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Elections Grant Programs: Authorizations and Appropriations

Congress first authorized major federal grant programs for elections in the Help America Vote Act of 2002 (HAVA; P.L. 107-252). HAVA was enacted in response to issues with the conduct of the 2000 elections. Like previous federal elections statutes, it set requirements for the administration of federal elections. Unlike previous elections statutes, it also provided for grant programs to help states meet those requirements and identify and implement other improvements to election administration.

No new federal elections grant programs on the scale of HAVA's have been authorized as of this writing. Grant programs have been established for certain more limited purposes, however, such as conducting pilot projects to improve the collection of election data. Congress has also provided further appropriations under HAVA's grant programs, such as funding for FY2020 to help states address effects of the Coronavirus Disease 2019 (COVID-19) pandemic on administration of the 2020 elections.

This In Focus provides an overview of the elections-specific grant programs Congress has established and funded to date. It also briefly discusses non-elections-specific grant programs that have been used to support elections-related activities.

Elections-Specific Grant Programs

HAVA authorized two general grant programs for states:

- a *general improvements grant program* that was designed to help states make general improvements to the administration of federal elections; and
- a *requirements payments program* that was intended primarily to help states meet the requirements set by title III of HAVA but could also be applied to more general improvements if a state limited its spending on such improvements to a specified level or had already met the HAVA requirements.

The act also authorized more specialized grant programs aimed at encouraging or facilitating activities related to voting systems, accessibility for voters with disabilities, youth voter participation, and poll worker recruitment.

The Military and Overseas Voter Empowerment (MOVE) Act of 2009 (enacted as part of P.L. 111-84) set new requirements for military and overseas voting and authorized new funding for HAVA requirements payments to help states meet them. Federal grant programs have also been established since HAVA for reimbursing certain costs of replacing voting systems (P.L. 108-7), conducting pilot programs to improve election data collection (P.L. 110-161), and conducting pilot programs to test new election technologies for military and overseas voters (MOVE Act, P.L. 111-84).

HAVA's two general grant programs were not originally designed—and have not functioned—as regular sources of new elections funding for states. Congress has returned to them on occasion, though, to provide states with further funding. It appropriated \$400 million for FY2020 under HAVA's general improvements grant program to help states address elections effects of COVID-19 (P.L. 116-136), for example, and \$380 million for FY2018 (P.L. 115-141) and \$425 million for FY2020 (P.L. 116-93) in response to foreign interference in the 2016 elections.

With the exception of the COVID-19-related funding—which states had to either obligate by December 31, 2020, or return to the U.S. Treasury—funds provided under the requirements payments and general improvements grant programs have also been available to recipients indefinitely. States are not required to spend funds received under those programs, or any interest the funds generate, within a particular timeframe.

Table 1 summarizes the elections-specific grant programs Congress has authorized and funded as of this writing. For more information about each program, see CRS Report R46646, *Election Administration: Federal Grant Funding for States and Localities*, by Karen L. Shanton.

Other Grant Programs

The U.S. Election Assistance Commission (EAC) is the only federal agency dedicated to election administration, but other agencies have experience or expertise that may be relevant to elections. That is reflected in the administration of some elections-specific grant programs. Although the EAC oversees most federal elections grant programs, for example, programs related to disability access and military and overseas voting have been assigned to the U.S. Department of Health and Human Services (HHS) and the U.S. Department of Defense (DOD), respectively.

The relevance of other agencies to elections is also reflected in the use of some non-elections-specific grants for elections-related activities. A full accounting of all of the federal grant programs that have been or could be used to support elections-related work is beyond the scope of this In Focus, but U.S. Department of Education (ED), National Science Foundation (NSF), and Federal Emergency Management Agency (FEMA) programs offer some illustrative examples. Grants have been awarded under an ED grant program for educating children about the importance of voting, for example, and under NSF programs for conducting voting technology research. FEMA has provided funding to help states address elections effects of disasters—such as Hurricane Katrina and the September 11, 2001, attacks—and required applicants for some of its FY2020 homeland security grants to include election security projects in their proposals.

Table I. Authorizations and Appropriations for Elections-Specific Federal Grant Programs, as of Nov. 3, 2021

Grant Program	Auth. of Appropriations	Appropriations	Summary of Primary Purpose
Requirements payments 52 U.S.C. §§21001-21008; Election Assistance Commission (EAC)	FY03-05: Total of \$3 billion FY10 and subsequent fiscal years: such sums as necessary	FY03-04: Total of \$2.3 billion ^a FY08-10: Total of \$285 million	Complying with specified requirements for the administration of federal elections ^b
General improvements 52 U.S.C. §§20901, 20903-20906; EAC & General Services Administration (GSA)	\$325 million	FY03: ^c FY18: \$380 million FY20: \$825 million	Making general improvements to the administration of federal elections ^d
Lever and punch card voting system replacement 52 U.S.C. §§20902-20906; EAC & GSA	\$325 million	FY03: ^c	Replacing lever or punch card voting systems in precincts that used them in the Nov. 2000 federal election
Voting technology research 52 U.S.C. §§21041-21043; EAC	FY03: \$20 million	FY09-10: Total of \$8 million	Researching improvements to election systems and voting equipment
Voting technology pilot programs 52 U.S.C. §§21051-21053; EAC	FY03: \$10 million	FY09-10: Total of \$3 million	Conducting pilot programs to test new voting technologies
Voting system replacement reimbursements P.L. 108-7; GSA	^e	FY03: \$15 million	Reimbursing costs of obtaining optical scan or electronic voting equipment prior to the Nov. 2000 federal election
Military and overseas election technology pilot programs 52 U.S.C. §20311; Dept. of Defense	Such sums as necessary	^f	Conducting pilot programs to test election technologies for military and overseas voters
Polling place accessibility 52 U.S.C. §§21021-21025; Dept. of Health & Human Services (HHS)	FY03-05: Total of \$100 million	^g	Improving and providing information about the accessibility of polling places to individuals with disabilities
Protection and advocacy (P&A) system 52 U.S.C. §§21061-21062; HHS	FY03-06: Total of \$40 million Subsequent fiscal years: such sums as necessary	^g	Ensuring access to the electoral process for individuals with disabilities ^h
Mock elections 52 U.S.C. §§21071-21072; EAC	FY03: \$200,000 Subsequent six fiscal years: such sums as necessary	FY04-05: Total of \$400,000 FY08-10: Total of \$800,000 ⁱ	Conducting voter education activities for students and their parents
Help America Vote College Program ^j 52 U.S.C. §§21121-21123; EAC	FY03: \$5 million Subsequent fiscal years: such sums as necessary	FY03-05: Total of \$2.5 million FY08-10: Total of \$2.3 million ⁱ	Encouraging college students to serve as poll workers and election officials to use their services
Election data collection pilot programs 52 U.S.C. §20981 note; EAC	^e	FY08: \$10 million	Conducting pilot programs to improve the collection of data about the Nov. 2008 federal election

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

Notes: Figures are rounded. Authorization of appropriations figures reflect levels recommended in laws other than appropriations acts.

- Report language accompanying P.L. 108-199 indicated that \$750,000 of this funding was for the Help America Vote Foundation, \$750,000 was for the Help America Vote College Program, and \$200,000 was for the mock elections grant program.
- The FY03-05 funds and the FY10 and subsequent year funds were authorized for meeting requirements set by HAVA and the MOVE Act of 2009, respectively. Requirements payments can also be used for general election administration improvements under certain conditions.
- P.L. 108-7 provided \$650 million for the combination of these two programs and did not specify a distribution of funds between them.
- Explanatory statements accompanying P.L. 115-141 and P.L. 116-93—which provided \$380 million for FY18 and \$425 million for FY20, respectively—listed election security-specific uses to which those funds may be applied. The CARES Act (P.L. 116-136) limited use of the other \$400 million provided for FY20 to preventing, preparing for, and responding to the coronavirus in the 2020 federal election cycle.
- There is no statutory language concerning these programs separate from the language in appropriations legislation.
- Funding used for this grant program appears to have come from general DOD research funding rather than program-specific funding.
- Totals of \$80.7 and \$43.2 million, respectively, were provided for the polling place accessibility program for FY03-06 and FY08-10 and the P&A program for those years and FY12-13. Appropriations for FY07, FY11, and starting in FY14 have been included in general budget authority for certain HHS programs. HHS has reported that, starting with FY14, funding has only been directed to the P&A program.
- HAVA directs HHS to set aside 7% of the funding appropriated for this program for training and technical assistance.
- These figures reflect funding levels specified in report language as well as levels specified in bill text.
- The figures listed here are for the program as a whole. The EAC is authorized to conduct various activities as part of the program.

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