



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW – Suite 1100
Washington, DC 20005

January 18, 2005

EAC Advisory 05-002 - Appropriation of matching funds equal to 5% of an amount less than the total available Requirements Payment

Question: Can a state receive a Requirements Payment in an amount less than the total amount authorized and appropriated to the State for a single fiscal year?

Response: Yes, a State may obtain a portion of the total HAVA Title II Requirements Payment available to the State in a Fiscal Year. When a State cannot appropriate the amount of matching funds required to receive the full Requirements Payment, the state can certify using a lesser amount of matching funds. Whatever amount of matching funding is provided by the State, the State will receive funds from the federal government such that the State's funding makes up 5% of the total State and Federal money, in accordance with Section 253(b)(5). If the State is later able to provide a supplemental amount of matching funds, the State may apply for additional federal funding at the commensurate rate.

If a State wishes to make a certification for less than the total amount of Title II payments available for a fiscal year, certifications and submissions should be made in the same manner as they have in the past with the exception of identifying the specific amount of matching funds that are being provided and the expected amount of Requirements Payment. Such a submission will be considered and processed in the same manner as all other submissions made in the past.