

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

Updated September 1, 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](#) and [interviews](#) with [some of the commissioners](#), 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 2026 decision in [Trump v. Slaughter](#), addressing the President’s authority to remove commissioners of the Federal Trade Commission (for more, 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 authority to set regulations or other requirements for states and localities [is explicitly limited](#) by HAVA to actions related to (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](#) established by the NVRA. Other duties HAVA assigned the agency include

- administering [elections grant programs](#);

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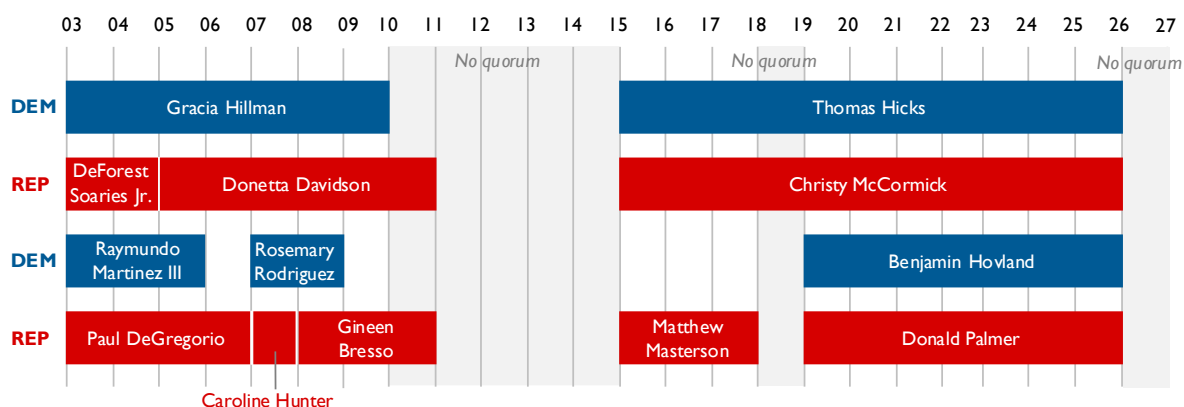
- providing for [voluntary voting system guidelines \(VVSG\)](#), [testing](#), and [certification](#);
- issuing voluntary guidance for implementation of certain HAVA requirements;
- conducting [elections research](#) and sharing [election administration best practices](#); and
- establishing the [Help America Vote College Program](#).

Some recent EAC activities 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 providing [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 three-member “[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-August 2026



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

Notes: Years indicate the years in which changes to tenures and quorums occurred, not the precise dates of the changes. For example, Commissioner Palmer [left](#) the commission on April 30, 2026, and Commissioners Hicks, Hovland, and McCormick [departed](#) on July 9, 2026.

In August 2026, the EAC released an [overview](#) of operations it says the agency may and may not conduct in the absence of commissioners. According to the overview, agency staff may continue to perform tasks delegated to them by existing EAC policies but authority to engage in policymaking activities like adopting new or modified VVSG and developing the federal mail voter registration form is reserved for the commissioners. Previous losses of a quorum have resulted in notable delays in carrying out some of those activities, such as [updating](#) the VVSG and [accrediting](#) laboratories to test voting systems.

In a March 2025 [executive order](#), President Donald Trump directed the EAC to take certain actions, including some that may appear to be in categories the agency’s overview suggests it cannot perform without commissioners. For example, the executive order says that the EAC 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, 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 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 commissioner [is to have](#) experience or expertise in elections, according to HAVA, and no more than two 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 specified majority and minority congressional leaders [to recommend](#) candidates for vacancies 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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