



COUNTY ELECTION ADMINISTRATION

# FEDERAL ADVOCACY TOOLKIT



**VOTE**



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## NACo Resources on Elections

County Role in  
Elections One Pager



HAVA Grant  
One Pager



County Role in  
Elections Report



Latest Policy  
Analysis



*The nation's 3,069 counties traditionally administer and fund elections at the local level, including overseeing polling places and coordinating poll workers for federal, state and local elections. County election officials strive to administer elections in a way that is accurate, secure and accessible for all voters. Counties are responsible for funding and managing over 100,000 polling places staffed with over 630,000 poll workers each election cycle.*



# INTRODUCTION

Since 2020, local election administration in the United States has increasingly drawn the attention of national media organizations and state and federal lawmakers.

Elections in the United States are administered in a highly decentralized process through which each state shapes its own election laws. These state laws, in turn, shape the roles counties play in the months and weeks leading up to Election Day.

The federal government also plays a role through the U.S. Election Assistance Commission (EAC), which serves as the federal clearinghouse for election related technical assistance and makes grants when funding is available to aid states and local governments. **Still, the majority of election responsibilities are concentrated at the state and local level.**

The intergovernmental partnership is crucial to the integrity of elections, but it requires a delicate balance where one level of government does not overwhelm the others and recognizes the important role counties play in administering a secure and accurate election. The county role in election administration is vital to the democratic process and should be recognized as such.

These early months of this election year are a key time for county leaders to set the stage for this election cycle and communicate to our federal partners that counties administer safe, secure and accurate elections.

In the years following the 2020 presidential election a significantly higher volume of election bills were introduced in both the U.S. Congress and state legislatures across the country as compared to historic levels. As such, it is also a great time for county leaders to advocate for county election priorities to strengthen local election administration at the federal level.

With a split Congress and the slim majorities held by both Democrats in the U.S. Senate and Republicans in the U.S. House, bipartisan compromise will continue to be necessary to advance county election priorities in the 118th Congress.

*Maintaining  
election  
integrity and  
strengthening  
election worker  
safety is a top  
federal policy  
priority for NACo.*

# ELECTION LEGISLATION IN THE 118TH CONGRESS

## Freedom to Vote Act (S.1/H.R. 11)

Led by Sen. Amy Klobuchar (D-Minn.) and Rep. John Sarbanes (D-Md.), this legislation would expand early voting options nationwide and access to mail-in ballots and require states to offer online voter registration, implement same-day registration, establish automatic voter registration and restore felon voting rights. It would also provide grants for poll worker training and recruitment, increase protection against the intimidation of election workers and create a state-eligible Election Assistance and Innovation Fund for election-related investments that states could sub-grant to counties.

HOUSE INTRODUCED	HOUSE COMMITTEE PASSAGE	HOUSE PASSAGE	SENATE INTRODUCED	SENATE COMMITTEE PASSAGE	SENATE PASSAGE
✓			✓		

## American Confidence in Elections (ACE) Act (H.R. 4563)

Led by Rep. Bryan Steil (R-Wis.) and House Administration Committee Republicans, this legislation would incentivize the adoption of state policies related to voter registration, eligibility and the transmission of mail-in ballots. It would also require the EAC to establish a forum for state and local election officials to share best practices and craft voluntary election administration guidelines, and increase IRS reporting thresholds for election workers.

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✓	✓				

## Sustaining Our Democracy Act (S. 630/H.R. 5292)

Led by Sen. Amy Klobuchar (D-Minn.) and Rep. Nikema Williams (D-Ga.), this legislation would establish a State Election Assistance and Innovation Trust Fund similar to the program established in the Freedom to Vote Act. This program would make allocations to states for “democracy promotion activities”, which include improving the administration of federal elections, recruiting and training election officials and poll workers and increasing access to voting.

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## Election Worker Protection Act (S. 1318)

Led by Sens. Amy Klobuchar (D-Minn.) and Dick Durbin (D-Ill.), this legislation would make grant funds available for (1) the recruitment and training of poll workers, (2) physical security services and social media threat monitoring for election workers and (3) the creation or expansion of programs designed to protect the personally identifiable information of election workers. It would also make the harassment and doxing of election workers as well as the intimidation of tabulation, canvas and certification efforts a federal crime. **NACo applauds Sens. Klobuchar and Durbin for leading this charge in Congress and has endorsed this bill.**

HOUSE INTRODUCED	HOUSE COMMITTEE PASSAGE	HOUSE PASSAGE	SENATE INTRODUCED	SENATE COMMITTEE PASSAGE	SENATE PASSAGE
			✓		

## Fiscal Year (FY) 2024 Financial Services and General Government Appropriations

The Senate and House FY 2024 Financial Services and General Government Appropriations bills differ in funding for election-related investments. Currently, the Senate legislation includes \$75 million in FY 2024 for Election Security Grants administered by the EAC whereas the House legislation has no appropriations for this program. Counties support a consistent, predictable and dedicated federal funding stream to assist counties with meeting the significant federal requirements already imposed on counties administering elections.

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✓	✓		✓	✓	





# FEDERAL ELECTION FUNDING

Counties support a consistent, predictable and dedicated federal funding stream to assist counties with meeting the significant federal requirements already imposed on local governments administering elections.

Federal funding dedicated to election administration should be administered in coordination and in consultation with local governments, including an assurance that a portion of the funding be made available to the discretion of local governments.

A consistent federal funding stream would allow counties to:

- Prepare for future technology and security updates
- Recruit, train and retain high-quality individuals that administer elections
- Conduct voter outreach
- Comply with Section 203 of the Voting Rights Act and serve the needs of voters who are limited English-proficient
- Provide continued access to voters that have challenges as required by existing federal laws such as the Americans with Disabilities Act (ADA) and the Voting Rights Act and Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

*Urge your Members of Congress to support adequate, increased federal funding for election administration*

## President's Budget Requests

In FY 2023 and FY 2024, the President's Budget requested \$5 billion in mandatory election assistance grants to states and local governments to be administered by the EAC.

**Counties support this request for increased, mandatory funding for election administration.**

The Sustaining Our Democracy Act (S. 630/H.R. 5292) sponsored by Sen. Amy Klobuchar (D-Minn.) and Rep. Nikema Williams (D-Ala.) would provide a mandatory \$2 billion in funding for election administration and "democracy advancement" activities. Funds would be awarded to states, however, counties would be able to apply directly for these funds in the case that their state did not submit an application to receive funds.

**Counties appreciate the opportunity for counties to apply directly for these funds in certain cases, however, all federal funding should be administered in coordination with or directly to counties.**

## U.S. Election Assistance Commission - HAVA Grants

Help America Vote Act (HAVA) grants are the main form of federal funds for election administration and are administered by the EAC. HAVA grants are funded in the Financial Services & General Government spending bill through the annual, discretionary appropriations process – in other words, federal election funds are not guaranteed on an annual basis.

HAVA grants are allocated to states based on a formula in which each state is guaranteed a minimum, equal amount in addition to an amount based on the voting age population in the state. Not all states subgrant HAVA funds to the local level, and even when they do, they are often for a limited purpose prescribed by the chief election official of the state.

HAVA funds should be administered in coordination and in consultation with local governments, including an assurance that a portion of the funding be made available to the discretion of local governments.



### TALKING POINTS FOR ELECTION FUNDING

- Counties support a consistent, predictable and dedicated federal funding stream to assist counties in administering secure and accurate elections
- While it is hard to estimate the cost of elections in the United States, election expenditures were estimated to be nearly \$1 billion in 2000. The cost of elections has significantly increased since then as technology of voting equipment has evolved and required updates over time
- The majority of election-related costs are borne by counties, however states support some facets of elections, such as maintaining statewide voter registration databases, contributing funding for voting equipment and supplies and disseminating information to voters
- **Counties cover the costs of administering federal elections and federal races and candidates take up a significant portion of the ballots counties are required to design, print, mail and process each election cycle. The federal government should pay its fair share of election administration costs.**
- Congress should authorize mandatory, dedicated election funding for states and local governments to make election administration improvements
- Congress should increase funds for existing Help America Vote Act grants administered by the U.S. Election Assistance Commission
- A dedicated funding stream for election related activities would allow counties to prepare for future technology and security updates, recruit, train and retain high-quality poll workers, conduct voter outreach and comply with existing federal and state laws. These activities are crucial for election integrity.

# ELECTION WORKER PROTECTION

The widespread circulation of misinformation and disinformation surrounding the administration of elections has led to a series of new challenges election officials must address, including the increase of targeted threats and harassment towards election officials. Amidst these new challenges, counties now must also consider safety and security measures for themselves and the election workers they employ, which has added significant costs for counties.

According to a March 2022 survey of local election officials, **77 percent of feel as if threats and harassment towards election officials has increased in recent years.<sup>1</sup> Of surveyed election officials, 17 percent reported experiencing threats and harassment themselves, but more than half are concerned about the safety of their colleagues in future elections.**

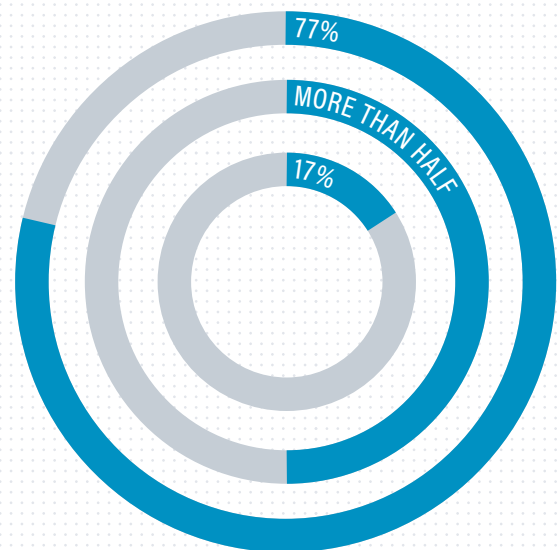
NACo calls upon Congress to enact legislation that will impose appropriate penalties for offenses including but not limited to the following:

- Harassing or intimidating election officials in the performance of their duty
- Threatening or causing harm to election officials or their families
- Attempting to pressure election officials or their family members to violate state and federal election law or the U.S. Constitution
- Doxing, or disseminating by any means the personal information of election officials or their family members

An April 2023 survey of election officials found that 11 percent of participants said they are very or somewhat likely to resign before 2024 and 12 percent of election officials began service as an election officials after the 2020 election.<sup>2</sup> Simply put, **the rise in targeted threats and harassment toward election officials has contributed to a significant election workforce shortage across the country** and a loss of the institutional knowledge necessary to administer seamless elections on the ground.

*Urge your Members of Congress to support increased federal protections for election officials and investments in election worker safety*

**SURVEY OF LOCAL ELECTION OFFICIAL WHO EXPERIENCED INCREASED HARRASSMENT**



*Source: Brennan Center for Justice 2022 Local Election Officials Survey*

<sup>1</sup> Currie, S., Ebrahimi, E., Wilentz, B. (2022). Local Election Officials Survey [Data set]. The Brennan Center for Justice. <https://www.brennancenter.org/our-work/research-reports/local-election-officials-survey-march-2022>

<sup>2</sup> Currie, S., Horrigan, J., Sapper, M., Wilentz, B. (2023). Local Election Officials Survey [Data set]. The Brennan Center for Justice. <https://www.brennancenter.org/our-work/research-reports/local-election-officials-survey-april-2023>

To address this, Congress should enact legislation to authorize and fund **grants to state and local election officials for poll worker retention and recruitment.**

Congress should also provide grants to state and local governments to establish and/or support existing programs **to remove personal identifiable information (PII) of election officials at their discretion from publicly available documents.**

NACo has endorsed the ***Election Worker Protection Act*** (S. 1318) that would make the harassment and doxing of election workers as well as the intimidation of tabulation, canvas and certification efforts a federal crime and authorize grants for poll worker recruitment and retention, physical security services and social media threat monitoring and to support programs that remove election officials' PII from public records.



### TALKING POINTS FOR ELECTION WORKER PROTECTION

- Counties urge you to support the Election Worker Protection Act to make these offenses a federal crime and to authorize grant programs for state and local election officials to help address the impacts of these crimes on the ground
- Given the recent rise in threats, counties must spend significant funds to protect its election officials and its poll workers from harassment and intimidation
- Congress should work in a bipartisan manner to protect election workers and enact legislation that will impose appropriate penalties for harassing or intimidating, threatening or causing harm to, attempting to pressure, or disseminating personal information of election workers or their family members
- Not only has the increased instances of threats and harassment towards county election officials undermined the integrity of our elections, but it has also resulted in election officials resigning from their duties
- Without increased efforts to protect election workers, counties will continue to see an increased resignation experienced, career election officials and struggle to recruit and retain seasonal poll workers
- **Election administration is nonpartisan and counties are calling for civility this election cycle**



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TODAY

# FEDERAL ELECTION REFORM

*Urge your Members of Congress to oppose unfunded mandates, insufficient deadlines and one-size-fits-all approaches in any elections reform legislation*

Elections in the United States are administered in a highly decentralized process through which each state shapes its own election laws. In turn, state law shapes the roles counties play in the months and weeks leading up to Election Day.

The federal government's role in elections is fairly limited and is mainly through the EAC. The EAC was established by the Help America Vote Act of 2002 (HAVA) and is not a regulatory agency. HAVA authorized the EAC to make grants to states, serve as a national clearinghouse of information on election administration in the U.S. and to establish **voluntary voting system guidelines** (VVSG), which are optional for states to adopt and are limited to EAC-certified voting systems.

**No new comprehensive federal election reform legislation has been enacted since HAVA in 2002.** Any new federal legislation or regulations on local election administration must be fully funded and should acknowledge the substantial variety of administration techniques employed in states and counties across the country.

## NACo Federal Election Reform Priorities

**1. NACo opposes any legislation that imposes specific, impractical and one-size-fits-all requirements regarding equipment, procedures and personnel responsibilities.**

**What does this look like in practice?** Examples in current/recent federal legislation include:

- Establishing uniform federal standards for counting provisional ballots and the procedures local election officials must follow to allow voters to cure, or correct, their ballots in order to be counted (*Freedom to Vote Act* – 117th/118th Congress)
- Prohibiting states that allow non-citizen voting in state and local elections from maintaining a single voter registration roll and from putting federal, state and local offices on the same ballots (*ACE Act* – 117th/118th Congress)
- Requiring that states use HAVA election security grants to replace all direct-recording-electronic (DRE) voting machines with those that use voter-verified paper ballot (House Appropriations Committee approved *FY 2023 Financial Services and General Government* spending bill – 117th Congress)

**2. Counties additionally oppose unfunded, and under-funded, mandates and insufficient deadlines with regard to federal election reform.**

**What does this look like in practice?** Examples in current/recent federal legislation include:

- Requiring same day voter registration and uniform early-voting periods nationwide would require counties, in many cases, to purchase new equipment and technology and hire and train additional staff – **while HAVA funds can be used for voter registration requirements, Congress does not consistently or adequately fund these grants** (*Freedom to Vote Act* – 117th/118th Congress)
- Requirement that unofficial election results be posted by 10 a.m. the day after election day (*ACE Act* – 117th/118th Congress)

**3. NACo further asserts that counties should not be held liable for state failures to comply with federal election requirements or blocked from accessing federal election administration funding.**

**What does this look like in practice?** Examples in current/recent federal legislation include:

- Prohibiting or limiting states from accessing federal funds for election administration if they do not adopt specific laws related to elections, which would in turn impact counties' access to these funds (*ACE Act* – 117th/118th Congress)

- Establishing new federal grant programs that do not make counties an eligible direct recipient or guarantee that funds be sub-allocated to the county level (*Freedom to Vote Act* – 117th/118th Congress)

**4. NACo supports efforts by Congress to combat the cybersecurity threats that negatively impact public perception of the integrity of elections. Any legislation should involve county election authorities in addressing these threats and include provisions requiring information sharing between federal, state and local authorities.**

**What does this look like in practice?** Examples in current/recent federal legislation include:

- The establishment of standard practices for reporting election cybersecurity incidents to the U.S. Department of Homeland Security (DHS) among federal agencies and notifying state and local election officials (*ACE Act* – 117th/118th Congress)
- The issuance of informal federal guidance for state and local election officials for the retainment and preservation of election records, including electronic records (*Enhanced Election Security and Protection Act* – 117th Congress)



## TALKING POINTS FOR FEDERAL ELECTION REFORM

- Safe and secure elections require a delicate balance of our federalist system where each level of government is recognized for the unique role they play in administering elections and one level of government does not overwhelm the others
- The federal government does play a role in our elections through the technical assistance, testing and certification of voting machines and providing grants through the U.S. Election Assistance Commission (EAC) – counties support the role of the EAC in elections
- Federal standards for election administration should be voluntary for states, and therefore counties, to adopt and all mandated reforms should be fully funded
- Election administration is decentralized and differs from state to state, which is partially why our nation's elections are so secure. Congress should not impose one-size-fits-all requirements for state and local election officials
- Any cybersecurity requirements included in election reform legislation should establish criteria based security principles rather than impose specific technologies
- **Counties look forward to working with Congress to craft meaningful election reform that meets the needs of local election officials and does not impose unfunded and unreasonable requirements**





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# SUPPORTING OUR FEDERAL PARTNERS IN ELECTIONS

*Urge your Members  
of Congress  
to support the  
EAC, USPS and  
CISA as federal  
partners in election  
administration*

## **U.S. Election Assistance Commission**

The EAC plays an important role in coordinating collaborative efforts among local, state and federal government officials in addressing issues associated with the field of election administration. County election officials have long held a seat on the EAC's various advisory boards, and in 2021 the EAC launched the **Local Leadership Council (LLC)** comprised of local election officials in each state to advise the Commission on matters related to local election administration.

The EAC also brings together federal, state and local election officials with election technology experts to develop guidelines and standards that protect our critical infrastructure, through the **Voluntary Voting System Guidelines (VVSG)**. The VVSG sets specifications and requirements against which voting systems can be tested to determine if the systems meet standards related to basic functionality, accessibility and security. The VVSG is completely voluntary for states and is limited to EAC-certified voting systems. **Counties appreciate the efficiencies and cost savings of voluntary federal certification.**

Additionally, it is essential that election cybersecurity guidelines and grant administration remain coordinated within the existing structure of the EAC rather than having a new federal entity develop potentially conflicting guidelines. **Counties would oppose any legislation that seeks to create further federal certification processes in addition to the EAC certification.**

## **U.S. Cybersecurity and Infrastructure Security Agency**

The U.S. Department of Homeland Security (DHS) Cybersecurity and Infrastructure Security Agency (CISA) plays a critical role in ensuring the cybersecurity of election infrastructure. In January 2017, DHS officially designated election infrastructure as a subset of the government facilities sector. Since then, CISA has provided cybersecurity resources to state and local election officials and through advisory panels such as the Government Coordinating Council, CISA collaborated with the EAC and state and local election officials to mitigate and manage the cybersecurity risks posed to our election infrastructure.

## U.S. Postal Service

The U.S. Postal Service (USPS) is a critical partner to counties in elections and is increasingly so as more states embrace mail-in voting. Counties support efforts to maintain a domestic and international mail system that supports our election system and ensures that all voters, including those in the military and overseas, are able to fairly and freely participate in our elections.

Counties further appreciate the discounted Presort First-Class postage rate provided to local election officials by USPS for election mailings.

However, USPS service delivery is not uniform in all areas of the country. There is a discrepancy in the USPS' capacity in more rural counties compared to mid-sized and large urban counties and therefore counties urge the USPS to continue working with rural counties to ensure election mail is delivered efficiently and on time.



### TALKING POINTS FOR THE EAC

- Congress should adequately fund the EAC to ensure the Commission can continue serving as a national clearinghouse for best practices related to election administration
- Congress should adequately fund the EAC to ensure the Commission can continue to make grants to support election administration improvement
- The EAC plays an important role in coordinating federal, state and local election efforts
- Counties support the role of the EAC in developing certification and testing standards for our nation's voting equipment

### TALKING POINTS FOR CISA & ELECTIONS

- Counties urge CISA to utilize advisory panels already in existence, such as the EAC, Government Coordinating Council, or Election Infrastructure Information Sharing and Analysis Center (EI-ISAC), or otherwise give significant representation to local authorities (including local government Chief Information Officers) on any new advisory panel on election cybersecurity
- Counties urge CISA to continue to provide maximum flexibility in the State and Local Cybersecurity Grant Program (SLGCP) for the use of pass-through funding on cybersecurity planning initiatives related to the administration of elections
- Counties urge DHS and CISA to provide county election officials, government Chief Information Officers and other county technology offices with the maximum information about cyber threats

### TALKING POINTS FOR USPS & ELECTIONS

- The USPS should coordinate with local election officials to ensure on-time delivery of all election mail
- The USPS should coordinate with local election officials on election mail envelope designs and other required features
- Counties urge the USPS to collaborate with local election officials in rural communities to ensure election mail is delivered efficiently and on time

# RESOURCES

## Primary Federal Laws Governing Elections in the United States

- **Uniformed & Overseas Citizens Absentee Voting Act** (UOCAVA; 52 U.S.C. § 20301- enacted 1986)
  - » UOCAVA requires states to make absentee voter registration and voting available for members of the U.S. Military and other “uniformed services” who are serving away from their residence, and for overseas civilians. Through UOCAVA states are encouraged to accept single absentee-ballot requests for multiple elections, federal write-in absentee ballots (FWAB), registrations and ballots without notarization, and process these absentee ballots fast.
  
- **National Voter Registration Act** (NVRA; 52 U.S.C. § 20501 – enacted 1993)
  - » Also known as the “Motor-Voter” law, the NVRA requires states to provide voter registration materials at government agencies, including the DMV and social service agencies, accept registration applications via mail using a federal form and designate a chief state election official. This law also restricts states from purging registration lists in certain circumstances and regulates practices states may use to maintain registration lists
  
- **Help America Vote Act** (HAVA; 52 U.S.C. § 20901 – enacted 2002)
  - » The Help America Vote Act was enacted following the 2000 election and concerns over election administration, ballot design and voting equipment. HAVA established the Election Assistance Commission (EAC) to oversee election administration, which was previously under the purview of Federal Election Commission (FEC). Through this bill, the EAC is authorized to conduct research on election administration and establish voluntary voting system guidelines (VVSG) for state’s election equipment, and make payments to states for election administration improvements, such as replacing punch-cards and lever voting machines. The bill also required states to establish statewide voter registration databases, provide polling places to disabled voters and provide provisional ballots to voters whose eligibility is unclear.

## Committees & Key Members of Congress

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Sen. Laphonza Butler (D-Calif.)

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Sen. Ted Cruz (R-Texas)  
Sen. Shelley Moore Capito (R-W.Va.)  
Sen. Roger Wicker (R-Miss.)  
Sen. Cindy Hyde-Smith (R-Miss.)  
Sen. Bill Hagerty (R-Tenn.)  
Sen. Katie Britt (R-Ala.)

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Rep. Susie Lee (D-Nev.)

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Sen. Jacky Rosen (D-Nev.)

Sen. Richard Blumenthal (D-Conn.)

Sen. Jon Ossoff (D-Ga.)

Sen. Laphonza Butler (D-Calif.)

Sen. Rand Paul (R-Ky.), **Ranking Member**

Sen. Ron Johnson (R-Wis.)

Sen. James Lankford (R-Okla.)

Sen. Mitt Romney (R-Utah)

Sen. Rick Scott (R-Fla.)

Sen. Josh Hawley (R-Mo.)

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