



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

**U.S. Election Assistance Commission**  
**Funding Advisory Opinion**  
**FAO-08-002**

**Requestor:**

U.S. Virgin Islands (AOR-08-002)

**Question:**

Will the Election Assistance Commission (EAC) waive the requirement for the appropriation of matching funds, contained in Section 253 (b) (5) of the Help America Vote Act (HAVA), for the Virgin Islands to receive its fiscal year 2008 requirements payment authorized by Section 251 of HAVA? The waiver is provided for in Title 48 Section 1469 a (d) of the United States Code.<sup>1</sup>

**Determination:**

Title 48 Section 1469 a (d) says “Notwithstanding any other provision of law, in the case of American Samoa, Guam, the Virgin Islands and the Northern Mariana Islands any department or agency shall waive any requirement for local matching funds under \$200,000 (including in-kind contributions) required by law to be provided by American Samoa, Guam, the Virgin Islands, or the Northern Mariana Islands.”

Even with the new allocation of HAVA funds and the corresponding matching requirement, the Virgin Islands, Guam, and American Samoa continue to be under the maximum \$200,000 in matching funds that can be waived pursuant to 48 U.S.C. 1469a. See *Figure 1*. EAC, therefore, will not require these jurisdictions to appropriate and deposit in their respective election funds the matching requirement for the 2008 Section 251 payments.

*Figure 1-- List of Cumulative Section 251 Payments and Associated Matching Requirements*

Description	Virgin Islands		Guam		American Samoa	
	Section 251 Payments	Matching Requirement	Section 251 Payments	Matching Requirement	Section 251 Payments	Matching Requirement
● 2003/2004	\$2,319,361	\$122,072	\$2,319,361	\$122,072	\$2,319,361	\$122,072
● 2008	115,000	6,053	115,000	6,053	115,000	6,053
Totals	2,434,361	128,125	2,434,361	128,125	2,434,361	128,125

<sup>1</sup> The waiver is also applicable to Guam and American Samoa.