

November 3, 2021

Elections Grant Programs: Policy Options

Recent congressional activity on elections issues has often featured grant programs. Congress responded to foreign interference in the 2016 elections and the effects of the Coronavirus Disease 2019 (COVID-19) pandemic on administration of the 2020 elections, in part, with funding for a grant program established by the Help America Vote Act of 2002 (HAVA; P.L. 107-252). Multiple bills introduced in the 117th Congress—from the Freedom to Vote Act (S. 2747) to the Protecting the Right to Organized, Transparent Elections through a Constitutionally Trustworthy Electoral College (PROTECT Electoral College) Act (H.R. 4789/S. 519) to the House-reported Financial Services and General Government appropriations bill (H.R. 4345)—would authorize, fund, or set conditions for elections grant programs.

This In Focus explores some issues that may be of interest to Members who are considering offering, supporting, opposing, or amending proposals to authorize, fund, or set conditions for elections grant programs. It starts by summarizing some general arguments for and against federal elections grant programs then introduces some considerations that might be relevant for development or assessment of particular programs or proposals.

Role of Federal Elections Grant Programs

A central debate in elections policy is over the role the federal government should play in election administration. States and localities have traditionally had primary responsibility for administering elections in the United States, and opinions differ about the appropriate scope of federal involvement in setting or implementing election administration policy.

That debate has carried over to some discussions of federal elections grant programs. Elections grant funding has been described by some as federal overreach into a primarily state and local responsibility or a potential path to such overreach. Some have suggested, for example, that elections grant programs could foster a state and local reliance on federal funds that could translate to outsized federal influence on election administration policymaking.

Others say that the federal government has a responsibility to help cover the costs of conducting federal elections or to advance certain objectives—such as ensuring that eligible voters have access to the ballot or ineligible voters do not—and that grant programs offer a way to fulfill such responsibilities. Grant programs might be used to help cover the costs of conducting federal elections. Congress could also use grant programs to encourage states to adopt policies that are aimed at advancing certain objectives or to help defray the costs of implementing policies it requires them to adopt.

Options for Legislative Proposals

In addition to opposing federal elections grant programs in general, some might object to particular programs or funding on more specific grounds. They might note that some of the funding previously appropriated for a given grant program has not been spent, for example, or oppose the goals the program aims to achieve.

Another critique of some grant programs is that, though their goals might be worthwhile, they are unlikely to achieve them or likely to have other, unintended effects. To identify or avoid that kind of concern, Members who are considering proposing or assessing grant programs or funding might want to consider how they are structured.

Choices about the structure of elections grant programs and funding can help determine how effective they are at achieving their intended purposes and what, if any, unintended consequences they might have. Grant programs with shorter spending deadlines might be better suited to encouraging prompt action on funded activities, for example, while longer (or no) deadlines might enable grantees to undertake a wider range of projects or wait for relevant information or guidance before acting. Ongoing funding might have all of the above effects but raise concerns for some about potential federal overreach.

Views on the appropriate scope of federal involvement in elections might also factor into choices about permissible uses of proposed grant funds. For example, Members might have preferences about exactly how grant funding is spent, an interest in allowing for flexibility in states' or localities' use of funds, or both. Depending on how they balance such considerations, they might choose to limit funding to specific activities or make it available for more general purposes. They might also opt for a middle ground between those choices, such as (1) making grant funds broadly available but prohibiting certain uses or (2) prioritizing use of funds for particular activities but permitting more general uses under certain circumstances.

Each of the above options—along with other questions about the structure of elections grant programs and options for answering them—has been explored in previously introduced or enacted legislation. **Table 1** provides some illustrative examples of such structural questions and answers in each of five categories.

More detailed information about each set of questions and answers is available in CRS Report R46646, *Election Administration: Federal Grant Funding for States and Localities*, by Karen L. Shanton. Congressional clients may also contact the author of this In Focus for discussion of considerations relevant to specific legislative proposals.

Table I. Selected Policy Options for Elections Grant Programs and Funding

Category	Sample Questions	Sample Answers
Uses	Are grant funds limited to use for specific activities or available for more general purposes?	Specific activities (P.L. 116-136, Election Security Grants) General purposes (52 U.S.C. §§20901, 20903-20906)
	Are grant funds intended to finance voluntary activities or help meet federal requirements?	Voluntary activities (52 U.S.C. §§21051-21053) Federal requirements (52 U.S.C. §§21001-21008)
	Are any uses of grant funds prohibited or prioritized?	Prohibited (52 U.S.C. §§21061-21062)
		Prioritized (117 th Congress; H.R. 4345)
Amount	Is the total amount of federal funding authorized for the grant program a fixed amount, or is it such sums as may be necessary to conduct the funded activities?	Fixed amount (52 U.S.C. §§20901, 20903-20906) Such sums as may be necessary (52 U.S.C. §20311)
	Are grant recipients required to contribute to funding grant activities?	Match for funds received (P.L. 116-93, Elect. Sec. Grants) Match for funds to be spent (52 U.S.C. §§21001-21008)
	How is funding allocated to grant recipients?	Nondiscretionary formula (52 U.S.C. §§21001-21008)
		Competitive grant process (52 U.S.C. §§21041-21043)
	Are eligible recipients guaranteed minimum—or subject to maximum—award amounts?	Minimum amounts (P.L. 115-141, Elect. Reform Program) Maximum amounts (P.L. 108-7, Elect. Ref. Progs.)
Recipients	Is grant funding available—directly or indirectly—to local officials?	Directly (52 U.S.C. §§21021-21025) If state does not apply (115 th Congress; H.R. 6663/S. 2593) If authorized by state (115 th Congress; S. 2261) Via mandatory pass-throughs (117 th Congress; H.R. 4345)
		Election officials (52 U.S.C. §§21001-21008) Other entities (52 U.S.C. §§21061-21062)
	Is grant funding available to election officials or to other state or local entities?	50 states, DC, American Samoa, Guam, Puerto Rico, and U.S. Virgin Islands (USVI) (52 U.S.C. §20981 note) 50 states, DC, American Samoa, Guam, Puerto Rico, USVI, Commonwealth of Northern Mariana Islands, and American Indian consortium (116 th Congress; H.R. 5510)
	Which jurisdictions or entities are eligible for the grant program?	50 states, DC, American Samoa, Guam, Puerto Rico, and U.S. Virgin Islands (USVI) (52 U.S.C. §20981 note)
		50 states, DC, American Samoa, Guam, Puerto Rico, USVI, Commonwealth of Northern Mariana Islands, and American Indian consortium (116 th Congress; H.R. 5510)
Availability	Are grant recipients required to obligate or spend grant funds or complete funded activities by a certain deadline?	Option for extension (52 U.S.C. §§20902-20906) No option for extension (P.L. 116-136, Elect. Sec. Grants)
	Are appropriations for the grant program authorized for a limited number of fiscal years or on an ongoing basis?	Limited number of fiscal years (52 U.S.C. §§21041-21043) Ongoing basis (52 U.S.C. §§21061-21062)
Administration	Are details of grants administration specified in bill text, specified in report language, or left to the discretion of the agency charged with administering the program?	Authorizing legislation (52 U.S.C. §§21001-21008) Appropriations legislation (P.L. 116-136, Elect. Sec. Grants) Report language (P.L. 111-8, Cmte. print, Elect. Ref. Progs.)
		Election Assistance Commission (52 U.S.C. §20981 note) Other federal agency (52 U.S.C. §20311)
		Other agencies (52 U.S.C. §§21041-21043)
	Is the administering agency encouraged or required to collaborate or consult with other agencies or election stakeholders?	Elections stakeholders (117 th Congress; H.R. 5008/S. 2702)

Source: CRS, based on review of data from the U.S. Code and Congress.gov.

Notes: This table is intended to be illustrative, not comprehensive. Each sample answer includes an example from bill text or report language.

Karen L. Shanton, Analyst in American National Government

Disclaimer

This document was prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS's institutional role. CRS Reports, as a work of the United States Government, are not subject to copyright protection in the United States. Any CRS Report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS Report may include copyrighted images or material from a third party, you may need to obtain the permission of the copyright holder if you wish to copy or otherwise use copyrighted material.