



U.S. Election Assistance Commission
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U.S. ELECTION ASSISTANCE COMMISSION

OPERATIONS IN THE ABSENCE OF COMMISSIONERS

August 2026

The Help America Vote Act of 2002 (HAVA) requires that “[a]ny action which the Commission is authorized to carry out . . . may be carried out only with the approval of at least three of its members.” 52 U.S.C. § 20928. Effective July 9, 2026, the U.S. Election Assistance Commission (EAC or Commission) has no members appointed. 52 U.S.C. § 20923.

The Commissioners may delegate authority through policy adopted by the approval of at least three members. This includes the [2024 Organizational Management Policy](#) (2024 Policy). The 2024 Policy replaced the [2015 Organizational Management Policy](#), which was preceded by the [2008 Roles and Responsibilities policy](#). Consistent with the 2024 Policy and other adopted Commission policies, below is a breakdown of Commission operations that may and may not proceed in the absence of Commissioners.

Commission Operations That May Proceed:

- The EAC Voting System Testing and Certification Program, consistent with the delegations of authority contained in the adopted [Voting System Testing and Certification Program Manual Version 3.0](#).
- The EAC Voting System Test Laboratory Program, consistent with the delegations of authority contained in the adopted [Voting System Test Laboratory \(VSTL\) Program Manual Version 3.1](#).
- The EAC [Field Services Program](#).
- The EAC [Election Supporting Technology Evaluation Program](#) (ESTEP), consistent with the delegations of authority contained in the adopted [ESTEP Program Manual](#).
- Disbursement and oversight of [Election Security Grants](#), including the resolution of audit recommendations.
- [Federal Advisory Committees](#) under the current approved charters.
- Administration of the [Election Administration and Voting Survey](#) (EAVS) consistent with the adopted [Policy Guide](#).
- Public outreach, [clearinghouse functions](#), and development of policy and reports for consideration of Commissioners once appointed.

Commission Operations That May Not Proceed:

- Adoption of new or modified Commission policy, adoption of final annual reports, modification of program manuals, or adoption of final HAVA reports. 52 U.S.C. § 20927; 52 U.S.C. §§ 20981-20986.
- Adoption of new or modified [Voluntary Voting System Guidelines \(VVSG\)](#).
- Adoption of regulations, development of the [National Mail Voter Registration Form](#), or modification of State-Specific Instructions that require new or additional information from the registrant. 52 U.S.C. § 20929.
- Public hearings in which testimony or evidence is submitted for review and incorporation into policy development or program implementation. 52 U.S.C. § 20925.
- Accreditation of a new laboratory or revocation of the accreditation of an existing laboratory. 52 U.S.C. § 20971.