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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 improving 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 the 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 certain general improvements to election administration; 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 election administration improvements if a state limited its spending on them to a specified level or had already met the HAVA requirements.

The act also authorized more specialized grant programs aimed at facilitating or incentivizing 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), improving election data collection (P.L. 110-161), and conducting pilot programs to test new election technologies for military and overseas voters (P.L. 111-84).

HAVA's two general grant programs were not originally designed—and have not historically 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 under HAVA's general improvements grant program to help states address elections effects of COVID-19 (P.L. 116-136), for example, as well as \$380 million for FY2018 (P.L. 115-141), \$425 million for FY2020 (P.L. 116-93), \$75 million for FY2022 (P.L. 117-103), and \$75 million for FY2023 (P.L. 117-328) for more general purposes.

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 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 to date. For more on those programs, see CRS Report WPD00035, *Federal Role in Elections Funding*, by Karen L. Shanton; and 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. The relevance of other agencies' experience and expertise is reflected in choices about the administration of the elections-specific grant programs described in the previous section. For example, although the EAC oversees most elections-specific grant programs, Congress assigned responsibility for some of the disability access and military and overseas voting funding 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 availability of some non-elections-specific funding for elections-related activities. A complete account of all of the federal grant programs that have been or could be used to support elections work is beyond the scope of this In Focus, but U.S. Department of Justice (DOJ) and U.S. Department of Homeland Security (DHS) programs offer some illustrative examples. Following reports of an increase in threats to election workers in and after the 2020 election cycle, DOJ confirmed that some of its grants can be used to address such threats. DHS has reimbursed certain elections costs of disasters, such as Hurricane Katrina; required recipients of some of its homeland security grants to allocate a share of the funding to election security projects; and encouraged state and local cybersecurity grantees to include election officials on their planning committees.

Table I. Authorizations and Appropriations for Elections-Specific Federal Grant Programs, as of May 5, 2023

| 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 FY22-23: Total of \$150 million | Making certain general improvements to election administration ^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; DOD | 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; 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 FY23: \$1 million | Encouraging college students to serve as poll workers and election officials to use their services |
| Election data collection 52 U.S.C. §20981 note; EAC | ^e | FY08: \$10 million | Improving the collection of data related to 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 for 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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