

CARES Act provision on Elections:

One Hundred Sixteenth Congress
of the
United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Friday,
the third day of January, two thousand and twenty*

An Act

To amend the Internal Revenue Code of 1986 to repeal the excise tax on high cost employer-sponsored health coverage.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Coronavirus Aid, Relief, and Economic Security Act” or the “CARES Act”.

...

INDEPENDENT AGENCIES

ELECTION ASSISTANCE COMMISSION

ELECTION SECURITY GRANTS

For an additional amount for “Election Security Grants”, \$400,000,000, to prevent, prepare for, and respond to coronavirus, domestically or internationally, for the 2020 Federal election cycle: *Provided*, That a State receiving a payment with funds provided under this heading in this Act shall provide to the Election Assistance Commission, within 20 days of each election in the 2020 Federal election cycle in that State, a report that includes a full accounting of the State’s uses of the payment and an explanation of how such uses allowed the State to prevent, prepare for, and respond to coronavirus: *Provided further*, That, within 3 days of its receipt of a report required in the preceding proviso, the Election Assistance Commission will transmit the report to the Committee on Appropriations and the Committee on House Administration of the House of Representatives and the Committee on Appropriations and the Committee on Rules and Administration of the Senate:

H. R. 748—251

Provided further, That not later than 30 days after the date of enactment of this Act, the Election Assistance Commission shall make the payments to States under this heading: *Provided further*, That any portion of a payment made to a State with funds provided under this heading in this Act which is unobligated on December 31, 2020 shall be returned to the Treasury: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Congress treated the CARES Act funds as an additional amount appropriated to the “Election Security Grants” funds appropriated earlier in the Consolidated Appropriations Act of 2020. The Election Assistance Commission has deemed therefore that the requirements for the “Election Security Grants” funds apply to the CARES Act funds. This is the relevant section of the Consolidated Appropriations Act of 2020:

ELECTION ASSISTANCE COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Help America Vote Act of 2002 (Public Law 107–252), \$15,171,000, of which \$1,500,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002; and of which \$2,400,000 shall remain available until September 30, 2021, for relocation expenses.

PUBLIC LAW 116–93—DEC. 20, 2019

133 STAT. 2461

ELECTION SECURITY GRANTS

Notwithstanding section 104(c)(2)(B) of the Help America Vote Act of 2002 (52 U.S.C. 20904(c)(2)(B)), \$425,000,000 is provided to the Election Assistance Commission for necessary expenses to make payments to States for activities to improve the administration of elections for Federal office, including to enhance election technology and make election security improvements, as authorized by sections 101, 103, and 104 of such Act: *Provided*, That for purposes of applying such sections, the Commonwealth of the Northern Mariana Islands shall be deemed to be a State and, for purposes of sections 101(d)(2) and 103(a) shall be treated in the same manner as the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands: *Provided further*, That each reference to the “Administrator of General Services” or the “Administrator” in sections 101 and 103 shall be deemed to refer to the “Election Assistance Commission”: *Provided further*, That each reference to “\$5,000,000” in section 103 shall be deemed to refer to “\$3,000,000” and each reference to “\$1,000,000” in section 103 shall be deemed to refer to “\$600,000”: *Provided further*, That not later than 45 days after the date of enactment of this Act, the Election Assistance Commission shall make the payments to States under this heading: *Provided further*, That not later than two years after receiving a payment under this heading, a State shall make available funds for such activities in an amount equal to 20 percent of the total amount of the payment made to the State under this heading.

Applicability.

Deadline.

Deadline.