



U.S. ELECTION ASSISTANCE COMMISSION
1201 New York Ave. NW – Suite 300
Washington, DC 20005

Memorandum

To: State Chief Election Officers

From: Monica Evans, Director of Grants Management

Date: January 13, 2012

Re: 2011 Requirements Payment Disbursements

The following instructions describe the process for receiving 2011 requirements payments. These funds are the result of returned unspent Section 102 funds per instruction under HAVA Section 104(c). There is \$1.2 million in 2011 requirements payments available to states in addition to any undisbursed 2008, 2009 and 2010 funds.

Prior to submitting your certification for 2011 (or 2008, 2009 and 2010 payments, if applicable) requirements payments 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

You will need to determine whether the infusion of 2011 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. EAC staff will review your State plan and need to concur with your materiality determination prior to disbursing funds. If there is no material change for 2011, please send a certification, as described below, so that we can disburse your 2011 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 payments 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 the public notice requirements outlined in Section 256 of HAVA, you should submit the amended portions of your State plan to EAC. State plans should be in MS Word for formatting purposes. EAC will publish a reference to the State plan in the Federal Register and complete revised State plans on the EAC website.

Certification Submission

To receive a requirements payment, you must submit a certification letter certifying compliance with Section 253(b).

The following language (from Section 253(a) of HAVA) must be included in your certification letter:

- “ (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.”

In addition, to ensure your State has met all the requirements of Section 253(b), please indicate 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 254, 255, and 256 of HAVA.
- Agreed to provide EAC with appropriate certifications under Section 251 (b)(2) when it wishes to use requirements payments for activities other than meeting the requirements of HAVA Title III.

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. If you need to make a material change to your State plan at this time, you should file your certification after the expiration of the 30-day period that begins when EAC has published a reference to the State plan in the Federal Register.

States should submit amended State plans and certifications electronically to Allison Hood at ahood@eac.gov.

Once EAC has reviewed and accepted your certification, we will send you a (1) Notice of Grant Award (NGA); (2) an ACH Vendor/Miscellaneous Form to include bank account information in order to directly deposit funds; and (3) EAC certifications and assurances which must be signed and returned to 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 2011 requirements payments. 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.

Please do not hesitate to contact me at mevans@eac.gov if you have any questions.

Monica Evans
Director of Grants Management