8<sup>th</sup>, 2014  
Copies will be filed with the County Auditor and County Election Administrator.



*Steve Floyd*  
Steve Floyd - Tom Green  
County Judge

The State of Texas



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The Office of  
The Secretary of State

**HELP AMERICA VOTE ACT GRANT TEXAS ELECTION ADMINISTRATION  
MANAGEMENT "TEAM" COMPATIBILITY GRANT AWARD AGREEMENT**

<http://www.sos.state.tx.us/elections/hava/pdf/team-compatibility-award.pdf>

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condition.

- 19.1.5. If the COUNTY is authorized to sell the property, proper sales procedures must be established to ensure the highest possible return.
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# HAVA GRANTS AND MONITORING

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## Disposition of Equipment

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## Disposition of Equipment

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ATTACHMENT C

[http://www.eac.gov/assets/1/VirtualMeetingRoom/Final%20FAO-08-007 %20RI&OH.pdf](http://www.eac.gov/assets/1/VirtualMeetingRoom/Final%20FAO-08-007%20RI&OH.pdf)

Regarding equipment, the Common Rule (41 CFR 105-71.132) says that states “will use, manage, and dispose of equipment acquired under a grant by the state in accordance with State laws and procedures.” Thus, states must follow applicable state requirements when disposing of equipment that is damaged or no longer **functional**. Subpart 132 also stipulates that “other grantees and subgrantees will follow paragraphs (c) through (e) of this section.”