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State Election Reform Payments: FY2018 Appropriations

Election infrastructure in at least 21 states was targeted by Russian hackers during the 2016 campaign, according to the U.S. Department of Homeland Security (DHS). The omnibus spending bill enacted in March 2018 (P.L. 115-141) included \$380 million for payments to states, territories, and the District of Columbia (D.C.) to help secure their systems against such threats.

The payments were authorized under the Help America Vote Act of 2002 (HAVA; P.L. 107-252). HAVA, which was a response to issues exposed by the 2000 presidential election, is the only legislation to date to authorize major federal funding to the states for election administration. Prior to 2018, funds were last appropriated for HAVA’s state payments in FY2010.

Background: Help America Vote Act

Difficulties with the vote count in Florida delayed the result of the 2000 presidential election by more than a month, and subsequent investigations revealed widespread weaknesses in states’ election systems. Congress responded to those discoveries with more than a dozen election administration bills in the 106th Congress and more than 40 in the 107th Congress. Features of a number of those bills were incorporated into HAVA.

Key Provisions

Election administration in the United States is primarily the responsibility of states, territories, and localities, but the federal government also plays a role. HAVA provided for three main types of federal involvement in elections:

- **Requirements:** Established national requirements for various aspects of election administration, including voting systems, voter registration databases, provisional voting, and voter identification.
- **Agency:** Created the U.S. Election Assistance Commission (EAC) to assist states, territories, and localities with election administration, including by issuing voluntary guidance, certifying voting systems, and administering funding.
- **Funding:** Authorized federal funding for meeting the new national requirements and other election administration purposes, including formula payments to states and territories, funding for disability access and youth participation initiatives, and grants for research and pilot programs.

Formula Payments

The majority of the funding authorized by HAVA was for three formula-based payments to the states, D.C., Puerto Rico, Guam, American Samoa, and the U.S. Virgin Islands (referred to herein as *jurisdictions*); see Table 1.

Table 1. Overview of HAVA Formula Payments

Main provision	Primary purpose	Authorized funding	Basis for formula
Title I Sec. 101	Improving election administration	\$325 million	Voting-age population
Title I Sec. 102	Replacing lever and punch card voting systems	\$325 million	Number of precincts using systems
Title II Sec. 251	Meeting the new requirements	\$3 billion	Voting-age population

Source: CRS, from the Help America Vote Act of 2002

Note: Sec. 251’s requirements payments could be spent on general election administration improvements under certain circumstances.

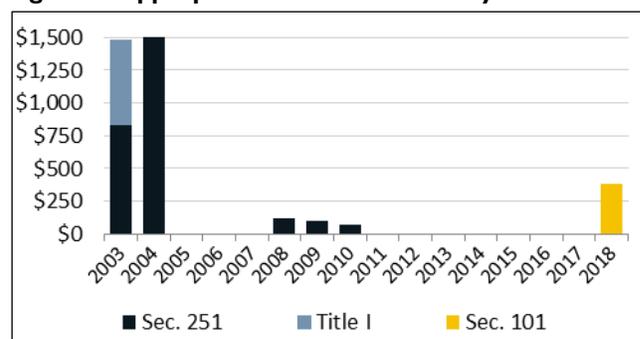
The jurisdictions were each guaranteed minimum Title I and Sec. 251 payments, with some eligible for additional funds based on voting-age population and/or number of precincts using lever or punch card voting systems. Recipients of Sec. 251 payments had to submit a plan for the funding and, with the exception of some of the territories, supply matching funds equal to 5% of the sum of the federal funds they received and the matching funds.

FY2018 Election Reform Payments

In September 2017, DHS informed 21 states that their election systems had been targeted by hackers in 2016.

Congress included funding in the FY2018 omnibus spending bill for responses by DHS and the Federal Bureau of Investigation to threats to election infrastructure. It also appropriated \$380 million under HAVA Sec. 101 for election reform payments to the jurisdictions; see Figure 1.

Figure 1. Appropriations for Formula Payments



Source: CRS, from HAVA and annual appropriations acts

Notes: Figures are in millions. They include funds for administrative expenses and do not reflect rescissions. The FY2003 act did not specify the distribution of funds between Secs. 101 and 102.

