

# Congress of the United States

Washington, DC 20515

March 18, 2021

The Honorable Donald Palmer  
Commissioner  
U.S. Election Assistance Commission  
633 3rd Street NW, Suite 200  
Washington, DC 20001

Dear Commissioner Palmer:

We are conducting oversight of the U.S. Election Assistance Commission's (EAC) management of \$825 million dollars in grants the agency awarded during 2020. In light of the highly questionable \$35 million get out the vote (GOTV) contract the California Secretary of State's Office awarded to SKD Knickerbocker, Joe Biden's main election campaign advisory firm, we are concerned about what steps EAC is taking to oversee nearly one billion dollars in taxpayer money the agency disbursed.

On October 13, 2020, we first wrote<sup>1</sup> to the EAC Office of Inspector General (OIG) to provide documents showing the California Secretary of State's Office planned to use federal taxpayer money awarded by EAC for a GOTV contract, an apparent violation of the law.<sup>2</sup> Ironically, the OIG recently informed us that "[o]nly an examination of detailed records could demonstrate exactly what CA-SOS paid for and what funds were used."<sup>3</sup> However, five months after becoming aware of the contract the OIG has yet to request any "detailed" records, raising questions about the OIG's ability to oversee nearly a billion dollars in grants disbursed by EAC last year.

According to EAC's 2020 report to Congress, the amount of grants the agency awarded during 2020 more than doubled from the previous year.<sup>4</sup> EAC's budget also increased 40 percent.<sup>5</sup> While the agency increased the size of staff last year, EAC was also tasked with

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<sup>1</sup> Letter from James Comer, Ranking Member, H. Comm. on Oversight & Gov't Reform & Rodney Davis, Ranking Member, H. Comm. on Admin., to Patricia Layfield, EAC OIG, (Oct. 13, 2020).

<sup>2</sup> See U.S. Election Ass't Commission, *Grants Frequently Asked Questions*, available at <https://www.eac.gov/payments-and-grants/grants-faqs>; See also U.S. Election Ass't Commission, Guidance on Use of HAVA Funds for Expenses Related to COVID-19, <https://www.eac.gov/election-officials/guidance-use-hava-funds-expenses-related-covid-19>.

<sup>3</sup> Letter from Patricia L. Layfield, Inspector General, U.S. Election Ass't Commission, to James Comer, Ranking Member, H. Comm. on Oversight & Gov't Reform & Rodney Davis, Ranking Member, H. Comm. on House Admin., et al., (Feb. 26, 2021).

<sup>4</sup> EAC, *2020 Annual Report to Congress*, available at [https://www.eac.gov/sites/default/files/document\\_library/files/EAC\\_2020\\_Annual\\_Report-508c.pdf](https://www.eac.gov/sites/default/files/document_library/files/EAC_2020_Annual_Report-508c.pdf).

<sup>5</sup> EAC, *2019 Annual Report to Congress*, available at [https://www.eac.gov/sites/default/files/eac\\_assets/1/6/EACAnnualReport\\_2019.pdf](https://www.eac.gov/sites/default/files/eac_assets/1/6/EACAnnualReport_2019.pdf).

disbursing and administering \$825 million in grant money because of the COVID-19 pandemic,<sup>6</sup> an increase of \$445 million from 2019.<sup>7</sup> Specifically, last year EAC disbursed \$400 million in CARES Act funding “within 30 days, with only one full-time grants staff member.”<sup>8</sup> Similarly, \$425 million in Help America Vote Act (HAVA) grant funding was awarded “within 45 days and with less than one full-time grants staff member.”<sup>9</sup> In addition to disbursing this money, EAC is charged with ensuring that unspent grant money required to be spent during 2020 is returned to the U.S. Treasury this year.<sup>10</sup>

While it appears that EAC acted quickly and efficiently to disburse grant money, given the OIG’s inability to oversee a single contract worth \$35 million, we are concerned about what policies and procedures EAC has in place to oversee the \$825 million in grant money it awarded last year. We are also interested in learning more about how EAC plans to balance overseeing whether grant money was spent properly with ensuring that unspent funds are returned to the U.S. Treasury in a timely manner.

Please make arrangements to schedule a briefing with Republican staff no later than March 25, 2021 about how EAC is safeguarding nearly one billion dollars of taxpayer money the agency awarded through HAVA and CARES funding as well as how the agency is utilizing the increased funding it received. To schedule the briefing, please contact Committee staff at (202) 225-5074. Thank you in advance for your cooperation with this matter.

The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. The Rules of the U.S. House of Representatives grant the Committee on House Administration broad jurisdiction over federal election issues, including the Election Assistance Commission. Thank you in advance for your cooperation with this inquiry.

Sincerely,



James Comer  
Ranking Member  
House Committee on Oversight  
and Reform



Rodney Davis  
Ranking Member  
House Committee on  
Administration

<sup>6</sup> See EAC 2020 Report, *supra* note 3.

<sup>7</sup> See EAC 2019 Report, *supra* note 4.

<sup>8</sup> *Id.* at note 3.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

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Jody Hice  
Ranking Member  
Subcommittee on Government  
Operations

cc: The Honorable Carolyn B. Maloney, Chairwoman, House Committee on Oversight and Reform

The Honorable Zoe Lofgren, Chairwoman, House Committee on Administration

The Honorable Gerry Connolly, Chairman, Subcommittee on Government Operations