



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

## **Memorandum**

To: Chief State Election Officials

From: Mark Abbott, Grants Director

Date: January 13, 2010

Re: 2010 Requirements Payment Disbursements

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The following instructions describe the process for receiving your FY 2010 requirements payment, in addition to any undisbursed 2008 and 2009 funds.

Prior to requesting your FY 2010 requirements payments (or 2008 and 2009, if applicable) you will need to determine: (1) whether your State plan reflects how the new requirements payments will be used and managed; and (2) the amount of requirements payments you are requesting based on your available matching funds.

### **State Plans**

If you have completed your certification for 2008 or 2009 requirements payments, you will need to determine whether the infusion of 2010 requirements payments will cause a material change to your State plan. If the answer is affirmative, you will need to take appropriate steps to update your State plan. If there is no material change for 2010, please send a certification, as described below, so that we can disburse your 2010 funds. EAC staff will review your State plan and need to concur with your materiality determination prior to disbursing funds.

To determine whether your State plan needs to be amended, please review section 254 of HAVA and make sure your plan describes:

- How the State will use the requirements payment to meet the requirements of Title III and/or to improve the administration of elections for Federal office.
- How the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out authorized activities.
- How the State will continue to meet its maintenance of effort requirements.
- How the State will adopt performance goals and measures that will be used by the State and units of local government in carrying out the plan.

Once you have completed public notice requirements in Section 256 of HAVA, you should submit the amended portions of your State plan to EAC for publication in the Federal Register.

### **Certification Submission**

The chief executive officer of your State, or a designee, must certify that the State is in compliance with the conditions in section 253(b) of HAVA. To receive a requirements payment, you must certify to EAC that your State has:

- Filed and implemented a plan for uniform, nondiscriminatory administrative complaint procedures required by HAVA Section 402.
- Appropriated matching funds equal to five percent of the total amount (State share plus Federal share) of your HAVA requirements payment budget.
- Complied with the six laws listed in Section 906 of HAVA.
- Filed a State plan that complies with the requirements listed in Sections 253, 254, 255, and 256 of HAVA.
- Provided EAC with appropriate certifications under Section 251(b)(2) regarding use of requirements payments for activities other than meeting the requirements of HAVA Title III.

If you need to make a material change to your State plan at this time, your certification should be filed after the expiration of the 30-day period that begins when an updated State plan is published in the Federal Register by the EAC.

You may use the following language (from Section 253(a) of HAVA) for your certification:

“(State) hereby certifies that it is in compliance with the requirements referred to in section 253(b) of the Help America Vote Act of 2002.”

States should submit amended State plans and certifications electronically to Allison Hood at [ahood@eac.gov](mailto:ahood@eac.gov). State plans should be in MS Word to facilitate quick formatting for publication.

Once EAC has reviewed and accepted your certification, we will send you a Notice of Grant Award (NGA) along with a bank account information form that will need to be returned to the EAC. The NGA will also specify any remaining actions, such as depositing matching funds or submitting late Financial Status Reports, that your State will need to do in order for EAC to disburse funds to your State.

### **State Match**

The initial amount of funds we disburse to your State will depend upon the amount of matching funds you have deposited into your election fund. The attached chart shows the total amount of matching funds you need for 2010. Please note that EAC is willing to distribute funds on a rolling basis as matching funds become available, so you may

initially certify for an amount less than the full matching requirement. For example, for every \$1,000 placed in the election fund as a State match, the EAC will disperse \$19,000, up to your State's allocation level.

**Special Note Regarding Interest on State Match**

EAC is re-examining the issue of whether accrued interest on State match can be used for future State match obligations. At present, States should not plan to use interest accrued on State funds in this manner. I will notify you immediately if our instructions on this matter change.

Please do not hesitate to contact me at [mabbott@eac.gov](mailto:mabbott@eac.gov) or 202-566-2166 if you have any questions.