

U.S. Election Assistance Commission
EAC Board of Advisors Membership and Appointment Policy Statement

Purpose: The purpose of this policy statement is to establish the U.S. Election Assistance Commission (EAC) procedures regarding appointments to the EAC Board of Advisors, a statutorily mandated Federal Advisory Committee.

Effective Date: January 23, 2025

Effect on Other Documents: This document supersedes and replaces any existing EAC policy or document that is inconsistent with its provisions.

Summary: The EAC Board of Advisors plays a vital role in the EAC's mission to help election officials improve the administration of elections and help Americans participate in the voting process. Part I points to the statutory legal authority for establishing this policy and the membership of the Board; Part II establishes the process for solicitation and appointment; Part III establishes terms of Board of Advisors members; and Part IV clarifies membership status of appointees.

I. Legal Authorities and Membership.

The Help America Vote Act (HAVA)¹ establishes the EAC Board of Advisors.² The objective of the Board is to advise the EAC through review of the voluntary voting systems guidelines ("VVSG") described in Title II Part 3 of HAVA, including updates to the VVSG; through review of the voluntary guidance described under Title III, Subtitle B of HAVA; and through the review of the best practices recommendations contained in the report submitted under Title II, Part 3, Subtitle C, Section 242(b) of HAVA.³ HAVA requires appointments to the Board of Advisors be made in a manner which ensures that the Board of Advisors will be bipartisan in nature and will reflect the various geographic regions of the United States.⁴ HAVA establishes that Board of Advisors members shall serve for a term of 2 years, and may be reappointed and any vacancy in the Board of Advisors shall be filled in the manner in which the original appointment was made.⁵

HAVA established that the Board of Advisors shall be composed of 37 members appointed as follows:

- (1) Two members appointed by the National Governors Association.
- (2) Two members appointed by the National Conference of State Legislatures.
- (3) Two members appointed by the National Association of Secretaries of State.
- (4) Two members appointed by the National Association of State Election Directors.

¹ "Help America Vote Act of 2002," (HAVA), Pub. L. No. 107-252, 116 Stat. 1666 (2002).

² 52 U.S.C. § 20941.

³ 52 U.S.C. § 20942.

⁴ *Id.*

⁵ *Id.*

- (5) Two members appointed by the National Association of Counties.
- (6) Two members appointed by the National Association of County Recorders, Election Administrators, and Clerks.
- (7) Two members appointed by the United States Conference of Mayors.
- (8) Two members appointed by the Election Center.
- (9) Two members appointed by the International Association of County Recorders, Election Officials, and Treasurers.
- (10) Two members appointed by the United States Commission on Civil Rights.
- (11) Two members appointed by the Architectural and Transportation Barrier Compliance Board under section 792 of title 29.
- (12) The chief of the Office of Public Integrity of the Department of Justice, or the chief's designee.
- (13) The chief of the Voting Section of the Civil Rights Division of the Department of Justice or the chief's designee.
- (14) The director of the Federal Voting Assistance Program of the Department of Defense.
- (15) Four members representing professionals in the field of science and technology, of whom—
 - (A) one each shall be appointed by the Speaker and the Minority Leader of the House of Representatives; and
 - (B) one each shall be appointed by the Majority Leader and the Minority Leader of the Senate.
- (16) Eight members representing voter interests, of whom—
 - (A) four members shall be appointed by the Committee on House Administration of the House of Representatives, of whom two shall be appointed by the chair and two shall be appointed by the ranking minority member; and
 - (B) four members shall be appointed by the Committee on Rules and Administration of the Senate, of whom two shall be appointed by the chair and two shall be appointed by the ranking minority member.

The “National Association of County Recorders, Election Administrators, and Clerks” and the “International Association of County Recorders, Election Officials, and Treasurers” merged into a single association referred to as the “International Association of Government Officials”. The successor association has the ability to appoint two (2) members to the Board of Advisors. The merger of the two associations into one reduced the membership of the Board of Advisors from 37 to 35. However, this reduction in membership does not have a negative impact on the operation and function of the Board of Advisors, nor does it hinder HAVA's intent of ensuring that the appointments to the Board of Advisors be made in a manner which ensures the Bipartisan nature of the Board and reflects the various geographic regions of the United States.

II. Process for Solicitation and Appointment of Board of Advisors Membership.

HAVA explicitly provides membership appointment to the Board of Advisors to appointing authorities external to the EAC. HAVA provides the EAC no legal authority to dictate the

selection of appointees. Therefore, this policy establishes that the EAC shall only facilitate the appointments of members on behalf of the appointing authorities.

To facilitate the appointment of Board of Advisors members, the EAC shall notify external appointing authorities of the ability to appoint Board of Advisors members in January of each odd-numbered year. Notification shall include the names of the previously appointed member(s) of the respective appointing authority, the status of any vacancies in membership within the control of the respective appointing authority, the attendance of appointees of the respective appointing authority at the Board of Advisors Annual Meetings during the preceding term, and information on the next Annual Meeting if available.

The EAC shall provide the appointing authorities with an appointment form approved by the Designated Federal Officer for the Board of Advisors. Appointments may also be made through electronic mail or through a letter signed by the appointing authority.

III. Terms of Board of Advisors Members.

HAVA establishes that Board of Advisors members shall serve for a term of 2 years and may be reappointed. HAVA also establishes that any vacancy in the Board of Advisors shall be filled in the manner in which the original appointment was made.

The EAC shall view the two-year term as beginning 60 days immediately following January 3 of each odd-numbered year following a general election and ending 60 days immediately following January 3 of the next odd-numbered year following a general election.

HAVA does not provide removal protection for Board of Advisors members, and the EAC does not have authority to prevent an external appointing authority from removing an appointee at any time. Additionally, the EAC would view it as permissible for an external appointing authority to allow a prior appointee to holdover through the start of a new term, until such time that the appointing authority identifies a new appointee. Similarly, an external appointing authority may opt to leave an appointment vacant at the start of a new term, until such time that the appointing authority identifies a new appointee. An appointee may also be reappointed by the external appointing authority.

IV. Membership Status of Board of Advisors Members.

Board of Advisors members are members of the Federal Advisory Committee only. An appointment to the EAC Board of Advisors does not make the appointee an employee of the U.S. Election Assistance Commission. As such, the EAC shall not provide appointees with an email address or any government equipment.