

Updated September 1, 2026

The U.S. Election Assistance Commission (EAC): An Overview

The U.S. Election Assistance Commission (EAC) is an independent federal agency that is charged with helping election officials to improve the administration of elections and voters to participate in the electoral process. It 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.

The EAC—and the legislation that created it—marked something of a shift in the federal approach to election administration. Previous federal election laws had set requirements for the administration of federal elections, but HAVA was the first to back its requirements with substantial support. The act authorized grant programs for election administration and an assistance-oriented elections agency, the EAC.

This In Focus provides an introduction to the EAC. It describes the agency's duties and structure and briefly reviews some of its history and related legislative activity.

Overview

The highest-profile problems with the administration of the 2000 elections were in Florida—where disputes about the vote count delayed resolution of the presidential race for weeks—but post-election investigations revealed widespread problems with states' conduct of elections. Those investigations also prompted suggestions about how to avoid similar problems in the future, including proposals to increase federal involvement in election administration.

Exactly what that involvement should look like was a matter of debate. The disagreements played out in at least two discussions relevant to the EAC: (1) whether any new federal responsibilities should be assigned to existing entities like the Federal Election Commission's (FEC's) Office of Election Administration (OEA) or to an entirely new agency, and (2) whether the new responsibilities should be focused solely on supporting states and localities or also include authority to compel them to act.

Congress struck a compromise in HAVA by creating a new agency, the EAC, but positioning it as a support agency. That focus on assistance—in combination with other objectives, such as providing for a range of expert input into agency activities and guarding against partisanship—informed the duties and structure of the agency.

Duties

In keeping with its positioning as an assistance agency, the EAC's rulemaking authority is limited. HAVA explicitly restricts the agency's authority to issue rules, regulations, and other requirements for states or localities to actions related to two duties it transferred to the EAC from the FEC: (1) reporting to Congress on the impact of the National Voter Registration Act of 1993 (NVRA), and (2)

developing the federal mail voter registration form required by the NVRA.

That limitation on the EAC's authority does not mean that the agency has no ability to influence state or local action. However, its duties are primarily oriented toward facilitating or incentivizing elections activities rather than compelling them. Those duties, most of which are designed to involve opportunities for input from a range of elections stakeholders, include

- administering grant programs;
- providing for voluntary voting system guidelines (VVSG), testing, and certification;
- issuing voluntary guidance for implementation of certain HAVA requirements;
- conducting research and sharing best practices; and
- establishing a program to encourage students at institutions of higher education to serve as poll workers and election officials to use their services.

Structure

The EAC includes an appointed commission, a professional staff led by an executive director and general counsel, an Office of Inspector General (OIG), three statutory advisory bodies, and one agency-created advisory body.

The commission is designed to have four members, each of whom is required to have elections experience or expertise and no more than two of whom appear to be intended to be affiliated with the same political party. HAVA provides for commissioners to be appointed by the President subject to the advice and consent of the Senate and for majority and minority congressional leaders to recommend candidates for vacancies affiliated with their political party. Action on activities the commission is authorized by HAVA to conduct, such as updating the VVSG and promulgating regulations for the federal mail voter registration form, requires approval by a three-member "quorum" of the commissioners.

According to HAVA, the EAC's executive director and general counsel are to be appointed by the commission, with input in the case of the executive director from two of the agency's advisory bodies. HAVA authorizes the executive director to hire other professional staff, subject to rules set by the commission. The size of the EAC's staff has varied, from the handful of transfers from OEA in FY2004 to 50 full-time equivalent positions (FTEs) in FY2010, about 20 to 30 FTEs between FY2013 and FY2019, and 68 FTEs in FY2026.

One of the EAC OIG's primary responsibilities is auditing recipients of grant funds administered by the EAC. The OIG also conducts internal audits and investigations of the agency itself, including audits of its finances, reports on

management challenges, and investigations of complaints about fraud, waste, mismanagement, and abuse. For example, the OIG conducted a 2008 investigation of alleged political bias in the preparation of an EAC report about voter fraud and intimidation and a 2010 investigation of complaints about the agency's work environment.

HAVA provided for three advisory bodies for the EAC: the Board of Advisors, the Standards Board, and the Technical Guidelines Development Committee. In 2021, the EAC used its own authority to add a fourth advisory body, the Local Leadership Council.

- **Board of Advisors.** 35 members representing state and local officials, federal entities, science and technology experts, and voters. Intended to be bipartisan and geographically representative. Responsible for reviewing draft VVSG and guidance; appointing a search committee in the event of a vacancy for the EAC's executive director; and consulting on research, program goals, long-term planning, and monitoring and review of voting system test laboratories.
- **Standards Board.** 110 members, with one state official and one local official from different parties for each of the 50 states, the District of Columbia, American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands. Responsible for the same tasks as the Board of Advisors.
- **Technical Guidelines Development Committee.** 15 members representing state and local officials, individuals with disabilities, and science and technology experts, with the director of the National Institute of Standards and Technology as chair. Responsible for helping develop the VVSG.
- **Local Leadership Council.** 100 members, with two local election officials from each of the 50 states. Responsible for providing input into the agency's work, such as by sharing experiences and best practices.

The structure of the EAC, like its duties, reflects its emphasis on assistance. The agency's advisory bodies are designed to be central to its functioning, with opportunities for input into its guidance, planning, and staffing. Voters are to be represented on one of the advisory bodies, and state officials, local officials, or their representatives are to make up some or all of the membership of all four.

The EAC was also set up to provide for a range of expert input into agency activities and to help guard against partisanship. In addition to voters and state and local officials, the agency's advisory bodies are intended to include experts in various other fields relevant to election administration. The commission's quorum requirement and the membership and selection processes for the commission and some of the advisory bodies are also designed for partisan balance.

Legislative and Executive Activity

One question Congress considered when developing the EAC was whether it should exist as a separate agency at all. That question was also a subject of particular congressional interest for a period starting with the 112th Congress.

Some Members introduced legislation to terminate the EAC in each of the 112th through 115th Congresses, and the

House Committee on Appropriations recommended cutting or eliminating the agency's funding each year between FY2012 and FY2018. The Senate also stopped confirming—and some congressional leaders stopped recommending—nominees to the agency's commission during part of that period.

High-profile developments in 2016 and subsequent election cycles prompted calls for federal assistance for state and local election officials. Foreign efforts to interfere in the 2016 elections highlighted the challenges for states and localities of securing elections against nation-states and other sophisticated actors, for example, and the onset of the COVID-19 pandemic introduced novel election administration issues and expenses in 2020.

Congress assigned the EAC specific roles in the federal response to some of the new developments. For example, it charged the agency with administering grant funding it appropriated in response to election security concerns and pandemic effects on elections and with providing for penetration testing as part of the federal voting system testing and certification program.

The EAC also took action on the new developments on its own initiative. For example, it started providing for penetration testing of voting systems before Congress codified a requirement for it to do so, and it expanded its testing and certification offerings to election technologies beyond the voting systems covered by HAVA. It has also launched new projects in recent years to help inform and assist state and local election officials, including a Clearinghouse Community in 2023, a Learning Lab in 2024, and a professional certification program in 2026.

Supporters of an ongoing role for the EAC have cited its participation in the federal response to developments in 2016 and subsequent election cycles as new grounds to extend or expand it. More generally, the primary focus of congressional debate about the EAC seems to have shifted between the 115th and 119th Congresses from whether there is a role for the agency to what its role should be. The EAC-related bills introduced in recent Congresses have tended to propose new duties, authorities, or authorizations of operational funding for the agency.

An executive order issued by President Donald Trump in March 2025 also specified tasks for the EAC. Among other provisions, Executive Order 14248 included provisions for EAC action on grant funding, election systems, and the federal mail voter registration form. Litigation related to the executive order was pending as of this writing.

Subsequent executive activity appears to have limited the EAC's ability to take certain actions on tasks addressed by the executive order, as well as on other agency work. On July 9, 2026, three members of the agency's commission were effectively removed from their positions. Combined with the resignation of the fourth commissioner in April 2026, those departures have left the commission without members for the second time in its history and without the requisite quorum to take official action for the third time.

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