

The U.S. Election Assistance Commission (EAC): Overview and Selected Issues for Congress

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The U.S. Election Assistance Commission (EAC): Overview and Selected Issues for Congress

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.

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. The EAC's rulemaking authority is limited, and its other 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, testing, and certification; issuing voluntary guidance for implementation of certain HAVA requirements; conducting research and sharing best practices; and establishing a youth voter participation and poll worker recruitment program.

The EAC consists of an appointed commission, a professional staff led by an executive director and general counsel, an Office of Inspector General, three statutory advisory bodies (Board of Advisors, Standards Board, and Technical Guidelines Development Committee), and one agency-created advisory body (Local Leadership Council). 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 membership and selection processes for the commission and some of the advisory bodies, as well as a quorum requirement for certain commission actions, are also designed for partisan balance.

Both at the time of HAVA and since, opinions have differed about the role of the EAC. One question Congress considered when developing the agency 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.

The primary focus of congressional debate about the EAC shifted from whether there is a role for the agency to what its role should be following foreign efforts to interfere in the 2016 elections. The EAC has participated in the federal response to election interference and other high-profile developments in recent election cycles, such as the onset of the COVID-19 pandemic in the 2020 cycle and an increase in threats to election workers during and after 2020, and EAC-related bills introduced in the 116th through 119th Congresses to date have tended to propose new duties, authorities, or authorizations of operational funding for the agency.

The EAC's role—and its positioning to perform it—has also been addressed during the 119th Congress in executive activity. An executive order issued by President Donald Trump in March 2025 included provisions related to EAC action on grant funding, election systems, and the federal mail voter registration form. On July 9, 2026, three members of the agency's four-person 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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Introduction

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; P.L. 107-252; 52 U.S.C. §§20901-21145) as part of Congress's response to problems with the administration of the 2000 elections.¹

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.² The act authorized grant programs for election administration and an assistance-oriented elections agency, the EAC.³

There was broad support in Congress during the HAVA debate for the idea of providing some assistance along those lines. Both at the time and since, however, opinions have differed about the role of the EAC. For example, Members have disagreed about whether the agency should focus solely on assistance or also have regulatory authority and about whether it should be temporary or permanent.

Changes in the election administration landscape and in Congress have brought different aspects of the debate to the forefront at different times. The 112th through 115th Congresses saw attempts to terminate the agency, while developments like foreign efforts to interfere in the 2016 elections, the onset of the COVID-19 pandemic in the 2020 election cycle, and an increase in threats to election workers during and after 2020 have been cited as new grounds to extend or expand it.⁴ The resignations and removals of the agency's commissioners in the 119th Congress have revived questions about the EAC's role in the absence of a commission quorum.⁵

This report provides an overview of the agency in the context of those changes. It starts by describing the EAC's duties and structure and then summarizes the history of the agency and related legislative activity. The report closes by introducing some considerations that may be of interest to Members who are weighing whether or how to engage with issues related to the EAC or to election administration more broadly.

¹ For more on the Help America Vote Act of 2002 (HAVA), see CRS Report R46949, *The Help America Vote Act of 2002 (HAVA): Overview and Ongoing Role in Election Administration Policy*, by Karen L. Shanton.

² For more on pre-HAVA requirements for the administration of federal elections, see CRS Report R45302, *Federal Role in U.S. Campaigns and Elections: An Overview*, by R. Sam Garrett.

³ For more on federal grant funding for elections, see CRS Report R46646, *Election Administration: Federal Grant Programs for States and Localities*, by Karen L. Shanton; and CRS Report WPD00035, *Elections Podcast: Federal Role in Elections Funding*, by Karen L. Shanton.

⁴ See, for example, U.S. Congress, Committee on House Administration, *Markup of H.R. 634, Election Assistance Commission Termination Act; H.R. 133, to Reduce Federal Spending and the Deficit by Terminating Taxpayer Financing of Presidential Election Campaigns; and Committee Resolution 115-4, the Committee's Views and Estimates on the Fiscal Year 2018*, 115th Cong., 1st sess., February 7, 2017 (GPO, 2017), pp. 2-3; U.S. Congress, Senate Committee on Rules and Administration, *Nominations*, 115th Cong., 2nd sess., November 28, 2018, S.Hrg. 115-583 (GPO, 2019), pp. 1 and 4; and U.S. Congress, Committee on House Administration, *American Confidence in Elections: The Role of the Election Assistance Commission in Free, Fair, and Secure Elections*, 118th Cong., 1st sess., June 14, 2023, pp. 4 and 90.

⁵ U.S. Election Assistance Commission (EAC), "The EAC Announces that Commissioner Donald Palmer Is Departing the Agency," press release, April 29, 2026, <https://www.eac.gov/news/2026/04/29/eac-announces-commissioner-donald-palmer-departing-agency>; and Jessica Huseman, "Trump Fires All Election Assistance Commission Members, Leaving Agency Unable to Act," *Votebeat*, July 9, 2026, <https://www.votebeat.org/national/2026/07/09/trump-fires-election-assistance-commission-members-hicks-hovland-mccormick/>.

Note on Terminology

In this report, “state” is generally intended to include the 50 states, the District of Columbia (DC), and U.S. territories. Exceptions to that general usage are references to “the 50 states,” which do not include DC or the territories, and references to “HAVA states,” which do not include the Commonwealth of the Northern Mariana Islands (CNMI).⁶

EAC at a Glance

Mission: “The U.S. Election Assistance Commission (EAC) improves the administration of federal elections.”⁷

Enabling Legislation: Help America Vote Act of 2002 (HAVA; P.L. 107-252; 52 U.S.C. §§20901-21145)

Commission: Four members appointed by the President subject to the advice and consent of the Senate, with provisions for recommendations by majority and minority congressional leadership

Advisory Bodies:

Board of Advisors: 35 members representing a range of election administration stakeholders, including state and local officials, federal agencies, science and technology experts, and voters

Standards Board: 110 members, with one state official and one local official from each of the 50 states, DC, American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands

Technical Guidelines Development Committee (TGDC): 15 members representing a range of election administration stakeholders, including the director of the National Institute of Standards and Technology (NIST) as chair, state and local officials, individuals with disabilities, and science and technology experts

Local Leadership Council (LLC): 100 members, with two local election officials from each of the 50 states

Personnel (FY2026): 68 full-time equivalent (FTE) positions⁸

Appropriations for Salaries and Expenses (FY2026): \$23.86 million, including \$1.5 million to be made available to NIST for activities authorized under HAVA⁹

Primary Oversight Committees: Committee on House Administration and Senate Committee on Rules and Administration

Appropriations Subcommittees: Financial Services and General Government

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.¹⁰

⁶ The Commonwealth of the Northern Mariana Islands (CNMI) was not included in HAVA’s definition of “state” because it did not hold federal elections when HAVA was enacted in 2002. CNMI first elected a nonvoting delegate to the U.S. House of Representatives in 2008. Testimony of Gregorio Kilili Camacho Sablan, Delegate, CNMI, in U.S. Congress, 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; and Office of the Historian and Office of Art & Archives, Office of the Clerk, *Pacific Islanders: Territorial Status and Representation*, <https://history.house.gov/Exhibitions-and-Publications/APA/Historical-Essays/Growing-Diversity/Pacific-Islanders/>.

⁷ EAC, *Congressional Budget Justification Report: Fiscal Year 2027*, p. 3, https://www.eac.gov/sites/default/files/2026-04/EAC_FY_2027_Congressional_Budget_Justification_Report_FINAL.pdf.

⁸ EAC, *Congressional Budget Justification Report: Fiscal Year 2027*, p. 3.

⁹ P.L. 119-75.

¹⁰ Andrew Glass, “Congress Certifies Bush as Winner of 2000 Election, Jan. 6, 2001,” *Politico*, January 6, 2016, <https://www.politico.com/story/2016/01/congress-certifies-bush-as-winner-of-2000-election-jan-6-2001-217291>.

Those investigations also prompted suggestions about how to avoid similar problems in the future, including proposals to increase federal involvement in election administration.¹¹

Exactly what that involvement should look like was a matter of debate. There was general agreement that it should include some federal assistance to states and localities. For example, proposals from Members on both sides of the aisle and in both chambers of Congress would have authorized election administration grant programs and federal guidance about voting systems.¹²

Members disagreed, however, about other aspects of federal involvement in elections. The disagreements were rooted, in part, in competing concerns. Some Members worried that certain types of involvement would shift the balance of election administration authority from the states and localities that have traditionally run elections to the federal government.¹³ Others were concerned that some states and localities would not—or could not—make necessary changes to their election systems without federal intervention.¹⁴

Disagreements about the proper role of the federal government in elections played out in at least two debates 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.¹⁵

Congress struck a compromise in HAVA by creating a new agency, the EAC, but positioning it as 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, basically taking the attitude we are the government, we are here to help. Its purpose is not to dictate solutions or hand down bureaucratic mandates.¹⁶

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.

¹¹ See, for example, The National Commission on Federal Election Reform, *To Assure Pride and Confidence in the Electoral Process*, August 2001, pp. 12-14, https://verifiedvoting.org/wp-content/uploads/2020/09/NCFER_2001.pdf; and R. Michael Alvarez et al., *Voting—What Is, What Could Be*, Caltech/MIT Voting Technology Project, July 2001, https://vote.caltech.edu/documents/153/voting_what_is_what_could_be.pdf.

¹² See, for example, the Voting Improvement Act (H.R. 775) and Bipartisan Federal Election Reform Act of 2001 (S. 953) introduced in the 107th Congress.

¹³ See, for example, Rep. Robert Ney, “House Agreement to the Conference Report on H.R. 3295 and H.Con.Res. 508,” *Congressional Record*, daily edition, vol. 148 (October 10, 2002), p. H7838; and Daniel J. Palazzolo and Fiona R. McCarthy, “State and Local Government Organizations and the Formation of the Help America Vote Act,” *Publius*, vol. 35, no. 4 (Autumn 2005), pp. 516-517 and 525.

¹⁴ See, for example, U.S. Congress, Senate Committee on Rules and Administration, *Election Reform: Volume 1*, 107th Cong., 1st sess., June 27, 2001, S.Hrg. 107-1036 (GPO, 2003), pp. 271, 348; and Palazzolo and McCarthy, “State and Local Government Organizations and the Formation of the Help America Vote Act,” pp. 525-526.

¹⁵ See, for example, Senate Committee on Rules and Administration, *Election Reform: Volume 1*, pp. 21, 118, and 227-228.

¹⁶ U.S. Congress, Committee on House Administration, *Mark up of H.R. 3295, the Help America Vote Act of 2001*, 107th Cong., 1st sess., November 15, 2001 (GPO, 2003), p. 2.

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; P.L. 103-31; 52 U.S.C. §§20501-20511), and (2) developing the federal mail voter registration form required by the NVRA.¹⁷

That limitation on the EAC's authority does not mean that the agency has no ability to influence state or local action. It can audit its grantees, for example, and specify how issues identified by audits should be addressed.¹⁸ It can revoke the certification of voting systems to its voluntary guidelines and the accreditation of laboratories to test systems for conformance to the guidelines.¹⁹

However, the EAC's 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 the grant programs and voting system testing and certification program referenced above. They also include issuing voluntary guidance for implementation of certain HAVA requirements, conducting elections research and sharing election administration best practices, and establishing a youth voter participation and poll worker recruitment program.

Grant Programs

HAVA authorized the first major federal grant programs for election administration, and Congress has since established additional grant programs for certain elections-related purposes. The EAC has been charged with administering or helping administer the funding Congress has provided for most of those grant programs, including funding for the following:

- **Meeting election administration requirements.** Title III of HAVA set requirements for the administration of federal elections, including for voting systems, provisional voting, voting information, and voter registration.²⁰ Meeting those requirements involved significant financial investments for many HAVA states, and Congress authorized a *requirements payments program* primarily to help cover those costs. The Military and Overseas Voter Empowerment (MOVE) Act of 2009,²¹ which set new requirements for the voting and registration

¹⁷ 52 U.S.C. §20508; and 52 U.S.C. §20929. For more on the National Voter Registration Act of 1993, see CRS Report R45030, *Federal Role in Voter Registration: The National Voter Registration Act of 1993 (NVRA) and Subsequent Developments*, by Sarah J. Eckman.

¹⁸ 52 U.S.C. §21142. EAC, "Audits & Resolutions," June 8, 2026 <https://www.eac.gov/grants/audits-resolutions>.

¹⁹ 52 U.S.C. §20971. State officials have used similar voting system certification and decertification authority to compel action by local election officials. See, for example, Steven F. Huefner, Daniel P. Tokaji, and Edward B. Foley, *From Registration to Recounts: The Election Ecosystems of Five Midwestern States* (The Ohio State University Michael E. Moritz College of Law, 2007), p. 64.

²⁰ 52 U.S.C. §§21081-21083.

²¹ 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.

- processes available to military and overseas voters, authorized additional funding for the grant program to help HAVA states meet its requirements.²²
- **Making general improvements to election administration.** The problems with the administration of the 2000 elections varied by state,²³ and HAVA authorized a *general improvements grant program* to help each HAVA state²⁴ make the improvements to its election administration processes it considered most pressing.²⁵ Funding under the program was authorized for use in making improvements to the administration of federal elections in general and for various other specific purposes, including providing voter education and poll worker training, acquiring and updating voting systems, improving the accessibility of polling places, and establishing toll-free voter hotlines.²⁶
 - **Replacing lever and punch card voting systems.** The punch card voting systems used by some jurisdictions in 2000 contributed to the problems with Florida's vote count.²⁷ Post-election investigations also identified problems with lever voting machines, such as the potential for levers to jam and the lack of a paper trail that might be used to recover votes cast on a jammed machine.²⁸ Congress authorized a *lever and punch card voting system replacement grant program* to help HAVA states replace both of those types of voting system.
 - **Conducting election technology research.** Issues with election technology, such as the unreliability of lever and punch card voting systems, contributed to the problems with the administration of the 2000 elections. In addition to helping HAVA states replace unreliable systems, Congress authorized funding for developing better alternatives. It directed the EAC, with assistance from NIST, to oversee a *voting technology improvements research grant program* for researching improvements to election systems and a *voting technology pilot program grant program* for testing new voting technologies.²⁹

²² As of this writing, Congress had funded one round of requirements payments since the MOVE Act's enactment in October 2009. The instructions the EAC provided for accessing those payments did not appear to specify that the funds were limited to use for implementing the MOVE Act. P.L. 111-117; and EAC, *Memorandum Re: 2010 Requirements Payments Disbursements*, January 13, 2010, https://web.archive.org/web/20101222144656/http://www.eac.gov/assets/1/workflow_staging/Page/88.PDF.

²³ See, for example, R. Michael Alvarez et al., *Voting—What Is, What Could Be*; and U.S. General Accounting Office (GAO), *Elections: Perspectives on Activities and Challenges Across the Nation*, GAO-02-3, October 2001, <https://www.gao.gov/assets/gao-02-3.pdf>. The U.S. General Accounting Office was renamed the U.S. Government Accountability Office in 2004. GAO, *100 Years of GAO*, <https://web.archive.org/web/20250205070342/https://www.gao.gov/about/what-gao-does/hundred-years-of-gao>.

²⁴ Recent appropriations measures that have provided funding under this grant program have extended eligibility for the funding to CNMI. See, for example, P.L. 119-75.

²⁵ 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, 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 (GPO, 2001), p. 34.

²⁶ 52 U.S.C. §20901.

²⁷ Brooks Jackson, “Punch-Card Ballot Notorious for Inaccuracies,” *CNN*, November 15, 2000.

²⁸ See, for example, R. Michael Alvarez et al., *Voting—What Is, What Could Be*.

²⁹ 52 U.S.C. §§21041-21043; and 52 U.S.C. §§21051-21053. The EAC has used funding provided for these grant (continued...)

- **Encouraging youth voter participation and facilitating poll worker recruitment.** Young people participated in the 2000 elections at lower rates than their older counterparts,³⁰ and some of the problems with the conduct of the 2000 elections were traced to a shortage of qualified poll workers.³¹ HAVA authorized grant-making under two EAC programs to try to address one or both of those problems: a *mock elections grant program* to encourage students and their parents to engage with the elections process and the *Help America Vote College Program* to encourage students at institutions of higher education to serve as poll workers and election officials to use their services.³² For more on the latter program, see the “Help America Vote College Program” section of this report.
- **Improving the collection of election data.** As described in the “Research and Best Practices” section of this report, the EAC collects data from state and local election officials after each regular federal general election. Congress found that the data quality and response rates for early iterations of the survey were lower than expected and established an *election data collection grant program* to help improve data collection for the November 2008 election.³³

For details of the funding Congress has authorized and appropriated for each of the above purposes to date, see **Table 1**.³⁴

The EAC’s grant programs were not originally designed—and had not historically functioned—as regular sources of new elections funding. Congress has provided new funding for some EAC grant programs over the years, however, in response to new developments. For example, it appropriated funding under HAVA’s general improvements grant program for FY2018 in response to foreign efforts to interfere in the 2016 elections and has continued to fund the program in most subsequent fiscal years, including with \$400 million in the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) for addressing elections effects of the COVID-19 pandemic.

The EAC also continues to manage some HAVA grant funding appropriated for previous fiscal years. Most of the funding Congress has provided under HAVA’s requirements payments program and general improvements grant program has been available to states until expended, so the EAC continues to provide technical assistance and receive spending reports for some of those funds.³⁵ HAVA also authorizes the EAC to audit its grantees and, on a vote of the commission, recipients

programs to conduct Accessible Voting Technology, Military Heroes, and Pre-Election Logic and Accuracy Testing and Post-Election Audit initiatives. EAC, *Discretionary Grants*, <https://web.archive.org/web/20200622235023/https://www.eac.gov/payments-and-grants/discretionary-grants/>.

³⁰ Thom File, *Young-Adult Voting: An Analysis of Presidential Elections, 1964-2012*, U.S. Census Bureau, April 2014, p. 6, <https://www.census.gov/library/publications/2014/demo/p20-573.html>.

³¹ See, for example, GAO, *Elections: Perspectives on Activities and Challenges Across the Nation*.

³² HAVA also authorized another initiative to encourage youth voter participation: the Help America Vote Foundation. Some EAC appropriations have been designated for the foundation, but HAVA did not assign the EAC an official role in its operations. Also, although nominees were named to its board of directors in July 2004, the foundation does not appear to have been established. The White House, “Personnel Announcement,” press release, July 9, 2004, <https://georgewbush-whitehouse.archives.gov/news/releases/2004/07/text/20040709-6.html>.

³³ 52 U.S.C. §20981 note. U.S. Congress, House Committee on Appropriations, *House Appropriations Committee Print: Consolidated Appropriations Act, 2008 (H.R. 2764; P.L. 110-161)*, 110th Cong., 1st sess., p. 893.

³⁴ For more on elections grant funding in general, see CRS Report R46646, *Election Administration: Federal Grant Programs for States and Localities*, by Karen L. Shanton; and CRS Report WPD00035, *Elections Podcast: Federal Role in Elections Funding*, by Karen L. Shanton.

³⁵ See, for example, EAC, *2023 Grant Expenditure Report*, June 28, 2024, p. 3, https://www.eac.gov/sites/default/files/2024-06/EAC_Report_on_State_Expenditures_of_HAVA_Funds_2023.pdf.

of other grant funding authorized by the act.³⁶ For more on those audits, see the “Office of Inspector General (OIG)” section of this report.

Table 1. Funding Authorized and Appropriated for EAC Grant Programs

(Rounded, as of September 1, 2026)

Grant Programs	Authorization of Appropriations ^a	Appropriations ^b	Summary of Primary Purpose
General improvements grant program ^c 52 U.S.C. §§20901, 20903-20906	\$325 million	FY2003: ^d FY2018: \$380 million ^e FY2020: \$825 million ^{e,f} FY2022: \$75 million FY2023: \$75 million FY2024: \$55 million ^g FY2025: \$15 million ^g FY2026: \$45 million ^h	Improving the administration of elections
Lever and punch card voting system replacement grant program 52 U.S.C. §§20902-20906	\$325 million	FY2003: ^d	Replacing lever or punch card voting systems in precincts that used them in the November 2000 federal election
Election data collection grant program 52 U.S.C. §20981 note	\$10 million	FY2008: \$10 million ⁱ	Improving the collection of data related to the November 2008 federal election
Requirements payments program ⁱ 52 U.S.C. §§21001-21008	FY2003: \$1.4 billion FY2004: \$1 billion FY2005: \$600 million FY2010 and subsequent fiscal years: Such sums as may be necessary ^k	FY2003: \$830 million FY2004: \$1.5 billion ^l FY2008: \$115 million FY2009: \$100 million FY2010: \$70 million FY2011: ^m	Complying with specified requirements for the administration of federal elections
Voting technology improvements research grant program 52 U.S.C. §§21041-21043	FY2003: \$20 million	FY2009: \$5 million FY2010: \$3 million	Researching improvements to election systems
Voting technology pilot program grant program 52 U.S.C. §§21051-21053	FY2003: \$10 million	FY2009: \$1 million FY2010: \$2 million	Conducting pilot programs to test new voting technologies
Mock elections grant program 52 U.S.C. §§21071-21072	FY2003: \$200,000 Subsequent six fiscal years: Such sums as may be necessary	FY2004: \$200,000 ⁿ FY2005: \$200,000 ⁿ FY2008: \$200,000 ⁱ FY2009: \$300,000 FY2010: \$300,000	Conducting voter education activities for students and their parents

³⁶ 52 U.S.C. §21142.

Grant Programs	Authorization of Appropriations ^a	Appropriations ^b	Summary of Primary Purpose
Help America Vote College Program 52 U.S.C. §§21121-21123	FY2003: \$5 million Subsequent fiscal years: Such sums as may be necessary ^c	FY2003: \$1.5 million FY2004: \$750,000 ⁿ FY2005: \$200,000 ⁿ FY2006: ^p FY2008: \$750,000 ⁿ FY2009: \$750,000 FY2010: \$750,000 FY2023: \$1 million	Encouraging college students to serve as poll workers and election officials to use their services

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

Notes:

- a. Authorized amounts are listed here as they are presented in statutory language.
- b. Appropriations figures do not account for rescissions or sequestration reductions.
- c. The Help America Vote Act of 2002 (HAVA) lists the U.S. General Services Administration (GSA) as the administrator for its general improvements and lever and punch card voting system replacement grant programs (52 U.S.C. §§20901-20906), but the act names the U.S. Election Assistance Commission (EAC) the administrator of that funding for purposes of audits and repayments (52 U.S.C. §21142) and Congress has assigned responsibility for administering recent funding under the general improvements grant program to the EAC.
- d. The Consolidated Appropriations Resolution, 2003 (P.L. 108-7) provided \$650 million for the general improvements and lever and punch card voting system replacement grant programs without specifying a distribution of the funds between the two programs. The legislation indicated that some of the funding—not to exceed \$500,000—was to be available to GSA for expenses associated with administering the funds.
- e. 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 recipients could use the funds. For differences between the general improvements grant program as authorized by HAVA and the FY2018 and FY2020 funds, see CRS Report R46646, *Election Administration: Federal Grant Programs for States and Localities*, by Karen L. Shanton.
- f. This figure includes \$425 million from the Consolidated Appropriations Act, 2020, and \$400 million from the Coronavirus Aid, Relief, and Economic Security (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 other differences between the general improvements grant program as authorized by HAVA and the FY2020 and CARES Act funds, see CRS Report R46646, *Election Administration: Federal Grant Programs for States and Localities*, by Karen L. Shanton.
- g. This funding was to be paid from unobligated balances in the Presidential Election Campaign Fund (PECF). For more information about that fund, see CRS Report R41542, *The State of Campaign Finance Policy: Recent Developments and Issues for Congress*, by R. Sam Garrett.
- h. \$10 million of this funding was to be paid from unobligated balances in the PECF.
- i. Report language accompanying the Consolidated Appropriations Act, 2008 (P.L. 110-161) indicated that \$112,500 of the funding the act provided for EAC Salaries and Expenses was for administrative expenses associated with the election data collection and mock elections grant programs.
- j. The Consolidated Appropriations Act, 2004 (P.L. 108-199) authorized GSA to make requirements payments while the EAC was being established but provided for expiration of that authority by the earlier of (1) June 30, 2004, or (2) the end of the three-month period after the appointment of all members of the EAC.
- k. The Military and Overseas Voter Empowerment (MOVE) Act of 2009 indicated that appropriations for the requirements payments program for FY2010 and subsequent fiscal years were authorized only for complying with requirements established by the act (52 U.S.C. §21001). As of this writing, Congress had funded one round of requirements payments since the MOVE Act's enactment in October 2009. The instructions the agency provided for accessing those payments did not appear to specify that the funds were

- limited to use for implementing the MOVE Act. P.L. 111-117; and EAC, *Memorandum Re: 2010 Requirements Payments Disbursements*, January 13, 2010, https://web.archive.org/web/2010122144656/http://www.eac.gov/assets/1/workflow_staging/Page/88.PDF.
- l. The Consolidated Appropriations Act, 2004 (P.L. 108-199) indicated that some of this funding—not to exceed \$100,000—was to be transferred to GSA for expenses associated with administering the funds. Report language accompanying the act (H.Rept. 108-401) indicated that \$750,000 of the 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.
 - m. HAVA required states that had not replaced all of their lever and punch card voting systems by a certain deadline to return some of the funds they received under the lever and punch card voting system replacement grant program and directed the 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, https://www.eac.gov/sites/default/files/eac_assets/1/6/Instructions_for_Requesting_FY_2011_Requirements_Payments_Memo.2014.pdf.
 - n. These figures are from appropriations report language rather than bill text.
 - o. 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).
 - p. 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.

Voting System Guidelines, Testing, and Certification

States and localities choose the voting systems used in U.S. elections, but the federal government offers them some guidance. The first set of voluntary federal guidelines for voting systems was issued by the FEC in 1990 in response to the increased complexity—and new problems—introduced by use of computerized voting systems.³⁷ The National Association of State Election Directors (NASD), a professional association for state election officials, developed a program to test and qualify voting systems to the FEC’s guidelines.³⁸

Following the reports of problems with voting systems in 2000, Congress transferred the FEC’s and NASD’s responsibilities to the new elections agency it created in HAVA. One of the EAC’s statutory advisory bodies is responsible for helping the agency’s executive director develop draft Voluntary Voting System Guidelines (VVSG), with technical assistance from NIST.³⁹ The draft VVSG are then made available to the EAC’s other two statutory advisory bodies and the public for review and comment before they are submitted to the commissioners for a vote on adoption.⁴⁰

The EAC’s commissioners are also charged with providing for testing and certification of voting systems to the VVSG.⁴¹ With input from NIST, which is responsible for monitoring and providing

³⁷ Federal Election Commission (FEC), *Performance and Test Standards for Punchcard, Marksense, and Direct Recording Electronic Voting Systems*, January 1990, pp. xvii-xviii, https://www.eac.gov/sites/default/files/eac_assets/1/28/FEC_1990_Voting_System_Standards1.pdf.

³⁸ EAC, “Voluntary Voting System Guidelines,” <https://www.eac.gov/voting-equipment/voluntary-voting-system-guidelines/>; and U.S. Congress, House Committee on Science, *Voting Technology Standards Act of 2001*, report to accompany H.R. 2275, 107th Cong., 1st sess., October 31, 2001, H.Rept. 107-263 (GPO, 2001), p. 5.

³⁹ 52 U.S.C. §20961. For more on the EAC’s advisory bodies and their responsibilities, see the “Advisory Bodies” section of this report.

⁴⁰ 52 U.S.C. §20962.

⁴¹ Section 6805 of the National Defense Authorization Act for Fiscal Year 2026 (P.L. 119-60) amended HAVA to direct the EAC to provide for penetration testing as part of its voting system testing and certification program. The EAC’s current practice, as outlined in its voting system testing and certification program manual, is for voting system (continued...)

recommendations about voting system test laboratories (VSTLs), the commission accredits and can revoke accreditation of labs to test systems for conformance to the VVSG. It also provides for certification, decertification, and recertification of systems to the guidelines.⁴²

The commission has adopted three versions of the VVSG to date: VVSG 1.0 in 2005, VVSG 1.1 in 2015, and VVSG 2.0 in 2021.⁴³ The most recent iteration of the guidelines is divided into higher-level principles and guidelines and more detailed information voting system vendors and VSTLs can use to guide development and testing of systems to the high-level principles and guidelines.⁴⁴ Vendors who are interested in having their voting systems federally certified must comply with certain requirements, such as providing the EAC with information about their policies and ownership and agreeing to permit visits to their manufacturing facilities and report certain modifications and malfunctions of their systems.⁴⁵

Use of voting systems that have been certified to the VVSG is voluntary under federal law. However, states can require federal testing or certification of the voting systems they use, and many have chosen to do so. According to a July 2025 report from the EAC and the National Conference of State Legislatures, 41 states have made some aspect of the federal voting system testing and certification program mandatory under their own state laws or regulations.⁴⁶

The EAC established a new program in 2022 to provide for similar voluntary federal guidelines, testing, and certification for other systems used in elections, in addition to the voting systems

vendors to submit a penetration testing report as part of the test readiness review the agency uses “to ensure that test and evaluation resources are not committed to a voting system that is not ready for testing by a [voting system test laboratory].” EAC, *Voting System Testing and Certification Program Manual Version 3.0*, November 15, 2022, pp. 24-27,

[https://www.eac.gov/sites/default/files/TestingCertification/Testing%20and%20Certification%20Program%20Manual%20Version%203.0%20\(2\).pdf](https://www.eac.gov/sites/default/files/TestingCertification/Testing%20and%20Certification%20Program%20Manual%20Version%203.0%20(2).pdf).

⁴² 52 U.S.C. §20961; and 52 U.S.C. §20971. According to the EAC’s voting system testing and certification program manual, certification and decertification decisions are to be made by the executive director of the EAC or their designee and subject to appeal to an Appeal Authority consisting of two or more commissioners or commission appointees. EAC, *Voting System Testing and Certification Program Manual, Version 3.0*, pp. 38-47.

⁴³ EAC, “EAC Adopts 2005 Voluntary Voting System Guidelines,” press release, December 3, 2005, https://web.archive.org/web/20170327213819/https://www.eac.gov/assets/1/28/VVSG_1.0_Press_Release.pdf; EAC, “EAC Updates Federal Voting System Guidelines,” press release, March 31, 2015, https://www.eac.gov/sites/default/files/eac_assets/1/28/EAC%20Updates%20Federal%20Voting%20System%20Guidelines-News-Release-FINAL-3-31-15-website.pdf; EAC, “U.S. Election Assistance Commission Adopts New Voluntary Voting System Guidelines 2.0,” press release, February 10, 2021, <https://www.eac.gov/news/2021/02/10/us-election-assistance-commission-adopts-new-voluntary-voting-system-guidelines-20>.

⁴⁴ As noted in the “Efforts to Terminate in the 112th Through 115th Congresses” section of this report, loss of a quorum of EAC commissioners has delayed updates to the Voluntary Voting System Guidelines (VVSG). The divided structure described here was proposed as a way to prevent future delays; authority to adopt and modify the higher-level principles and guidelines was to be reserved for the commissioners, while the more detailed information could be updated by agency staff. That division of responsibilities between the EAC’s commissioners and its professional staff was ultimately not implemented, due to an internal legal opinion questioning its permissibility under HAVA. National Association of State Election Directors (NASED), *NASED Executive Board Comment on the Voluntary Voting System Guidelines*, May 3, 2019, <https://www.nased.org/news/2019/5/3/comment-on-the-vvsg>; and EAC, *Technical Guidelines Development Committee Meeting*, September 19, 2019, p. 42, <https://www.eac.gov/sites/default/files/2020-01/EAC09192019VerbatimTGDC%20%282%29.pdf>.

⁴⁵ EAC, *Manufacturer Registration Application*, <https://www.eac.gov/sites/default/files/2025-09/Manufacturer%20Registration%20Application%20001C%202025.pdf>.

⁴⁶ EAC and National Conference of State Legislatures (NCSL), *Overview of Voting Systems Testing and Certification in the United States*, July 2025, p. 6, https://www.eac.gov/sites/default/files/2025-07/Overview_of_Testing_and_Certification_In_The_United_States_508.pdf.

covered by the HAVA-mandated VVSG and voting system testing and certification program.⁴⁷ As of this writing, the Election Supporting Technology Evaluation Program (ESTEP) had developed a voluntary testing and certification program for the electronic poll books (e-poll books) many jurisdictions use for voter check-in, piloted similar programs for state voter registration databases and electronic ballot delivery systems, and released voluntary guidance about ballot delivery systems and election night reporting systems.⁴⁸

Voluntary Guidance

In addition to providing for voluntary federal guidelines for voting systems, HAVA set some mandatory standards that voting systems used in federal elections have to meet. Title III of the act requires the HAVA states to set uniform standards for what counts as a vote on each type of voting system they use for federal elections. It also requires the voting systems they use in federal elections to satisfy various criteria, including offering voters the opportunity to check and correct their ballots, producing a manually auditable permanent paper record, providing for accessibility for individuals with disabilities and members of language minority groups, and meeting specified error rate standards.⁴⁹

Title III of HAVA also set requirements for other aspects of the administration of federal elections, including provisional voting, voting information, voter identification, and voter registration. For example, election officials in the HAVA states are required to post certain information at the polls, offer certain voters the opportunity to cast a provisional ballot, and maintain centralized, computerized statewide voter registration databases.⁵⁰

HAVA reserved decisions about exactly how to comply with the new requirements to the HAVA states but directed the EAC to issue voluntary guidance about them.⁵¹ The guidance was intended to offer more specifics about how to implement the act's general mandates. For example, the EAC's guidance about statewide voter registration databases indicated that either a "top-down" system, in which a centrally located database is connected to local terminals, or a "bottom-up" system, in which information from locally hosted databases is used to update a central list, is acceptable under the law.⁵²

⁴⁷ EAC, "Election Supporting Technology Evaluation Program (ESTEP)," July 14, 2026, <https://www.eac.gov/election-technology/estep-program>.

⁴⁸ EAC, "Voluntary Electronic Poll Book Certification Program," July 14, 2026, <https://www.eac.gov/election-technology/estep-program/electronic-poll-books>; EAC, "Voluntary Voter Registration Systems Pilot Program," April 23, 2026, <https://www.eac.gov/election-technology/estep-program/voter-registration-systems/voluntary-voter-registration-systems-pilot-program>; EAC, "Voluntary Electronic Ballot Delivery Pilot Program," February 9, 2026, <https://www.eac.gov/election-technology/estep-program/electronic-ballot-delivery-systems/voluntary-electronic-ballot-delivery-pilot-program>; EAC, *Guidance for Pre-Election Testing: Electronic Ballot Delivery*, https://www.eac.gov/sites/default/files/2025-01/ESTEP_EBD_Guidance_for_Pre_Election_Testing_v1.0.pdf; and EAC, *Guidance for Pre-Election Testing: Election Night Reporting*, https://www.eac.gov/sites/default/files/2025-01/ESTEP_ENR_Guidance_for_Pre_Election_Testing_v1.0.pdf.

⁴⁹ 52 U.S.C. §21081. For more on these and other HAVA requirements, see CRS Report R46949, *The Help America Vote Act of 2002 (HAVA): Overview and Ongoing Role in Election Administration Policy*, by Karen L. Shanton.

⁵⁰ 52 U.S.C. §§21082-21083.

⁵¹ 52 U.S.C. §21085; and 52 U.S.C. §§21101-21102. Delays in standing up the EAC contributed to the agency missing the statutory deadlines for issuing some of this guidance and failing to issue other guidance. For more on those delays, see the "Initial Setup of the Agency" section of this report.

⁵² EAC, *Voluntary Guidance on Implementation of Statewide Voter Registration Lists*, July 2005, pp. 6-7, <https://web.archive.org/web/20170328070125/https://www.eac.gov/assets/1/1/Implementing%20Statewide%20Voter%20Registration%20Lists.pdf>.

Research and Best Practices

The Federal Election Campaign Act of 1971 (FECA; P.L. 92-225; 52 U.S.C. §§30101-30146) charged the U.S. General Accounting Office (GAO; now known as the U.S. Government Accountability Office) with maintaining a clearinghouse of election administration research.⁵³ The 1974 amendment to the act (P.L. 93-443) created the FEC, which inherited the clearinghouse function and assigned it to its OEA.⁵⁴

HAVA transferred the OEA's clearinghouse responsibilities—along with its staff and funding—to the EAC.⁵⁵ The EAC has broad authority under the act to conduct elections research and share election administration best practices, and it has used that authority both to collect and share data of ongoing interest and to address particular developments.⁵⁶ For example, the agency includes a section on state elections policies in its biennial Election Administration and Voting Survey (EAVS),⁵⁷ and it has produced resources to help election officials respond to foreign efforts to interfere in elections, elections effects of the COVID-19 pandemic, and the increase in threats to election workers during and after the 2020 election cycle.⁵⁸ Some of the initiatives the EAC has introduced as part of its clearinghouse responsibilities include a Clearinghouse Community network it created in 2023, a Learning Lab it established in 2024, a professional certification program it launched in 2026, and a suite of resources on elections topics ranging from accessibility to personal security and mental health.⁵⁹

Congress has also assigned the EAC some specific research projects. HAVA charged the agency with conducting studies of

- military and overseas voting, in consultation with the U.S. Department of Defense (DOD);

⁵³ For more on the Federal Election Campaign Act of 1971, see CRS Report R41542, *The State of Campaign Finance Policy: Recent Developments and Issues for Congress*, by R. Sam Garrett. As noted above, the U.S. General Accounting Office was renamed the U.S. Government Accountability Office in 2004.

⁵⁴ For more on the FEC, see CRS Report R44318, *The Federal Election Commission: Overview and Selected Issues for Congress*, by R. Sam Garrett. The Office of Election Administration was originally known as the National Clearinghouse on Election Administration. Robert S. Montjoy and Douglas M. Chapin, “The U.S. Election Assistance Commission: What Role in the Administration of Elections?” *Publius*, vol. 35, no. 4 (Autumn 2005), p. 620; and FEC, *Twenty Year Report*, April 1995, p. 8, <https://www.fec.gov/resources/about-fec/reports/20year.pdf>.

⁵⁵ 52 U.S.C. §§21131-21133. EAC, *History of the National Clearinghouse on Election Administration*, <https://web.archive.org/web/20170328053335/https://www.eac.gov/assets/1/28/History%20of%20the%20National%20Clearinghouse%20on%20Election%20Administration.pdf>.

⁵⁶ 52 U.S.C. §20981.

⁵⁷ For more on the EAVS, see CRS In Focus IF13056, *The Election Administration and Voting Survey (EAVS): Overview and 2024 Findings*, by Karen L. Shanton.

⁵⁸ See, for example, EAC, “Studies and Reports,” August 14, 2026, <https://www.eac.gov/research-and-data/studies-and-reports>; EAC, “Election Security,” July 30, 2026, <https://www.eac.gov/voters/election-security>; EAC, “Coronavirus (COVID-19) Resources,” December 23, 2025, <https://www.eac.gov/election-officials/coronavirus-covid-19-resources>; and EAC, “Election Official Security,” December 23, 2025, <https://www.eac.gov/election-officials/election-official-security>.

⁵⁹ EAC, “Discover the Clearinghouse Community,” February 12, 2026, <https://www.eac.gov/community>; EAC, *2025 Annual Report*, p. 6, https://www.eac.gov/sites/default/files/2026-01/EAC_2025_Annual_Report_508.pdf; EAC, “EAC Learning Lab: Free Training for Election Officials,” June 15, 2026, <https://www.eac.gov/learninglab>; EAC, *2024 Annual Report*, p. 58, https://www.eac.gov/sites/default/files/2025-01/EAC_2024_Annual_Report_FINAL_508c.pdf; EAC, “The EAC Announces New Federal Professional Training Certification Program for Election Officials,” press release, June 15, 2026, <https://www.eac.gov/news/2026/06/15/eac-announces-new-federal-professional-training-certification-program-election>; EAC, “EAC National Clearinghouse Awards Information,” May 12, 2026, <https://www.eac.gov/election-officials/eac-national-clearinghouse-awards-information>; and EAC, “Clearinghouse Resources for Election Officials,” July 16, 2026, <https://www.eac.gov/election-officials>.

- human factor research, in consultation with NIST;
- mail voter registration and, in consultation with the Social Security Administration, use of Social Security numbers for voter registration or election eligibility or identification purposes;
- electronic voting and the electoral process; and
- free postage for absentee ballots, in consultation with the U.S. Postal Service.⁶⁰

The EAVS also includes congressionally mandated reporting on voter registration and military and overseas voting, in addition to the EAC-initiated section on state elections policies.⁶¹

Help America Vote College Program

As noted in the “Grant Programs” section of this report, Congress identified challenges with youth voter participation and poll worker recruitment in the 2000 elections. It responded, in part, by directing the EAC to establish a program to encourage students at institutions of higher education to serve as poll workers and election officials to use their services.

HAVA authorizes the EAC to conduct various activities as part of that program, including developing materials, sponsoring seminars and workshops, producing advertisements directed at students, and awarding grants. To date, the agency has primarily used funding appropriated for the program for grant-making.⁶²

Relationships Between the EAC and Other Federal Entities

Federal agency support for the general administration of elections at the time of the 2000 elections was primarily provided by the FEC’s OEA. Following the enactment of HAVA and transfer of the OEA’s duties, staff, and funding to the EAC, however, the FEC no longer plays a role in election administration. Although the FEC and EAC both work on elections-related issues and share some structural similarities, they have different authorities and mandates—the FEC is a regulatory agency that focuses on campaign finance, while the EAC is a mostly nonregulatory agency that covers election administration—and they do not generally work together.

The EAC does work closely with other parts of the federal government, however. Multiple federal agencies are represented on the EAC’s advisory bodies, and some provide additional assistance with its work. For example, the agency’s Board of Advisors is designed to include representatives of DOD, the Architectural and Transportation Barriers Compliance (Access) Board, the U.S. Commission on Civil Rights, and the U.S. Department of Justice (DOJ); and NIST is charged with assisting the EAC with some of its research, grant-making, and voting system testing and certification responsibilities.

The EAC also provides election administration expertise to other federal agencies directly and through congressional testimony and collaborates with them on responses to election administration developments. For example, following the U.S. Department of Homeland Security’s (DHS’s) designation of election systems as critical infrastructure in January 2017, the EAC helped set up and participated in the department’s Election Infrastructure Subsector (EIS).⁶³

For more on federal involvement in election administration in general, see CRS Report R45302, *Federal Role in U.S. Campaigns and Elections: An Overview*, by R. Sam Garrett.

⁶⁰ 52 U.S.C. §§20982-20986.

⁶¹ 52 U.S.C. §20508; and 52 U.S.C. §20302. See also EAC, “Studies and Reports.”

⁶² EAC, “Help America Vote College Program,” December 23, 2025, <https://www.eac.gov/grants/help-america-vote-college-program>.

⁶³ U.S. Department of Homeland Security (DHS), “Statement by Secretary Jeh Johnson on the Designation of Election Infrastructure as a Critical Infrastructure Subsector,” January 6, 2017, <https://www.dhs.gov/news/2017/01/06/statement-secretary-johnson-designation-election-infrastructure-critical>. For more on the critical infrastructure designation, see CRS In Focus IF10677, *The Designation of Election Systems as Critical Infrastructure*, by Brian E. Humphreys.

Structure

The EAC consists of an appointed commission, a professional staff led by an executive director and general counsel, an OIG, three statutory advisory bodies, and one agency-created advisory body (see **Figure 1** for an organizational chart of the agency as of FY2026). Its primary oversight committees are the Committee on House Administration and the Senate Committee on Rules and Administration, and its appropriations are under the jurisdiction of the Financial Services and General Government (FSGG) Subcommittees of the House and Senate Committees on Appropriations.⁶⁴

The structure of the EAC, like its duties, reflects its emphasis on assistance.⁶⁵ 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.⁶⁶ 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, from disability access to science and technology. The membership and selection processes for the commission and some of the advisory bodies, as well as a quorum requirement for certain commission actions, are also designed for partisan balance.

Commission

The EAC's 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.⁶⁷

Under HAVA, commissioners are to be appointed to four-year terms on staggered two-year cycles.⁶⁸ They may be reappointed to up to one additional term and continue to serve on "holdover" status after their terms expire, pending appointment of a successor. If a commissioner departs before the expiration of their term, their successor is to be appointed for the remainder of the unexpired term. Two commissioners representing different parties are to be chosen by the commission's membership each year to serve one-year terms as chair and vice chair.⁶⁹

⁶⁴ 52 U.S.C. §20927. See also U.S. Congress, House, *Rules of the House of Representatives, One Hundred Nineteenth Congress*, prepared by Kevin F. McCumber, Clerk of the House of Representatives, 119th Cong., January 19, 2025, p. 8; U.S. Congress, Senate Committee on Rules and Administration, *Standing Rules of the Senate*, 113th Cong., 1st sess., November 4, 2013, S.Doc. 113-18 (GPO, 2013), p. 26; and U.S. Congress, House Committee on Appropriations, *Subcommittee Jurisdiction*, committee print, 110th Cong., 1st sess., January 16, 2007 (GPO, 2007), p. 5.

⁶⁵ See, for example, Rep. Robert Ney, "House Agreement to the Conference Report on H.R. 3295 and H.Con.Res. 508," p. H7838.

⁶⁶ See, for example, Sen. John McCain, "Senate Consideration of S. 565, Consideration and Passage of H.R. 3295 with Amendments, and Return to the Calendar of S. 565. Senate Insistence on Its Amendments to H.R. 3295, Request for a Conference, and Appointment of Conferees," *Congressional Record*, daily edition, vol. 148 (April 11, 2002), p. S2527.

⁶⁷ 52 U.S.C. §20923.

⁶⁸ Two of the original members of the commission were appointed to two-year terms rather than four-year terms to facilitate staggering of member tenures. 52 U.S.C. §20923.

⁶⁹ 52 U.S.C. §20923.

Action on activities the commission is authorized by HAVA to conduct requires approval by a three-member “quorum”⁷⁰ of the commissioners.⁷¹ That quorum requirement applies to most of the agency’s major activities, from adopting updates to the VVSG to promulgating regulations for the NVRA-mandated voter registration reports and federal mail voter registration form to appointing the agency’s executive director and general counsel.⁷²

Professional Staff

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. Both the executive director and the general counsel are to be appointed to four-year terms and eligible for reappointment.⁷³

HAVA authorizes the executive director of the EAC to hire other professional staff, subject to rules set by the commission.⁷⁴ An organizational management policy adopted by the commissioners in 2024 indicates that the executive director is also responsible for preparing policy recommendations for the commissioners and for the day-to-day administration of the agency, including implementation of adopted policies and oversight of the EAC’s professional staff.⁷⁵

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 FY2026.⁷⁶ The number of FTEs at the agency was capped at 22 in

⁷⁰ 52 U.S.C. §20928. The term “quorum” is generally used to refer to the number of members of a body required to be present to conduct business. HAVA does not include a quorum requirement for the commission in that sense, but its majority vote requirement functions like one in practice and the three-member majority required for commission approval is commonly referred to in discussions of the EAC as a quorum.

⁷¹ This is similar to the FEC’s commission, which is also designed to have an even number of members, no more than half of whom may share a party and a majority of whose votes are required for certain types of action. For more on the structure of the FEC’s commission, see CRS Report R45160, *Federal Election Commission: Membership and Policymaking Quorum*, In Brief, by R. Sam Garrett.

⁷² The “Efforts to Terminate in the 112th Through 115th Congresses” section of this report describes delays in EAC action caused by lack of a quorum at the commission. Because the commission is designed to be bipartisan and to have an even number of members, there is also potential for it not to take action when it does have enough members for a quorum. For example, in 2006, the commission deadlocked 2-2 along party lines over whether to change the state instructions on Arizona’s version of the federal mail voter registration form to reflect state voters’ approval of a proof of citizenship requirement for voter registration. Jennifer Nou, “Sub-Regulating Elections,” *The Supreme Court Review*, vol. 2013, no. 1 (January 2014), pp. 139-141.

⁷³ HAVA provides for the EAC’s general counsel to serve as acting executive director in the event of a vacancy in the executive director position, pending commission approval of an interim or permanent replacement. A succession plan adopted by the commissioners in 2019 sets out a further line of succession in the event of vacancies for both positions. 52 U.S.C. §20924; and EAC, *Re: Adoption of 2019 EAC Succession Plan*, October 15, 2019, <https://www.eac.gov/sites/default/files/news/images/Memo%20regarding%20the%20Adoption%20of%202019%20Succession%20Plan.pdf>.

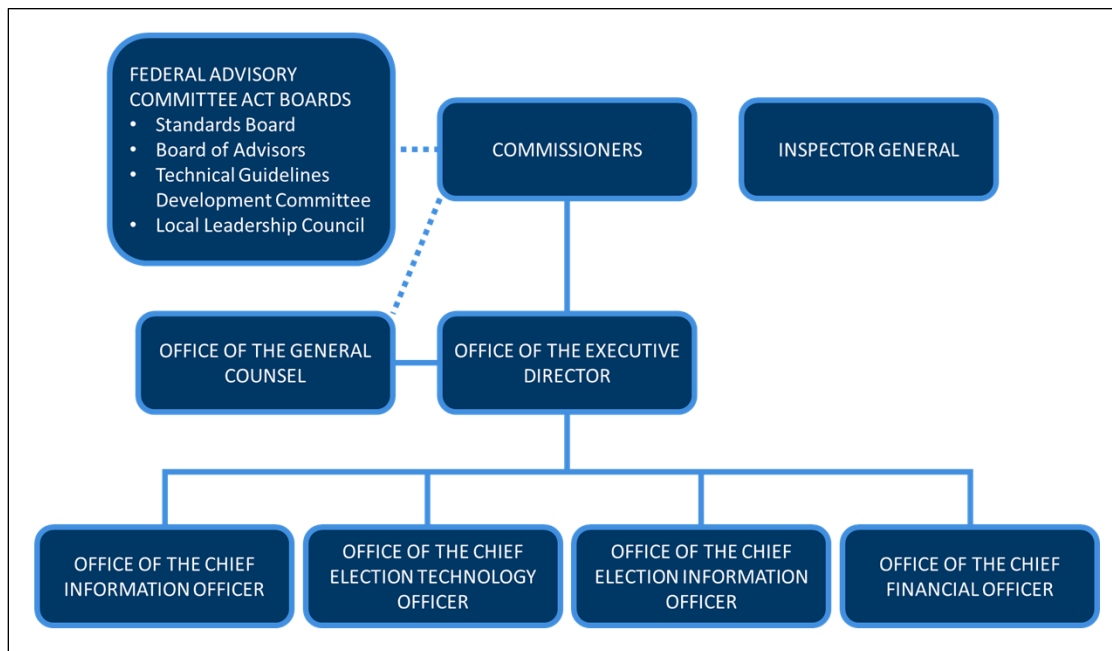
⁷⁴ 52 U.S.C. §20924.

⁷⁵ EAC, *2024 Organizational Management Policy*, June 18, 2024, pp. 9-10, https://www.eac.gov/sites/default/files/2026-08/2024_Organizational_Management_Policy_Tally_Vote_Package.pdf.

⁷⁶ EAC, *Fiscal Year 2004 Annual Report*, January 2005, p. 7; EAC, *Fiscal Year 2011 Congressional Budget Justification*, February 1, 2010, p. 5; EAC, *Fiscal Year 2015 Interim Congressional Budget Justification*, March 10, 2014, p. 5; EAC, *Fiscal Year 2017 Congressional Budget Justification*, February 9, 2016, p. 5; EAC, *Fiscal Year 2019 Congressional Budget Justification*, February 12, 2018, p. 4; EAC, *Fiscal Year 2020 Congressional Budget Justification*, p. 5; EAC, *Fiscal Year 2021 Congressional Budget Justification*, February 10, 2020; EAC, *Fiscal Year 2023 Congressional Budget Justification*, p. 3; and EAC, *Congressional Budget Justification Report: Fiscal Year 2027*, p. 3. EAC Congressional Budget Justifications are available at <https://www.eac.gov/about/budget-and-finance>.

FY2005 and 23 in FY2006.⁷⁷ The cap was lifted for FY2007 and, as of this writing, had not been reinstated.⁷⁸

Figure I. EAC Organizational Chart
(As of FY2026)



Source: CRS, based on EAC, *Congressional Budget Justification Report: Fiscal Year 2027*, p. 6, https://www.eac.gov/sites/default/files/2026-04/EAC_FY_2027_Congressional_Budget_Justification_Report_FINAL.pdf.

Advisory Bodies

HAVA provided for three advisory bodies for the EAC: the Board of Advisors, the Standards Board, and the Technical Guidelines Development Committee (TGDC). In 2021, the EAC used its own authority to add a fourth advisory body, the Local Leadership Council (LLC).⁷⁹

⁷⁷ U.S. Congress, House Committee on Appropriations, *Making Appropriations for Foreign Operations, Export Financing, and Related Programs for the Fiscal Year Ending September 30, 2005, and For Other Purposes*, conference report to accompany H.R. 4818, 108th Cong., 2nd sess., November 20, 2004, H.Rept. 108-792 (GPO, 2004), p. 1452; and U.S. Congress, House Committee on Appropriations, *Making Appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and Independent Agencies for the Fiscal Year Ending September 30, 2006, and for Other Purposes*, conference report to accompany H.R. 3058, 109th Cong., 1st sess., November 18, 2005, H.Rept. 109-307 (GPO, 2005), pp. 284-285. The EAC indicated in a 2007 oversight hearing that, due to misunderstandings about full-time equivalent (FTE) position classifications, staffing exceeded the cap during this period. U.S. Congress, Committee on House Administration, Subcommittee on Elections, *Oversight Hearing on the Election Assistance Commission*, 110th Cong., 1st sess., August 2, 2007 (GPO, 2007), p. 178.

⁷⁸ U.S. Congress, Committee on House Administration, Subcommittee on Elections, *Election Assistance Commission Operations and 2012 Budget Proposal*, hearings, 112th Cong., 1st sess., March 17, 2011 (GPO, 2011), p. 2. Some bills introduced in the 117th and 118th Congresses, such as the American Confidence in Elections (ACE) Act (H.R. 8528, 117th Congress; H.R. 4563, 118th Congress), would have amended HAVA to cap the number of FTEs the executive director could appoint at 55.

⁷⁹ EAC, “Local Leadership Council,” August 28, 2026, <https://www.eac.gov/about/local-leadership-council>.

Board of Advisors

The EAC's Board of Advisors is charged with reviewing draft VVSG and voluntary guidance before they are presented to the agency's commissioners for a vote on adoption.⁸⁰ HAVA directs the board to appoint a search committee in the event of a vacancy for executive director of the EAC and the commissioners to consider the candidates the search committee recommends.⁸¹ The EAC's commissioners or staff are also supposed to consult with the board on research, program goals, and long-term planning, and NIST is supposed to consult with it on monitoring and review of VSTLs.⁸²

The Board of Advisors was designed by HAVA to have 37 members, but its membership dropped to 35 with the 2016 merger of two of the organizations responsible for making appointments.⁸³ Sixteen members of the board are to be appointed by organizations that represent state or local officials,⁸⁴ and seven are to represent federal entities.⁸⁵ Four members are to be science and technology experts, who are each appointed by the majority or minority leadership of the House or Senate. The remaining eight members of the board are to represent voters, with two appointed by each of the chairs and ranking members of the EAC's two primary oversight committees. The overall membership of the board is supposed to be bipartisan and geographically representative.⁸⁶

Standards Board

HAVA assigned the Standards Board and its nine-member Executive Board the same duties as the Board of Advisors. Like the Board of Advisors, the full Standards Board is responsible for reviewing draft voluntary guidance and VVSG; appointing a search committee in the event of a vacancy for the executive director; consulting with the EAC's commissioners or staff on research, program goals, and long-term planning; and consulting with NIST on monitoring and review of VSTLs. The Executive Board is charged with reviewing draft VVSG and making recommendations about them to the full board, as well as carrying out any other duties the full board delegates to it.⁸⁷

The full Standards Board is designed to have 110 members, including two representatives from each of the 50 states, DC, American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands. Each pair of representatives is supposed to include one state election official and one local

⁸⁰ 52 U.S.C. §20942; and 52 U.S.C. §20962.

⁸¹ 52 U.S.C. §20924.

⁸² 52 U.S.C. §20987; 52 U.S.C. §20924; and 52 U.S.C. §20971.

⁸³ The National Association of County Recorders, Election Officials, and Clerks and the International Association of Clerks, Recorders, Election Officials, and Treasurers merged to form the International Association of Government Officials. Doug Chapin, "Fewer Letters in the Alphabet Soup: NACRC, IACREOT to Merge," *Election Academy*, July 7, 2015, <http://editions.lib.umn.edu/electionacademy/2015/07/07/fewer-letters-in-the-alphabet-soup-nacrc-iacreot-to-merge/>.

⁸⁴ Two state or local representatives are to be appointed by each of the Election Center, the International Association of Government Officials, the National Association of Counties, the National Association of Secretaries of State (NASS), NASED, NCSL, the National Governors Association, and the United States Conference of Mayors. 52 U.S.C. §20944.

⁸⁵ The federal representatives listed in HAVA are the director of the U.S. Department of Defense's Federal Voting Assistance Program, the chief of the U.S. Department of Justice's (DOJ's) Office of Public Integrity or the chief's designee, the chief of the Voting Section of DOJ's Civil Rights Division or the chief's designee, and two members appointed by each of the Architectural and Transportation Barriers Compliance (Access) Board and the U.S. Commission on Civil Rights. As noted by the Office of the Law Revision Counsel, "Office of Public Integrity" is probably intended to refer to the Public Integrity Section of DOJ's Criminal Division. 52 U.S.C. §20944.

⁸⁶ 52 U.S.C. §20944.

⁸⁷ 52 U.S.C. §20962; and 52 U.S.C. §20943.

election official who are not affiliated with the same political party. State election officials are to be chosen for membership on the board by their state's chief election official, and local officials are to be selected according to a process overseen by the chief state election official.⁸⁸

The nine members of the Executive Board are to be appointed to two-year terms by the full membership of the Standards Board. Executive Board members may serve no more than three consecutive terms, and no more than five Executive Board members may be either state officials, local officials, or members of the same political party.⁸⁹

Technical Guidelines Development Committee (TGDC)

The 15-member TGDC is charged with helping the executive director of the EAC develop the VVSG.⁹⁰ That has traditionally involved working with NIST to draft guidelines for consideration by the other two statutory advisory bodies, the public, and the commission.

The director of NIST serves as chair of the TGDC and is jointly responsible with the commission for appointing its other 14 members. Appointees to the TGDC are supposed to include an equal number of members of the Board of Advisors, Standards Board, and Access Board; one representative of each of the American National Standards Institute and the Institute of Electrical and Electronics Engineers; two representatives of NASED who do not serve on the Board of Advisors or Standards Board and do not share a political party; and other experts in voting system-related science and technology.⁹¹

Local Leadership Council (LLC)

The LLC was established by the EAC in 2021 to provide input into the agency's work, such as by offering recommendations and sharing experiences and best practices.⁹² A primary motivation for creating the council, according to agency leadership, was to help the EAC build direct relationships with local election officials.⁹³

The council is intended to consist of two local election officials from each of the 50 states. Where applicable, the members are supposed to be current or former leaders of professional associations for local election officials in their states.⁹⁴

Office of Inspector General (OIG)

The EAC is required to have an OIG under Section 415 of Title 5 of the *U.S. Code*.⁹⁵ As noted in the "Grant Programs" section of this report, the EAC's OIG audits its grantees and refers issues identified in audits to agency management for resolution.⁹⁶ In one instance, for example, the OIG

⁸⁸ 52 U.S.C. §20943.

⁸⁹ Three of the original members of the Executive Board were limited to one term and three were limited to two terms to facilitate staggering of member tenures. 52 U.S.C. §20943.

⁹⁰ 52 U.S.C. §20961.

⁹¹ 52 U.S.C. §20961.

⁹² EAC, "Local Leadership Council."

⁹³ EAC, "2022 Board of Advisors Annual Meeting," May 16, 2022, https://www.youtube.com/watch?v=_q0wjZD114E.

⁹⁴ EAC, *Charter of the U.S. Election Assistance Commission Local Leadership Council*, p. 2, https://www.eac.gov/sites/default/files/LLC/EAC_Local_Leadership_Council_Charter.pdf.

⁹⁵ For more on inspectors general, see CRS Report R45450, *Statutory Inspectors General in the Federal Government: A Primer*, by Ben Wilhelm.

⁹⁶ EAC, "Audits & Resolutions." The EAC can also use suspension and debarment procedures to limit access to future EAC grants or payments by certain grantees who handle funds improperly. 2 C.F.R. §5800.

determined that a grantee could not document certain grant expenses, and the grantee was required to return some of its funds.⁹⁷

The EAC's OIG also conducts internal audits and investigations of the agency itself. That includes regular reporting on the EAC's management challenges and compliance with federal laws, such as the Federal Information Security Modernization Act of 2014 (FISMA; P.L. 113-283; 44 U.S.C. §§3551-3559).⁹⁸ It also includes audits of the EAC's finances and investigations of complaints about fraud, waste, mismanagement, or abuse at the agency, such as a 2008 investigation of alleged political bias in the preparation of an EAC report about voter fraud and intimidation, a 2010 investigation of complaints about the agency's work environment, and a 2015 investigation of reports of disbursement of expired grant funds.⁹⁹

History

Implementation of the EAC has sometimes deviated in practice from the plan for the agency set out in HAVA. The first commissioners were not appointed on the timeline specified by the act, for example, which contributed to failures to meet other statutory deadlines.

Interpretations of the plan for the agency—and views about whether to change it—have also differed among Members of Congress and in response to new developments. For example, some have seen the EAC as a temporary fix for a short-term problem, while others have viewed it as a permanent fixture in federal elections work. Developments like foreign efforts to interfere in the 2016 elections have suggested potential new functions for the agency, while the 2026 departures of its commissioners have raised questions about its ability to act on its existing authorities.

As a result, the role of the EAC and congressional perspectives on its role have varied over the course of the agency's history, from its initial setup in the wake of the 2000 elections to the resignations and removals of its commissioners in 2026.

Initial Setup of the Agency

HAVA called for members to be appointed to the EAC's commission by February 2003, but the first four commissioners did not take office until December of that year.¹⁰⁰ The act also authorized up to \$10 million in operational funding for the agency for each of FY2003 through FY2005, but, with no commissioners in place for FY2003 or the start of FY2004, Congress appropriated

⁹⁷ EAC, *EAC Management Decision: Resolution of the OIG Audit Report on the Administration of Grant Funds Received Under the Help America Vote College Program by Project Vote*, November 24, 2010, p. 3, <https://web.archive.org/web/20191227211246/https://www.eac.gov/assets/1/28/Final%20EAC%20Management%20Decision%20Project%20Vote%20E-HP-SP-05-10.pdf>; and Committee on House Administration, Subcommittee on Elections, *Election Assistance Commission Operations and 2012 Budget Proposal*, p. 121.

⁹⁸ EAC Office of Inspector General (OIG), "All Plans and Reports," <https://oig.eac.gov/reports/all>.

⁹⁹ EAC OIG, *Report of Investigation: Preparation of the Voter Fraud and Voter Intimidation Report*, https://www.eac.gov/sites/default/files/eac_assets/1/1/Report%20of%20Investigation%20-%20Preparation%20of%20the%20Vote%20Fraud%20and%20Voter%20Intimidation%20Report.pdf; EAC OIG, *Report of Investigation: Work Environment at the U.S. Election Assistance Commission*, https://www.eac.gov/sites/default/files/eac_assets/1/1/Report%20of%20Investigation%20Work%20Environment%20at%20the%20U.S.%20Election%20Assistance%20Commission.pdf; and EAC OIG, *Redacted Report of Investigation: Misconduct – Election Assistance Commission*, https://www.eac.gov/sites/default/files/eac_assets/1/28/Redacted%20Report%20of%20Investigation%20-%20ADA.pdf.

¹⁰⁰ 52 U.S.C. §20923. EAC, *Annual Report Fiscal Year 2003*, p. 1, https://www.eac.gov/sites/default/files/document_library/files/FY_2003_Annual_Report.pdf.

significantly less than the authorized ceiling for the first two of those fiscal years (see **Table 2** for details).¹⁰¹

The delay in appointing commissioners and limited early funding for the agency contributed to the EAC missing statutory deadlines for conducting research and issuing voluntary guidance. Work on the agency's voting system testing and certification program also started later than anticipated.

Those developments had practical implications. As set out in HAVA, the deadlines for the EAC to release voluntary guidance for implementing the act's Title III requirements preceded the deadlines for states to start meeting the requirements.¹⁰² In theory, that would have enabled states to use the guidance to inform their implementation of the requirements.¹⁰³ In practice, however, the commissioners took office nearly a month and a half after the first set of guidance was due and less than three weeks before states were supposed to start meeting requirements.¹⁰⁴

The EAC's voting system testing and certification program is also intended to help inform state and local choices of voting systems. However, states that were planning to use HAVA's lever and punch card voting system replacement grant funding to upgrade their systems after the 2000 elections had to either replace all of their lever and punch card machines by the regular federal general election in November 2004 or return some of the funds.¹⁰⁵ They could apply for an extension of that deadline to the first election after January 1, 2006—which was ultimately further extended to the first election after November 1, 2010—but VVSG 1.0 was not adopted until December 2005 and the first voting system was not certified to the guidelines until February 2009.¹⁰⁶

Efforts to Terminate in the 112th Through 115th Congresses

As of the beginning of the 112th Congress, the EAC had distributed most of the grant funding it was authorized by HAVA to administer and completed much of the research the act directed it to conduct. The National Association of Secretaries of State had recently renewed a resolution—first adopted in 2005 and subsequently approved again in 2015—that called for disbanding the agency.¹⁰⁷ The authorization of operational funding for the EAC had expired, and the agency's OIG reported ongoing issues with its performance management, information security, work environment, records management, and overhead expenses.¹⁰⁸

¹⁰¹ 52 U.S.C. §20930.

¹⁰² 52 U.S.C. §21101; and 52 U.S.C. §§21081-21083.

¹⁰³ Committee on House Administration, *Oversight Hearing on the Election Assistance Commission*, June 17, 2004, pp. 53-54.

¹⁰⁴ Montjoy and Chapin, "The U.S. Election Assistance Commission: What Role in the Administration of Elections?" p. 622.

¹⁰⁵ 52 U.S.C. §20902.

¹⁰⁶ EAC, "EAC Adopts 2005 Voluntary Voting System Guidelines"; and Brennan Center for Justice, *Voting System Failures: A Database Solution*, 2010, p. 8, <https://www.brennancenter.org/our-work/research-reports/voting-system-failures-database-solution>. According to information available on the EAC's website, only one other voting system appears to have been certified before November 1, 2010. EAC, "Certified Voting Systems," <https://www.eac.gov/voting-equipment/certified-voting-systems>.

¹⁰⁷ NASS, "Resolution Reaffirming the NASS Position on Funding and Authorization of the U.S. Election Assistance Commission," July 12, 2015, <https://www.nass.org/sites/default/files/resolutions/2015/nass-resolution-eac-summer15-0.pdf>.

¹⁰⁸ See, for example, Testimony of Curtis W. Crider, Inspector General, EAC, in U.S. Congress, House Committee on (continued...)

Table 2. Proposed and Enacted Funding for EAC Operations, FY2003 to FY2014

Figures for the House and Senate reflect chamber-passed, committee-reported, or other proposed levels, as indicated (\$, in millions)

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Request	—	10.0	10.0	14.8	12.0	12.2	12.7	13.3	13.6	10.5	8.8	8.3
House ^a	—	5.0	12.5	13.1	12.0	12.2	12.9	13.4	12.7	5.2	4.4	0.0
Senate ^a	—	^b	7.0	9.9	12.1	12.2	12.7	13.3	13.6	11.5	8.8	8.3
Enacted	2.0	1.2^c	10.8	11.4	11.3	12.3	12.9	13.4	13.1	8.8	8.8	8.1

Source: CRS, based on review of data from the President's budget requests and relevant appropriations measures.

Notes: Figures are from appropriations for the EAC's Salaries and Expenses account, including funds designated for the agency's Office of Inspector General. They are rounded and do not reflect rescissions, sequestration reductions, or funds designated for the National Institute of Standards and Technology, mock election grants, or the Help America Vote College Program. As such, the amounts in this table may not match total figures provided in appropriations measures or other budget documents.

- The formatting of the figures for the House and Senate indicates chamber-specific action: **bold** for a chamber-passed bill and regular text for a measure that did not pass the chamber. The figures in regular text are from committee-reported measures.
- The Senate-passed bill did not include a separate account for EAC Salaries and Expenses. It would have provided \$1.5 billion for EAC-administered grants under a general EAC account but did not designate a specific portion of the funds for EAC operations.
- The Consolidated Appropriations Act, 2004 (P.L. 108-199) provided \$800,000 in funding for the Federal Election Commission's Office of Election Administration (OEA). The act indicated that any of that funding OEA had remaining when its staff and functions were transferred to the EAC should also be transferred to the EAC.

Table 3. Proposed and Enacted Funding for EAC Operations, FY2015 to FY2026

Figures for the House and Senate reflect chamber-passed, committee-reported, or other proposed levels, as indicated (\$, in millions)

	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
Request	8.1	8.1	8.3	7.7	7.7	8.1	11.6	21.3	28.6	31.3	36.5	15.8
House ^a	0.0	4.8	4.9	5.5	8.6^b	12.5	17.6	21.3	28.6	18.5	18.5	15.5
Senate ^a	8.1	8.1	8.1	7.7	7.7	8.1	11.3	18.5	20.5	26.8	28.8	22.5
Enacted	8.1	8.1	8.2	8.6	8.0	11.3	15.5	18.5	25.5	26.5	26.5	22.4

Source: CRS, based on review of data from the President's budget requests and relevant appropriations measures.

Notes: Figures are from appropriations for the EAC's Salaries and Expenses account, including funds designated for the agency's Office of Inspector General. They are rounded and do not reflect rescissions, sequestration reductions, or funds designated for the National Institute of Standards and Technology, mock election grants, the Help America Vote College Program, or agency relocation expenses. As such, the amounts in this table may not match total figures provided in appropriations measures or other budget documents.

- The formatting of the figures for the House and Senate indicates chamber-specific action: **bold** for a chamber-passed bill and regular text for a measure that did not pass the chamber. The figures in regular text are from committee-reported measures with the following exceptions: the Senate figure for FY2015 is

Appropriations, Subcommittee on Financial Services and General Government, *Budget Hearing—Election Assistance Commission*, 112th Cong., 1st sess., March 2, 2011, pp. 6 and 9.

from the subcommittee bill, and the Senate figures for FY2018, FY2021, FY2022, FY2023, and FY2026 are from the committee chairman's draft.

- b. This figure reflects the level in the House-passed H.R. 6147. The House subsequently passed other bills that would have provided other levels of funding for the EAC.

Those developments were taken by some as evidence that the agency had outlived its usefulness.¹⁰⁹ 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 its funding each fiscal year between FY2012 and FY2018.¹¹⁰ For details of those funding recommendations, see **Table 2** and **Table 3**.

The Senate also stopped confirming—and some congressional leaders stopped recommending—nominees to the agency's commission.¹¹¹ The commission lost the numbers required for a quorum in December 2010 and both of its remaining members in December 2011 (see **Figure 2** for details).¹¹² The Senate, some of whose Members cited opposition to the existence of the agency in general rather than to individual nominees, did not confirm any new commissioners until December 2014.¹¹³

Without a quorum, the commission could not take official action. One notable consequence was that it could not update the VVSG.¹¹⁴ The creation of the EAC was partly a response to the FEC not keeping its voting system guidelines up to date.¹¹⁵ However, the lack of a quorum between December 2010 and the swearing-in of the newly confirmed commissioners in January 2015 contributed to a nearly decade-long gap between the EAC's adoption of VVSG 1.0 in 2005 and its first update in 2015.¹¹⁶

¹⁰⁹ See, for example, U.S. Congress, Committee on House Administration, *Markup of H.R. 94, to Amend the Internal Revenue Code of 1986 to Prohibit the Use of Public Funds for Political Party Conventions; H.R. 95, to Reduce Federal Spending and the Deficit by Terminating Taxpayer Financing of Presidential Election Campaigns and Party Conventions; H.R. 1994, Election Assistance Commission Termination Act; Committee Resolution Dismissing the Election Contest in CA-43; and Committee Resolution Dismissing the Election Contest in TN-9*, 113th Cong., 1st sess., June 4, 2013 (GPO, 2013), pp. 6-7, 54.

¹¹⁰ Election Support Consolidation and Efficiency Act (H.R. 672, 112th Congress); To reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission (H.R. 260, 113th Congress); Election Assistance Commission Termination Act (H.R. 1994, 113th Congress); Election Assistance Commission Termination Act (H.R. 195, 114th Congress); and Election Assistance Commission Termination Act (H.R. 634, 115th Congress).

¹¹¹ Amanda Becker, "The Phantom Commission," *Roll Call*, October 31, 2012, <https://rollcall.com/2012/10/31/the-phantom-commission/>.

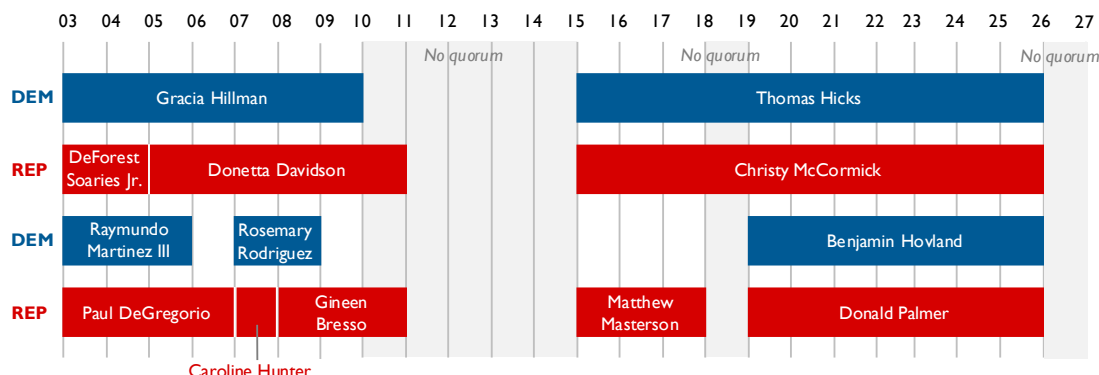
¹¹² EAC, *Statement of Gracia M. Hillman on the Occasion of her Resignation as Commissioner, U.S. Election Assistance Commission*, December 6, 2010, https://www.eac.gov/sites/default/files/document_library/files/GH%20Statement_12_06_10.pdf; and EAC, *2012 Activities Report*, p. 7, <https://web.archive.org/web/20170328053540/https://www.eac.gov/assets/1/6/FY-2012-EAC-Activities-Report-Website-Scanned.pdf>.

¹¹³ See, for example, U.S. Congress, Senate Committee on Rules and Administration, *Hearings and Markups Before the Committee on Rules and Administration*, 112th Cong., 1st sess., June 29, 2011, S.Hrg. 112-770 (GPO, 2014), p. 18.

¹¹⁴ Another consequence was that statutory officers could not be appointed. That left the EAC without a permanent executive director or general counsel after the then-officeholders resigned in November 2011 and May 2012, respectively. EAC, *2012 Activities Report*, p. 7.

¹¹⁵ House Committee on Science, *Voting Technology Standards Act of 2001*, pp. 5-6. The Voting Technology Standards Act of 2001 (H.R. 2275) proposed establishing a commission to develop voluntary voting system standards and consult on accreditation of voting system test labs. The bill was largely incorporated into HAVA. Committee on House Administration, *Oversight Hearing on the Election Assistance Commission*, June 17, 2004, p. 54.

¹¹⁶ A second quorum-less period led to another delay in updating the VVSG. The commission was without a quorum from the departure of one of its members in March 2018 until two new commissioners took office in February 2019. A pending update to the VVSG, which had previously been slated for release in 2018, was pushed back. EAC, "A Final (continued...)"

Figure 2. Tenures of Election Assistance Commission (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. EAC, “The EAC Announces that Commissioner Donald Palmer Is Departing the Agency,” press release, April 29, 2026, <https://www.eac.gov/news/2026/04/29/eac-announces-commissioner-donald-palmer-departing-agency>; and Jessica Huseman, “Trump Fires All Election Assistance Commission Members, Leaving Agency Unable to Act,” *Votebeat*, July 9, 2026, <https://www.votebeat.org/national/2026/07/09/trump-fires-election-assistance-commission-members-hicks-hovland-mccormick/>.

Response to Developments in 2016 and Subsequent Election Cycles

Foreign efforts to interfere in the 2016 elections highlighted the challenges of securing election systems against nation-states and other sophisticated actors, prompting calls for federal assistance for state and local election officials.¹¹⁷ Other high-profile developments in subsequent election cycles, such as the onset of the COVID-19 pandemic in the 2020 cycle and an increase in threats to election workers during and after 2020, suggested additional opportunities for federal support.¹¹⁸

Congress assigned the EAC specific roles in the federal response to some of the new developments. For example, it funded grants for states in response to election security concerns

Message,” March 26, 2018, <https://web.archive.org/web/20230601183446/https://www.eac.gov/final-message>; EAC, “Commissioners Hovland, Palmer Sworn in to Restore Quorum at EAC,” press release, February 6, 2019, <https://www.eac.gov/news/2019/02/06/commissioners-hovland-palmer-sworn-in-to-restore-quorum-at-eac/>; EAC, *Draft Project Charter: VVSG Version 2.0*, September 15, 2016, p. 4, https://www.nist.gov/system/files/documents/2016/09/22/09_15am_brian-hancock-eac-project-charter.pdf; and EAC, “Voluntary Voting System Guidelines.”

¹¹⁷ See, for example, DHS, “Joint Statement from the Department of Homeland Security and Office of the Director of National Intelligence on Election Security,” October 7, 2016, <https://www.dhs.gov/news/2016/10/07/joint-statement-department-homeland-security-and-office-director-national>; Letter from Rep. Steny Hoyer et al. to Rep. Rodney Frelinghuysen et al., March 19, 2018, https://web.archive.org/web/2018122200937/https://raskin.house.gov/sites/raskin.house.gov/files/FY%2019%20EAC%20Appropriations%20Letter_0.pdf; and NASS, “NASS Resolution on Principles for Federal Assistance in Funding of Elections,” February 4, 2019, <https://web.archive.org/web/20190824205202/https://www.nass.org/node/1557>.

¹¹⁸ For more on elections effects of the COVID-19 pandemic, see CRS Report R46455, *COVID-19 and Other Election Emergencies: Frequently Asked Questions and Recent Policy Developments*, coordinated by R. Sam Garrett. For more on threats to election workers, see CRS Insight IN11831, *Election Worker Safety and Privacy*, by Sarah J. Eckman and Karen L. Shanton; and CRS Legal Sidebar LSB10781, *Overview of Federal Criminal Laws Prohibiting Threats and Harassment of Election Workers*, by Jimmy Balser.

and pandemic effects on elections and charged the agency with administering the funding.¹¹⁹ It amended HAVA to direct the EAC to provide for a type of security testing known as penetration testing as part of its voting system testing and certification program.¹²⁰

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. The testing and certification program manual the EAC's commissioners adopted in February 2021 to accompany VVSG 2.0 requires vendors to submit their voting systems for penetration testing as part of the program's test readiness review.¹²¹ Under the ESTEP introduced in the "Voting System Guidelines, Testing, and Certification" section of this report, the EAC has developed a testing and certification program for e-poll books and started exploring testing and certification of other nonvoting election technologies, including election night reporting, electronic ballot delivery, and voter registration systems.¹²²

Following DHS's designation of election systems as critical infrastructure in January 2017, the EAC also worked with DHS and its National Protection and Programs Directorate (now known as the Cybersecurity and Infrastructure Security Agency) to stand up the department's new EIS.¹²³ The EAC has participated in the EIS-Government Coordinating Council (EIS-GCC) that was established to facilitate coordination and communication among federal, state, and local government officials, as well as the Joint COVID Working Group formed by the EIS-GCC and its private-sector counterpart, the Sector Coordinating Council.¹²⁴ More recently, according to testimony for a May 2026 hearing by former EAC Commissioner Donald Palmer, the agency expanded some of its election security trainings and resources in response to "notable changes in the federal space supporting elections, particularly with the Cybersecurity and Infrastructure Agency reducing its footprint in the election administration space."¹²⁵

¹¹⁹ EAC, "Election Security Grant," March 23, 2026, <https://www.eac.gov/grants/election-security-funds>; and EAC, "2020 CARES Act Grants," December 23, 2025, <https://www.eac.gov/grants/CARES>. For more on the HAVA funding Congress has provided in response to these developments, see CRS Report R46646, *Election Administration: Federal Grant Programs for States and Localities*, by Karen L. Shanton; and CRS Report WPD00035, *Elections Podcast: Federal Role in Elections Funding*, by Karen L. Shanton.

¹²⁰ P.L. 119-60. Penetration testing involves simulating attacks on a system to identify potential vulnerabilities in the system. Cloudflare, "What Is Penetration Testing? | What Is Pen Testing?" <https://www.cloudflare.com/learning/security/glossary/what-is-penetration-testing/>.

¹²¹ EAC, *Voting System Testing and Certification Program Manual Version 3.0*, pp. 24-27; EAC, *Advancing Secure Accessible Elections: 2021 Annual Report*, p. 22, https://www.eac.gov/sites/default/files/document_library/files/EAC_2021_Annual_Report_508c_FINAL.pdf; and EAC, *RE: NDAA and EAC Penetration Testing Policy*, June 15, 2026, https://www.eac.gov/sites/default/files/2026-06/NDAA_EAC_Memo_June_2026.pdf.

¹²² EAC, "Election Supporting Technology Evaluation Program (ESTEP)"; EAC, "Voluntary Electronic Poll Book Certification Program"; EAC, "Guidance for Pre-Election Testing: Election Night Reporting"; EAC, "Guidance for Pre-Election Testing: Electronic Ballot Delivery"; EAC, "Voluntary Electronic Ballot Delivery Pilot Program"; and EAC, "Voluntary Voter Registration Systems Pilot Program."

¹²³ DHS, "Statement by Secretary Jeh Johnson on the Designation of Election Infrastructure as a Critical Infrastructure Subsector"; and EAC, *2018 Annual Report*, pp. 31-33, https://web.archive.org/web/20190322203853/https://www.eac.gov/assets/1/6/EACannualreport_2018.pdf. The National Protection and Programs Directorate was reorganized and renamed the Cybersecurity and Infrastructure Security Agency (CISA) by the Cybersecurity and Infrastructure Security Agency Act of 2018 (P.L. 115-278).

¹²⁴ CISA, *Election Infrastructure Subsector Government Coordinating Council Charter*, February 2021, <https://www.cisa.gov/sites/default/files/video/gov-facilities-EIS-gcc-charter-2021-508.pdf>; and EAC, "GCC and SCC Resources," December 23, 2025, <https://www.eac.gov/election-officials/gcc-and-scc-resources>.

¹²⁵ Donald Palmer, senior legal fellow, Institute for Constitutional Government, The Heritage Foundation, (continued...)

Those election security trainings and resources are part of a broader effort by the agency to make information and technical assistance available to state and local election officials. As noted in the “Research and Best Practices” section of this report, for example, the EAC established a Clearinghouse Community in 2023 and Learning Lab in 2024, launched a professional certification program for state and local officials in 2026, and maintains a suite of resources on election administration topics ranging from accessibility to personal security and mental health.¹²⁶

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.¹²⁷ 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. As discussed in more detail in the “Legislative Activity” section of this report, the EAC-related bills introduced in recent Congresses have tended to propose new duties, authorities, or authorizations of operational funding for the agency, with some including provisions to explicitly assign it primary federal jurisdiction over issues related to the administration of federal elections.¹²⁸

Executive Activity in the 119th Congress

An executive order (EO) issued by President Donald Trump in March 2025 included provisions for specific actions by the EAC. Among other provisions, EO 14248 indicated that the agency should take appropriate action to

- include a requirement for documentary proof of citizenship in the federal mail voter registration form;
- condition states’ access to grant funding on compliance with any such proof of citizenship requirement and on requiring ballots from domestic civilian voters to be received by Election Day;
- amend VVSG 2.0 to require voter-verifiable paper ballots and prohibit use of barcodes and quick-response codes for vote selections except where necessary to accommodate individuals with disabilities;
- review and, if appropriate, recertify voting systems to the amended VVSG 2.0 and decertify systems certified to previous standards;

“Strengthening the Security of America’s Elections,” Testimony in U.S. Congress, Committee on House Administration, Subcommittee on Elections, *Examining Best Practices for Strengthening Election Security*, hearings, 119th Cong., 2nd sess., May 20, 2026, p. 3, <https://www.congress.gov/119/meeting/house/119299/witnesses/HHRG-119-HA08-Wstate-PalmerD-20260520.pdf>.

¹²⁶ EAC, “Discover the Clearinghouse Community”; EAC, “EAC Learning Lab: Free Training for Election Officials”; EAC, “The EAC Announces New Federal Professional Training Certification Program for Election Officials”; and EAC, “Clearinghouse Resources for Election Officials”.

¹²⁷ See, for example, Committee on House Administration, *Markup of H.R. 634, Election Assistance Commission Termination Act*; H.R. 133, *to Reduce Federal Spending and the Deficit by Terminating Taxpayer Financing of Presidential Election Campaigns*; and Committee Resolution 115-4, *the Committee’s Views and Estimates on the Fiscal Year 2018*, February 7, 2017, pp. 2-3.

¹²⁸ See, for example, the ACE Act introduced in the 117th Congress (H.R. 8528) and 118th Congress (H.R. 4563).

- refer discrepancies and other issues with states' certifications of compliance with federal law that are identified in audits of HAVA grant spending to DOJ for potential enforcement action; and
- coordinate with DHS on review of the security of electronic registration and voting systems.¹²⁹

Litigation on EO 14248 was pending as of this writing.¹³⁰ In 2025, the EAC took some steps toward implementing the EO that agency leadership indicated were not precluded at the time by legal action.¹³¹ For example, it reported in 2025 meetings of its advisory bodies that it had requested preliminary consultations with chief state election officials about the changes to the federal mail voter registration form indicated in the EO.¹³² EAC staff also drafted an update to VVSG 2.0 that was intended to incorporate the indicated changes to the voting system guidelines and held a meeting and three working sessions of the TGDC to discuss it.¹³³

Subsequent executive activity appears to have limited the EAC's ability to take certain further actions related to those and other tasks. On July 9, 2026, three members of the agency's four-person commission were effectively removed from their positions;¹³⁴ 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.¹³⁵ Combined with the resignation of Commissioner Palmer in April 2026, those departures have left the commission without

¹²⁹ Executive Order 14248 of March 25, 2025, "Preserving and Protecting the Integrity of American Elections," 90 *Federal Register* 14005-14010, March 28, 2025, <https://www.federalregister.gov/documents/2025/03/28/2025-05523/preserving-and-protecting-the-integrity-of-american-elections>.

¹³⁰ For more on litigation related to EO 14248, see CRS Legal Sidebar LSB11368, *Executive Order on Elections: Legal Background and Court Challenges*, by Jimmy Balser and L. Paige Whitaker.

¹³¹ See, for example, EAC, *2025 EAC Board of Advisors Annual Meeting Transcript*, p. 194, https://www.eac.gov/sites/default/files/2025-05/EAC_Board_of_Advisors_2025_Annual_Meeting_Transcript.pdf.

¹³² EAC, *2025 EAC Local Leadership Council Annual Meeting Transcript*, p. 16, https://www.eac.gov/sites/default/files/2025-05/EAC_LLC_2025_Annual_Meeting_Transcript.pdf; and EAC, *2025 EAC Standards Board Annual Meeting Transcript*, p. 11, https://www.eac.gov/sites/default/files/2025-05/EAC_Standards_Board_2025_Annual_Meeting_Transcript.pdf. The EAC reported that it paused these consultations in response to an April 24, 2025, ruling by the U.S. District Court for the District of Columbia. EAC, *April 11, 2025, Consultation Letter Package*, https://www.eac.gov/sites/default/files/2025-05/April_11_2025_Consultation_Letter_Package.pdf.

¹³³ EAC, *Voluntary Voting System Guidelines 2.1: Requirements for the Voluntary Voting System Guidelines 2.1*, https://www.eac.gov/sites/default/files/2025-06/DRAFT_Voluntary_Voting_System%20Guidelines_Version_2.1_TGDC_Member_Review.pdf. The TGDC opted not to vote on advancing the draft update, in part due to concerns about the availability of relevant expertise to assess it. Delays in NIST's approvals of appointees had contributed to vacancies on the committee—including in some of the seats reserved for representatives of the Access Board, the Institute of Electrical and Electronics Engineers, and the EAC's Board of Advisors and Standards Board—and some members of the committee indicated that they did not feel comfortable moving forward without input from representatives of those perspectives. See, for example, EAC, "EAC TGDC Meeting," <https://www.youtube.com/live/fls42gHmKj8?t=1949s>. For more on the EAC's action on the voting system testing and certification provisions of EO 14248, see CRS Insight IN12590, *Executive Order 14248: Action by the U.S. Election Assistance Commission on Voting System Testing and Certification Provisions*, by Karen L. Shanton.

¹³⁴ For more on the departures of the commissioners, see CRS Insight IN12713, *Commission Without Commissioners: The U.S. Election Assistance Commission*, by Karen L. Shanton.

¹³⁵ See, for example, Jessica Huseman, "Trump Fires All Election Assistance Commission Members, Leaving Agency Unable to Act"; Michel Martin, "Former Member of Federal Election Assistance Commission Speaks Out After Dismissal," *NPR*, July 13, 2026, <https://www.npr.org/2026/07/13/nx-s1-5891002/former-member-of-federal-election-assistance-commission-speaks-out-after-dismissal>; and Geoff Bennett and Matt Loffman, "Ousted Election Assistance Commission Chair on Trump's Effort to Control Voting," *PBS News*, July 14, 2026, <https://www.pbs.org/newshour/show/ousted-election-assistance-commission-chair-on-trumps-effort-to-control-voting>.

members for the second time in its history and without the requisite quorum to take official action for the third time (see **Figure 2** for details).¹³⁶

In August 2026, the EAC released an overview of operations it says the agency may and may not conduct in the absence of commissioners.¹³⁷ According to the overview, agency staff may continue to perform tasks delegated to them by existing EAC policies but authority to set new agency policy is reserved for the commissioners. For example, the overview says that the agency can continue administering the following without commissioners:

- the Voting System Testing and Certification Program, Voting System Test Laboratory Program, and Field Services Program, in accordance with version 3.0 of the Voting System Testing and Certification Program Manual and version 3.1 of the Voting System Test Laboratory (VSTL) Program Manual;¹³⁸
- ESTEP, in accordance with the ESTEP Program Manual;¹³⁹
- Election Security Grants, including resolution of audit recommendations;
- the agency’s advisory bodies, in accordance with their current charters;¹⁴⁰
- the EAVS, in accordance with the Guide to the Election Administration and Voting Survey;¹⁴¹ and
- public outreach, clearinghouse functions, and development of policies and reports for consideration by future commissioners.

The following activities, by contrast, are presented by the overview as requiring restoration of a commission quorum:

- adopting final reports and new or modified EAC policies and program manuals;
- adopting new or modified VVSG and accrediting or revoking the accreditation of VSTLs;¹⁴²

¹³⁶ EAC, “The EAC Announces that Commissioner Donald Palmer Is Departing the Agency.”

¹³⁷ EAC, “U.S. Election Assistance Commission Operations in the Absence of Commissioners,” August 2026, https://www.eac.gov/sites/default/files/2026-08/Commission_Operations_in_the_Absence_of_Commissioners_August_2026.pdf.

¹³⁸ EAC, “Field Services Program (FSP),” August 4, 2025, <https://www.eac.gov/election-technology/field-services-program>; EAC, *Voting System Testing and Certification Program Manual Version 3.0*; and EAC, *Voting System Test Laboratory Program Manual Version 3.1*, March 9, 2026, https://www.eac.gov/sites/default/files/2026-03/VSTL_Program_Manual_Version_3.1.pdf.

¹³⁹ EAC, *Election Supporting Technology Evaluation Program Manual Version 1.0*, April 8, 2024, https://www.eac.gov/sites/default/files/2024-05/Election_Supporting_Technology_Evaluation_Program_Manual_v1.0_508.pdf.

¹⁴⁰ EAC, *Charter of the U.S. Election Assistance Commission Board of Advisors*, April 11, 2025, https://www.eac.gov/sites/default/files/2025-04/Charter_EAC_Board_of_Advisors_2025.pdf; EAC, *Charter of the U.S. Election Assistance Commission Local Leadership Council*, April 11, 2025, https://www.eac.gov/sites/default/files/2025-04/Charter_EAC_Local_Leadership_Council_2025.pdf; EAC, *Charter of the U.S. Election Assistance Commission Standards Board*, April 11, 2025, https://www.eac.gov/sites/default/files/2025-04/Charter_EAC_Standards_Board_2025.pdf; and EAC, *Charter of the U.S. Election Assistance Commission Technical Guidelines Development Committee*, April 11, 2025, http://eac.gov/sites/default/files/2025-04/Charter_EAC_Technical_Guidelines_Development_Committee_2025.pdf.

¹⁴¹ EAC, *A Guide to the Election Administration and Voting Survey*, July 24, 2024, https://eavspportal.com/Downloads/2024/EAVS%20Policy%20Guide%202024_FINAL_508c.pdf.

¹⁴² As amended by the National Defense Authorization Act for Fiscal Year 2026 (P.L. 119-60), HAVA appears to require the commissioners to vote on the selection of entities to conduct penetration testing of voting systems. The EAC’s voting system testing and certification manual assigns responsibility for considering appeals of decisions to (continued...)

- adopting regulations, developing the federal mail voter registration form, and modifying state-specific instructions for the federal mail voter registration form that require applicants to provide new or additional information; and
- conducting public hearings that involve testimony or evidence that is submitted to help inform policy development or program implementation.¹⁴³

Restoring a commission quorum at the EAC would require presidential appointment and Senate confirmation of at least three commissioners. As noted in the “Commission” section of this report, HAVA also provides for a role for majority and minority congressional leaders in recommending candidates for vacancies affiliated with their political party. For more on the appointments of the most recent commissioners, see **Table 4**.

Table 4. 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 nominee testimony available at https://www.rules.senate.gov/imo/media/doc/1F355E3B-3B70-4F72-95CC-BED1CAE1F46E/Testimony_Hicks.pdf, https://www.rules.senate.gov/imo/media/doc/2DA9C867-5056-A066-604F-61316F9B71EF/Testimony_HovlandI.pdf, https://www.rules.senate.gov/imo/media/doc/AA458EAB-3231-45C9-8ABF-C50A3BEBAAA5/ChristyMcCormick_TestimonyI.pdf, and https://www.rules.senate.gov/imo/media/doc/2DA9C867-5056-A066-604F-61316F9B71EF/Testimony_Palmer.pdf.

Legislative 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 in the 112th through 115th Congresses, which saw efforts by some Members to disband the agency.

As noted in the “Response to Developments in 2016 and Subsequent Election Cycles” section of this report, the primary focus of congressional debate about the EAC seems to have shifted since the 115th Congress from whether there is a role for the agency to what its role should be, including what types of tasks it should perform and how it should function.

decertify or deny certification of voting systems to a panel of two or more commissioners or commission appointees. EAC, *Voting System Testing and Certification Program Manual Version 3.0*, pp. 44 and 52.

¹⁴³ As noted in the “Commission” section of this report, action on activities the commission is authorized by HAVA to conduct requires approval by three of the commissioners. The commissioners have delegated some powers and duties to agency staff, such as in program manuals and organizational management policy documents. The validity of delegation of certain EAC authorities has previously been a subject of litigation. See, for example, *Kobach et al. v. United States Election Assistance Commission* (Tenth Circuit Court of Appeals 2014), <https://cases.justia.com/federal/appellate-courts/ca10/14-3062/14-3062-2014-11-07.pdf>.

Members have introduced legislation on each of the above questions since HAVA's enactment in 2002, offering proposals related to (1) whether to maintain an election administration agency and, if so, (2) what the agency should do and (3) how it should do it.

Whether to Maintain an Election Administration Agency

HAVA only authorized operational funding for the new election administration agency it created for three fiscal years. Some Members took that as an indication that the EAC was intended to be temporary. As described in the “Efforts to Terminate in the 112th Through 115th Congresses” section of this report, they introduced appropriations measures that would have reduced or eliminated the agency's funding and authorizing legislation that would have terminated it and redistributed any of its remaining duties to other agencies.

Other Members have highlighted benefits of ongoing EAC responsibilities like updating the VVSG and conducting the EAVS and argued that its duties could not be performed as effectively—or much more cost-effectively—by other agencies.¹⁴⁴ They have provided for ongoing appropriations for the agency and proposed removing potential ambiguity about its status by reauthorizing its operational funding. Some recent bills have also included provisions to formalize a leading role for the EAC in federal work on election administration, explicitly assigning it primary federal jurisdiction or exclusive federal authority over certain elections-related tasks.

Table 5 offers some examples of legislative proposals to terminate or defund the EAC, as well as examples of proposals to extend it.

Table 5. Selected Legislation Related to Whether to Maintain an Election Administration Agency

Short Title	Number	Congress	Summary of Selected Provisions
American Confidence in Elections (ACE) Act	H.R. 4563	118 th	Would have reauthorized operational funding for the U.S. Election Assistance Commission (EAC), and assigned the agency primary federal jurisdiction over issues related to the administration of federal elections and exclusive federal authority to make payments to states for administering federal elections and develop voluntary guidelines for election systems
Election Assistance Commission Termination Act	H.R. 634	115 th	Would have terminated the EAC
Election Support Consolidation and Efficiency Act	H.R. 672	112 th	Would have terminated the EAC

¹⁴⁴ See, for example, U.S. Congress, Committee on House Administration, *Election Support Consolidation and Efficiency Act*, report to accompany H.R. 672, 112th Cong., 1st sess., June 2, 2011, H.Rept. 112-100 (GPO, 2011), pp. 54-56; and U.S. Congress, Committee on House Administration, *Second Semiannual Report on the Activities of the Committee on House Administration of the House of Representatives During the One Hundred Twelfth Congress Together with Minority Views*, 112th Cong., 1st sess., December 30, 2011, H.Rept. 112-360 (GPO, 2011), p. 14.

Short Title	Number	Congress	Summary of Selected Provisions
Financial Services and General Government Appropriations Act, 2015	H.R. 5016	113 th	Would have defunded the EAC
Voter Empowerment Act of 2026	H.R. 8078 S. 4203	119 th	Would reauthorize operational funding for the EAC

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

Notes: The provisions summarized in this table are intended as examples of the types of proposals that have been offered. They do not include all proposals in all bills in this category or even, in some cases, all such proposals in the bill in which they appear. Summary information for legislation from the 119th Congress is based on the text of the measures as introduced.

What the Agency Should Do

The EAC is the only federal agency dedicated to the general administration of elections. As a result, it has been a common choice of agency for proposals to take new federal action on elections issues.

That is especially true of proposals to extend the EAC's existing duties into new issue areas. HAVA charged the EAC with administering grant programs; issuing voluntary guidance for implementation of federal requirements; conducting research and sharing best practices; providing for voluntary voting system guidelines, testing, and certification; and developing the federal mail voter registration form. Elections legislation involving those types of tasks, such as bills that would authorize development of voluntary guidelines for nonvoting election systems or grant programs for conducting risk-limiting audits, often assigns them to the EAC.

There have also, though, been proposals to assign the agency new types of tasks, including tasks that would extend it beyond its traditional assistance focus. For example, some Members have introduced legislation that would direct the agency to set mandatory standards for certain aspects of election administration or lift the limit on EAC rulemaking in general.¹⁴⁵

Table 6 offers some examples of legislative proposals to assign the EAC new responsibilities.

Table 6. Selected Legislation Related to What the Agency Should Do

Short Title	Number	Congress	Summary of Selected Provisions
Election Infrastructure Integrity Act	H.R. 8118	119 th	Would direct the U.S. Election Assistance Commission (EAC) to establish and maintain a public database of election system vendors
National Defense Authorization Act for Fiscal Year 2026	P.L. 119-60	119 th	Directs the EAC to provide for the conduct of penetration testing as part of its voting system testing and certification program ^a
Preparing Election Administrators for AI Act	S. 2346	119 th	Would direct the EAC, in consultation with the National Institute of Standards and Technology, to develop voluntary guidelines that address the use and risks of artificial intelligence (AI) in election administration and issue a report on the use of AI in the 2024 federal elections

¹⁴⁵ See, for example, the Election Integrity Act of 2016 (H.R. 6072).

Short Title	Number	Congress	Summary of Selected Provisions
Safeguard American Voter Eligibility (SAVE America) Act	S. 1383	119 th	Would prohibit states from registering applicants to vote unless they present documentary proof of citizenship, and direct the EAC to issue guidance for implementing the prohibition
Sustaining Our Democracy Act	H.R. 4910 S. 2588	119 th	Would establish a program to provide ongoing funding for states for election administration, and charge the EAC with consulting on the program and distributing the funding

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

Notes: The provisions summarized in this table are intended as examples of the types of proposals that have been offered. They do not include all proposals in all bills in this category or even, in some cases, all such proposals in the bill in which they appear. The version of the SAVE America Act in the table is the version that was passed by the House in February 2026. Summary information for that legislation and for P.L. 119-60 is based on the text of the measures as passed by the House in February 2026 and as enacted, respectively. Summary information for the other legislation in the table is based on the text of the measures as introduced.

- a. The EAC's current practice, as outlined in its voting system testing and certification program manual, is for voting system vendors to submit a penetration testing report as part of the test readiness review the agency uses "to ensure that test and evaluation resources are not committed to a voting system that is not ready for testing by a [voting system test laboratory]." EAC, *Voting System Testing and Certification Program Manual Version 3.0*, November 15, 2022, pp. 24-27, [https://www.eac.gov/sites/default/files/TestingCertification/Testing%20and%20Certification%20Program%20Manual%20Version%203.0%20\(2\).pdf](https://www.eac.gov/sites/default/files/TestingCertification/Testing%20and%20Certification%20Program%20Manual%20Version%203.0%20(2).pdf).

How the Agency Should Function

How agencies are set up can help determine how effective they are at achieving their intended purposes. As a result, some legislative activity on the EAC has focused less on what the agency does and more on how it does it.

Some proposals to change how the EAC works have focused on the structure of the agency. For example, bills have been introduced to establish new offices at the EAC, create new advisory bodies for the agency, and add new members to the existing advisory bodies, as well as to prohibit use of operational funding for agency-created advisory bodies other than the LLC.

Other bills would make changes to EAC procedures. Some Members have proposed exempting the EAC from the Paperwork Reduction Act of 1995 (PRA; P.L. 104-13; 44 U.S.C. §§3501-3521) to make it easier for the agency to solicit information from state and local election officials, for example, or providing for concurrent submission of EAC budget requests to Congress to give Members more insight into the agency's resource needs.¹⁴⁶

Table 7 offers some examples of legislative proposals to change the EAC's structure or procedures.

¹⁴⁶ See, for example, the EAC Improvements Act of 2013 (H.R. 2017), the Secure America's Vote Act of 2005 (H.R. 3094), and the ACE Act introduced in the 118th Congress (H.R. 4563).

Table 7. Selected Legislation Related to How the Agency Should Function

Short Title	Number	Congress	Summary of Selected Provisions
Accessible Voting Act of 2024	H.R. 7389 S. 3748	118 th	Would have established an Office of Accessibility within the U.S. Election Assistance Commission (EAC)
American Confidence in Elections (ACE) Act	H.R. 4563	118 th	Would have directed the EAC to submit budget estimates and requests to Congress at the same time as it submits them to the President or the Office of Management and Budget
For the People Act of 2021	H.R. 1 S. 1 S. 2093	117 th	Would have added the Secretary of the U.S. Department of Homeland Security (DHS) or the Secretary's designee to the EAC's Board of Advisors and a DHS representative to its Technical Guidelines Development Committee
Positioning the Election Assistance Commission for the Future Act of 2023	H.R. 4479	118 th	Would have instituted a cap on the number of staff at the EAC, prohibited the agency from using operational funding for agency-created advisory bodies other than the Local Leadership Council, and adjusted commissioner compensation
Voter Empowerment Act of 2026	H.R. 8078 S. 4203	119 th	Would direct the EAC to assess the security and effectiveness of its information technology systems and state-based administrative complaint procedures, and repeal the agency's exemption from certain government contracting requirements

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

Notes: The provisions summarized in this table are intended as examples of the types of proposals that have been offered. They do not include all proposals in all bills in this category or even, in some cases, all such proposals in the bill in which they appear. Summary information for legislation from the 119th Congress is based on the text of the measures as introduced.

Potential Considerations for Congress

Congress has the authority to conduct oversight of the EAC and to legislate on both the agency and the administration of federal elections more broadly.¹⁴⁷ The history of the EAC and related legislative activity suggest some considerations that may be of interest to Members who are weighing whether or how to take action on those authorities.

- **Adding agency expertise.** As noted in the “Overview” section of this report, the EAC was designed, in part, to provide for a range of expert input into agency activities. However, new developments might call for experience or expertise not contemplated by HAVA. Previously introduced legislation suggests various possible ways to provide for new expertise at the agency if Congress chooses to do so, including adding members to the agency's advisory bodies, creating new

¹⁴⁷ See, for example, U.S. Const. art. 1, §4, cl. 1.

advisory bodies or agency offices, and directing the agency to hire certain types of staff or consult with certain stakeholders.¹⁴⁸

- **Assigning duties.** One way to provide for elections-related expertise at the federal level is to add new expertise at the EAC. Another is to draw on other federal agencies. Congress assigned many of the elections responsibilities it established in HAVA to the EAC, but it reserved certain tasks to other agencies or to the EAC in conjunction with other agencies. For example, it charged the U.S. Department of Health and Human Services with administering HAVA's disability access grant programs and NIST with providing the EAC various types of technical assistance. Members contemplating new elections duties that would involve experience or expertise available at agencies other than the EAC might consider whether to take a similar approach or to assert a sole or primary role for the EAC.¹⁴⁹
- **Assessing resource needs.** The EAC has been described variously as both overfunded and underfunded.¹⁵⁰ Developments like the election security threats in recent election cycles have also prompted calls for additional resources for agency operations and for distribution to states and localities through the EAC.¹⁵¹ Congress might choose to consider how the types and levels of funding available for the EAC, EAC grantees, and agencies like NIST that support the EAC align with current resource needs.¹⁵² Members who are considering assigning new tasks to the EAC might also consider whether to authorize or appropriate additional funding for the new tasks and, if so, whether to provide it as a dedicated funding stream or part of an overall increase in the agency's operational funding. Various tools might be available to help assess resource needs, including studies of appropriate funding levels, concurrent budget submission, and reporting on available resources.¹⁵³
- **Scheduling activity.** As noted in the "Initial Setup of the Agency" section of this report, EAC guidance is intended to inform state and local action. As also noted in that section, however, it has not always served that purpose in practice. Lack of a quorum at the commission and the time required to complete tasks like

¹⁴⁸ Each of these options might have its own advantages and disadvantages. For example, adding new advisory body members provides for additional expert input into agency activities but might give certain stakeholders more direct access to EAC actions and decisionmaking than some Members might prefer. For one possible concern about such access, see Committee on House Administration, Subcommittee on Elections, *Oversight Hearing on the Election Assistance Commission*, August 2, 2007, p. 87; and U.S. Congress, Committee on House Administration, Subcommittee on Elections, *Oversight Hearing on the Election Assistance Commission*, 110th Cong., 1st sess., March 12, 2008 (GPO, 2008), pp. 34-37.

¹⁴⁹ Following the TGDC appointment delays described in footnote 133, the EAC recommended amending HAVA to remove the joint appointment language for TGDC appointments and enable it to appoint members to the committee without NIST approval. EAC, *2025 Annual Report*, p. 32.

¹⁵⁰ See, for example, the "Initial Setup of the Agency" and "Efforts to Terminate in the 112th Through 115th Congresses" sections of this report.

¹⁵¹ See, for example, Letter from Rep. Steny Hoyer et al. to Rep. Rodney Frelinghuysen et al.

¹⁵² HAVA did not explicitly authorize funding for the activities it directed NIST to carry out. However, appropriations measures have consistently directed the EAC to transfer funding or make funding available to NIST for those activities. Some bills introduced in recent Congresses have proposed directing NIST to report on its use of funds transferred from the EAC. See, for example, the Voter Empowerment Act of 2026 (H.R. 8078/S. 4203).

¹⁵³ See, for example, the Bipartisan Electronic Voting Reform Act of 2008 (S. 3722, §7), the Voting Opportunity and Technology Enhancement Rights Act of 2011 (H.R. 108, §112), and the For the People Act of 2021 (H.R. 1/S. 1/S. 2093, §3602).

- developing voting system guidelines and manufacturing, testing, and certifying systems to the guidelines have delayed the availability—and reduced the practical utility—of some of the EAC’s guidance. Members who are contemplating assigning the EAC new guidance responsibilities might consider whether to try to account for the potential for such delays. One option might be to build in extra time between EAC deadlines and state or local deadlines. Another might be to condition state or local deadlines on EAC action, by setting the deadline for state or local action for a certain number of months or years after the EAC has issued guidance rather than a specific date.
- **Considering the quorum requirement.** One possible approach to addressing delays in EAC activity caused by lack of a quorum of commissioners is to adjust deadlines. Another might be to try to reduce the potential for quorum-related delays. Some general strategies for doing so might include (1) eliminating the need for a quorum for certain activities, by exempting them from the quorum requirement, and (2) trying to reduce the likelihood or impact of loss of a quorum.¹⁵⁴ Options for the latter approach might include structural changes to the commission, such as adding or removing a seat, or procedural changes to the way commissioners are seated, such as revising the roles of the President or congressional leadership in the selection process.

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¹⁵⁴ See, for example, footnote 44; and Edward Perez, “Perspectives from the U.S. Election Assistance Commission Public Hearing in Memphis,” *OSET Institute*, April 12, 2019, <https://www.asetinstitute.org/blog/2019/4/12/perspectives-from-the-us-elections-assistance-commission-public-hearing-in-memphis>.