

Application of American Recovery Plan Act Funding for Mail Voting Procurements

The ARP Act provides over \$65 million in direct funding to counties across the county. Following are some excerpts from the ARP Act, with some highlighted areas that supports the use of this funding for the improvement or enhancement of mail voting operations in response to the pandemic. This is followed by some specific justification positions.

Excerpts

“Public Health and Economic Impacts Sections 602(c)(1)(A) and 603(c)(1)(A) provide significant resources for State, territorial, Tribal governments, and counties, metropolitan cities, and nonentitlement units of local governments (each referred to as a recipient) to meet *the wide range of public health and economic impacts of the COVID-19 public health emergency*. These provisions *authorize the use of payments from the Fiscal Recovery Funds* to respond to the public health emergency with respect to COVID-19 or its *negative economic impacts*.”

“Assessing whether a program or service “responds to” the COVID19 public health emergency requires the recipient to, first, *identify a need or negative impact* of 20 Sections 602(c)(1)(A), 603(c)(1)(A) of the Act. the COVID-19 public health emergency and, second, *identify how the program, service, or other intervention addresses the identified need or impact*. While the COVID-19 public health emergency affected many aspects of American life, eligible uses under this category *must be in response to the disease itself or the harmful consequences of the economic disruptions resulting from or exacerbated by the COVID-19 public health emergency*.”

“In determining whether a program or service responds to the negative economic impacts of the COVID-19 public health emergency, the interim final rule provides that *payments from the Fiscal Recovery Funds should be designed to address an economic harm resulting from or exacerbated by the public health emergency*. Recipients should assess the connection between the negative economic harm and the COVID-19 public health emergency, the nature and extent of that harm, and how the use of this funding would address such harm.”

“Mitigating the impact of COVID-19, including taking actions to control its spread and support hospitals and health care workers caring for the sick, continues to require a major public health response from State, local and Tribal governments.”

“Other response and adaptation costs include capital investments in public facilities to meet pandemic operational needs, such as physical plant improvements to public hospitals and health clinics or *adaptations to public buildings to implement COVID-19 mitigation tactics*. *These COVID-19 prevention and mitigation programs and services, among others, were eligible expenditures under the CRF and are eligible uses under this category of eligible uses for the Fiscal Recovery Funds*.”

“Impacts to State, Local, and Tribal Governments. State, local, and Tribal governments have felt substantial fiscal pressures. As noted above, State, local, and Tribal governments have faced significant revenue shortfalls and remain over 1 million jobs below their pre-pandemic staffing levels. These *reductions in staffing may undermine the ability to deliver services effectively*, as well as add to the number of unemployed individuals in their jurisdictions.”

“Sections 602(c)(1)(C) and 603(c)(1)(C) of the Act allow recipients facing budget shortfalls to use payments from the Fiscal Recovery Funds *to avoid cuts to government services and, thus, enable State, local, and Tribal governments to continue to provide valuable services and ensure that fiscal austerity measures do not hamper the broader economic recovery*.”

ARPA Use Justification Summary

Use of mail voting serves as a potent mitigation effort against the spread of COVID-19, which created a large surge in the use of mail voting in 2020. This resulted in significant, unbudgeted, and unanticipated costs to the county for material, labor, and postage costs.

It is expected that mail voting will continue to remain at elevated levels moving forward, due to positive acceptance from 2020 usage, as well as concern over continued COVID spread. This will result in a continuation of this negative cost impact to election jurisdiction as it strives to continue providing safe voting options for the electorate in the face of COVID-19.

The following outlines some specific justifications regarding the use of ARPA funds for mail voting investments:

1. Funds would be used to offset the negative economic impacts created or exacerbated by the COVID 19 pandemic. Use of these funds for mail voting would enable the election officials to support the continued, unprecedented increases in mail voting volumes in a timely, accurate and transparent manner.
2. Expanded use of mail voting is a valid mitigation effort to control COVID 19's spread. Funds would be used to offset the investment needed to accommodate the increased use of mail voting, which serves as a mitigation action.
3. This capital investment serves as an adaption cost in public facilities to support COVID 19 mitigation tactics.
4. Costs for election related improvements (and specifically mail voting) were an eligible expenditure for CRF funding to support the prevention and mitigation of COVID-19. The act states that COVID-19 expenses that were eligible expenditures under the CARES act are also eligible uses for the Fiscal Recovery Funds.
5. Use of these funds is permitted to avoid cuts to government services, mitigate a government's decreased ability to effectively administer services and/ or enable continuation of a valuable government services. Using these funds to facilitate increased mail voting meets these criteria.
6. Elections has been designated as a critical infrastructure by the Department of Homeland Security. Treasury's IFR states that counties can use revenue recoupment dollars toward *ANY GOVERNMENT SERVICES* including, but not limited to: Modernization of cybersecurity, including hardware, software, and protection of critical infrastructure.

Reports and Summaries from the National Association of Counties

<https://www.naco.org/resources/featured/american-rescue-plan-act-funding-breakdown>

<https://www.naco.org/resources/featured/us-treasury-interim-final-rule-guidance-state-and-local-fiscal>

<https://www.naco.org/resources/featured/understanding-eligible-expenses-fiscal-recovery-fund-what-counties-need-know-about-revenue>

<https://www.naco.org/blog/treasury-releases-updated-faqs-fiscal-recovery-fund-eligible-uses>

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