

Commission Without Commissioners: The U.S. Election Assistance Commission

July 16, 2026

Commissioner Donald Palmer [resigned](#) from the [U.S. Election Assistance Commission \(EAC\)](#) on April 30, 2026. On July 9, the remaining three members of the four-person commission were effectively removed from their positions. According to [media reports](#), Commissioners Thomas Hicks and Benjamin Hovland [were notified](#) of their dismissals via email from the Executive Office of the President and Commissioner Christy McCormick was permitted to resign.

In a [press statement](#) about the departures, the White House said, “The President, and head of the Executive Branch, reserves the right to remove individuals that may not be totally aligned with the important task of securing America’s elections and ensuring every legal vote is counted. The Slaughter decision gives the President precedence to do so.” “The Slaughter decision” refers to the Supreme Court’s June 29 decision in [Trump v. Slaughter](#), addressing the President’s authority to remove commissioners of the Federal Trade Commission. For more on that decision and its potential implications, see CRS Legal Sidebar LSB11448, *Trump v. Slaughter and the Future of For-Cause Removal Protections*.

Background

The EAC was established by the [Help America Vote Act of 2002 \(HAVA\)](#) as part of Congress’s response to problems with the administration of the 2000 elections. It was intentionally designed to be a support agency. As one of the primary architects of HAVA, Representative Robert Ney, noted in the [markup](#) of a 2001 version of the act, “the name that we did choose, by the way, for this Commission is not an accident. The purpose of this Commission is to assist State and local governments with their election administration problems.”

In keeping with its positioning as an assistance agency, the EAC’s rulemaking authority is [explicitly limited](#) by HAVA to regulations related to (1) [reporting](#) to Congress on the impact of the [National Voter Registration Act of 1993 \(NVRA\)](#) and (2) maintaining the [federal mail voter registration form](#) established by the NVRA. The other duties HAVA assigned the agency include

- administering [elections grant programs](#),

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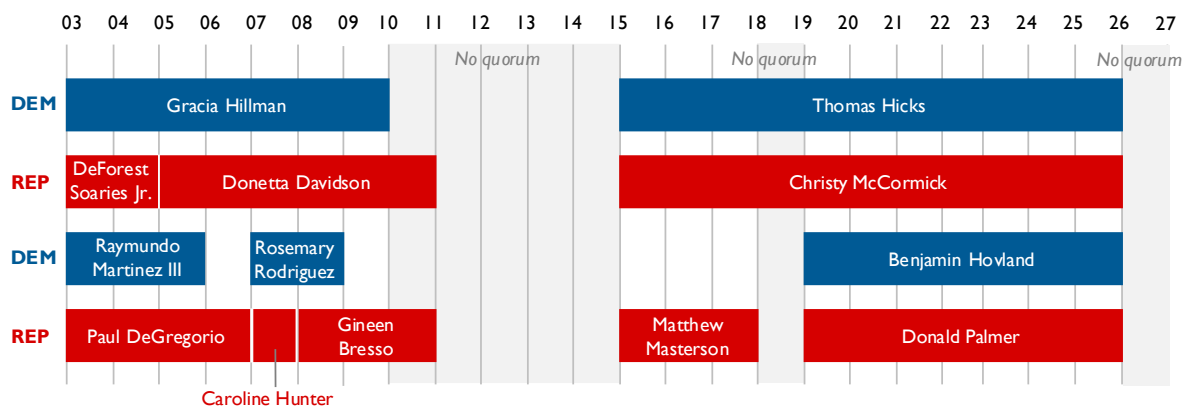
- developing [Voluntary Voting System Guidelines \(VVSG\)](#) and providing for [testing and certification](#) of systems to the guidelines,
- issuing voluntary guidance for implementation of certain HAVA requirements,
- conducting [elections research](#) and sharing [election administration best practices](#), and
- establishing the [Help America Vote College Program](#).

Some recent activities the agency has conducted as part of those duties include developing [voluntary testing and certification programs](#) for election technologies other than voting systems, such as the [electronic poll books](#) many jurisdictions use for voter check-in, and increasing resources and [training opportunities](#) for state and local election officials. In [testimony](#) for a May 2026 [hearing](#), former Commissioner Palmer indicated that the EAC had expanded some of its offerings in response to “notable changes in the federal space supporting elections, particularly with the Cybersecurity and Infrastructure Security Agency reducing its footprint in the election administration space.”

Loss of Quorum

Action on activities HAVA authorizes the commission to conduct [requires](#) approval by at least three commissioners. The departures of Commissioners Hicks, Hovland, and McCormick leave the EAC without that quorum for the third time since the agency’s first commissioners took office in 2003. The commission was without a quorum from December 2010 to January 2015 and March 2018 to February 2019 (see [Figure 1](#)). All four seats were vacant between December 2011 and January 2015.

Figure 1. Tenures of EAC Commissioners, 2003-2026



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

Note: Years indicate the year in which changes to tenures and quorums occurred, not the precise dates of the changes. For example, Commissioners Hovland and Palmer were sworn in on February 6, 2019.

A [policy document](#) adopted by the EAC after the commission’s quorum was restored in 2015 identifies an order of succession for the executive director in the absence of commissioners and procedures for continued operation of the agency’s [advisory bodies](#). Authority to conduct policymaking tasks, such as adopting the VVSG and promulgating regulations about the federal mail voter registration form, is reserved to the commissioners. Previous losses of a quorum have resulted in notable delays in some of those activities, such as [updating](#) the VVSG and [accrediting](#) laboratories to test systems for conformance to the guidelines.

In a March 2025 [executive order](#), President Donald Trump had directed the EAC to take action on certain tasks. For example, the executive order says that the agency shall initiate action to update the VVSG [with](#)

specified provisions and to require documentary proof of citizenship in the federal mail voter registration form. Litigation on the executive order was pending as of this writing. For more on the litigation, see CRS Legal Sidebar LSB11368, *Executive Order on Elections: Legal Background and Court Challenges*.

Process for Replacement

EAC commissioners are appointed for a four-year term and may be reappointed for a second term. HAVA provides for commissioners to continue to serve past the ends of their terms until a successor takes office and, if they depart before their term expires, for the successor to be appointed for the unexpired term. Vacancies are to be filled in the same manner as the original appointment and subject to the same conditions. Each member is to have experience or expertise in elections, according to the act, and it appears that no more than two are to be affiliated with the same political party.

HAVA specifies that commissioners are appointed by the President with the advice and consent of the Senate. It provides for specified majority and minority leadership in the House and Senate to submit recommendations of candidates for vacancies that are affiliated with their political party. For more on the appointments of the most recent commissioners, see **Table 1**.

Table 1. Appointments of Recent EAC Commissioners

Commissioner	Recommender ^a	Appointing President	Senate Confirmation Vote
Thomas Hicks	Rep. Nancy Pelosi (D-CA)	President Barack Obama	Unanimous consent
Benjamin Hovland	Sen. Chuck Schumer (D-NY)	President Donald Trump	Unanimous consent
Christy McCormick	Sen. Mitch McConnell (R-KY)	President Barack Obama	Unanimous consent
Donald Palmer	Rep. Paul Ryan (R-WI)	President Donald Trump	Unanimous consent

Source: CRS, based on review of data from the EAC, Congress.gov, and nomination hearings.

a. Information about recommenders is based on CRS review of nomination hearings.

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