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Election Security: Federal Funding for Securing Election Systems

Foreign efforts to interfere in the 2016 elections highlighted the potential for threats to the technologies, facilities, and processes used to administer elections. The federal government has responded to such threats, in part, by proposing and providing funding that can be used to help secure election systems.

This In Focus offers an overview of federal funding for election system security. It starts by describing funding Congress and federal agencies have made available since the 2016 elections for securing election technologies, facilities, and processes. It then summarizes legislative proposals to authorize or appropriate further funding.

The In Focus does not cover funding for addressing threats to election workers or the health and safety risks to voters and election officials posed by the Coronavirus Disease 2019 (COVID-19) pandemic. For more on federal funding proposed or provided for those purposes, see CRS Insight IN11831, *Election Worker Safety and Privacy*, by Sarah J. Eckman and Karen L. Shanton; and CRS Report R46646, *Election Administration: Federal Grant Funding for States and Localities*, by Karen L. Shanton.

Federal Funding

States, territories, and localities have primary responsibility for securing elections, but federal agencies also play a role in helping identify and address election system threats and vulnerabilities. Since the 2016 elections, Congress has provided funding that can be used to help secure election systems both to states, territories, and the District of Columbia (DC) and to federal agencies. Agencies have also designated some of the funding they have received for more general purposes for activities related to election system security.

Funding for States, Territories, and DC

The Help America Vote Act of 2002 (HAVA; P.L. 107-252) established a grant program for making certain general improvements to election administration. Congress has included funding for that grant program in multiple regular appropriations acts since the 2016 elections: \$380 million, \$425 million, \$75 million, and \$75 million, respectively, in the consolidated appropriations acts for FY2018 (P.L. 115-141), FY2020 (P.L. 116-93), FY2022 (P.L. 117-103), and FY2023 (P.L. 117-328). All four rounds of funding were available to the 50 states, DC, American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands, and the FY2020, FY2022, and FY2023 funds were also available to the Commonwealth of the Northern Mariana Islands (CNMI).

The appropriations acts made the HAVA funding broadly available for general improvements to the administration of federal elections, including improvements to election

technology and security. Explanatory statements accompanying the FY2018 and FY2020 acts also explicitly listed the following as permissible uses of the funds:

- replacing paperless voting equipment,
- implementing post-election audits,
- addressing cyber vulnerabilities in election systems,
- providing election officials with cybersecurity training,
- instituting election system cybersecurity best practices, and
- making other improvements to the security of federal elections.

Each eligible recipient was guaranteed a minimum amount under each of the above appropriations acts, with some entitled to additional funds based on voting-age population (see **Table 1** for the total amount available to each eligible recipient under all four acts). The 50 states, DC, and Puerto Rico have been required to provide a 5% match for the FY2018 funding and a 20% match for the FY2020, FY2022, and FY2023 funds. All recipients have also been expected to submit plans for use of the funding to the U.S. Election Assistance Commission (EAC) and report to the agency on their spending.

According to the EAC, which is charged with administering the funds, just over \$874 million of the \$880 million available for FY2018, FY2020, and FY2022 had been distributed to the states, territories, and DC as of March 15, 2023. Spending plans and budgets for the FY2023 funds were due to the agency on February 28, 2023.

In addition to the HAVA funding Congress designated specifically for elections activities, some funding has also been available for securing election systems under more general purpose grant programs. The U.S. Department of Homeland Security (DHS) has encouraged recipients of its State and Local Cybersecurity Grants to include election officials on their Cybersecurity Planning Committees, for example, and required FY2023 State Homeland Security Program and Urban Area Security Initiative grantees to allocate a share of their funds to enhancing election security. For more on some of those grant programs, see CRS Report R44669, *Department of Homeland Security Preparedness Grants: A Summary and Issues*, by Shawn Reese.

Funding for Federal Agencies

Various federal agencies play a role in helping secure election systems. The EAC is dedicated to election administration, for example, and DHS's Cybersecurity and Infrastructure Security Agency (CISA) has taken on new

election security responsibilities following the department's 2017 designation of election systems as critical infrastructure. For more on the EAC, federal agencies' work on election security, and the critical infrastructure designation, respectively, see CRS Report R45770, *The U.S. Election Assistance Commission (EAC): Overview and Selected Issues for Congress*, by Karen L. Shanton; CRS Report R46146, *Campaign and Election Security Policy: Overview and Recent Developments for Congress*, coordinated by R. Sam Garrett; and CRS In Focus IF10677, *The Designation of Election Systems as Critical Infrastructure*, by Brian E. Humphreys.

Congress has designated some of the funding it has appropriated to such agencies specifically for helping secure election systems. Report language for recent DHS appropriations measures has recommended funding for CISA's election security initiatives, for example, and the explanatory statement accompanying the FY2023 consolidated appropriations act directed the department's Science and Technology Directorate to consider research on voting technologies and election data security procedures.

Agencies may also choose to spend some of the funding they receive for more general purposes on activities related to election system security. The Defense Advanced Research Projects Agency (DARPA) has provided funding to advance development of a secure, open-source voting system, for example, and the National Science Foundation (NSF) has awarded grants for voting technology research.

Table 1. Total HAVA General Improvements Grant Funding Allocated to Each Eligible Recipient Under the FY2018, FY2020, FY2022, and FY2023 Consolidated Appropriations Acts

(\$, rounded in millions)

AL	15.2	IN	18.7	NV	11.1	TN	18.7
AK	8.0	IA	11.8	NH	8.6	TX	57.9
AZ	18.6	KS	11.3	NJ	24.1	UT	10.7
AR	11.5	KY	14.3	NM	9.9	VT	8.0
CA	85.2	LA	14.5	NY	47.9	VA	22.4
CO	15.8	ME	8.6	NC	25.7	WA	19.7
CT	12.9	MD	17.5	ND	8.0	WV	9.7
DE	8.0	MA	19.5	OH	29.9	WI	17.2
DC	8.0	MI	26.3	OK	13.0	WY	8.0
FL	47.7	MN	16.3	OR	13.4	AS	1.6
GA	25.6	MS	11.5	PA	33.1	CNMI	1
HI	8.7	MO	17.8	RI	8.2	GU	1.6
ID	8.9	MT	8.1	SC	15.0	PR	8.9
IL	32.4	NE	9.4	SD	8.0	VI	1.6

Source: CRS, based on data from the EAC.

Legislative Proposals

Proposals to provide states, territories, and DC with funding they can use to help secure their elections have been offered in each appropriations cycle since the 2016 elections. For

example, proposed FY2021 appropriations bills and amendments to FY2019 measures would have provided funding under the same provisions of HAVA and the same or similar terms and conditions as the FY2018, FY2020, FY2022, and FY2023 consolidated appropriations acts.

Some Members have also introduced legislation to authorize other election system security spending. The For the People Act of 2021 (H.R. 1/S. 1/S. 2093) would have authorized grant programs for various election security purposes, including replacing paperless voting systems, for example, and the 118th Congress's Sustaining Our Democracy Act (S. 630) would provide for ongoing funding for securing election infrastructure and other elections activities.

Such proposals have taken various approaches to helping secure election systems. Some of the ways they vary are

- Type of threat addressed.** Election systems face multiple threats. Bad actors might target technological, physical, or human vulnerabilities in the system, or more than one of the above. Funding proposals introduced since the 2016 elections have aimed to address several types of threat. For example, the FAST Voting Act of 2019 (H.R. 1512) would have authorized funding that could be used to secure the physical chain of custody of voting machines, among other purposes, and the EAC Reauthorization Act of 2017 (H.R. 794) would have authorized funding for grants to upgrade the technological security of voter registration lists.
- Timing of response.** Efforts to secure election systems can be aimed at mitigating a risk at any point in their lifecycles (e.g., identifying, protecting, detecting, responding, or recovering). Funding has been proposed for interventions at various points. Some of the funding provisions of the SAFE Act (H.R. 2722/S. 2053/S. 2238; 116th Congress) were directed at protecting election systems against attacks, for example, while others would have helped officials respond to them.
- Specificity of uses.** Some of the funding provisions of election security bills have focused on specific activities. Others would authorize appropriations for more general purposes and delegate responsibility for identifying the best uses of the funds to states or other entities. For example, the Election Security Assistance Act of 2019 (H.R. 3412) would have left decisions about how to use its payments largely to states, territories, and DC. The 115th Congress's Secure Elections Act (H.R. 6663/S. 2261/S. 2593) would have established an election cybersecurity advisory panel, among other provisions, and authorized a grant program for implementing the panel's guidelines.

Among the proposed bills listed above, an FY2021 consolidated appropriations bill (H.R. 7617) and versions of the SAFE Act (H.R. 2722) and the For the People Act of 2021 (H.R. 1) were passed by the House. None of the other proposals had passed either chamber as of this writing.

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