

# Elections Grant Funding for States: Recent Appropriations and Legislative Proposals

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The emergence of the [Coronavirus Disease 2019 \(COVID-19\) pandemic](#) and [reports of attempted election interference](#) have introduced new challenges for election administration that are ongoing, difficult for states and localities to manage alone, or both. Election security threats [evolve](#), for example, and election officials' defenses have to evolve with them. Securing election systems against potential interference and protecting voters and election workers against a pandemic may involve [significant changes to election processes](#) and correspondingly significant financial investments.

Congress has responded to such challenges, in part, with funding for elections grant programs. As of this writing, Congress has appropriated more than \$1.2 billion to the [U.S. Election Assistance Commission \(EAC\)](#) for grant funding for states, territories, and the District of Columbia (DC) since FY2018 and considered proposals that would authorize or fund further grant programs.

## Recent Appropriations

Congress has provided the EAC with appropriations for grant funding for states, territories, and DC in three recent acts:

- Consolidated Appropriations Act, 2018 (P.L. 115-141): [\\$380 million](#) (hereinafter, "FY2018 funds")
- Consolidated Appropriations Act, 2020 (P.L. 116-93): [\\$425 million](#) ("FY2020 funds")
- Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136): [\\$400 million](#) ("CARES Act funds")

Funding was provided for the FY2018 and FY2020 funds following reports of attempted election interference and for the CARES Act funds in response to the emergence of COVID-19.

In all three cases, the funding was appropriated under a grant program authorized by Sections 101, 103, and 104 of the [Help America Vote Act of 2002](#) (HAVA; [52 U.S.C. §§20901-21145](#)). As authorized by HAVA, the program was set up to make grant funds available to the 50 states, DC, American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands (hereinafter, "HAVA states") for general improvements to the administration of federal elections. However, the appropriations acts that provided the funding

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included substantive provisions that modified or supplemented some parameters of the program and the use of funds. For details of those changes, see **Table 1**.

**Table 1. Comparison of Original HAVA General Improvements Grant Program with FY2018, FY2020, and CARES Act Grant Funds**

	Original General Improvements Grant Program	FY2018 Funds	FY2020 Funds	CARES Act Funds
Uses	Making general improvements to the administration of federal elections	Making general improvements to the administration of federal elections, including enhancing election technology and making election security improvements <sup>a</sup>	Making general improvements to the administration of federal elections, including enhancing election technology and making election security improvements <sup>a</sup>	Preventing, preparing for, and responding to the coronavirus in the 2020 federal election cycle
Guaranteed minimum award amounts				
50 states and DC:	\$5 million <sup>b</sup>	\$3 million	\$3 million	\$3 million <sup>c</sup>
Eligible territories:	\$1 million <sup>b</sup>	\$600,000	\$600,000	\$600,000 <sup>c</sup>
Eligible recipients	HAVA states	HAVA states	HAVA states and the Commonwealth of the Northern Mariana Islands (CNMI)	HAVA states and CNMI <sup>c</sup>
Spending deadline <sup>d</sup>	—	—	—	December 31, 2020
Match requirement <sup>e</sup>	—	5%	20%	20% <sup>c</sup>
Reporting requirement	— <sup>f</sup>	— <sup>f</sup>	— <sup>f</sup>	Within 20 days of an election in the 2020 federal election cycle

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

**Notes:** This table compares selected parameters of the general improvements grant program as originally authorized by HAVA to corresponding parameters of the FY2018, FY2020, and CARES Act funds.

- [Explanatory statements](#) accompanying these acts listed some election security-specific purposes for which recipients may use the funds. [Guidance](#) from the EAC following the emergence of COVID-19 clarified that these funds—as well as some other funding previously appropriated under HAVA—may be used to cover certain costs incurred as a result of the pandemic.
- These minimums were for the combination of grant awards under HAVA's general improvements and lever and punch card voting system replacement grant programs.
- A general provision of the CARES Act ([§23003](#)) extended these parameters of the FY2020 funds to the CARES Act funds.
- Recipients are required to return any funds that have not been obligated as of this deadline.
- According to the EAC, some eligible territories [have been exempted](#) from these [match requirements](#).
- Recipients of these funds are subject to reporting requirements, [as specified by the EAC](#), but the acts themselves did not set financial reporting requirements.

## Legislative Proposals

Other bills related to EAC-administered grant funding for states, territories, and DC have been introduced in the 116<sup>th</sup> Congress. Recent bills include proposals to

- **Adjust the parameters of previously appropriated funds:** Some [have expressed concern](#) that certain conditions on funding, such as the CARES Act's spending deadline and match and reporting requirements, could make it difficult for states to use the funds or for election officials to perform some of their other duties. Provisions of bills such as the [Natural Disaster and Emergency Ballot Act of 2020 \(S. 4033\)](#), [Secure Our Elections Act \(H.R. 6777\)](#), and [State Elections Preparedness Act \(S. 3778\)](#) would repeal some such conditions, modify them, or permit them to be waived.
- **Appropriate further funding:** A House-passed FY2021 consolidated appropriations act ([H.R. 7617](#); passed 217-197) [would provide \\$500 million](#) for grant funding for replacing direct-recording electronic voting (DRE) machines and other elections-related purposes, for example, and the Heroes Act ([H.R. 6800](#); passed the House 208-199) [would provide \\$3.6 billion](#) for elections contingency planning, preparation, and resilience.

**Authorize new grant programs:** Approximately 50 bills have been introduced in the 116<sup>th</sup> Congress that would authorize EAC-administered grant programs for states, territories, and DC. Some of the proposed programs—including some that would be established by the [DemocracyCorps Act \(S. 3822\)](#), [Emergency Assistance for Safe Elections \(EASE\) Act \(H.R. 7905\)](#), or [VoteSafe Act of 2020 \(H.R. 6807/H.R. 7068/S. 3725\)](#)—would provide funding specifically to help address election interference or COVID-19. Others, like some of the programs in the [Nonpartisan Bill for the People Act of 2019 \(H.R. 1612\)](#) and [Voter Empowerment Act of 2019 \(H.R. 1275/S. 549\)](#), would address other aspects of election administration, such as more general efforts to improve poll worker recruitment and training.

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