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April 2, 2020

Hon. Zoe Lofgren, Chair

Hon. Rodney Davis, Ranking Member

House Committee on Administration

U.S. House of Representatives

1309 Longworth House Office Building

Washington, D.C. 20515

Dear Chair Lofgren and Ranking Member Davis,

The members of the National Association of Secretaries of State (NASS) would like to express our sincere appreciation for including \$400 million in election funding within the Coronavirus Aid, Relief, and Economic Security (CARES) Act. This money will help address the unique challenges each of our states face conducting elections during the COVID-19 pandemic.

While we are grateful for financial support during this national emergency, states are going to have significant challenges when it comes to accessing these federal funds. In that vein, we are seeking clarification on our questions and concerns outlined below.

First, we have been told these funds will require a 20 percent match from our state, although this is not clearly stated within the legislative language. This match will be extremely difficult because many state legislatures have already adjourned and will not return before the funds expire on Dec. 31, 2020. Legislatures across the country are also dealing with depleted surpluses, lower tax revenues, increased healthcare costs and other financial challenges in response to the pandemic.

Second, the requirement to obligate or spend these funds by Dec. 31, 2020, may be complicated for a number of reasons including: legislative match concerns noted above; state procurement laws; global supply chain issues for high-speed scanners and mail processing equipment; and a scarce supply of necessary cleaning products and personal protective equipment available.

Third, states are being directed to report how the money is spent no later than 20 days after each federal election in 2020. Elections do not end on Election Day. Processes like signature verification, tabulating votes, determining provisional ballot qualifications, canvassing, preparing for the electoral college,



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certifying and auditing the election can take election officials days, weeks and sometimes months to complete. With these time consuming tasks, compiling a report to the U.S. Election Assistance Commission (EAC) within the designated timeframe will be problematic. I would also note the deadline to report on the funds spent for the November 2020 election is more than 30 days before the deadline to spend those funds. We instead propose moving the EAC reporting requirement to June 1, 2021, for all 2020 federal elections.

Fourth, many states are already spending substantial sums of money, including funds from previous Help America Vote Act (HAVA) distributions, in response to COVID-19. Election officials have worked in an expedient manner to pay for an extraordinary amount of absentee or all-mail ballot printing, mailing, postage, equipment, voter education, and additional staff to implement policy changes and process these ballots. It is our hope after receiving our respective portions of the \$400 million, we will be able to reimburse our HAVA accounts to continue the work the funds were intended for—non-emergency election administration and cybersecurity improvements.

In this time of crisis, Secretaries of State throughout the nation are working to plan and hold free and fair elections, with our voters' health and safety as the top priority. I hope you understand our concerns and will address them with your colleagues. Resolving these matters immediately will help all Chief Election Officials to receive the money as soon as possible so we can make urgent changes, obtain necessary resources and further prepare for ongoing and upcoming elections.

Again, thank you for work in Congress to aid election officials in our Constitutional duty to administer elections. If you or your staff have any questions please feel free to contact Leslie Reynolds, NASS Executive Director at 202-624-3525, or reynolds@sso.org.

Sincerely,

Hon. Paul Pate, CERA
NASS President and Iowa Secretary of State

cc: U.S. Election Assistance Commission
White House Office of Intergovernmental Affairs