U.S. Election Assistance Commission
633 3rd St. NW, Suite 200
Washington, DC 20001

BEFORE THE ELECTION ASSISTANCE COMMISSION

In the Matter of:	)
	)
Adopting the Adopting the	)
2024 Organizational Management Policy	)
	)

CERTIFICATION

I, Ben Hovland, Chairman of the Election Assistance Commission, do hereby certify that on June 18, 2024 the Commission decided by a vote of 4-0 the following action(s):

1.

The Commission has adopted the Recommendation on Adopting the 2024 Organizational Management Policy.

Commissioners Hovland, Palmer, Hicks, and McCormick approved the recommendation.

Attest:

06/18/2024
Date

Benjamin Hovland
Chairman

U.S. Election Assistance Commission
633 3rd St. NW, Suite 200
Washington, DC 20001

TALLY VOTE MATTER

DATE & TIME OF TRANSMITTAL: Friday, June 14, 2024, at 10:00 AM EST

BALLOT DEADLINE: Tuesday, June 18, 2024, at 5:00 PM EST

COMMISSIONERS: Hovland, Palmer, Hicks, and McCormick

SUBJECT: Adopting the 2024 Organizational Management Policy

(x) I approve the recommendation.

( ) I disapprove the recommendation.

( ) I object to the recommendation.

( ) I am recused from voting.

COMMENTS: ______________________________

DATE: _6.18.2024_ SIGNATURE: B Hovland

A definite vote is required. All ballots must be signed and dated. Please return ONLY THE BALLOT to the Office of General Counsel. Please return the ballot no later than date and time shown above.

From: Camden Kelliher, EAC Acting General Counsel

U.S. Election Assistance Commission
633 3rd St. NW, Suite 200
Washington, DC 20001

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( )	I am recused from voting.

COMMENTS: ____

____

____

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(x)	I approve the recommendation.
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( )	I am recused from voting.

COMMENTS: ____

____

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DATE: _____6.17.2024_____ SIGNATURE: ______________________

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COMMENTS: ____

____

____

DATE: _____6.14.2024_____ SIGNATURE Christy A McCormick

A definite vote is required. All ballots must be signed and dated. Please return ONLY THE BALLOT to the Office of General Counsel. Please return the ballot no later than date and time shown above.

From: Camden Kelliher, EAC Acting General Counsel

U.S. Election Assistance Commission
633 3rd St. NW, Suite 200
Washington, DC 20001

MEMORANDUM

TO:	Commissioners Hovland, Palmer, Hicks, and McCormick
FROM:	Camden Kelliher, EAC Acting General Counsel
DATE:	June 14, 2024
RE:	Adopting the 2024 Organizational Management Policy

BACKGROUND

The purpose of this policy statement is to define the Election Assistance Commission (EAC) organizational management policy regarding leadership definition and statutory duties and policymaking and day-to-day operations.

The Organizational Management Policy was last updated in 2015. This current version makes the following changes and updates:

- Updates U.S. Code citations to reflect the transfer to Title 52.
- Defines agency head and includes quorum considerations.
- Updates approval process for internal policies.
- Removes succession plan to reflect the adoption of a standalone succession plan.
- Removes FACA operations to allow for the adoption of a standalone FACA policy.

The primary purpose of this update is to streamline the process for the finalization of internal personnel rules and practices as a function of the Executive Director's responsibility for administrative matters.

RECOMMENDATION

The Commissioners should adopt the 2024 Organizational Management Policy.

U.S. Election Assistance Commission
2024 Organizational Management Policy

Purpose: The purpose of this policy statement is to define the Election Assistance Commission ("EAC" or "Commission") organizational management policy regarding leadership definition and statutory duties and policymaking and day-to-day operations.

Effective Date: June 18, 2024.

Effect on Other Documents: This document supersedes and replaces any existing EAC policy or document that is inconsistent with its provisions, including the EAC Organizational Management Policy Statement of February 24, 2015.

Summary: Part I defines the Commission and its duties; Part II provides for the division of duties regarding policy making and day-to-day operations.

I. The Election Assistance Commission Structure.

A. Establishment

The U.S. Election Assistance Commission was established as an independent entity by the Help America Vote Act of 2002 ("HAVA"). 52 U.S.C. § 20921. The Commission consists of four members appointed by the President with advice and consent of the U.S. Senate. 52 U.S.C. § 20923.

B. Duties

The duties of the Commission are to serve as a national clearinghouse and resource for compiling information on and reviewing procedures with respect to the administration of Federal elections. 52 U.S.C. § 20922. Specifically HAVA assigns the Commission the following responsibilities: Adopting voluntary voting system guidelines and maintaining a clearinghouse of information on the experiences of State and local governments in implementing the guidelines and in operating voting systems in general; Testing, certifying, decertifying, and recertifying voting system hardware and software; Conducting studies and carrying out other activities to promote the effective administration of Federal elections; Providing grant funds and providing information and training on the management of the payments and grants; Adopting voluntary guidance to assist States in meeting HAVA requirements; and developing and carrying out the Help America Vote College Program. *Id.* The Commission has no regulatory authority, nor is it authorized to impose any action or requirement on any State or unit of local government, except to the extent permitted under the National Voter Registration Act of 1993 (for the purpose of developing the mail voter registration application form for elections for federal office.) 52 U.S.C. § 20929.

C. Staff

HAVA provides the Commission with a staff, including and Executive Director, General Counsel, and other staff. 52 U.S.C. § 20924. The Executive Director is appointed by the Commissioners, following procedures established by HAVA, including taking into consideration the recommendations of candidates nominated by the Standards Board and the Board of Advisors. *Id.* The General Counsel is appointed by the Commissioners and serves under the Executive Director. *Id.* Other Staff may be appointed by the Executive Director as he or she considers appropriate subject to rules prescribed by the Commission, HAVA, and Federal regulations. *Id.*

D. Actions of the Commission

Any action of the Commission authorized by HAVA requires approval of at least three of its members. 52 U.S.C. § 20928. The members may delegate approval authority through the approval of three members, as included in this policy statement. As an agency within the meaning of the Government in the Sunshine Act, deliberations resulting in official agency business must be properly noticed and conducted in public. 5 U.S.C. §522(b). A matter requiring formal Commission may also be circulated for a vote consistent with the 2004 "Agency Procedure No. 1: Procedures for Voting by Circulation."

II. Delegation of Authorities.

A. Agency Head

HAVA requires that the Commission elect a Chair. 52 U.S.C. § 20923. Unless otherwise specifically delegated, the Chair of the Commission shall serve as "agency head" or "head of agency" for the purpose of compliance with Federal laws. The Chair shall only act as agency head following consultation with all other appointed Commissioners. Appointment as Chair and action as agency head shall not supersede the requirement that actions authorized by HAVA require the approval of at least three of its members. If a Chair is unavailable to perform the functions of Chair for a temporary or permanent period lasting more than 10 business days, the Vice Chair shall serve as agency head consistent with the provision of this section. If there are only two members appointed to the Commission at a given time, action in the form of agency head shall be through the agreement of the two appointed Commissioners. If there is only one member appointed to the Commission at a given time, the single appointed Commissioner shall serve as agency head.

The Chair, following consultation with the other appointed Commissioners, may delegate the authority to act as agency head to the Executive Director. In the absence of an Executive Director, the Chair may delegate the authority to act as agency head to the General Counsel. The Executive Director or General Counsel may not exercise the authority of agency head without a specific, written delegation from the Chair. This authority may be revoked at any time by the Chair, following consultation with the other appointed Commissioners. If there are only two members appointed to the Commission at a given time, delegation may only occur through the agreement of the two appointed Commissioners. If there is only one member appointed to the Commission at a given time, the single appointed Commissioner may delegate the authority to act as agency head.

Nothing in this delegation shall be construed to allow for the delegation of duties considered non-delegable by federal law.

B. Policymaking

The Commissioners shall make and take action in areas of policymaking. Policymaking is a determination setting the overall Commission mission, goals, and objectives. Policymaking also includes setting rules, guidance, or guidelines. Policymakers set organization purpose and structure, or the ends the Commission seeks to achieve. The EAC makes Policy through the formal voting process. All actions taken on matters in section (I)(B) of this policy statement are considered policymaking functions.

The Executive Director, in consultation with the Commissioners, is expected to prepare policy recommendations for Commissioner approval and implement once made.

C. Day-to-Day Authority of the Executive Director

The Executive Director is expected to take responsibility for administrative matters. Administrative matters include the oversight of EAC staff, implementation of federal laws and regulations, and implementation policies approved by the Commission.

Specifically, administrative matters include the adoption and maintenance of internal policy and standard operating procedures ("Internal Policy"). Internal policy shall be interpreted to mean the same as "internal personnel rules and practices" within the coverage of 5 U.S.C. § 552(b)(2). Internal policy shall only include the implementation of practices required by federal law or regulation.

The Executive Director shall have the authority to approve internal policy on behalf of the Commission. This final approval is subject to final consent of the Commissioners. Consent of the Commissioners shall be considered non-objection under the following procedure.

Procedure for adoption of Internal Policy:

1. The Executive Director shall work with relevant staff to identify the need for new or updated internal personnel rules and practices for the effective operation of the Commission.

2. The Executive Director shall consult with the General Counsel to determine if the internal personnel rule or practice falls under the definition of “policymaking” or “internal policy.” In the absence of a General Counsel, the Executive Director shall make this determination independently.
3. If the General Counsel or Executive Director determines that the internal personnel rule or practice does not meet the definition of internal policy, then the Executive Director, or their designee, shall prepare a policy recommendation for Commissioner approval.
4. If the General Counsel or Executive Director determines that the internal personnel rule or practice does meet the definition of internal policy, then the Executive Director, or their designee, shall circulate the internal policy for Commissioner consent.
5. Following circulation of the internal policy, Commissioners shall have ten business days to conduct an optional review. Commissioners may waive this review period in writing. The period of review may not be ended unless all seated Commissioners have waived the review period in writing.
6. During this review period, any Commissioner may object to the determination that the internal personnel rule or practice meets the definition of an internal policy. Following objection of a single Commissioner, the internal personnel rule or practice may only be approved by a vote of the Commission.
7. During this review period, any Commissioner may also object to the final approval of the Executive Director and call for a vote of the Commission on any basis.
8. During this review period a Commissioner may object, to suggest edits or changes to the internal rule or practice. If a Commissioner suggests edits or changes, the Executive Director must implement the suggestions to the satisfaction of the Commissioner that put for the suggestion. Once completed, the Executive Director must restart the circulation.
9. If all Commissioners waive the review period in writing, or if no Commissioner objects within the ten-day review period, the internal policy shall be considered adopted on behalf of the Commission following the approval of the Executive Director.

This process shall apply so long as there is at least one member appointed to the Commission. If a Commissioner objects to the policy under this procedure and there are not at least three appointed members, then the internal policy shall not be considered approved. No internal policy shall be considered final and approved unless there is at least one appointed member.