

# United States Senate

WASHINGTON, DC 20510

February 9, 2024

Acting Executive Director Jessica Bowers  
U.S. Election Assistance Commission  
633 3rd Street NW, Suite 200  
Washington, DC 20001

Dear Director Bowers:

I write to request that you clarify the scope and applicability of the “Help America Vote Act of 2002,” (HAVA), Pub. L. No. 107-252, 116 Stat. 1666 (2002) to local elections. As you know, HAVA was enacted after the Presidential election in 2000 when a number of the longstanding problems with U.S. voting systems were laid bare. In the years since, the establishment of the U.S. Election Assistance Commission (EAC) and its implementation of HAVA have made progress toward remedying a number of these challenges.

Since its establishment, part of the EAC’s mission has been to ensure that voters with disabilities have equal access to the ballot. I laud the EAC’s commitment to this mission and work to increase the availability of accessible voting machines and technology. However, there is more to be done in order to ensure voters with disabilities have equal opportunity to cast their votes. As the EAC noted in its study on the 2022 election, “[p]eople with disabilities voted at a 3.6% lower rate overall than people without disabilities in 2022.”

To address this issue, Congress has recognized the importance of ensuring that elections conducted by states and localities have sufficient resources. In fiscal year (FY) 2018 and FY 2020, Congress provided \$380 million and \$425 million, respectively, to make grants available to states. The Coronavirus Aid, Relief, and Economic Security Act (CARES Act) appropriated a further \$400 million in FY 2020 to the EAC. I have long supported funding for these EAC grant programs and have advocated for increased funding to meet the needs of states.

Many states have used these grant funds to increase accessibility for voters with disabilities. However, some states claim that accessible voting machines purchased with HAVA grant funds may only be used in federal and state elections and not in elections that involve only local candidates. It is my understanding that such a claim is neither substantiated nor required by HAVA. Therefore, I ask the EAC, as the entity charged with implementing HAVA, to state clearly and publicly whether a state that has purchased accessible voting machines with HAVA funds, in whole or in part, may make these machines available to localities for use in strictly local elections. Put another way, does HAVA restrict the use of voting machines purchased with federal HAVA funds to exclusively federal and state elections?

Thank you for your attention to this matter.

Sincerely,

*Jeanne Shaheen*

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Jeanne Shaheen  
United States Senator