



Memo

TO: State and Local Election Officials
FROM: U.S. Election Assistance Commission
RE: Byrne Justice Assistance Grant (Byrne JAG) Funds to Protect Election Workers

Introduction

The U.S. Department of Justice (DOJ) established a task force to address ongoing threats of violence against election workers, administrators, officials, and volunteers. During the [Task Force's](#)¹ work, the DOJ received inquiries regarding grant programs to protect election workers and the voting process. On January 26, 2022, the DOJ issued [guidance](#)² that funds from the [Edward Byrne Memorial Justice Assistance Grant Program](#)³ (Byrne JAG) may be used to protect election workers from violence and criminal threats of violence. This document provides information about the program and how state and local election officials can access or seek more information about these resources.

Note: DOJ has suggested that anyone seeking to access funds should contact their State Administering Agency [here](#)⁴ for information about receiving funds through the Byrne JAG program.

Background

Named after Edward “Eddie” R. Byrne, an officer in the New York City Police Department who was murdered while protecting a witness, the Edward Byrne Memorial Justice Assistance Grant (JAG) Program is the leading federal source of federal criminal justice funding to state and local jurisdictions, helping to fill gaps in state, territory, local, and tribal criminal justice systems. Broadly, Byrne JAG funds may be used to deter, detect, and protect against threats of violence against election workers, administrators, officials, and others associated with the electoral process.

In FY 2021, the Byrne JAG program awarded over \$235 million to 56 states, territories, and the District of Columbia. Funds are awarded several months after Congress completes the annual funding bill. Congress passed and President Biden signed the FY 2022 appropriations bill on March 15, 2022. The FY 2022 awards will likely be allocated in early summer. States and localities are allowed four years to spend the funds, though any awards less than \$25,000 must be spent in two years. Recipients must file quarterly and semiannual reports, as well as semi-annual Federal Financial Reports depending on the amount of the award. **No matching funds are required to receive Byrne JAG awards.** Additional

¹ <https://www.justice.gov/opa/blog/justice-department-launches-task-force-combat-threats-against-election-workers-0>

² <https://bja.ojp.gov/JAG-funding-to-combat-threats-against-election-workers.pdf>

³ <https://bja.ojp.gov/program/jag/overview>

⁴ <https://www.ojp.gov/funding/state-administering-agencies/overview>

information about the grant program can be found from the [DOJ](#)⁵ and the [National Criminal Justice Association](#)⁶.

Use of Funds

What can Byrne JAG funds be used for?

In general, Byrne JAG funds may be used to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice, including, but not limited to:

- Law enforcement programs
- Prosecution and court programs
- Prevention and education programs
- Planning, evaluation, and technology improvement programs
- Crime victim and witness programs (other than compensation)

States and units of local government may use award funds for broadband deployment and adoption activities as they relate to criminal justice activities.

Additional information about how Byrne JAG funds can be used, as well as information about the application process, can be found here: [Edward Byrne Memorial Justice Assistance Grant \(JAG\) Program Frequently Asked Questions](#)⁷.

Eligibility and Funding Opportunities

As required by law, funds are distributed by formula based on population and crime rate. Of the total amount allocated to each state, 60 percent is awarded to the State Administering Agency for distribution within the state. The remaining 40 percent is distributed by the Department of Justice Bureau of Justice Assistance (BJA) to local governments based on crime rate.

- **Byrne JAG State Awards:** Only states may apply through a [State Administering Agency \(SAA\)](#)⁸. DOJ recommends that state election officials contact their SAA to discuss funding opportunities.
- **Byrne JAG Local Awards:** Only local units of government on the JAG Allocations List may apply. “Units of local government” include a town, township, village, parish, city, county, borough, or other general-purpose political subdivision of a state, or it may be a federally recognized Indian tribal government that performs law enforcement functions (as determined by the Secretary of the Interior). If a local unit of government does not receive JAG funds (e.g., because they did not submit an application), or if they do not qualify due to population or crime rate requirements, local election officials should contact their state’s SAA to discuss funding opportunities.

State and Local JAG solicitations and allocations from FY 2021 can be found on the JAG [webpage](#)⁹.

⁵ <https://bja.ojp.gov/doc/jag-program-fact-sheet.pdf>

⁶ <https://www.ncja.org/>

⁷ <https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/jag-faqs.pdf>

⁸ <https://www.ojp.gov/funding/state-administering-agencies/overview>

⁹ <https://bja.ojp.gov/program/jag/fy-2021-allocations>

Coordination with Local Law Enforcement

Election officials are encouraged to communicate their security needs to their local law enforcement agencies to determine if they can be met through available Byrne JAG funds. Most local awards are relatively small. Among local governments that receive Byrne JAG funds directly, most received less than \$30,000 in FY 2021. However, through communication and coordination, election officials may be able to work with law enforcement to secure funding for specific needs that Byrne JAG funds are well suited to support. Some examples may include:

- Improving the physical security of the elections office through installing improved locks, cameras, and security systems.
- Providing overtime compensation to sheriff's deputies for extra patrols on and around Election Day.
- Covering additional costs associated with investigating threats to election officials or poll workers.

While election officials are not eligible to receive Byrne JAG funds directly, it is helpful to define a specific purpose for the use of Byrne JAG funds as well as an itemized budget. This will assist with coordinating the office's needs with local law enforcement priorities, while also assisting the grant awardee with any state or federal grant reporting requirements.

State and local election officials should contact their State Administering Agencies with questions about accessing funding through the Byrne JAG program. Election officials are also encouraged to share information with the EAC about how they successfully used Byrne JAG funding or developed partnerships with their local law enforcement communities. Program details and best practices can be emailed to clearinghouse@eac.gov. Additional information about election official security, including information regarding reporting threats to the FBI, can be found at <https://www.eac.gov/election-officials/election-official-security>.