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Election Administration: Federal Grant Funding for States and Localities

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SUMMARY

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Election Administration: Federal Grant Funding for States and Localities

States, territories, and localities have primary responsibility for administering elections in the United States, but Congress has tools it can use to support or shape their efforts if it chooses to do so. One of those tools is funding. Congress can use its power to provide—and set conditions on—funding to encourage or help states and localities to adopt, reject, implement, or maintain election administration policies and practices.

Congress has used or proposed using funding to engage with election administration issues in various ways, including by directing federal agencies to use some of their funding to support state and local election administration work and by considering conditioning eligibility for certain federal funds on adopting or rejecting election administration policies. Perhaps the most direct way in which Congress has used funding is by establishing and funding state and local grant programs specifically for election administration-related purposes.

Congress first authorized major election administration-related grant programs for states and localities in response to issues with the conduct of the 2000 elections. The Help America Vote Act of 2002 (HAVA; 52 U.S.C. §§20901-21145) set new requirements for the administration of federal elections and created the election administration-focused U.S. Election Assistance Commission (EAC). It also authorized election administration-related grant programs.

The main grant programs Congress authorized in HAVA were three programs to make funds available to the 50 states, the District of Columbia (DC), American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands for (1) making general improvements to the administration of federal elections, (2) replacing lever and punch card voting systems, and (3) meeting the new requirements established by the act. HAVA also authorized grant programs to meet some of the other needs Congress identified in the aftermath of the 2000 elections: improving electoral access for individuals with disabilities, conducting election technology research, encouraging youth voter participation, and facilitating poll worker recruitment.

Only a few election administration-related grant programs—aimed at reimbursing certain voting system replacement costs that were not covered by HAVA's lever and punch card voting system replacement grant program, enhancing the collection of election data, and improving electoral access for military and overseas voters—have been authorized for states and localities since HAVA. Most of the funding Congress has made available to states and localities for election administration-related purposes has, instead, been appropriated under grant programs authorized by that act.

Since HAVA was enacted in 2002, Congress has appropriated funding regularly for one or both of the act's disability access grant programs and more intermittently for other elections-related purposes. The latter funding includes, most recently, funding for FY2018 and FY2020. Attempted interference in elections emerged as a significant issue in the 2016 election cycle, and the 2020 cycle saw the onset of the COVID-19 pandemic. Congress responded to those two developments—and the challenges each introduced for election administration—by including funding for HAVA grants in the FY2018 and FY2020 regular appropriations acts (P.L. 115-141 and P.L. 116-93) and in supplemental appropriations for FY2020 (P.L. 116-136), respectively.

Congress has also considered authorizing or funding other elections-related grant programs for states and localities since the 2016 elections. In 2020, for example, the House passed a version of the Heroes Act (H.R. 6800; passed 208-199) that would make funding available for elections contingency planning, preparation, and resilience and an FY2021 consolidated appropriations bill (H.R. 7617; passed 217-197) that included funding for replacing direct-recording electronic (DRE) voting machines and other elections-related purposes. Various bills in the 116th Congress, including the Heroes Act, would authorize new grant programs to help states or localities address election interference or the Coronavirus Disease 2019 (COVID-19) pandemic or implement other election administration policies or practices, such as ranked choice voting.

The increased prominence of state and local elections grant programs since the 2016 election cycle might suggest questions about what, if any, role such programs might play in future federal election administration policy. Choices about how grant programs are structured can help determine how effective they are at achieving their intended purposes and what, if any, unintended consequences they might have. Information about the options available for structuring grant programs might, therefore, be of interest both to Members who are considering proposing a continuing role for such programs in federal elections policy and to Members who are weighing whether to support, oppose, or amend such proposals.

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Introduction

States[1] and localities have primary responsibility for administering elections in the United States, but Congress has tools it can use to support or shape their efforts if it chooses to do so. One of those tools is funding. Congress can use its power to provide—and set conditions on—funding to encourage or help states and localities to adopt, reject, implement, or maintain election administration policies or practices.

Congress has used or proposed using funding to engage with election administration issues in a number of ways. It has directed federal agencies to use some of their funding to support state and local elections work,[2] for example, and authorized more general grant programs that have been used to fund elections-related projects.[3] Members have also introduced bills that would condition eligibility for certain federal funds on adopting or rejecting election administration policies.[4]

Perhaps the most direct way in which Congress has used funding is by establishing and funding state and local grant programs specifically for election administration-related purposes.[5] This report focuses on those types of grant programs.[6] It starts with an overview of the election

[1] As used in this report, "states" is generally intended to refer to the 50 states, the U.S. territories, and the District of Columbia (DC). Where the narrower usage of the term is intended, the report uses the phrase "the 50 states." The report also introduces the term "HAVA states" to refer to the jurisdictions included in the Help America Vote Act of 2002's (HAVA's) definition of "state": the 50 states, DC, American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands.

[2] The U.S. Election Assistance Commission (EAC) is generally charged with supporting state and local election administration efforts, for example, and certain appropriations to the U.S. Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (CISA) have been designated for providing states and localities with election security support. For more on the EAC and on CISA's election security work, respectively, see CRS Report R45770, *The U.S. Election Assistance Commission: Overview and Selected Issues for Congress*, by Karen L. Shanton; and CRS In Focus IF11445, *The Election Infrastructure Subsector: Development and Challenges*, by Brian E. Humphreys and Karen L. Shanton. For more on the role of federal agencies in election administration in general, see CRS Report R45302, *Federal Role in U.S. Campaigns and Elections: An Overview*, by R. Sam Garrett.

[3] Some non-elections-specific grant programs that have awarded grants for elections-related projects include the Federal Emergency Management Agency's Public Assistance Program and homeland security preparedness grant programs, the U.S. Department of Education's Fund for the Improvement of Education, the National Science Foundation's Rapid Response Research program, and the Defense Advanced Research Projects Agency's System Security Integration Through Hardware and Firmware program. For more on some of those grant programs, see CRS Report R41981, *Congressional Primer on Responding to and Recovering from Major Disasters and Emergencies*, by Bruce R. Lindsay and Elizabeth M. Webster; and CRS Report R44669, *Department of Homeland Security Preparedness Grants: A Summary and Issues*, by Shawn Reese.

[4] The uses of funding described in this paragraph—including proposals to condition eligibility for federal funding on adopting or rejecting election administration policies, such as the 116th Congress's Democracy Restoration Act of 2019 (H.R. 196/S. 1068) and Election Fraud Prevention Act (H.R. 6882)—are outside the scope of this report.

[5] Some of the funding programs HAVA authorized for states and localities are referred to in the act as payment programs and some are described as grant programs. A question arose, after HAVA was enacted, about whether some of the act's payment programs meet the federal criteria for grant programs. The U.S. Government Accountability Office (GAO), which was asked by the EAC's general counsel to issue a decision on the question, determined that they do. Given the GAO decision—and with the exception of HAVA's requirements payments, which are generally referred to in elections contexts as such—this report refers to funding and funding programs as grant funding and grant programs. GAO, *Election Assistance Commission—Payments to States under the Help America Vote Act of 2002*, decision, May 9, 2017, at https://www.gao.gov/products/b-328615.

[6] The report covers grant programs for state and local election officials as well as grant programs for non-elections-specific government entities like public institutions of higher education and grant programs that are available to nongovernmental entities like private research institutions in addition to state and local governments. It does not address cooperative agreements or contracts, grant programs that would make funding available for redistricting or public financing for political campaigns, or appropriations for elections that do not include federal candidates, such as the funding Congress has provided for plebiscites on Puerto Rico's political status. For more on some of those issues,

administration-related grant programs Congress has authorized for states and localities to date and the funding it has appropriated for them. It then introduces some issues that may be of interest to Members who are considering whether or how to authorize new election administration-related grant programs for states or localities or appropriate further funding for existing programs. This part of the report describes some of the reasons Members might support or oppose authorizing or funding elections grant programs—such as differing views about the proper role of the federal government in funding election administration—and some of the options available to Members who choose to propose new elections grant programs or funding.

Overview of Grant Programs

Congress first authorized major election administration-related grant programs for states and localities in response to issues with the conduct of the 2000 elections. The highest-profile problems in 2000 were in Florida, where issues with the vote count delayed the resolution of the presidential election for weeks. However, subsequent hearings and investigations found that election administration issues were widespread and that, given variations in state and local election administration policies and procedures, they varied across jurisdictions. Elections experts reported that voter registration problems prevented many otherwise eligible voters from casting ballots, for example, and that the lever and punch card voting systems used by some jurisdictions failed to record votes at disproportionately high rates.[7]

Congress responded to the issues with the administration of the 2000 elections—in the Help America Vote Act of 2002 (HAVA; 52 U.S.C. §§20901-21145)—by setting new requirements for the administration of federal elections and creating the election administration-focused U.S. Election Assistance Commission (EAC).[8] It also responded by authorizing election administration-related grant programs.

The main grant programs Congress authorized in HAVA were three programs to make funds available to the 50 states, the District of Columbia (DC), American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands (referred to hereinafter as the "HAVA states") for (1) making general improvements to the administration of federal elections, (2) replacing lever and punch card voting systems, and (3) meeting the new requirements established by the act (for details of the formulas for allocating funding under these programs, see **Table 1**). HAVA also authorized grant programs to meet some of the other needs Congress identified in the aftermath of the 2000 elections: improving electoral access for individuals with disabilities, conducting election technology research, encouraging youth voter participation, and facilitating poll worker recruitment.

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see CRS Insight IN11053, *Redistricting Commissions for Congressional Districts*, by Sarah J. Eckman; CRS Report RL33814, *Public Financing of Congressional Campaigns: Overview and Analysis*, by R. Sam Garrett; and CRS Report R44721, *Political Status of Puerto Rico: Brief Background and Recent Developments for Congress*, by R. Sam Garrett.

[7] See, for example, U.S. Congress, House Committee on House Administration, *Federal Election Reform*, hearing, 107th Cong., 1st sess., May 10, 2001 (Washington, DC: GPO, 2003); U.S. Congress, Senate Committee on Rules and Administration, *Election Reform: Volume 1*, hearing, 107th Cong., 1st sess., March 14, 2001, S.Hrg. 107-1036 (Washington, DC: GPO, 2003); R. Michael Alvarez et al., *Voting—What Is, What Could Be*, Caltech/MIT Voting Technology Project, July 2001, at https://vote.caltech.edu/reports/1; The National Commission on Federal Election Reform, *To Assure Pride and Confidence in the Electoral Process*, August 2001, at https://www.verifiedvoting.org/wp-content/uploads/2012/10/NCFER_2001.pdf; and GAO, *Elections: Perspectives on Activities and Challenges Across the Nation*, GAO-02-3, October 2001, at https://www.gao.gov/new.items/d023.pdf.

[8] For more on the election administration requirements established by HAVA and on the EAC, respectively, see CRS Report RS20898, *The Help America Vote Act and Election Administration: Overview and Selected Issues for the 2016 Election*, by Arthur L. Burris and Eric A. Fischer; and CRS Report R45770, *The U.S. Election Assistance Commission: Overview and Selected Issues for Congress*, by Karen L. Shanton.

Table 1. Selected Details of HAVA's Three Main Grant Programs

Grant Program	Deadline	Guaranteed Minimum Grant Awards	Match Requirement	Formula for Allocating Grant Awards[a]				
General improvements grant program	—	For general improvements and voting system replacement grant programs combined: *50 states and DC:* $5 million *Eligible territories:* $1 million	—	Minimum payment amount[b]	+	(Aggregate amount made available for grant awards under this section - Total of all minimum payment amounts)	x	Recipient's voting-age population (VAP)[c] ÷ Total VAP of all eligible recipients[c]
Lever and punch card voting system replacement grant program	November 2004 regular federal general election[d]	For general improvements and voting system replacement grant programs combined: *50 states and DC:* $5 million *Eligible territories:* $1 million	—	Number of precincts that used lever or punch card voting systems in the November 2000 regular federal general election			x	$4,000
Requirements payments program	—	*50 states and DC:* 0.5% of the total appropriated for the program for the year *Eligible territories:* 0.1% of the total appropriated for the program for the year	5%[e]	Total appropriated for the program for the year			x	Recipient's VAP[c] ÷ Total VAP of all eligible recipients[c]

Source: CRS, based on review of the U.S. Code.

Notes: The information in this table is as described in the Help America Vote Act of 2002 (HAVA). Some funds appropriated under the general improvements grant program have been subject to different conditions. For more on those conditions, see the "General Improvements Grant Program" section of this report and **Table 5**.

a. HAVA directs the agencies charged with administering these grant programs to make pro rata reductions to these allocations as necessary to meet the guaranteed minimums described in the "Guaranteed Minimum Grant Awards" column of this table (52 U.S.C. §§20903, 21002).

b. The minimum payment amounts to be used in this calculation are based on the aggregate amount of funding made available for the general improvements grant program: 0.5% of the aggregate amount for each of the 50 states and DC and 0.1% for each eligible territory (52 U.S.C. §20901).

c. The voting-age population (VAP) figures to be used in these calculations are the VAPs as reported in the most recent decennial census (52 U.S.C. §§20901, 21002).

d. Recipients of lever and punch card voting system replacement funding had to either replace all of their lever and punch card voting systems by this deadline, obtain a waiver to defer the deadline, or return some of the federal funds they received (52 U.S.C. §20902). Returned funds were to be redistributed by the U.S. Election Assistance Commission (EAC) as requirements payments (52 U.S.C. §20904).

e. HAVA specifies that recipients must appropriate "funds for carrying out the activities for which the requirements payment is made in an amount equal to 5 percent of the total amount to be spent for such activities (taking into account the requirements payment and the amount spent by the [recipient])." According to the EAC, this match requirement has been waived for some eligible territories. EAC, *State Governments' Use of Help America Vote Act Funds 2007*, July 2008, pp. 22-23, at https://www.eac.gov/sites/default/files/eac_assets/1/6/EAC_Report_to_Congress_on_State_Expenditures_of_HAVA_Funds_2007.pdf; and EAC, *Election Assistance Commission FY2008/2009/2010/2011 Requirements Payment Schedule*, at https://web.archive.org/web/20191227211147/https://www.eac.gov/assets/1/6/4699.PDF.

Only a few election administration-related grant programs—aimed at reimbursing certain voting system replacement costs that were not covered by HAVA's lever and punch card voting system replacement grant program, enhancing the collection of election data, and improving electoral access for military and overseas voters—have been authorized for states and localities since HAVA. Most of the funding Congress has made available to states and localities for election administration-related purposes has, instead, been appropriated under grant programs authorized by that act (see **Table 2** and **Table 3** for appropriations for each grant program by fiscal year).

Since HAVA was enacted in 2002, Congress has appropriated funding regularly for one or both of the act's disability access grant programs and more intermittently for other elections-related purposes. The latter funding includes, most recently, funding for FY2018 and FY2020. Attempted interference in elections emerged as a significant issue in the 2016 election cycle, and the 2020 cycle saw the onset of the Coronavirus Disease 2019 (COVID-19) pandemic. Congress responded to those two developments—and the challenges each introduced for election administration—by including funding for HAVA grants in the FY2018 and FY2020 regular appropriations acts (P.L. 115-141 and P.L. 116-93) and in supplemental appropriations for FY2020 (P.L. 116-136), respectively.

The following subsections provide broad overviews of the election administration-related grant programs Congress has authorized for states and localities to date. For more detailed information about the grant programs, see **Table 1**, **Table 4**, and **Table 5**.

General Improvements Grant Program

The issues with the administration of the 2000 elections varied by jurisdiction. Poll worker shortages were a particular issue in some localities, for example, while unreliable voting machines caused many of the problems in others.[9] Congress authorized this *general improvements grant program* to help each HAVA state make the improvements to its federal election administration processes that it considered most pressing.[10] HAVA prohibited use of the grant funds for legal judgments and most litigation-related costs—and included a list of specific examples of permissible uses of funds—but otherwise made the funding available for general improvements to the administration of federal elections (see **Table 4** for the list of specific permissible uses set out in HAVA and other details of this grant program).

Congress appropriated funding for this grant program the first fiscal year after HAVA was enacted (FY2003; see **Table 2**, **Table 3**, and **Table 4** for details of authorized and appropriated funding for this and other elections grant programs). It has also provided further funding in more recent years. Following reports of attempted interference in the 2016 elections, Congress included $380 million in the Consolidated Appropriations Act, 2018, and $425 million in the Consolidated Appropriations Act, 2020, for funding authorized by these provisions of HAVA. Congress provided another $400 million for such funding in response to the COVID-19 pandemic in the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

[9] See, for example, GAO, *Elections: Perspectives on Activities and Challenges Across the Nation*; and R. Michael Alvarez et al., *Voting—What Is, What Could Be*.

[10] The committee report for the House-passed version of HAVA said that a similar general purpose grant program it would have authorized would "give states the opportunity to direct fund payments to the areas where the resources are most needed. Jurisdictions that want to modernize their voting equipment can use election fund payments for that purpose. Others may have more pressing needs for modernized statewide voter registration systems, or better equipment and training of voters and poll workers." U.S. Congress, House Committee on House Administration, *Help America Vote Act of 2001*, report to accompany H.R. 3295, 107th Cong., 1st sess., December 10, 2001, H.Rept. 107-329 (Washington, DC: GPO, 2001), p. 34.

Table 2. Appropriations for Election Administration-Related Grant Programs for States and Localities, FY2003-FY2011

($, rounded in millions)	FY03	FY04	FY05	FY06	FY07	FY08	FY09	FY10	FY11
General improvements grant program									
Lever and punch card voting system replacement grant program	**650.0**[a]								
Voting system replacement reimbursement grant program	**15.0**								
Requirements payments program	**830.0**	**1500.0**[b]				**115.0**	**100.0**	**70.0**	[c]
Polling place accessibility grant program	**13.0**	**10.0**	**10.0**	**11.0**	[d]	**12.4**	**12.2**	**12.2**	[d]
Protection and advocacy (P&A) system grant program	**2.0**	**5.0**	**5.0**	**4.9**	[d]	**5.4**	**5.3**	**5.3**	[d]
Voting technology improvements research grant program							**5.0**	**3.0**	
Voting technology pilot program grant program							**1.0**	**2.0**	
Mock elections grant program		*0.2*	*0.2*			**0.2**	**0.3**	**0.3**	
Help America Vote College Program[e]	**1.5**	*0.8*	*0.2*	[f]		*0.8*	**0.8**	**0.8**	
Election data collection grant program						**10.0**			

Source: CRS, based on review of appropriations measures.

Notes: Figures do not account for rescissions or sequestration reductions. Amounts in **bold** are from the text of the corresponding appropriations act, and amounts in *italics* are from the accompanying report language. Congress also included $400 million for election administration reform in P.L. 107-206, but the funding was not utilized. The UOCAVA election technology pilot program grant program is not included in this table because funding for that program appears to have come from general research funding provided to the U.S. Department of Defense (DOD) rather than appropriations that specifically reference the pilot program grant program. DOD reported awarding $25.4 million for the grants in 2011 and 2012 and $10.5 million in 2013. DOD Office of Inspector General, *Assessment of Electronic Absentee System for Elections (EASE) Grants*, June 30, 2015, p. 4, at https://media.defense.gov/2015/Jun/30/2001713517/-1/-1/1/DODIG-2015-135.pdf; and Federal Voting Assistance Program, "Grant Programs," at https://www.fvap.gov/eo/grants.

a. The FY2003 appropriations resolution (P.L. 108-7) did not specify a distribution of appropriations between these two grant programs. It indicated that some of the funding—not to exceed $500,000—was to be available to the U.S. General Services Administration (GSA) for expenses associated with administering the funds.

b. Report language accompanying the FY2004 appropriations act (H.Rept. 108-401; P.L. 108-199) indicated that $750,000 of this funding was for the Help America Vote Foundation, $750,000 was for the Help America Vote College Program, and $200,000 was for the National Student Parent Mock Election.

c. HAVA required states that had not replaced all of their lever and punch card voting systems by the relevant deadline to return some of the funds they received under this grant program and directed the U.S. Election Assistance Commission (EAC) to redistribute the returned funds as requirements payments. The EAC made some funding for requirements payments available for FY2011 from returned funds. EAC, *Memorandum Re: 2011 Requirements Payments Disbursements*, May 13, 2014, at https://www.eac.gov/sites/default/files/eac_assets/1/6/Instructions_for_Requesting_FY_2011_Requirements_Payments_Memo.2014.pdf.

d. Appropriations for FY2007 and FY2011 for the HAVA grant programs administered by the U.S. Department of Health and Human Services (HHS) were included in general budget authority for the Administration for Children and Families' Children and Families Services programs. Information about the funding HHS reported awarding for grants for those fiscal years is available in congressional budget justifications from the Administration for Children and Families. Administration for Children and Families, *Archived Congressional Budget Justifications FY 2012-2004*, June 29, 2012, at https://www.acf.hhs.gov/archive/olab/resource/archived-congressional-budget-justifications-fy-2012-2004.

e. The amounts listed here are for the Help America Vote College Program as a whole. Grant-making is one of a number of activities, including developing materials and sponsoring seminars and workshops, that HAVA authorizes the EAC to conduct as part of the program (52 U.S.C. §21122).

f. The joint explanatory statement accompanying the FY2006 appropriations act (H.Rept. 109-307; P.L. 109-115) stated that the conferees encouraged the EAC to apply $250,000 of the funding it received for Salaries and Expenses to the Help America Vote College Program.

Table 3. Appropriations for Election Administration-Related Grant Programs for States and Localities, FY2012-FY2020

($, rounded in millions)	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19	FY20
General improvements grant program[a]							**380.0**		**825.0**[b]
Polling place accessibility grant program			c	c	c	c	c	c	c
Protection and advocacy (P&A) system grant program	**5.2**	**5.2**	c	c	c	c	c	c	c

Source: CRS, based on review of appropriations measures.

Notes: Figures do not account for rescissions or sequestration reductions. The UOCAVA election technology pilot program grant program is not included in this table because funding for that program appears to have come from general research funding provided to the U.S. Department of Defense (DOD) rather than appropriations that specifically reference the pilot program grant program. DOD reported awarding $25.4 million for the grants in 2011 and 2012 and $10.5 million in 2013. DOD Office of Inspector General, *Assessment of Electronic Absentee System for Elections (EASE) Grants*, June 30, 2015, p. 4, at https://media.defense.gov/2015/Jun/30/2001713517/-1/-1/1/DODIG-2015-135.pdf; and Federal Voting Assistance Program, "Grant Programs," at https://www.fvap.gov/eo/grants.

a. The $380 million appropriated under this program for FY2018 was provided by the Consolidated Appropriations Act, 2018 (P.L. 115-141), and $425 million of the $825 million appropriated for FY2020 was provided by the Consolidated Appropriations Act, 2020 (P.L. 116-93). Explanatory statements accompanying those two appropriations acts listed some election security-specific purposes for which the funds may be used.

b. This figure includes $425 million from the Consolidated Appropriations Act, 2020, and $400 million from the CARES Act (P.L. 116-136). The CARES Act restricted use of its HAVA funds to preventing, preparing for, and responding to coronavirus, domestically and internationally, in the 2020 federal election cycle. For information about other differences between the general improvements grant program as authorized by HAVA and the FY2018, FY2020, and CARES Act funds, see the "General Improvements Grant Program" section of this report and **Table 5**.

c. Starting with the Consolidated Appropriations Act, 2014 (P.L. 113-76), appropriations for new funding for HAVA grant programs administered by the U.S. Department of Health and Human Services (HHS) have been included in general budget authority for the Administration for Community Living's Aging and Disability Services programs. The appropriations acts reference both the polling place accessibility grant program and the P&A system grant program, but, according to HHS, only the P&A system grant program has been funded during that period. The specific totals HHS has reported awarding for P&A system grants each year are available from the Administration for Community Living at https://acl.gov/about-acl/help-america-vote-act-hava.

The appropriations acts that provided those more recent funds included substantive provisions that modified or supplemented some of the parameters of the grant program, such as by adding a match requirement. Explanatory statements accompanying the two regular appropriations acts also provided more information about Congress's intentions for the funding. For details of differences between the general improvements grant program as authorized by HAVA and the FY2018, FY2020, and CARES Act funds, see **Table 5**.

Voting System Replacement Grant Programs

The punch card voting systems some jurisdictions used in 2000 contributed to the problems with the Florida vote count. Voters were supposed to indicate their preferences on punch card voting machines by punching out pieces of card—known as "chads"—next to their selections, but issues with incompletely punched chads made it difficult to discern some voters' intentions.[11] Problems with the lever voting machines some jurisdictions used in 2000, such as the potential for jammed levers and the lack of a paper trail that might be used to recover votes cast on a jammed machine, were also reported in election postmortems.[12] Congress authorized HAVA's *lever and punch card voting system replacement grant program* to help HAVA states replace both types of system.

Some states that used lever and punch card voting systems identified the issues with those systems early and started replacing them before the November 2000 elections. The earliest of those adopters were not eligible for HAVA's lever and punch card voting system replacement grant program because they were no longer using lever or punch card systems by November 2000 and awards under the program were based on the number of precincts that used such systems in the November 2000 general election (see **Table 1** for more on the formula used to allocate these funds). To avoid discouraging states from taking early action to improve their election systems, Congress authorized and funded a *voting system replacement reimbursement grant program* in the Consolidated Appropriations Resolution, 2003 (P.L. 108-7).[13] Grants awarded under that program, which were capped at $4,000 per precinct and $15 million for the program as a whole, were designed to reimburse HAVA states for costs they incurred in obtaining certain types of voting equipment prior to the November 2000 general election.

Requirements Payments Program

Meeting the election administration requirements established by HAVA involved a significant financial investment for many HAVA states, and Congress authorized a *requirements payments program* primarily to help cover those costs.[14] Recipients could also use requirements payments for more general election administration improvements if they either had already met the HAVA requirements or limited their spending on such improvements to the minimum amount they were guaranteed for requirements payments for a given fiscal year (see **Table 1** for more on guaranteed minimums). As with HAVA's general improvements grant program, recipients of requirements payments were prohibited from applying them to legal judgments or most litigation-related costs.

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[11] Brooks Jackson, "Punch-Card Ballot Notorious for Inaccuracies," *CNN*, November 15, 2000.

[12] See, for example, R. Michael Alvarez et al., *Voting—What Is, What Could Be*.

[13] For a sample expression of this concern, see Rep. Ernest Istook, "Help America Vote Act of 2001," remarks in the House, *Congressional Record*, daily edition, vol. 147, part 172 (December 12, 2001), p. H9293.

[14] The report uses "requirements payments" when referring to this program because that is the terminology in statute and in general use in elections contexts. As noted above, however, GAO determined that awards under this program count as grants. GAO, *Election Assistance Commission—Payments to States under the Help America Vote Act of 2002*, decision, May 9, 2017, at https://www.gao.gov/products/b-328615.

Table 4. Election Administration-Related Grant Programs for States or Localities, as Authorized

Grant Program	Authorized Amounts[a]	Administering Department or Agency	Permissible Uses of Funds
UOCAVA election technology pilot program grant program (52 U.S.C. §20311)	Such sums as necessary	U.S. Department of Defense (DOD)[b]	Conducting pilot programs to test election technology for individuals covered by the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA)
General improvements grant program (52 U.S.C. §§20901, 20903-20906)	$325.0 million	U.S. Election Assistance Commission (EAC)[c]	Complying with the election administration requirements established by the Help America Vote Act of 2002 (HAVA) Improving the administration of federal elections Educating voters about voting procedures, rights, and technology Training election officials, poll workers, and election volunteers Developing the state plan for use of requirements payments Improving, acquiring, leasing, modifying, or replacing voting systems and technology and vote casting and counting methods Improving the accessibility and quantity of polling places, including providing access for individuals with disabilities and assistance to Native Americans, Alaska Native citizens, and individuals with limited English proficiency Setting up toll-free hotlines for voters to report possible voting fraud and rights violations, get general information about elections, and access information about their voter registration status, polling place locations, and other relevant information[d]
Lever and punch card voting system replacement grant program (52 U.S.C. §§20902-20906)	$325.0 million	EAC[c]	Replacing lever or punch card voting systems in precincts that used lever or punch card voting systems to administer the November 2000 regular federal general election

Grant Program	Authorized Amounts[a]	Administering Department or Agency	Permissible Uses of Funds
Voting system replacement reimbursement grant program (P.L. 108-7)	$15.0 million	U.S. General Services Administration (GSA)	Being reimbursed for costs incurred in obtaining optical scan or electronic voting equipment used to administer the most recent regular federal general election
Election data collection grant program (52 U.S.C. $20981 note)	$10.0 million	EAC	Improving the collection of data related to the November 2008 regular federal general election
Requirements payments program (52 U.S.C. §§21001-21008)	FY2003: $1.4 billion FY2004: $1.0 billion FY2005: $600.0 million FY2010 and subsequent fiscal years: Such sums as necessary[e]	EAC	Complying with election administration requirements established by HAVA or the Military and Overseas Voter Empowerment (MOVE) Act of 2009[d,f]
Polling place accessibility grant program (52 U.S.C. §§21021-21025)	FY2003: $50.0 million FY2004: $25.0 million FY2005: $25.0 million	U.S. Department of Health and Human Services (HHS)[g]	Making polling places accessible to individuals with disabilities in a manner that provides the same opportunity for access and participation as available to other voters Providing individuals with disabilities with information about the accessibility of polling places
Voting technology improvements research grant program (52 U.S.C. §§21041-21043)	FY2003: $20.0 million	EAC	Conducting research to improve the quality, reliability, accuracy, accessibility, affordability, and security of voting equipment, election systems, and voting technology
Voting technology pilot program grant program (52 U.S.C. §§21051-21053)	FY2003: $10.0 million	EAC	Conducting pilot programs to test new voting technologies and implement them on a trial basis
Protection and advocacy (P&A) system grant program (52 U.S.C. §§21061-21062)	FY2003: $10.0 million FY2004: $10.0 million FY2005: $10.0 million FY2006: $10.0 million Subsequent fiscal years: Such sums as necessary[h]	HHS[g]	Ensuring full participation in the electoral process for individuals with disabilities[i]

Grant Program	Authorized Amounts[a]	Administering Department or Agency	Permissible Uses of Funds
Mock elections grant program (52 U.S.C. §§21071-21072)	FY2003: $200,000 Subsequent six fiscal years: Such sums as necessary	EAC	Conducting voter education activities for students and their parents
Help America Vote College Program (52 U.S.C. §§21121-21123)	FY2003: $5.0 million Succeeding fiscal years: Such sums as necessary[j]	EAC	Encouraging students at institutions of higher education to serve as poll workers and state and local election officials to use their services

Source: CRS, based on review of the U.S. Code.

Notes:

a. Authorized amounts are listed here as they are presented in statutory language.

b. The MOVE Act assigned responsibility for administering this grant program to the presidential designee designated under UOCAVA. Executive Order 12642 identified the presidential designee for UOCAVA as the Secretary of Defense, and the Secretary has delegated UOCAVA responsibilities to the DOD's Federal Voting Assistance Program (FVAP). Executive Order 12642, "Designation of the Secretary of Defense as the Presidential Designee Under Title I of the Uniformed and Overseas Citizens Absentee Voting Act," 53 *Federal Register* 21975, June 8, 1988.

c. HAVA lists GSA as the administrator for some of the act's grant programs, and GSA distributed some HAVA funding while the EAC was being established. However, the EAC is named by HAVA as the administrator of that funding for purposes of audits and repayments (52 U.S.C. §21142), and the Consolidated Appropriations Act, 2004 (P.L. 108-199) provided for transferring administrative authority for the funds to the EAC.

d. Recipients are prohibited from using funds awarded under these grant programs for legal judgments or litigation costs that are not otherwise permitted by these sections (52 U.S.C. §§20901, 21001).

e. Appropriations for the requirements payments program for FY2010 and subsequent fiscal years were authorized only for complying with requirements established by the MOVE Act (52 U.S.C. §21001).

f. States are permitted to use requirements payments to make general improvements to the administration of federal elections if they have already implemented HAVA's requirements or limit their spending on such improvements to the minimum amount they are guaranteed for requirements payments for a given fiscal year (52 U.S.C. §21002). For more on guaranteed minimums, see the "Requirements Payments Program" section of this report and **Table 1**.

g. HHS initially assigned responsibility for administering these grant programs to the Administration for Children and Families. The programs were subsequently transferred to HHS's Administration for Community Living, following the creation of that agency in 2012. HHS, "Statement of Organization, Functions, and Delegations of Authority; Administration for Community Living," 77 *Federal Register* 23250-23260, April 18, 2012.

h. HAVA directs HHS to set aside 7% of the funding appropriated under this section for a given fiscal year to fund training and technical assistance for activities conducted under the section (52 U.S.C. §§21061).

i. Recipients are prohibited from using funding awarded under this grant program to initiate or otherwise participate in litigation related to election-related disability access (52 U.S.C. §21062).

j. The amounts listed here are for the Help America Vote College Program as a whole. Grant-making is one of a number of activities, including developing materials and sponsoring seminars and workshops, that HAVA authorizes the EAC to conduct as part of the program (52 U.S.C. §21122).

As enacted, HAVA authorized a total of $3 billion for the requirements payments program over the period from FY2003 through FY2005. The Military and Overseas Voter Empowerment (MOVE) Act of 2009—which set new requirements for the voting and registration processes used by individuals covered by the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA; 52 U.S.C. §§20301-20311)—amended HAVA to also authorize such sums as necessary for FY2010 and subsequent fiscal years to help HAVA states meet the new MOVE Act requirements.[15] The appropriations for requirements payments authorized by the MOVE Act were authorized only for complying with the requirements established by that act.

Disability Access Grant Programs

Congressional testimony by representatives of the disability community highlighted the particular challenges individuals with disabilities and older Americans faced in accessing the electoral process in 2000. Such challenges included, among others, polling places that were inaccessible to individuals with certain physical disabilities and the often limited options for individuals with visual impairments to cast a ballot privately and independently.[16] HAVA authorized two grant programs to help address such challenges: (1) a *polling place accessibility grant program*, and (2) a *protection and advocacy (P&A) system grant program*.

As authorized, HAVA's polling place accessibility grant program was to be available to the HAVA states and units of local government.[17] Grants awarded under the program were to be used for improving the accessibility of polling places and conducting activities, such as voter outreach campaigns and election worker trainings, to help share information about polling place accessibility.

P&A systems are state-level systems that are charged with empowering and advocating for individuals with disabilities.[18] HAVA authorized broad use of P&A system grant funds by HAVA state P&A systems[19] to help individuals with disabilities participate in the electoral process but prohibited use of the funds to initiate or participate in elections-related litigation.[20] The act specifies that 7% of the funding appropriated for the P&A system grant program for any given fiscal year is to be distributed to other organizations to provide training and technical assistance with activities funded under the program.

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[15] The MOVE Act was enacted as Subtitle H of Title V of the National Defense Authorization Act for Fiscal Year 2010 (P.L. 111-84). For more on UOCAVA and the MOVE Act, see CRS Report RS20764, *The Uniformed and Overseas Citizens Absentee Voting Act: Overview and Issues*, by R. Sam Garrett.

[16] See, for example, U.S. Congress, Senate Committee on Rules and Administration, *Election Reform: Volume 1*, hearing, 107th Cong., 1st sess., March 14, 2001, S.Hrg. 107-1036 (Washington, DC: GPO, 2003), p. 9.

[17] Although HAVA lists both the HAVA states and units of local government as potential recipients of polling place accessibility grant funds, the appropriations acts that have funded awards under the program have generally limited them to the HAVA states. See, for example, P.L. 108-7.

[18] Some P&A systems are part of state governments, whereas others are nonprofit organizations. In addition to HAVA grant funds, P&A systems receive federal funding under other P&A programs to provide legal and other support in areas other than election administration. For more information about P&A systems, see Administration for Community Living, *State Protection & Advocacy Systems*, at https://acl.gov/programs/aging-and-disability-networks/state-protection-advocacy-systems.

[19] There are also P&A systems that serve the Commonwealth of the Northern Mariana Islands (CNMI) and Native Americans in the Four Corners region of the country (American Indian Consortium). Those P&A systems are generally not eligible for HAVA's P&A system grant program, although the explanatory statement accompanying the Consolidated Appropriations Act, 2004 (P.L. 108-199) indicated that Congress intended to extend eligibility for the program to the American Indian Consortium P&A system.

[20] Sen. Chris Dodd, "Equal Protection of Voting Rights Act of 2001," debate in the Senate, *Congressional Record*, daily edition, vol. 148, part 17 (February 26, 2002), pp. S1148-1149.

Table 5. Comparison of Original HAVA General Improvements Grant Program with FY2018, FY2020, and CARES Act Funds

	Original General Improvements Grant Program	FY2018 Funds (P.L. 115-141)	FY2020 Funds (P.L. 116-93)	CARES Act Funds (P.L. 116-136)
Uses	Making general improvements to the administration of federal elections	Making general improvements to the administration of federal elections, including enhancing election technology and improving election security[a]	Making general improvements to the administration of federal elections, including enhancing election technology and improving election security[a]	Preventing, preparing for, or responding to coronavirus, domestically and internationally, in the 2020 federal election cycle
Guaranteed minimum award amounts				
50 states and DC:	$5 million[b]	$3 million	$3 million	$3 million[c]
Eligible territories:	$1 million[b]	$600,000	$600,000	$600,000[c]
Eligible recipients	50 states, DC, American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands (HAVA states)	HAVA states	HAVA states and the Commonwealth of the Northern Mariana Islands	HAVA states and the Commonwealth of the Northern Mariana Islands[c]
Spending deadline	—	—	—	December 31, 2020[d]
Match requirement	—	5%[e]	20%[e]	20%[c,e]
Reporting requirement	—[f]	—[f]	—[f]	Within 20 days of an election in the 2020 federal election cycle

Source: CRS, based on review of the U.S. Code and relevant appropriations measures.

Notes: Congress appropriated funding for FY2018 and FY2020 for three sets of HAVA grant funds: FY2018 funds, FY2020 funds, and CARES Act funds. The acts that provided the funds included substantive provisions that modified or supplemented some parameters of the program under which the funds were appropriated. This table compares selected parameters of the original grant program as authorized by HAVA to corresponding parameters of the FY2018, FY2020, and CARES Act funds.

a. Explanatory statements accompanying these appropriations acts listed some election security-specific purposes for which recipients may use the funds. Guidance issued by the U.S. Election Assistance Commission (EAC) following the onset of the COVID-19 pandemic clarified that these funds—as well as some other funding previously appropriated under HAVA—may be used to cover certain costs incurred as a result of the pandemic.

b. These minimums were for the combination of awards under HAVA's general improvements and lever and punch card voting system replacement grant programs.

c. A general provision of the CARES Act (§23003) extended these conditions on the FY2020 funds to the CARES Act funds.

d. Recipients are required to return any funds that have not been obligated as of this deadline to the U.S. Treasury.

e. According to the EAC, some eligible territories have been exempted from these match requirements. The appropriations acts specify that each nonexempt recipient must provide funds for grant activities in an amount equal to the specified percentage "of the total amount of the payment made to the [recipient]."

f. Recipients of these funds are subject to reporting requirements, as specified by the EAC, but the acts themselves did not set financial reporting requirements.

Election Technology Research Grant Programs

Election technology shortcomings, such as the unreliability of lever and punch card voting systems, contributed to the issues with the administration of the 2000 elections. One approach Congress took to addressing such shortcomings—as described in the "Voting System Replacement Grant Programs" section of this report—was to authorize funding to help replace lever and punch card voting systems. Another was to authorize funding for research into better systems. HAVA's *voting technology improvements research grant program* and *voting technology pilot program grant program* were intended to facilitate development and testing of new voting technologies.[21]

The MOVE Act, which set new requirements for the voting and registration processes used by UOCAVA voters and authorized new appropriations for requirements payments to help HAVA states meet them, also authorized funding to help improve UOCAVA election technologies. The act's *UOCAVA election technology pilot program grant program* was intended to fund testing of new election technologies for use by individuals covered by UOCAVA.[22]

Youth Voter Participation and Poll Worker Recruitment Grant Programs

Young people participated in the 2000 elections at lower rates than their older counterparts,[23] and some of the issues with the administration of the 2000 elections were caused by a shortage of qualified poll workers.[24] Congress authorized two grant programs in HAVA that were aimed at addressing one or both of those issues.[25] HAVA's *mock elections grant program* was designed to fund activities, such as simulated national elections and quiz team competitions, to help encourage students and their parents to engage with the electoral process.[26] The *Help America Vote College Program*, which was to be developed by the EAC, was intended to use grant-making

[21] The EAC has used funding provided for these grant programs to conduct Accessible Voting Technology, Military Heroes, and Pre-Election Logic and Accuracy Testing and Post-Election Audit initiatives. EAC, *Discretionary Grants*, at https://web.archive.org/web/20200622235023/https://www.eac.gov/payments-and-grants/discretionary-grants/. As administered by the EAC, these grant programs were generally available to private organizations or private institutions of higher education in addition to or in partnership with state or local government entities. See, for example, EAC, *Notice of Federal Funds Available: 2010 Voting System Pre-Election Logic and Accuracy Testing & Post-Election Audit Initiative*, September 10, 2010, p. 2, at https://web.archive.org/web/20120921090304/http://www.eac.gov/assets/1/AssetManager/L&A%20Post%20Election%20Audit%20NOFA%20FINAL.9.07.10.pdf.

[22] The U.S. Department of Defense's Federal Voting Assistance Program (FVAP) implemented this grant program as its Electronic Absentee Systems for Elections (EASE) and EASE 2 grant programs, which were available to states, territories, and localities. FVAP, *EASE Grant Program*, at https://www.fvap.gov/eo/grants/ease-1; and FVAP, *EASE 2 Grant Program*, at https://www.fvap.gov/eo/grants/ease-2.

[23] Thom File, *Young-Adult Voting: An Analysis of Presidential Elections, 1964-2012*, U.S. Census Bureau, April 2014, p. 6, at https://www.census.gov/prod/2014pubs/p20-573.pdf.

[24] See, for example, GAO, *Elections: Perspectives on Activities and Challenges Across the Nation*.

[25] HAVA also authorized another initiative to encourage youth voter participation: The Help America Vote Foundation. The foundation is not discussed in detail in this report because HAVA does not explicitly list grant-making to states or localities as one of its functions.

[26] As administered by the EAC, this grant program was available to state and local election offices as well as nonprofit organizations in partnership with state or local election offices and tribal organizations. See, for example, EAC, *Notice of Federal Funds Available: 2010 Help America Vote Act Mock Election*, January 2010, p. 1, at https://web.archive.org/web/20101223025104/http://www.eac.gov/assets/1/Page/2010%20Help%20America%20Vote%20Act%20Mock%20Election%20-%20Notice.pdf.

and other activities to encourage students at institutions of higher education to serve as poll workers and state and local election officials to take advantage of their services.[27]

Election Data Collection Grant Program

Election data can help policymakers identify potential improvements to election administration processes. Data indicating that mail ballots are being rejected at particularly high rates in a given locality, for example, might encourage the locality to review its ballot design, voter education, or election worker training processes.

The EAC collects data from state and local election officials after each regular federal general election—using a survey known as the Election Administration and Voting Survey (EAVS)[28]—but Congress found that some EAVS data quality and response rates were lower than expected.[29] It responded by including language in the Consolidated Appropriations Act, 2008 (P.L. 110-161) to establish and fund an *election data collection grant program*. Grant awards under this program, which were to be available in the amount of $2 million to each of five HAVA states, were to be used to improve the collection of data for the November 2008 regular federal general election.

Potential Considerations for Congress

Proposals to provide funding for election administration-related grant programs gained new traction after the 2016 elections. Prior to the 2016 election cycle, Congress had not funded broad-based elections grant programs for states or localities since the FY2010 appropriations for HAVA's requirements payments program,[30] and it was not generally considered likely to do so.[31] The emergence of election interference as a significant issue in the 2016 election cycle and the onset of the COVID-19 pandemic in the 2020 cycle, however, introduced election administration challenges that were ongoing, difficult for states and localities to manage alone, or both.[32]

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[27] HAVA authorizes the EAC to conduct various activities as part of the Help America Vote College Program, but the agency has tended to use the funding Congress has provided for the program for grant-making. Grant recipients have included public and private institutions of higher education, including community colleges. EAC, "Help America Vote College Program," at https://www.eac.gov/payments_and_grants/help_america_vote_college_program.

[28] For more on the EAVS, see CRS In Focus IF11266, *The Election Administration and Voting Survey: Overview and 2018 Findings*, by Karen L. Shanton.

[29] U.S. Congress, House Committee on Appropriations, *House Appropriations Committee Print: Consolidated Appropriations Act, 2008 (H.R. 2764;* P.L. 110-161*)*, committee print, 110th Cong., 1st sess., December 26, 2007, p. 893.

[30] Funding had been provided for grant programs for specific elections-related purposes, such as HAVA's disability access grant programs, but not for more general grant programs like HAVA's general improvements grant program and requirements payments program. EAC, *Agency Financial Report*, November 19, 2019, p. 4, at https://www.eac.gov/sites/default/files/eac_assets/1/6/EAC_FY2019_Agency_Financial_Report.pdf.

[31] The then-Chair of the House Committee on House Administration said in 2014, for example, that state and local election officials should not expect federal assistance with covering the costs of replacing voting machines. Cory Bennett, "States Ditch Electronic Voting Machines," *The Hill*, November 2, 2014. Proposals to terminate the EAC in the 112th through 115th Congresses were also predicated in part on the assumption that the agency would not have new grant funding to administer. For more on proposals to terminate the EAC, see CRS Report R45770, *The U.S. Election Assistance Commission: Overview and Selected Issues for Congress*, by Karen L. Shanton.

[32] For more on election interference, COVID-19, and other election emergencies, see CRS Report R46455, *COVID-19 and Other Election Emergencies: Frequently Asked Questions and Recent Policy Developments*, coordinated by R. Sam Garrett.

As described in the "General Improvements Grant Program" section of this report, Congress responded to those challenges, in part, by providing $380 million for HAVA grant funds for FY2018, $425 million for FY2020 in the Consolidated Appropriations Act, 2020, and $400 million for FY2020 in the CARES Act. Congress has also considered further HAVA grant funding for FY2020 and FY2021. The House passed a version of the Heroes Act (H.R. 6800; passed 208-199) that would make $3.6 billion available for FY2020 for elections contingency planning, preparation, and resilience, for example, and an FY2021 consolidated appropriations bill (H.R. 7617; passed 217-197) that included $500 million for replacing direct-recording electronic (DRE) voting machines and other elections-related purposes.[33]

Some Members have also proposed legislation to establish new elections grant programs for states or localities. Some of those proposals, like some of the grant programs in the 116th Congress's Securing America's Federal Elections (SAFE) Act (H.R. 2722; S. 2053; S. 2238) and Emergency Assistance for Safe Elections (EASE) Act (H.R. 7905), are directed specifically to election interference- or COVID-19-related challenges. Others would address other election administration issues. The Ranked Choice Voting Act (H.R. 4464) would authorize a grant program to help states implement ranked choice voting, for example, and the Voter Empowerment Act of 2019 (H.R. 1275/S. 549) would, among other purposes, establish a grant program to help states meet proposed voter registration requirements. For more on legislation related to elections grant programs in the 116th Congress, see **Appendix A**.[34]

The increased prominence of state and local elections grant programs since the 2016 election cycle might suggest questions about what role, if any, such programs could play in future federal election administration policy. The following subsections introduce some issues that may be of interest to Members who are considering whether or how to propose a role for similar grant programs and to Members who are weighing whether to support, oppose, or amend such proposals.

Role of Federal Grant Programs

A central debate in election administration is over the proper role of the federal government. Some say that Congress should facilitate or mandate changes in the way elections are conducted in order to advance certain objectives, such as ensuring that all eligible voters have access to the ballot or protecting the integrity of the electoral process.[35] Others see a more limited role for the federal government, suggesting that the state and local officials who are primarily responsible for administering elections are best positioned to identify and implement the right election administration policies for their jurisdictions.[36]

That debate has carried over to some discussions of state and local elections grant programs. Federalism considerations have informed some deliberations about how to structure election administration-related grant programs for states and localities (see the "Options for Legislative Proposals" section of this report for selected examples). Such considerations have also prompted some to question whether to authorize or fund such grant programs at all. Some have opposed

[33] The House also passed another version of the Heroes Act (H.R. 8406) on October 1, 2020, as an amendment to the Senate amendment to H.R. 925 (passed 214-207).

[34] Some of the proposals in this more general category have also been introduced in previous Congresses. The Voter Empowerment Act, for example, has been introduced in similar form in each Congress since the 112th.

[35] See, for example, Brennan Center for Justice, "Voting Reform," at https://www.brennancenter.org/issues/ensure-every-american-can-vote/voting-reform.

[36] See, for example, Hans von Spakovsky, "Leave Elections up to the States," *USA Today*, November 26, 2012.

elections grant programs for states or localities on the grounds either that such programs would constitute federal overreach in and of themselves or that they could lead to such overreach.[37]

In addition to such general objections, some have voiced opposition to individual proposals to authorize or fund elections grant programs on more specific grounds. They have noted that some states still have funding remaining from previous appropriations for the grant program a given appropriations bill would fund, for example, or suggested that Congress does not yet have enough information to determine whether further funding for the program is warranted.[38] Some Members might also disagree with the objectives of a proposed grant program or think that other congressional tools, such as federal requirements or nonfinancial assistance from federal agencies, would be better equipped to achieve them.

Given the nature of its subject, this report tends to focus on how election administration-related grant programs for states and localities have played or might play a role in federal election administration policy. As the above discussion suggests, however, a prior question in any given case might be whether they should play such a role. Either as a general principle or in specific instances, Congress might choose not to authorize election administration-related grant programs for states and localities or not to provide funding for them.

Options for Legislative Proposals

The "Role of Federal Grant Programs" section of this report describes some cases in which Members might oppose proposals to authorize or fund election administration-related grant programs for states or localities. There are also some circumstances in which Members might favor such proposals. State or local elections grant programs might appeal to Members who are hesitant to set federal requirements for election administration, for example, or who want to engage with aspects of election administration for which Congress's authority to set requirements is limited.[39] Grant programs might also appeal to Members who believe that funding is the best way to achieve certain election administration objectives or that states and localities either cannot or should not be solely responsible for financing certain aspects of election administration.

Most of the funding Congress has made available to states and localities for election administration-related purposes to date has been appropriated under grant programs authorized by HAVA. Members who are interested in proposing further elections grant funding for states or localities might consider whether to continue appropriating funding under existing grant programs or to establish new grant programs that are tailored more specifically to current needs.[40]

In either case, Members might also consider exactly how to structure the grant programs. Choices about how grant programs are structured—whether they are made in authorizing legislation like HAVA or substantive provisions of appropriations acts like Division B of the CARES Act—can help determine how effective the programs are at achieving their intended purposes and what, if any, unintended consequences they might have. Information about the options available for

[37] See, for example, Maggie Miller, "Election Security Funds Caught in Crosshairs of Spending Debate," *The Hill*, September 17, 2019.

[38] See, for example, Maggie Miller, "New Federal Funds for Election Security Garner Mixed Reactions on Capitol Hill," *The Hill*, December 17, 2019.

[39] For more on Congress's authority to set requirements for election administration, see CRS Report RL30747, *Congressional Authority to Direct How States Administer Elections*, by Kenneth R. Thomas.

[40] For more on the relationship between establishing federal programs and appropriating funding for them, see CRS Report R42098, *Authorization of Appropriations: Procedural and Legal Issues*, coordinated by Edward C. Liu; CRS Report R42388, *The Congressional Appropriations Process: An Introduction*, coordinated by James V. Saturno; and CRS Report RS20371, *Overview of the Authorization-Appropriations Process*, by Bill Heniff Jr.

structuring grant programs might, therefore, be of interest both to Members who are considering proposing new grant programs or funding and to Members who are weighing whether to support, oppose, or amend such proposals.

Previous legislative proposals suggest some possible questions about how to structure election administration-related grant programs for states and localities, some options available for answering them, and some of the considerations that have informed choices among such options in the past. The following subsections introduce some of those questions, options, and considerations (for examples of how the options have been implemented in previous legislative proposals, see **Appendix B**). The discussion in these subsections is intended to be illustrative rather than to provide a comprehensive accounting of all of the factors that might inform choices about elections grant programs. Congressional clients may contact CRS for more detailed discussion of considerations that might be relevant to specific legislative proposals.[41]

Uses of Funds

- Are grant funds limited to use for specific activities or available for more general purposes?
- Are grant funds intended to finance voluntary activities or help meet federal requirements?
- Are any uses of grant funds prohibited or prioritized?

State and local officials who are open to receiving federal elections grant funding have tended to express a preference for funding with minimal restrictions.[42] The National Association of Secretaries of State (NASS) adopted a resolution in February 2019, for example, that urged Congress not to set further conditions on HAVA funds than are laid out in the act.[43] Some election officials have also advocated for funding flexibility in congressional testimony, arguing against limiting the purposes for which federal funding may be used or attaching funding to federal requirements.[44]

As the officials primarily responsible for administering elections, state and local officials might have particular insight into the election administration problems that are most pressing in their jurisdictions and the proposed solutions to those problems that are most likely to be effective. State and local officials will likely also play a prominent role in implementing—and helping

[41] Congress has also used or proposed using funding to engage with election administration in ways other than authorizing or funding grant programs for states or localities. For example, Congress has directed federal agencies to use some of their funding to support state and local election administration work and authorized more general grant programs that have been used to fund elections-related projects. Members have also introduced bills that would condition eligibility for certain federal funding on adopting or rejecting election administration policies. Such uses of funding are outside the scope of this report.

[42] State and local officials may not always want or need federal elections funding. In congressional testimony on preparations for the 2020 general election, for example, one state official indicated that, barring certain eventualities, his state did not need further financial assistance from the federal government to conduct its 2020 elections. U.S. Congress, Senate Committee on Rules and Administration, *2020 General Election Preparations*, hearing, 116th Cong., 2nd sess., July 22, 2020.

[43] National Association of Secretaries of State, *NASS Resolution on Principles for Federal Assistance in Funding of Elections*, February 4, 2019, at https://www.nass.org/node/1557.

[44] See, for example, Written Statement of R. Kyle Ardoin in U.S. Congress, House Committee on House Administration, Subcommittee on Elections, *The Impact of COVID-19 on Voting Rights and Election Administration: Ensuring Safe and Fair Elections*, hearing, 116th Cong., 2nd sess., June 11, 2020, p. 2; and Statement from the Honorable Tre Hargett, Tennessee Secretary of State, in U.S. Congress, Senate Committee on Rules and Administration, *2020 General Election Preparations*, hearing, 116th Cong., 2nd sess., July 22, 2020, p. 2.

determine the success of—any federal funding initiatives. Such considerations might lead Members to favor general-purpose grant programs that are intended to help fund voluntary rather than mandatory activities.

Members might choose to limit use of grant funds to more specific purposes or attach funding to federal requirements, on the other hand, if they have a particular solution to an election administration problem in mind or if they want to encourage consistency in the way states approach a given aspect of election administration. For example, HAVA's lever and punch card voting system replacement grant program aimed to solve the reliability problems with those voting systems specifically by replacing the systems. The act's requirements payments program was attached to requirements to help standardize certain practices, such as having a centralized statewide voter registration list, across states.[45]

The above discussion focuses on two options available to Congress: (1) limiting use of grant funds to specific activities, and (2) making funds available for more general purposes. There are also some other alternatives that might appeal to Members who are interested in a middle ground between those options. One possible intermediate approach, which Congress used with HAVA's P&A system grant program, is to make grant funds broadly available for general purposes but prohibit some specific uses of the funds. Another, which the House has explored in its versions of the FY2020 Financial Services and General Government appropriations bill (H.R. 3351) and an FY2021 consolidated appropriations bill (H.R. 7617), is to prioritize use of the funds for a particular activity, such as replacing DRE voting machines, but permit them to be used for more general purposes under certain conditions.

Amount of Funding

- Is the total amount of federal funding for the grant program a fixed amount, or is it based on the costs of conducting the funded activities?
- Are grant recipients required to contribute to funding grant activities?
- How is funding allocated to grant recipients?
- Are eligible recipients guaranteed minimum—or subject to maximum—award amounts?

Congress might use grant programs either to help states or localities perform a particular activity or to encourage them to do so. Whether a given grant program is intended to facilitate elections activities or incentivize them might affect how much funding Congress chooses to make available for the program. If the objective of a given grant program is to enable states to perform an activity, for example, the amount of funding Congress chooses to provide for the program might be based on the actual costs of conducting the activity.

Congress has sometimes also required grant recipients to contribute some of the total funding for grant activities, such as by providing matching funds. The 50 states, DC, and Puerto Rico were

[45] Even in cases in which Congress attaches funding to a requirement, it may leave grantees some flexibility about exactly how to comply with the requirement. HAVA explicitly states that decisions about how to implement the act's requirements are to be left to the states, for example, and states have taken different approaches to meeting requirements like the act's statewide voter registration list requirement. For more on statewide voter registration lists, see CRS Report R46406, *Voter Registration: Recent Developments and Issues for Congress*, by Sarah J. Eckman; and EAC, *Voluntary Guidance on Implementation of Statewide Voter Registration Lists*, July 2005, at https://www.eac.gov/sites/default/files/eac_assets/1/1/Implementing%20Statewide%20Voter%20Registration%20Lists.pdf.

required to match 5% of the federal funding they received in FY2018 HAVA funds, for example, and 20% of the funding they received in FY2020 and CARES Act funds.[46]

Requiring grant recipients to contribute to funding grant activities might have some advantages. For one thing, it increases the total amount of funding available for grant activities without further increasing federal investment. Some have also suggested that, by requiring potential grantees to make a case to state or local authorities for providing matching funds, match requirements might encourage grant recipients to think more carefully about how to deploy grant funds.[47]

Match requirements may also come with trade-offs, however. For example, some have suggested that requiring a 20% match for CARES Act HAVA funds at a time when there were other pressing demands on state budgets and some state legislatures had suspended their sessions due to COVID-19 made it difficult for some states to access the funds.[48] States with more limited resources may also find it more challenging to meet match requirements in general than better-resourced states.

A proposal was offered, during the HAVA debate, to address this last trade-off by linking the percentage of federal funding states were required to match to their level of financial need.[49] That proposal was not adopted, but variations among states have factored into other decisions about elections grant programs. For example, Congress chose to use nondiscretionary formulas to allocate some HAVA funds due to concerns that using competitive grant processes would disadvantage states with more limited grant-writing resources.[50] The formulas Congress set out in HAVA were also structured to reflect variations among states. Allocations of lever and punch card voting system replacement grant funds varied with the number of precincts that used such systems in the November 2000 general election, for example, and allocations of general improvements funds and requirements payments vary by voting-age population.

Recipients of Funding

- Is grant funding available—directly or indirectly—to local officials?

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[46] According to the EAC, these match requirements have been waived for the other eligible territories. EAC, *State Governments' Use of Help America Vote Act Funds 2007*, July 2008, pp. 22-23, at https://www.eac.gov/sites/default/files/eac_assets/1/6/EAC_Report_to_Congress_on_State_Expenditures_of_HAVA_Funds_2007.pdf; EAC, *Election Assistance Commission FY2008/2009/2010/2011 Requirements Payment Schedule*, at https://web.archive.org/web/20191227211147/https://www.eac.gov/assets/1/6/4699.PDF; and EAC, "2020 CARES Act Grant FAQs," at https://www.eac.gov/payments-and-grants/2020-cares-act-grant-faqs.

[47] See, for example, U.S. Congress, Senate Committee on Rules and Administration, *2020 General Election Preparations*, hearing, 116th Cong., 2nd sess., July 22, 2020.

[48] See, for example, Letter from Paul Pate, President of the National Association of Secretaries of State, to Speaker Nancy Pelosi and Leader Kevin McCarthy, April 2, 2020, at https://www.nass.org/sites/default/files/NASS%20Letters/4.2.20%20NASS%20CARES%20Funding%20Letter%20to%20House%20Leadership.pdf; and Letter from Paul Pate, President of the National Association of Secretaries of State, to Sen. Mitch McConnell and Sen. Chuck Schumer, April 2, 2020, at https://www.nass.org/sites/default/files/NASS%20Letters/4.2.20%20NASS%20CARES%20Funding%20Letter%20to%20Senate%20Leadership.pdf. Proposals have been offered to repeal the match requirement for CARES Act funds or permit it to be waived. See, for example, the Heroes Act (H.R. 6800), the Secure Our Elections Act (H.R. 6777), the State Elections Preparedness Act (S. 3778), and the Natural Disaster and Emergency Ballot Act of 2020 (S. 4033) in the 116th Congress.

[49] Sen. Mary Landrieu, "Equal Protection of Voting Rights Act of 2001," debate in the Senate, *Congressional Record*, daily edition, vol. 148, part 18 (February 27, 2002), p. S1227.

[50] Sen. Sam Brownback, "Equal Protection of Voting Rights Act of 2001," debate in the Senate, *Congressional Record*, daily edition, vol. 148, part 14 (February 14, 2002), p. S812.

- Is grant funding available to election officials or to other state or local government entities?
- Which jurisdictions or entities are eligible for the grant program?

State-level election officials have been the direct recipients of most of the funding Congress has made available for election administration-related grant programs to date, and they have generally had discretion over whether or how to share the funds. In most states, however, most of the day-to-day work of administering elections is done at the local level.[51] Local officials are often both responsible for most elections-related spending and most familiar with the specifics of election administration needs.

There may be compelling administrative reasons to distribute elections grant funding at the state level—some localities might have difficulty meeting federal grant compliance requirements, for example, and it might be easier for the federal agencies charged with administering grant programs to coordinate with the states than with thousands of local jurisdictions—but some Members have explored ways to involve local officials in either spending grant funds or helping decide how they are spent.[52] HAVA required the HAVA states to submit detailed state plans for use of their requirements payments, for example, and directed them to include local officials on the committees that developed the plans. Bills have also been introduced that would require states to pass some elections grant funding through to localities or allow local officials to apply for elections grant funds if their state officials opt not to do so or authorize them to apply.[53]

Some election administration-related grant programs have also been directed to non-elections-specific government entities rather than to election officials. Although election officials are a natural choice for carrying out most election administration tasks, certain elections-related activities might be a better fit for entities with other subject matter expertise. Congress directed one of HAVA's disability access grant programs to P&A systems, for example, because P&A systems were thought to be particularly well-equipped to help improve electoral access for individuals with disabilities.[54]

HAVA's P&A system grant program highlights another potential question about recipients of election administration-related grant funds: which jurisdictions or entities should be eligible for funding? HAVA defined "states" as the 50 states, DC, American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands, and that definition has been used to set eligibility for a number of elections grant programs, including HAVA's P&A system program. That has meant that the Commonwealth of the Northern Mariana Islands (CNMI)—and, in the case of the P&A system grant program, the P&A system serving the American Indian Consortium—has generally not been eligible for funding Congress has appropriated for HAVA grant programs for states.[55]

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[51] States retain primary responsibility for most of the day-to-day work of administering elections in a few states. For more on the division of election administration responsibilities between states and localities, see CRS Report R45549, *The State and Local Role in Election Administration: Duties and Structures*, by Karen L. Shanton.

[52] As authorized, HAVA's polling place accessibility grant program is available to units of local government as well as HAVA states. However, the appropriations acts that have funded awards under the program have generally limited them to the HAVA states. See, for example, P.L. 108-7.

[53] See, for example, the Secure Elections Act (H.R. 6663/S. 2261/S. 2593) in the 115th Congress and a House-passed FY2021 consolidated appropriations bill (H.R. 7617) in the 116th Congress.

[54] Sen. Tom Harkin, "Equal Protection of Voting Rights Act of 2001," debate in the Senate, *Congressional Record*, daily edition, vol. 148, part 17 (February 26, 2002), p. S1144.

[55] Some exceptions to this general rule are described below. The U.S. Department of Health and Human Services (HHS) also announced a single-source grant award for CNMI for FY2010 for HAVA-related activities. HHS indicated that it was awarding the grant because, "With its participation in Federal elections [starting in 2008], CNMI's eligibility

Congress might choose to base eligibility for any future state elections grant programs on the current HAVA definition of "state." However, some have explored extending eligibility for certain programs to CNMI or the P&A system serving the American Indian Consortium. CNMI was not included in HAVA's definition of "state" because it did not hold federal elections when HAVA was enacted.[56] Since the territory started electing a Delegate to Congress in 2008, however, bills have been introduced to amend the HAVA definition to include CNMI or extend eligibility for the P&A system grant program to the P&A systems serving CNMI and the American Indian Consortium.[57] Congress has also used appropriations measures to expand eligibility for elections grant programs, such as by including provisions in the Consolidated Appropriations Act, 2020, and the CARES Act that made their HAVA funds available to CNMI.[58]

Availability of Funding

- Is there a statutory deadline by which the agency that is charged with administering the grant program must distribute the grant funding?
- Are grant recipients required to obligate or spend grant funds or complete funded activities by a certain deadline?
- Are appropriations for the grant program authorized for a limited number of fiscal years or on an ongoing basis?

Some states require gubernatorial or state legislative approval to claim, use, or match federal funds, and the procurement processes states and localities use to acquire resources like voting machines can take months or years to complete. The potential for such delays at the state and local levels and the emergency nature of certain elections spending have sometimes led Congress to encourage prompt distribution of elections grant funds. The CARES Act, for example, directed the EAC to distribute its HAVA grant funds within 30 days of the act's enactment.

Congress might also set deadlines by which grant recipients must obligate or spend their funds or complete funded activities. Such deadlines can help ensure that grant funds are spent within a specified time period. Awards under certain HAVA grant programs, such as the act's general improvements grant program and requirements payments program, were made available to recipients without fiscal year limitation, and recipients were permitted to keep and use any interest the grant funds generated. That offered an incentive to save grant funding for future needs or ongoing costs rather than spending it quickly, and some states have reported still having grant funds or interest in their accounts more than 15 years after the grant funding was appropriated.[59]

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for funding under HAVA is now established." HHS, "Award of a Single-Source Grant to the Commonwealth Election Commission of Saipan, Commonwealth of the Northern Mariana Islands (CNMI)," 75 *Federal Register* 66380-66381, October 28, 2010.

[56] Testimony of the Honorable Gregorio Kilili Camacho Sablan, in U.S. Congress, House Committee on House Administration, Subcommittee on Elections, *Voting Rights and Election Administration in the U.S. Virgin Islands and Other Territories*, hearing, 116th Cong., 2nd sess., July 28, 2020, p. 2.

[57] See, for example, the Protection and Advocacy for Voting Access (PAVA) Program Inclusion Act (H.R. 5510) in the 116th Congress.

[58] Congress specified in report language accompanying the Consolidated Appropriations Act, 2004 (P.L. 108-199) that it intended the P&A system serving the American Indian Consortium to be eligible for HAVA's P&A system grant program. That P&A system does not appear, however, to have received an FY2004 P&A system grant award. Administration for Children and Families, *Discretionary Programs*, p. D-134, at https://www.acf.hhs.gov/sites/default/files/olab/sec2_discre_prog_2006cj.pdf.

[59] EAC, *Grant Expenditure Report: Fiscal Year 2018*, April 4, 2019, at https://www.eac.gov/sites/default/files/eac_assets/1/6/FY2018HAVAGrantsExpenditureReport.pdf.

Deadlines may also come with trade-offs, however. Some have argued that the deadlines for certain grant programs, such as HAVA's lever and punch card voting system replacement program, helped incentivize spending that was not well-tailored to the program's objectives.[60] A concern was also raised during the HAVA debate that setting short deadlines for certain grant spending could introduce problems under the Equal Protection Clause of the Fourteenth Amendment, as localities that could not meet the deadlines might have their elections disrupted while other localities in the same state would not.[61]

One possible way to encourage timely spending without setting deadlines could be to provide ongoing appropriations for certain election administration-related purposes. Some states have reported that they waited to spend some of their HAVA grant funds so they would have funding available to cover unexpected expenses or meet future iterations of ongoing needs.[62] State and local officials have also referred to election security in particular as a "race without a finish line" and requested regular funding from Congress for security-related expenses.[63] Providing for regular federal funding could help assure states that they would have the resources to handle ongoing or unexpected costs without caching current grant funds.

Some Members might be hesitant to provide states or localities with ongoing elections funding, however, due to federalism-based considerations. As suggested by the "Role of Federal Grant Programs" section of this report, some Members might view ongoing funding for state or local elections grant programs as federal overreach or a path to such overreach. That view might also be shared by some state and local officials, who might be wary of such ongoing federal involvement in election administration.

Administration of Grant Programs

- Are details of grants administration, such as the contents or frequency of spending plans or reporting, specified in bill text, specified in report language, or left to the discretion of the federal agency charged with administering the grant program?
- Which agency is charged with administering the grant program?
- Is the administering agency encouraged or required to collaborate or consult with other agencies or election stakeholders?

Congress might choose to leave decisions about details of grants administration, such as the information potential grantees are required to provide about their spending plans, to the discretion of the federal agency that is charged with administering a given grant program.[64] In some cases, however, Congress might determine that there is particular information it needs to conduct

[60] See, for example, Brandon Fail, "HAVA's Unintended Consequences: A Lesson for Next Time," *The Yale Law Journal*, vol. 116, no. 2 (November 2006), pp. 499-500.

[61] U.S. Congress, House Committee on House Administration, *Report Together with Additional Views*, report to accompany H.R. 3295, 107th Cong., 1st sess., December 10, 2001, H.Rept. 107-329 (Washington, DC: GPO, 2001), p. 41.

[62] See, for example, the spending plans some states submitted for FY2018 HAVA funds. EAC, "HAVA Election Security Funds," at https://www.eac.gov/payments-and-grants/hava-election-security-funds.

[63] See, for example, Testimony of Minnesota Secretary of State Steve Simon, in U.S. Congress, Senate Committee on Rules and Administration, *Election Security Preparations: A State and Local Perspective*, hearing, 115th Cong., 2nd sess., June 20, 2018, pp. 1, 3.

[64] For more on grants administration and the role of agency discretion, see CRS Report R42769, *Federal Grants-in-Aid Administration: A Primer*, by Natalie Keegan.

effective oversight of a grant program and include specific administrative conditions in bill text or report language.[65] HAVA requires recipients of requirements payments to file and update detailed state plans for the payments, for example, and the CARES Act requires recipients of its HAVA funds to report on their spending within 20 days of each election they hold in the 2020 federal election cycle.

Such additional administrative conditions may help Congress gain better insight into how grant funds are being used, how well a given grant program is working, and whether further funding for the program is warranted. However, they might also come with trade-offs. For example, the short turnaround time for CARES Act reporting raised concerns for some about whether election officials could comply with the act's reporting requirement while also fulfilling their other postelection responsibilities, such as canvassing the vote. NASS indicated that this might be a challenge in a letter to Congress,[66] for example, and some Members have proposed legislation to modify the requirement.[67] In general, Congress might consider how to balance oversight needs against administrative demands to ensure that it can get the information it needs to evaluate grant programs without overly burdening grantees or administering agencies.

The administering agency for most of the election administration-related grant programs Congress has authorized for states and localities to date is the EAC. With subject matter expertise in election administration and relationships with the state election officials to whom most grant funds have been directed, the EAC has often been a preferred choice to administer elections grant programs.

However, Congress has sometimes determined that an agency with other subject matter expertise or relationships with other state or local officials is a better fit for a given grant program or that the EAC should collaborate or consult with other agencies. The U.S. Department of Health and Human Services was charged with administering HAVA's disability access grant programs,[68] for example, and the U.S. Department of Defense administered the MOVE Act's UOCAVA election technology pilot program grant program.[69] The National Institute of Standards and Technology was directed to assist the EAC with administering HAVA's voting technology improvements research and voting technology pilot program grant programs, and some have envisioned a similar collaboration between the EAC and the U.S. Department of Homeland Security on an election security grant program.[70]

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[65] For more on the respective roles of bill text and report language, see CRS Report R44124, *Appropriations Report Language: Overview of Development, Components, and Issues for Congress*, by Jessica Tollestrup.

[66] Letter from Paul Pate, President of the National Association of Secretaries of State, to Speaker Nancy Pelosi and Leader Kevin McCarthy; and Letter from Paul Pate, President of the National Association of Secretaries of State, to Sen. Mitch McConnell and Sen. Chuck Schumer.

[67] See, for example, the 116th Congress's Heroes Act (H.R. 6800), Secure Our Elections Act (H.R. 6777), and Natural Disaster and Emergency Ballot Act of 2020 (S. 4033).

[68] The U.S. Department of Health and Human Services (HHS) initially assigned responsibility for administering its HAVA grant programs to the Administration for Children and Families. The programs were subsequently transferred to HHS's Administration for Community Living, following the creation of that agency in 2012. HHS, "Statement of Organization, Functions, and Delegations of Authority; Administration for Community Living," 77 *Federal Register* 23250-23260, April 18, 2012.

[69] The MOVE Act assigned responsibility for administering this grant program to the presidential designee designated under UOCAVA. Executive Order 12642 identified the presidential designee as the Secretary of the U.S. Department of Defense (DOD), and the Secretary has delegated UOCAVA responsibilities to DOD's Federal Voting Assistance Program (FVAP). Executive Order 12642, "Designation of the Secretary of Defense as the Presidential Designee Under Title I of the Uniformed and Overseas Citizens Absentee Voting Act," 53 *Federal Register* 21975, June 8, 1988.

[70] See, for example, the Secure Elections Act (H.R. 6663/S. 2593) in the 115th Congress.

Concluding Observations

Congress has tended, historically, to take a circumscribed approach to federal involvement in elections funding. HAVA authorized a grant program to help replace lever and punch card voting systems, for example, but left the costs of maintaining or upgrading the replacement systems to states and localities. Appropriations for election administration-related grant programs for states and localities have also typically been authorized for a limited number of fiscal years rather than on an ongoing basis.

State and local elections grant programs have taken on a prominent role in federal election administration policy following reports of election interference efforts in the 2016 election cycle and the onset of the COVID-19 pandemic in the 2020 cycle. Congress appropriated a total of more than $1.2 billion for state elections grant programs for FY2018 and FY2020 and advanced other proposals to authorize or fund state or local elections grant programs through parts of the legislative process.

An open question might be whether the post-2016 prominence of state and local elections grant programs reflects potential interest among Members in increased federal involvement in election administration funding or whether the FY2018 and FY2020 appropriations were more isolated responses to immediate challenges. Does Congress foresee authorizing or funding further elections grant programs for states or localities, or would it prefer to leave grant programs and funding levels as they are? If Members are interested in further grant programs, would funding for the programs be provided on a time-limited or ongoing basis? Would such grant programs or funding be intended to help states and localities respond to specific challenges like the ones presented by election interference and the COVID-19 pandemic or to advance broader elections objectives, such as ensuring that all eligible voters have access to the ballot or protecting the integrity of the electoral process?

Previous legislative proposals suggest some of the options available to Congress for structuring elections grant programs for states and localities and some of the considerations that have informed choices among those options in the past. Information about such options and considerations might be helpful both to Members who are considering proposing new state or local elections grant programs or funding and to Members who are weighing whether to support, oppose, or amend such proposals.

Appendix A. Legislation in the 116th Congress

This table includes bills that would authorize, fund, or modify the parameters of election administration-related grant programs for states or localities. It covers grant programs for state or local election officials as well as programs for non-elections-specific government entities, such as public institutions of higher education. The latest major action listed for each bill is current as of December 8, 2020.

The table does not cover provisions that would condition eligibility for federal funding on adopting or rejecting particular elections policies; provisions that would establish an election security grants advisory committee; provisions that would modify the parameters of an elections grant program indirectly by changing the conditions on a more general category of grant programs; or provisions that would authorize funding for in-kind elections goods or services, bug bounty programs, redistricting commissions, public financing of political campaigns, or general security for state or local government systems.[71] It also does not include proposed amendments that were not adopted, and the provided summaries do not cover non-grant-related provisions of the bills.

Table A-1. Proposals to Authorize, Fund, or Modify Election Administration-Related Grant Programs for States or Localities, 116th Congress

Bill Number	Short Title	Latest Major Action	Summary of Grant-Related Provisions
P.L. 116-93	Consolidated Appropriations Act, 2020	Enacted	Appropriated $425 million for making general improvements to the administration of federal elections, including for enhancing election technology and improving election security.
P.L. 116-94	Further Consolidated Appropriations Act, 2020	Enacted	Included funding for carrying out the provisions of HAVA related to disability access grant programs in general budget authority for the Administration for Community Living's Aging and Disability Services programs.
P.L. 116-136	Coronavirus Aid, Relief, and Economic Security (CARES) Act	Enacted	Appropriated $400 million for preventing, preparing for, and responding to coronavirus, domestically or internationally, for the 2020 federal election cycle.

[71] A bug bounty program is a program that provides compensation for identifying and reporting security vulnerabilities in a system. See, for example, the Election Security Act of 2019 (H.R. 2660/S. 1540) and the Nonpartisan Bill for the People Act of 2019 (H.R. 1612).

Bill Number	Short Title	Latest Major Action	Summary of Grant-Related Provisions
H.R. 1	For the People Act of 2019	Passed by the House	Would authorize use of Help America Vote Act of 2002 (HAVA) requirements payments for meeting voter registration requirements and making improvements to voting system security; would expand and reauthorize HAVA's polling place accessibility grant program; would repeal the prohibition on use of HAVA protection and advocacy (P&A) system grant funds for initiating or otherwise participating in litigation about election-related disability access; would amend the HAVA definition of "state" to include the Commonwealth of the Northern Mariana Islands (CNMI) and specify a minimum amount for HAVA requirements payments to CNMI; would include the protection of election infrastructure as a topic to be addressed in state plans for HAVA requirements payments and require the committees responsible for developing state plans to be geographically representative; and would authorize grant programs for meeting requirements related to automatic voter registration and registration portability and correction; encouraging minors to participate in election activities; providing 12th graders with information about registering to vote; conducting pilot programs to enable individuals with disabilities to register to vote and request and receive absentee ballots at home; conducting research into accessible paper ballot voting, verification, and casting mechanisms and best practices for increasing the accessibility of paper ballots; recruiting and training poll workers; rewarding institutions of higher education that exceed requirements for registering students to vote; establishing absentee ballot tracking programs; replacing voting systems that do not meet specified requirements or are not in compliance with specified federal voting system guidelines, making improvements to voting system security, and implementing and modeling best practices for ballot design, instructions, and testing; conducting risk-limiting audits; and conducting research into improving election infrastructure security, quality, reliability, accuracy, accessibility, and affordability and increasing voter participation.
H.R. 126	Students Voicing Opinions in Today's Elections (VOTE) Act	Referred to Committee	Would authorize a grant program for providing 12th graders with information about registering to vote.
H.R. 378	Safeguarding Election Infrastructure Act of 2019	Referred to Committee	Would authorize grant programs for conducting postelection audits; and meeting paper ballot and manual counting requirements and making other improvements to voting system security.

Bill Number	Short Title	Latest Major Action	Summary of Grant-Related Provisions
H.R. 1275	Voter Empowerment Act of 2019	Referred to Committee	Would authorize use of HAVA requirements payments for meeting voter registration requirements and require use of HAVA requirements payments to reimburse the United States Postal Service (USPS) for carrying absentee ballots free of postage; would expand and reauthorize HAVA's polling place accessibility grant program; would repeal the prohibition on use of HAVA P&A system grant funds for initiating or otherwise participating in litigation about election-related disability access; would amend the HAVA definition of "state" to include CNMI and specify a minimum amount for HAVA requirements payments to CNMI; and would authorize grant programs for meeting requirements related to automatic voter registration and registration portability and correction; conducting pilot programs to enable individuals with disabilities to register and vote from home; conducting research into accessible paper ballot voting, verification, and casting mechanisms and best practices for increasing the accessibility of paper ballots; recruiting and training poll workers; conducting risk-limiting audits; and establishing absentee ballot tracking programs.
H.R. 1442	Pre-Registration of Voters Everywhere (PROVE) Act	Referred to Committee	Would authorize a grant program for encouraging minors to participate in election activities.
H.R. 1512	FAST Voting Act of 2019	Referred to Committee	Would authorize grant programs for investing in practices and technology to expedite voting at the polls and simplify voter registration; making improvements to voting system security; and implementing automatic voter registration.
H.R. 1573	Disability Voting Rights Act	Referred to Committee	Would expand and reauthorize HAVA's polling place accessibility grant program.
H.R. 1612	Nonpartisan Bill For the People Act of 2019	Referred to Committee	Would expand and reauthorize HAVA's polling place accessibility grant program; and would authorize grant programs for meeting requirements related to automatic voter registration and registration portability and correction; conducting pilot programs to enable individuals with disabilities to register and vote from home; conducting risk-limiting audits; and conducting research into improving election infrastructure security, quality, reliability, accuracy, accessibility, and affordability.
H.R. 1631	Postage Free Ballot Act	Referred to Committee	Would require use of HAVA requirements payments to reimburse USPS for carrying absentee ballots free of postage.
H.R. 1637	High School Voter Empowerment Act of 2019	Referred to Committee	Would authorize a grant program for conducting high school voter registration drives.
H.R. 1694	Native American Voting Rights Act of 2019	Referred to Committee	Would authorize a grant program for establishing and operating Native American voting task forces.

Bill Number	Short Title	Latest Major Action	Summary of Grant-Related Provisions
H.R. 1946	Securing America's Elections Act of 2019	Referred to Committee	Would authorize appropriations for HAVA requirements payments for meeting ballot verification and audit capacity requirements.
H.R. 2660	Election Security Act of 2019	Referred to Committee	Would repeal the prohibition on use of HAVA P&A system grant funds for initiating or otherwise participating in litigation about election-related disability access; would authorize use of HAVA requirements payments for making improvements to voting system security; would include the protection of election infrastructure as a topic to be addressed in state plans for HAVA requirements payments and require the committees responsible for developing state plans to be geographically representative; would amend the HAVA definition of "state" to include CNMI; and would authorize grant programs for conducting research into accessible paper ballot voting, verification, and casting mechanisms and best practices for increasing the accessibility of paper ballots; replacing voting systems that do not meet specified requirements or are not in compliance with specified federal voting system guidelines, making improvements to voting system security, and implementing and modeling best practices for ballot design, instructions, and testing; conducting risk-limiting audits; and conducting research into improving election infrastructure security, quality, reliability, accuracy, accessibility, and affordability and increasing voter participation.
H.R. 2722	Securing America's Federal Elections (SAFE) Act	Passed by the House	Would repeal the prohibition on use of HAVA P&A system grant funds for initiating or otherwise participating in litigation about election-related disability access; would authorize use of HAVA requirements payments for making improvements to voting system security; would include the protection of election infrastructure as a topic to be addressed in state plans for HAVA requirements payments and require the committees responsible for developing state plans to be geographically representative; would amend the HAVA definition of "state" to include CNMI; and would authorize grant programs for conducting research into accessible paper ballot voting, verification, and casting mechanisms and best practices for increasing the accessibility of paper ballots; replacing voting systems that do not meet specified requirements or are not in compliance with specified federal voting system guidelines, making improvements to voting system security, and implementing and modeling best practices for ballot design, instructions, and testing; and conducting risk-limiting audits.

Bill Number	Short Title	Latest Major Action	Summary of Grant-Related Provisions
H.R. 2740	Labor, Health and Human Services, Education, Defense, State, Foreign Operations, and Energy and Water Development Appropriations Act, 2020	Passed by the House	Would provide funding for carrying out the provisions of HAVA related to disability access grant programs.
H.R. 2754	Protecting American Votes and Elections Act of 2019	Referred to Committee	Would repeal the prohibition on use of HAVA P&A system grant funds for initiating or otherwise participating in litigation about election-related disability access; would specify a minimum amount for HAVA P&A system grant awards to the American Indian Consortium P&A system; would amend the HAVA definition of "state" to include CNMI; and would authorize grant programs for replacing paperless voting systems; acquiring accessible ballot marking devices; designing and printing ballots; and conducting risk-limiting audits.
H.R. 2807	Help Students Vote Act	Referred to Committee	Would authorize a grant program for rewarding institutions of higher education that exceed requirements for registering students to vote.
H.R. 3351	Financial Services and General Government Appropriations Act, 2020	Passed by the House	Would provide funding for replacing voting systems that use direct-recording electronic (DRE) voting machines and other elections-related purposes.
H.R. 3412	Election Security Assistance Act	Referred to Committee	Would authorize appropriations for making general improvements to the administration of federal elections, including for enhancing election technology and improving election security.
H.R. 4000	Fair Representation Act	Referred to Committee	Would authorize a grant program for implementing ranked choice voting and otherwise conducting federal elections.
H.R. 4464	Ranked Choice Voting Act	Referred to Committee	Would authorize a grant program for implementing ranked choice voting and otherwise conducting federal elections.
H.R. 4990	Election Technology Research Act of 2019	Passed by the House	Would authorize grant programs for establishing a Center of Excellence in Election Systems; conducting research to improve the understanding of threats to voting systems and inform the development of technologies, processes, and policies that contribute to election security, fairness, and accessibility; and establishing at least one multidisciplinary center for elections systems research and education.
H.R. 5510	Protection and Advocacy for Voting Access (PAVA) Program Inclusion Act	Referred to Committee	Would extend eligibility for HAVA's P&A system grant program to the P&A systems serving CNMI and the American Indian Consortium and specify a minimum amount for HAVA P&A system grant awards to the American Indian Consortium P&A system.

Bill Number	Short Title	Latest Major Action	Summary of Grant-Related Provisions
H.R. 6010	Voter Choice Act	Referred to Committee	Would authorize a grant program for implementing ranked choice voting.
H.R. 6183	Voting Access Act	Referred to Committee	Would authorize appropriations for HAVA requirements payments for complying with standards related to the location and operation of polling places.
H.R. 6202	Resilient Elections During Quarantines and Natural Disasters Act of 2020	Referred to Committee	Would authorize a grant program for meeting requirements and conducting activities related to election contingency planning and absentee voting.
H.R. 6308	Housing is a Human Right Act of 2020	Referred to Committee	Would authorize a grant program for facilitating voting by individuals who are homeless or housing-unstable.
H.R. 6379	Take Responsibility for Workers and Families Act	Referred to Committee	Would provide funding for improving elections contingency planning, preparation, and resilience; and would authorize grant programs for meeting requirements related to election contingency planning, early voting, absentee voting, voter registration, and electoral access for voters residing in Indian lands; voluntarily complying with the requirements in 2020 federal primary elections; complying with special election rules in the case of an emergency period; and conducting risk-limiting audits.
H.R. 6512	Voter Notification of Timely Information about Changes in Elections (Notice) Act	Referred to Committee	Would authorize a grant program for meeting requirements related to public education campaigns and election office websites.
H.R. 6673	Federal Election Failsafe Act	Referred to Committee	Would authorize a grant program for establishing and implementing election contingency plans.
H.R. 6777	Secure Our Elections Act	Referred to Committee	Would repeal the match requirement for Coronavirus Aid, Relief, and Economic Security (CARES) Act HAVA funds.

Bill Number	Short Title	Latest Major Action	Summary of Grant-Related Provisions
H.R. 6800	The Heroes Act	Passed by the House	Would provide funding for improving elections contingency planning, preparation, and resilience; would repeal or modify the match requirement, reporting requirement, and spending deadline for CARES Act HAVA funds; would authorize access to CARES and Heroes Act HAVA funds without state legislative action and reallocation of CARES and Heroes Act funds to replace FY2018 and FY2020 HAVA funds that were applied to COVID-19-related costs; and would authorize grant programs for meeting requirements related to election contingency planning, early voting, absentee voting, voter identification, voter registration, and electoral access for voters residing in Indian lands; voluntarily complying with the requirements in 2020 federal primary elections; complying with special election rules in the case of an emergency period; and conducting risk-limiting audits.
H.R. 6807	VoteSafe Act of 2020	Referred to Committee	Would authorize grant programs for meeting requirements related to absentee voting, early voting, and polling place safety; and promoting safe, accessible, and efficient in-person voting.
H.R. 6847	Vote From Home Act of 2020	Referred to Committee	Would authorize a grant program for meeting absentee voting requirements.
H.R. 7068	VoteSafe Act of 2020	Referred to Committee	Would authorize grant programs for meeting requirements related to absentee voting, early voting, and polling place safety; and promoting safe, accessible, and efficient in-person voting.
H.R. 7118	Vote From Home America Act of 2020	Referred to Committee	Would authorize a grant program for meeting absentee voting requirements.
H.R. 7427	American Coronavirus/COVID-19 Election Safety and Security (ACCESS) Act	Referred to Committee	Would authorize grant programs for meeting requirements related to election contingency planning, early voting, absentee voting, voter identification, voter registration, and electoral access for voters residing in Indian lands; voluntarily complying with the requirements in 2020 federal primary elections; complying with special election rules in the case of an emergency period; and conducting risk-limiting audits.
H.R. 7614	Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2021	Reported by Committee	Would provide funding for carrying out the provisions of HAVA related to disability access grant programs.

Bill Number	Short Title	Latest Major Action	Summary of Grant-Related Provisions
H.R. 7617	Defense, Commerce, Justice, Science, Energy and Water Development, Financial Services and General Government, Labor, Health and Human Services, Education, Transportation, Housing, and Urban Development Appropriations Act, 2021	Passed by the House	Would provide funding for replacing voting systems that use DRE voting machines and other elections-related purposes; and carrying out the provisions of HAVA related to disability access grant programs.
H.R. 7668	Financial Services and General Government Appropriations Act, 2021	Reported by Committee	Would provide funding for replacing voting systems that use DRE voting machines and other elections-related purposes.
H.R. 7755	Accessible Voting Act of 2020	Referred to Committee	Would expand and reauthorize HAVA's polling place accessibility grant program; would repeal the prohibition on use of HAVA P&A system grant funds for initiating or otherwise participating in litigation about election-related disability access; would extend eligibility for HAVA's P&A system grant program to the P&A system serving the American Indian Consortium and specify a minimum amount for HAVA P&A grant awards to the American Indian Consortium P&A system; would amend the HAVA definition of "state" to include CNMI; and would authorize a grant program for meeting requirements related to the accessibility of election information and processes and the transparency of changes to election prerequisites, standards, practices, and procedures.
H.R. 7905	Emergency Assistance for Safe Elections (EASE) Act	Referred to Committee	Would authorize grant programs for providing student loan repayments for volunteer student poll workers and absentee ballot tabulators; maintaining and ensuring the accuracy of voter registration lists; and protecting polling places and individuals present in polling places from exposure to COVID-19.
H.R. 8011	Cyber Navigators for Elections Act	Referred to Committee	Would authorize a grant program for obtaining the services of election cyber navigators to provide assistance with risk management, resiliency, and technical support.
H.R. 8081	American Right to Vote Act	Referred to Committee	Would amend the HAVA definition of "state" to include CNMI and specify a minimum amount for HAVA requirements payments to CNMI.
H.R. 8104	Vote By Mail Stamp Act	Referred to Committee	Would authorize a grant program for supporting voting by mail.

Bill Number	Short Title	Latest Major Action	Summary of Grant-Related Provisions
H.R. 8406	The Heroes Act	Passed by the House as an amendment to the Senate amendment to H.R. 925	Would provide funding for improving elections contingency planning, preparation, and resilience; would repeal or modify the match requirement, reporting requirement, and spending deadline for CARES Act HAVA funds; would authorize reallocation of CARES and Heroes Act HAVA funds to replace FY2018 and FY2020 HAVA funds that were applied to COVID-19-related costs; and would authorize grant programs for meeting requirements related to election contingency planning, early voting, absentee voting, voter identification, voter registration, and electoral access for voters residing in Indian lands; voluntarily complying with the requirements in 2020 federal primary elections; and conducting risk-limiting audits.
S. 549	Voter Empowerment Act of 2019	Referred to Committee	Would authorize use of HAVA requirements payments for meeting voter registration requirements and require use of HAVA requirements payments to reimburse USPS for carrying absentee ballots free of postage; would expand and reauthorize HAVA's polling place accessibility grant program; would repeal the prohibition on use of HAVA P&A system grant funds for initiating or otherwise participating in litigation about election-related disability access; would amend the HAVA definition of "state" to include CNMI and specify a minimum amount for HAVA requirements payments to CNMI; and would authorize grant programs for meeting requirements related to automatic voter registration and registration portability and correction; conducting pilot programs to enable individuals with disabilities to register and vote from home; conducting research into accessible paper ballot voting, verification, and casting mechanisms and best practices for increasing the accessibility of paper ballots; recruiting and training poll workers; conducting risk-limiting audits; and establishing absentee ballot tracking programs.
S. 550	Register America to Vote Act	Referred to Committee	Would authorize a grant program for implementing automatic voter registration and improving election security systems related to voter registration.
S. 621	Pre-Registration Of Voters Everywhere (PROVE) Act	Referred to Committee	Would authorize a grant program for encouraging minors to participate in election activities.
S. 625	Students Voicing Opinions in Today's Elections (VOTE) Act	Referred to Committee	Would authorize a grant program for providing 12th graders with information about registering to vote.

Bill Number	Short Title	Latest Major Action	Summary of Grant-Related Provisions
S. 739	Native American Voting Rights Act of 2019	Referred to Committee	Would authorize a grant program for establishing and operating Native American voting task forces.
S. 949	For the People Act of 2019	Referred to Committee	Would authorize use of HAVA requirements payments for meeting voter registration requirements and making improvements to voting system security; would expand and reauthorize HAVA's polling place accessibility grant program; would repeal the prohibition on use of HAVA P&A system grant funds for initiating or otherwise participating in litigation about election-related disability access; would amend the HAVA definition of "state" to include CNMI and specify a minimum amount for HAVA requirements payments to CNMI; would include the protection of election infrastructure as a topic to be addressed in state plans for HAVA requirements payments and require the committees responsible for developing state plans to be geographically representative; and would authorize grant programs for meeting requirements related to automatic voter registration and registration portability and correction; encouraging minors to participate in election activities; providing 12th graders with information about registering to vote; conducting pilot programs to enable individuals with disabilities to register to vote and request and receive absentee ballots at home; conducting research into accessible paper ballot voting, verification, and casting mechanisms and best practices for increasing the accessibility of paper ballots; recruiting and training poll workers; rewarding institutions of higher education that exceed requirements for registering students to vote; establishing absentee ballot tracking programs; replacing voting systems that do not meet specified requirements or are not in compliance with specified federal voting system guidelines, making improvements to voting system security, and implementing and modeling best practices for ballot design, instructions, and testing; conducting risk-limiting audits; and conducting research into improving election infrastructure security, quality, reliability, accuracy, accessibility, and affordability and increasing voter participation.
S. 957	Early Voting Act	Referred to Committee	Would authorize appropriations for HAVA requirements payments for meeting early voting requirements.
S. 1319	Protecting the Right to Independent and Democratic Elections (PRIDE) Voting Act	Referred to Committee	Would authorize a grant program for implementing or improving use of auditable paper ballots, conducting risk-limiting audits, or implementing cybersecurity standards and best practices.

Bill Number	Short Title	Latest Major Action	Summary of Grant-Related Provisions
S. 1472	Protecting American Votes and Elections Act of 2019	Referred to Committee	Would repeal the prohibition on use of HAVA P&A system grant funds for initiating or otherwise participating in litigation about election-related disability access; would specify a minimum amount for HAVA P&A system grant awards to the American Indian Consortium P&A system; would amend the HAVA definition of "state" to include CNMI; and would authorize grant programs for replacing paperless voting systems; acquiring accessible ballot marking devices; designing and printing ballots; and conducting risk-limiting audits.
S. 1514	Help Students Vote Act	Referred to Committee	Would authorize a grant program for rewarding institutions of higher education that exceed requirements for registering students to vote.
S. 1540	Election Security Act of 2019	Referred to Committee	Would repeal the prohibition on use of HAVA P&A system grant funds for initiating or otherwise participating in litigation about election-related disability access; would authorize use of HAVA requirements payments for making improvements to voting system security; would include the protection of election infrastructure as a topic to be addressed in state plans for HAVA requirements payments and require the committees responsible for developing state plans to be geographically representative; would amend the HAVA definition of "state" to include CNMI; and would authorize grant programs for conducting research into accessible paper ballot voting, verification, and casting mechanisms and best practices for increasing the accessibility of paper ballots; replacing voting systems that do not meet specified requirements or are not in compliance with specified federal voting system guidelines, making improvements to voting system security, and implementing and modeling best practices for ballot design, instructions, and testing; conducting risk-limiting audits; and conducting research into improving election infrastructure security, quality, reliability, accuracy, accessibility, and affordability and increasing voter participation.
S. 1692	Invest in Our Democracy Act of 2019	Referred to Committee	Would authorize a grant program for supporting continuing education in election administration or cybersecurity for election officials and employees.

Bill Number	Short Title	Latest Major Action	Summary of Grant-Related Provisions
S. 2053	Securing America's Federal Elections (SAFE) Act	Referred to Committee	Would repeal the prohibition on use of HAVA P&A system grant funds for initiating or otherwise participating in litigation about election-related disability access; would authorize use of HAVA requirements payments for making improvements to voting system security; would include the protection of election infrastructure as a topic to be addressed in state plans for HAVA requirements payments and require the committees responsible for developing state plans to be geographically representative; would amend the HAVA definition of "state" to include CNMI; and would authorize grant programs for conducting research into accessible paper ballot voting, verification, and casting mechanisms and best practices for increasing the accessibility of paper ballots; replacing voting systems that do not meet specified requirements or are not in compliance with specified federal voting system guidelines, making improvements to voting system security, and implementing and modeling best practices for ballot design, instructions, and testing; and conducting risk-limiting audits.
S. 2238	Securing America's Federal Elections (SAFE) Act	Referred to Committee	Would repeal the prohibition on use of HAVA P&A system grant funds for initiating or otherwise participating in litigation about election-related disability access; would authorize use of HAVA requirements payments for making improvements to voting system security; would include the protection of election infrastructure as a topic to be addressed in state plans for HAVA requirements payments and require the committees responsible for developing state plans to be geographically representative; would amend the HAVA definition of "state" to include CNMI; and would authorize grant programs for conducting research into accessible paper ballot voting, verification, and casting mechanisms and best practices for increasing the accessibility of paper ballots; replacing voting systems that do not meet specified requirements or are not in compliance with specified federal voting system guidelines and making improvements to voting system security; acquiring accessible ballot marking devices; designing and printing ballots; and conducting risk-limiting audits.
S. 2524	Financial Services and General Government Appropriations Act, 2020	Reported by Committee	Would provide funding for making general improvements to the administration of federal elections, including for enhancing election technology and improving election security.

Bill Number	Short Title	Latest Major Action	Summary of Grant-Related Provisions
S. 3206	Accessible Voting Act of 2019	Referred to Committee	Would expand and reauthorize HAVA's polling place accessibility grant program; would repeal the prohibition on use of HAVA P&A system grant funds for initiating or otherwise participating in litigation about election-related disability access; would extend eligibility for HAVA's P&A system grant program to the P&A system serving the American Indian Consortium and specify a minimum amount for HAVA P&A system grant awards to the American Indian Consortium P&A system; would amend the HAVA definition of "state" to include CNMI; and would authorize a grant program for meeting requirements related to the accessibility of election information and processes and the transparency of changes to election prerequisites, standards, practices, and procedures.
S. 3340	Voter Choice Act	Referred to Committee	Would authorize a grant program for implementing ranked choice voting.
S. 3440	Resilient Elections During Quarantines and Natural Disasters Act of 2020	Referred to Committee	Would authorize a grant program for meeting requirements and conducting activities related to election contingency planning and absentee voting.
S. 3529	Natural Disaster and Emergency Ballot Act of 2020	Referred to Committee	Would authorize grant programs for using a federal service for providing voter registration and absentee ballot status updates; meeting requirements related to election contingency planning, absentee voting, early voting, provisional ballots, and voter registration in the November 3, 2020, general election; and voluntarily complying with related requirements in 2020 primary elections.
S. 3725	VoteSafe Act of 2020	Referred to Committee	Would authorize grant programs for meeting requirements related to absentee voting, early voting, and polling place safety; and promoting safe, accessible, and efficient in-person voting.
S. 3778	State Elections Preparedness Act	Referred to Committee	Would authorize the EAC to waive the match requirement for CARES Act HAVA funds in certain circumstances.
S. 3822	DemocracyCorps Act	Referred to Committee	Would repeal the match requirement for FY2020 and CARES Act HAVA funds; and would authorize grant programs for meeting requirements related to absentee voting, polling place safety, early voting, and voter registration; and promoting safe, accessible, and efficient in-person voting.
S. 3961	Pandemic Democracy for All Act	Referred to Committee	Would authorize grant programs for implementing online voter registration systems; and facilitating an increase in absentee voting.

Bill Number	Short Title	Latest Major Action	Summary of Grant-Related Provisions
S. 4033	Natural Disaster and Emergency Ballot Act of 2020	Referred to Committee	Would repeal or modify the match requirement, reporting requirement, and spending deadline for CARES Act HAVA funds; would authorize reallocation of CARES HAVA funds to replace FY2018 and FY2020 HAVA funds that were applied to COVID-19-related costs; and would authorize grant programs for using a federal service for providing voter registration and absentee ballot status updates; meeting requirements and conducting activities related to election contingency planning, public education campaigns, absentee voting, early voting, provisional ballots, voting accessibility and safety, ballot chain-of custody procedures, election process transparency, and voter registration in the November 3, 2020, general election; and voluntarily complying with related requirements or conducting related activities in 2020 primary elections.
S. 4668	People Over Long Lines Act (POLL ACT)	Referred to Committee	Would authorize a grant program for meeting requirements related to polling place wait times and resources.
S. 4800	The Heroes Act	Referred to Committee	Would provide funding for improving elections contingency planning, preparation, and resilience; would repeal or modify the match requirement, reporting requirement, and spending deadline for CARES Act HAVA funds; would authorize reallocation of CARES and Heroes Act HAVA funds to replace FY2018 and FY2020 HAVA funds that were applied to COVID-19-related costs; and would authorize grant programs for meeting requirements related to election contingency planning, early voting, absentee voting, voter identification, voter registration, and electoral access for voters residing in Indian lands; voluntarily complying with the requirements in 2020 federal primary elections; and conducting risk-limiting audits.

Source: CRS, based on review of appropriations measures and legislation introduced in the 116th Congress with the legislative subject term "Election Assistance Commission" or "Elections, voting, political campaign regulation" on Congress.gov. Different search parameters may produce different results.

Notes: This table includes bills that would authorize, fund, or modify the parameters of election administration-related grant programs for states or localities. It covers grant programs for state or local election officials as well as programs for non-elections-specific government entities, such as public institutions of higher education. The latest major action listed for each bill is current as of December 8, 2020.

The table does not cover provisions that would condition eligibility for federal funding on adopting or rejecting particular elections policies; provisions that would establish an election security grants advisory committee; provisions that would modify the parameters of an elections grant program indirectly by changing the conditions on a more general category of grant programs; or provisions that would authorize funding for in-kind elections goods or services, bug bounty programs, redistricting commissions, public financing of political campaigns, or general security for state or local government systems. It also does not include proposed amendments that were not adopted, and the provided summaries do not cover non-grant-related provisions of the bills.

Appendix B. Selected Options for Structuring Grant Programs

The "Options for Legislative Proposals" section of this report lists some questions that may be relevant to Members who are considering developing or assessing proposals to authorize or fund elections grant programs for states or localities. The table below presents some of the options for answering those questions that have been explored in previous legislation. The table is intended to be illustrative rather than comprehensive. It also includes only answers that have been offered explicitly in legislation or report language, not answers that might be provided by other federal guidance on grant programs or appropriations or at the discretion of the federal departments or agencies that are charged with administering elections grant programs.

Table B-1. Selected Options for Structuring Election Administration-Related Grant Programs for States and Localities

Category	Sample Questions	Sample Answers	Examples from Previous Legislation
Uses of Funds	Are grant funds limited to use for specific activities or available for more general purposes?	Specific activities	CARES Act HAVA funds (P.L. 116-136)
		General purposes	HAVA general improvements grant program (52 U.S.C. §§20901, 20903-20906)
	Are grant funds intended to finance voluntary activities or help meet federal requirements?	Voluntary activities	HAVA voting technology pilot program grant program (52 U.S.C. §§21051-21053)
		Federal requirements	HAVA requirements payments program (52 U.S.C. §§21001-21008)
	Are any uses of grant funds prohibited or prioritized?	Prohibited	HAVA P&A system grant program (52 U.S.C. §§21061-21062)
		Prioritized	House-passed FY2021 consolidated appropriations bill (116th Congress; H.R. 7617)
Amount of Funding	Is the total amount of federal funding for the grant program a fixed amount, or is it based on the costs of conducting the funded activities?	Fixed amount	HAVA general improvements grant program (52 U.S.C. §§20901, 20903-20906)
		Based on costs of conducting funded activities	MOVE Act requirements payments (52 U.S.C. §21007)
	Are grant recipients required to contribute to funding grant activities?	By matching a percentage of the federal funding they receive	FY2020 HAVA funds (P.L. 116-93)
		By matching a percentage of the total amount to be spent on grant activities	HAVA requirements payments program (52 U.S.C. §§21001-21008)

Category	Sample Questions	Sample Answers	Examples from Previous Legislation
Recipients of Funding	How is funding allocated to grant recipients?	Nondiscretionary formula, based on voting-age population	HAVA requirements payments program (52 U.S.C. §§21001-21008)
		Nondiscretionary formula, based on number of qualifying precincts in the state	HAVA lever and punch card voting system replacement grant program (52 U.S.C. §§20902-20906)
		Competitive grant process	HAVA voting technology improvements research grant program (52 U.S.C. §§21041-21043)
	Are eligible recipients guaranteed minimum—or subject to maximum—award amounts?	Minimum award amounts	FY2018 HAVA funds (P.L. 115-141)
		Maximum award amounts	Voting system replacement reimbursement grant program (P.L. 108-7)
	Is grant funding available—directly or indirectly—to local officials?	Directly	HAVA polling place accessibility grant program (52 U.S.C. §§21021-21025)[a]
		If the state does not apply	Secure Elections Act (115th Congress; H.R. 6663, §7; S. 2593, §7)
		If authorized by the state	Secure Elections Act (115th Congress; S. 2261, §7)
		Via mandatory pass-throughs	House-passed FY2021 consolidated appropriations bill (116th Congress; H.R. 7617)
	Is grant funding available to election officials or to other state or local government entities?	Election officials	HAVA requirements payments program (52 U.S.C. §§21001-21008)
		Other state or local government entities	HAVA P&A system grant program (52 U.S.C. §§21061-21062)
	Which jurisdictions or entities are eligible for the grant program?	50 states, DC, American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands (HAVA states)	Election data collection grant program (52 U.S.C. $20981 note)
		HAVA states and the Commonwealth of the Northern Mariana Islands (CNMI)	FY2020 HAVA funds (P.L. 116-93)
		HAVA states, CNMI, and the American Indian Consortium	Protection and Advocacy for Voting Access Program Inclusion Act (116th Congress; H.R. 5510)
Availability of Funding		Within 30 days of the act's enactment	CARES Act HAVA funds (P.L. 116-136)

Category	Sample Questions	Sample Answers	Examples from Previous Legislation
Administration of Grant Programs	Is there a statutory deadline by which the agency that is charged with administering the grant program must distribute the grant funding?	Within 45 days of the act's enactment	FY2018 HAVA funds (P.L. 115-141)
	Are grant recipients required to obligate or spend grant funds or complete funded activities by a certain deadline?	With option for deadline deferral waiver	HAVA lever and punch card voting system replacement grant program (52 U.S.C. §§20902-20906)
		Without option for deadline deferral waiver	CARES Act HAVA funds (P.L. 116-136)
	Are appropriations for the grant program authorized for a limited number of fiscal years or on an ongoing basis?	Limited number of fiscal years	HAVA voting technology improvements research grant program (52 U.S.C. §§21041-21043)
		Ongoing basis	HAVA P&A system grant program (52 U.S.C. §§21061-21062)
	Are details of grants administration, such as the contents or frequency of spending plans or reporting, specified in bill text, specified in report language, or left to the discretion of the federal agency charged with administering the grant program?	Specified in authorizing legislation	HAVA requirements payments program (52 U.S.C. §§21001-21008)
		Specified in appropriations legislation	CARES Act HAVA funds (P.L. 116-136)
		Specified in report language	Joint Committee Print, Omnibus Appropriations Act, 2009 (P.L. 111-8)
	Which agency is charged with administering the grant program?	EAC	Help America Vote College Program (52 U.S.C. §§21121-21123)
		Other federal agency	UOCAVA election technology pilot program grant program (52 U.S.C. §20311)
	Is the administering agency encouraged or required to collaborate or consult with other agencies or election stakeholders?	Other agencies	HAVA voting technology improvements research grant program (52 U.S.C. §§21041-21043)
		Elections stakeholders	Native American Voting Rights Act of 2019 (116th Congress; H.R. 1694, §4; S. 739, §4)

Source: CRS, based on review of data from Congress.gov.

Notes: This table is intended to be illustrative rather than comprehensive. It includes only answers that have been offered explicitly in legislation or report language.

a. As authorized, HAVA's polling place accessibility grant program was available to units of local government. However, the appropriations acts that have funded awards under the program have generally limited them to the HAVA states. See, for example, P.L. 108-7.

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