

Strengthen the Election Assistance Commission

This proposal implements the Commission’s recommendation to strengthen and better resource the Election Assistance Commission, particularly with lessons learned in the wake of the COVID-19 Pandemic. The proposal does four things:

- Gives the EAC explicit authority to develop, maintain and disseminate cybersecurity guidelines to identify vulnerabilities and detect, protect against, respond to, and recover from cybersecurity incidents; and publicize best practices for the cybersecurity of voting systems and non-voting election systems that are critical for the effective administration of elections;
- Adds cyber expertise to the Commission’s staff by creating a Senior Cyber Policy Advisor;
- Eliminates the EAC’s annual operating budget cap to better enable the EAC in executing its core responsibilities; and
- Gives the EAC explicit authority to issue grants for research on non-voting election systems.

A BILL

To amend the Help America Vote Act of 2002 (52 U.S.C. 20901 et seq.) to improve the performance of the Election Administration Commission of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the “Strengthening the Election Assistance Commission Act of 2022”.

SEC. 2. DUTIES OF THE COMMISSION

Section 202 of the Help America Vote Act of 2002 (52 U.S.C. 20922) is amended—

- (1) In the matter preceding paragraph (1), by striking “by” and inserting “and the security of election infrastructure by”; and

(2) by striking the semicolon at the end of paragraph (1) and inserting the following: “, and the development, maintenance and dissemination of cybersecurity guidelines to identify vulnerabilities that could lead to, protect against, detect, respond to and recover from cybersecurity incidents;”.

(3) in paragraph (5), by striking “; and” and inserting “;”;

(4) in paragraph (6), by striking the period at the end; and

(5) by adding at the end, the following new paragraph:

“(7) to develop voluntary standards, publicize, educate, and train election officials and others on the cybersecurity best practices for voting technology and non-voting election technology. The Commission may issue best practices as developed by other organizations, such as the National Institute of Standards Technology or the Cybersecurity and Infrastructure Security Agency.”.

SEC. 3. STRENGTHENING CYBER PROFICIENCY OF THE COMMISSION STAFF

Section 204 of the Help America Vote Act of 2002 (52 U.S.C. 20924) is amended—

(1) By redesignating paragraph (5) and (6) as paragraphs (6) and (7) respectively.

(2) By inserting after paragraph (4) the following:

“(5) Senior Cyber Policy Advisor. The Commission shall have a Senior Cyber Policy Advisor, who shall be appointed by the Commission and who shall serve under the Executive Director and who shall be the primary policy advisor to the Commission on matters of cyber security for Federal elections.” and

SEC. 4. PROPER RESOURCING OF THE COMMISSION

Section 210 of the Help America Vote Act of 2002 (52 U.S.C. 20930) is amended—

(1) by striking “for each of the fiscal years 2003 through 2005” and inserting “for fiscal year 2022 and each succeeding fiscal year”; and

(2) by striking “(but not to exceed \$10,000,000 for each such year)”.

SEC. 5. GRANTS FOR RESEARCH ON VOTING AND NON-VOTING ELECTION TECHNOLOGY IMPROVEMENTS

Section 271 of the Help American Vote Act of 2002 (52 U.S.C. 21041) is amended—

(1) in the heading, by inserting “and non-voting election” after “voting”; and

(2) in subsection (a), by—

(a) inserting “cybersecurity,” after “and development to improve the quality, reliability, accuracy, accessibility, affordability, ”; and

(b) striking “and voting technology” and inserting “election systems and voting technology.”.